

December 13, 2006

BY COURIER

Mr. Stephen Friedman
Chairman
Intelligence Oversight Board
Room 50209
New Executive Office Building
725 17th Street, Northwest
Washington, D.C.

DECLASSIFIED BY 65179/DMH/KSR/RW
ON 05-31-2007

Dear Mr. Friedman:

b2 Enclosed for your information is a self-explanatory memorandum entitled "Intelligence Oversight Board Matter 2007 [redacted]" (U)

The memorandum sets forth details of investigative activity which the FBI has determined was conducted contrary to the Attorney General Guidelines for FBI Foreign Intelligence Collection and Foreign Counterintelligence Investigations and/or laws, Executive Orders, or Presidential Directives which govern FBI foreign counterintelligence and international terrorism investigations. This matter has also been referred to our Internal Investigations Section, Inspection Division, for a determination of whether any administrative action is warranted. (U)

Enclosure

1 - 278-HQ-C1229736-VIO - 1932

~~UNCLASSIFIED WHEN
DETACHED FROM
CLASSIFIED ENCLOSURE~~

~~Derived From: G-3
Declassify On: 20311213~~

~~SECRET~~

~~SECRET~~

Mr. Stephen Friedman

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,

Julie F. Thomas
Deputy General Counsel

- 1 - The Honorable Alberto R. Gonzales
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

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

[REDACTED] FIELD OFFICE
IOB MATTER 2007-[REDACTED] (U)

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(U) ~~(S)~~ The overcollection was a violation of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection. Thus, the matter is being reported to the IOB.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 05-31-2007
CLASSIFIED BY 65179/DMH/KSR/RW
REASON: 1.4 (c)
DECLASSIFY ON: 05-31-2032

~~Derived from: G-3
Declassify on: 20311213~~

~~SECRET~~

~~SECRET~~

~~SECRET//NOFORN~~

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/13/2006

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To:



Attn: SAC
CDC

Counterterrorism

Attn: ITOS 1, CONUS 1, TEAM 3

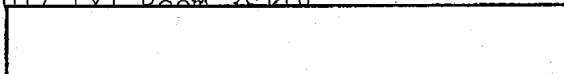
Inspection

Attn: IIS

From: Office of the General Counsel

NSLB/CTLO/ LY1 Room 3C110

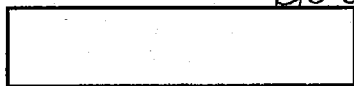
Contact:



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Approved By: Thomas Julie *TJK*

Drafted By:



(U) Case ID #: ~~(S)~~ 278-HQ-C1229736-VIO (Pending) ¹⁹³¹

DATE: 05-31-2007
CLASSIFIED BY 65179/DMH/KSR/RW
REASON: 1.4 (c,d)
DECLASSIFY ON: 05-31-2032

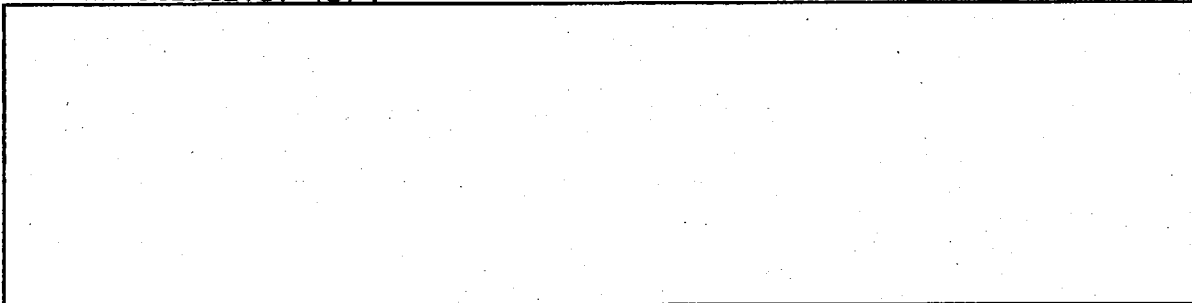
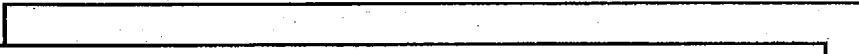
(U) Title: ~~(S)~~ INTELLIGENCE OVERSIGHT BOARD
MATTER 2003  b2

(U) Synopsis: ~~(S)~~ It is the opinion of the Office of the General Counsel (OGC) that this matter must be reported to the Intelligence Oversight Board (IOB). OGC will prepare and deliver the necessary correspondence to the IOB.

