To: General Counsel

Attn: NSLB

From: CT-4

Contact: SA

Approved By:

Drafted By: (U) bsc

Case ID #: (S) 278-HQ-C1229736-VIO

Title: (U) PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD

Synopsis: (S) b1

Details: (S) b1

Case ID: 278-HQ-C1229736-VIO
LEAD(s):
Set Lead 1: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) For the information of OGC and for any further action at the discretion of OGC.

Set Lead 2: (Info)

INSPECTION

AT WASHINGTON, DC

SECRET
(U) For the information of Inspection and for any further action at the discretion of Inspection.
FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

To: b2

Attn: SAC
CDC

Counterterrorism

b2

Attn: ITOS I / CONUS IV
SSA

Inspection

b6

Attn: IIS
SC Toni Fogle

b7C

From: General Counsel
NSLB/CTLU I/Room 7975

Contact:

Approved By: Thomas Julie E

b6

Drafted By: rm

b7C

Case ID #: [X] 278-HQ-C1229736-VIO (Pending)

b6

(Pending)

b7C

Title: (U) INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER 2004-79

Synopsis: (X) (U) It is the opinion of the Office of General Counsel (OGC) that the above referenced matter must be reported to the Intelligence Oversight Board (IOB) and to the FBI's Office of Professional Responsibility (OPR). Our analysis follows.

(X) (U) Derived From: C-3

Declared CONFIDENTIAL

Date: 09-12-2005

DECLASSIFIED BY 65179/DMH/JW/05-CV-0845
REASON: 1.4 (C)
DECLASSIFIED ON: 09-12-2030

Reference: [X] 278-HQ-C1229736-VIO Serial 572

Details: (S)

b1

b2

b7E

b6

b7C

b7A

OIG/DOJ Review

DATE: 5/20/05

FBI INVEST: 

OIG/DOJ INVEST:

OPR UC INITIALS:
To: From: General Counsel
Re: 278-HQ-C1229736-V10, 02/08/2005

(U) Title 18, United States Code, Section 2511, prohibits the interception of electronic communications except as provided by law. The act includes an exception for electronic surveillance that is conducted in accordance with the terms of the Foreign Intelligence Surveillance Act, 18 U.S.C. 2511(2)(e). In this case, however,

(U) A "United States person" is defined in section II.W of the guidelines as "an individual who is . . . [a] United States citizen . . . or . . . a permanent resident alien . . . ." This regulatory definition is based on the definition of a "United States person" as that term is used section 101(i) of the Foreign Intelligence Surveillance Act (FISA), 50 U.S.C. § 1801 et seq. The latter states, in pertinent part, that a "'United States person' means a citizen of the United States [or] an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Naturalization Act) . . . ."
Thus, the interception of these communications was not authorized.

(U) Section 2.4 of Executive Order 12863 of September 13, 1993, requires General Counsel of the intelligence community to report intelligence activities that they have reason to believe may be unlawful or contrary to executive orders or presidential directives to the Intelligence Oversight Board. The circumstances of this case show that

Although a narrow reading of E.O. 12863 might not require the FBI to report this mistake to the Intelligence Oversight Board, the Office of the General Counsel has traditionally done so in these kinds of cases. OGC has therefore prepared an appropriate communication to the Intelligence Oversight Board and to the Inspection Division, Internal Investigations Section.
To: General Counsel  
From: General Counsel  
Re: 278-HQ-C1229736-VIO, 02/08/2005

b2

LEAD(s):

Set Lead 1: (Discretionary)

AT

(U) For appropriate action.

Set Lead 2: (Discretionary)

DIRECTOR'S OFFICE

AT OPR FO, DC

(U) For appropriate action.

Set Lead 3: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) For information only.

**
BY COURIER

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
Room 5020
New Executive Office Building
725 17th Street, N.W.
Washington, D.C. 20503

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2004-79." (U)

The enclosure sets forth details of investigative activity which the FBI has determined may have been contrary to the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

DATE: 12-04-2005
CLASSIFIED BY 65179/DH/BAW 05-cv-0845
REASON: 1.4 (C)
DECLASSIFY ON: 12-04-2030

1 - Ms. Thomas
1 - IOB Library
1 - 278-HQ-C1229736-VIO

b6
b7C

Derived from: G-3
Declassify on: X25-1

--- Working Copy ---

Case ID : 278-HQ-C1229736-VIO Serial : 734

SECRET
General Brent Scowcroft (USAF Retired)

Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience.

Sincerely,

Julie Thomas
Deputy General Counsel

Enclosure

1 - The Honorable Alberto R. Gonzalez
   Attorney General
   U.S. Department of Justice
   Room 5111

1 - Mr. James Baker
   Counsel, Office of Intelligence Policy and Review
   U.S. Department of Justice
   Room 6150

SECRET

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER
IOB 2004-79 (U)

☐ The FBI received authorization from the Foreign Intelligence
SECRET
Internal Investigations
Section for any action that is deemed appropriate. (U)
Precedence: ROUTINE

To: Counterintelligence
Inspection
General Counsel

From: Squad 6
Contact: SA

Approved By: Whitehead Carl

Drafted By:

Case ID #: (S) 278-HQ-C1229735 (Pending) (S) 278-HQ-C1229736-VIO (Pending)

Title: [U] INTELLIGENCE OVERSIGHT BOARD;

Synopsis: Derived From: G-3
Declassify On: X1

Package Copy: (S)

Case ID:
- 278-HQ-C1229736
- 278-HQ-C1229736-VIO
- 278-C63856-VIO

Date: 06/22/2003
LEAD(s):
Set Lead 1:  (Action)

COUNTERINTELLIGENCE

AT WASHINGTON, DC
January 4, 2005

General Brent Scowcroft (USAF Retired)
Chairman Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled "Intelligence Oversight Board (IOB), Matter 2004-96." (U)

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI National Security Investigations and Foreign Intelligence Collection and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - Mr. Szady b2
1 - SAC b7E
1 - Ms. Thomas b6
1 - OPR b7C
1 - 278-HQ-C1229736-VIO UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENVELOPE

Case ID: 278-HQ-C1229736-VIO

SECRET Serial: 653
Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Very truly yours,

Julie F. Thomas
Deputy General Counsel

1 - The Honorable John D. Ashcroft
   Attorney General
   U.S. Department of Justice
   Room 5111

2 - Mr. James A. Baker
   Counsel, Office of Intelligence Policy and Review
   U.S. Department of Justice
   Room 6150

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER 2004-96 (U)

(S)
To: General Counsel
Counterintelligence

From: Squad 16B,
Contact: SA

Approved By: Mershon Mark J

Drafted By:

Case ID #: (X) 278-HQ-C1229736-VIC (Pending)

Title: (X) SSRA SA Division

Synopsis: (U) (X) Notification to the Office of General Counsel of potential Intelligence Oversight Board (IOB) violation(s).

Detail: (U) (S) As directed per EC dated 03/08/2004 from the National Security Law Branch, this communication is provided as notification to the Office of General Counsel of potential IOB violation(s).
LEAD(s):

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) As directed per EC dated 03/08/2004 from the National Security Law Branch, this communication is provided as notification to the Office of General Counsel of potential IOB violation(s).

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) Read and clear.
SECRET
---- Working Copy ----

Precedence: ROUTINE

To: Division
Counterintelligence
Director's Office

Attn: ASAC FCI/Administrative CDC
      CD-3B, Room 4094 SSA
      Office of Professional Responsibility

Date: 11/24/2004

From: General Counsel
National Security Law Branch/CILU/Room 79875
Contact:

Approved By: Thomas Julie F

Drafted By:

Case ID #: (S) 278-HQ-C1229736-VIO (U) (Pending)

Title: (X) (U) Intelligence Oversight Board (IOB) Matter 2004-75

Synopsis: (X) (U) It is the opinion of the Office of General Counsel (OGC) that the above referenced matter must be reported to the IOB and to the FBI's Office of Professional Responsibility (OPR). OGC will prepare and deliver the required correspondence to the IOB. Our analysis follows.

DATE: 12-03-2005
CLASSIFIED BY: 65179LPBAM (U) 05-cv-08600
DERIVED FROM: G-3
DECLASSIFIED ON: 08/03/2029

Reference: (S) (U) 278-HQ-C1229736-VIO Serial 556

Administrative: (U) This communication contains one or more footnotes. To read the footnotes, download and print the document in Corel WordPerfect.
**FOOTNOTES**

11°: (U) See EC from the [redacted] Division to the General Counsel, dated July 16, 2004, Case ID# 278-HQ-C1229736-VIO Serial 556, titled "SSRA Division, IOB" hereinafter cited as EC."

12°: (U) [redacted]

14°: (U) EC.

15°: (U) Id.

16°: (U) Id.

17°: (U) Id. This notification was made via FBI e-mail.

18°: (U) EC. The FBI technical collection personnel so informed by reply e-mail.

19°: (U) EC.

I10°: (U) Id.

111°: (X) Id

112°: (X)

113°: (U) EC. AGC gave the unopened envelope containing this information to SSA CD-3B who then [redacted]
submitted the unopened envelope to the

i14*: (U) BC.

i15*: (U) Id.

LEAD(s):

Set Lead 1: (Info)

AT

(U) is requested to identify and forward all material acquired to CD-3B.

Set Lead 2: (Action)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) CD-3B is requested to ensure that all material provided by be submitted

Set Lead 3: (Discretionary)

DIRECTOR’S OFFICE

AT OPR PO, DC

(U) For review and action deemed appropriate.

CC: Ms. Thomas

NSLB IOB Library
BY COURIER

DATE: 12-03-2005
CLASSIFIED BY 55179-DW/BAW 05-cv-0045
REASON: 1.4 (C)
DECLASSIFY ON: 12-03-2030

General Brent Scowcroft (USAF Retired)
Chairman
Intelligence Oversight Board
New Executive Office Building
Washington, D.C.

Dear General Scowcroft:

This letter forwards for your information a self-explanatory enclosure entitled Intelligence Oversight Board (IOB) Matter, Division, IOB Matter 2004-75." (U) b7E

The enclosure sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI National Security Investigations and Foreign Intelligence Collection and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. (U)

Enclosure

1 - Mr. Szady
1 - Mr. Curran
1 - 278-HQ-C1229736-VIO-

UNCLASSIFIED WHEN DETACHED FROM CLASSIFIED ENCLOSURE

Case ID: 278-HQ-C1229736-VIO

Serial: 629187 DATE: 5/20/05
FBI INVEST: OIG/DOJ INVEST: OPR UC INITIALS:
Should you or any member of your staff require additional information concerning this matter, an oral briefing will be arranged for you at your convenience. (U)

Sincerely,

John F. Curran
Deputy General Counsel

1 - The Honorable John D. Ashcroft
   Attorney General
   U.S. Department of Justice
   Room 5111

1 - Mr. James A. Baker
   Counsel, Office of Intelligence Policy and Review
   U.S. Department of Justice
   Room 6150
(U) This matter has been reported to the FBI's Office of Professional Responsibility for appropriate action.