(U) ~~Derived From : G-3
Declassify On: 20311213~~

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO serial 1716

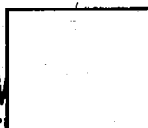
Administrative: (S)



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OIG/DOJ REVIEW
FBI INVESTIGATION
OIG/DOJ INVESTIGATION:



DATE: 12/22/06

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/13/2006

Details: (S) [redacted]

[redacted]

(S) [redacted]

[redacted]

(S) [redacted]

[redacted]

(S) [redacted]

[redacted]

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(S//NF) [redacted]

[redacted]

(S) ~~(S)~~ [redacted]

[redacted]

(S//NF) [redacted]

[redacted]

(S//NF) [redacted]

[redacted]

(S//NF) [redacted]

[redacted]

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/13/2006

(S//NF) [redacted]

(S//NF) [redacted]

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(S) [redacted]

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(U) On 9/27/2006 at approximately 10:30 a.m., [redacted] notified SSA [redacted] at ITOS I, CONUS I of the above information.

(S)

(S//NF) [redacted]

discontinued information [redacted] No [redacted] was ever entered [redacted]

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(S) On 10/3/2006, SSA [redacted] SSA [redacted] [redacted] and this writer spoke with SSA [redacted] This writer was authorized to [redacted]

(S)

[redacted] turned over to CDC [redacted]

(U) The President, by Executive Order 12334, dated 12/04/1981, established the President's Intelligence Oversight Board (PIOB). On 09/13/1993, by Executive Order 12863, the President renamed it the Intelligence Oversight Board (IOB) and established the Board as a standing committee of the President's Foreign Intelligence Advisory Board. Among its responsibilities, the IOB has been given authority to review the FBI's practices and procedures relating to foreign intelligence and foreign counterintelligence collection.

(U) Section 2.4 of Executive Order 12863 mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director,

To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/13/2006

Inspection Division (INSD), and the General Counsel, Office of the General Counsel (OGC), respectively) report to the IOB intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive. This language has been interpreted to mandate the reporting of any violation of a provision of The Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective 10/31/2003, or other guidelines or regulations approved by the Attorney General in accordance with EO 12333, dated 12/04/1981, if such provision was designed to ensure the protection of individual rights.

(U) Violations of provisions that merely are administrative in nature and not deemed to have been designed to ensure the protection of individual rights are generally not reported to the IOB. The FBI Inspection Division is required, however, to maintain records of such administrative violations for three years so that the Counsel to the IOB may review them upon request. The determination as to whether a matter is "administrative in nature" must be made by OGC. Therefore, such administrative violations must be reported as potential IOB matters.

(S) In this situation [redacted]

[redacted]
Consequently, although unintentional, unauthorized interception of presumed U.S. persons occurred. This incident must be reported to the IOB. In accordance with the reporting requirements of Section 2.4 of Executive Order 12863, OGC will prepare a cover letter and a memorandum to report this matter to the IOB.

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(S) [redacted]

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To: [redacted] From: Office of the General Counsel
Re: 278-HQ-C1229736-VIO, 12/13/2006

LEAD(s) :

Set Lead 1: (Info)

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[redacted]

(U) [redacted] should ensure that all inadvertently captured information is collected, sequestered, sealed, and delivered to the FBIHQ substantive unit to be submitted to OIPR for appropriate disposition [redacted]

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Set Lead 2: (Info)

COUNTERTERRORISM

AT WASHINGTON, D.C.

(U) The FBIHQ substantive unit should ensure that all inadvertently captured information is collected, sequestered, sealed, and delivered to OIPR for appropriate disposition [redacted]

Set Lead 3: (Action)

INSPECTION

AT WASHINGTON, D.C.

(U) For action deemed appropriate.

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cc: Ms. Thomas [redacted]
IOB Library

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