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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 05/06/2005

To: Inspection

Attn: Internal Investigation Section

[Redacted]

Attn: SA [Redacted]  
CDC [Redacted]

From: General Counsel  
National Security Law Branch/CTLU I/LX1 56-200  
Contact: [Redacted]

Approved By: Thomas Julie F

Drafted By: [Redacted]

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

b1  
b6  
b7C  
b2

(S) [Redacted]

Title: (U) INTELLIGENCE OVERSIGHT BOARD  
SA [Redacted]  
IOB MATTER 2005 [Redacted]

*- please ensure covered / cleared FBI ACS. 74 04/27/05*

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

~~(U)~~ ~~(S)~~ Derived From: G-3  
Declassify On: X1

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

(U) Reference: ~~(S)~~ 278-HQ-C1229736-VIO-820

Details: ~~(S)~~ As reported by the [Redacted] Division [Redacted] in the April 22, 2005 electronic communication, on December 6, 2004, [Redacted]

b2  
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(S) [Redacted] Special Agent (SA) [Redacted] drafted a National Security letter (NSL) [Redacted] which contained an incorrect telephone number. [Redacted]

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OIG/DOJ Review: [Redacted]  
FBI INVEST: [Redacted]  
OPR UC INITIALS: [Redacted]

TE: [Redacted]  
VEST: [Redacted]

[Redacted] SSA [Redacted]

DATE: 06-04-2007  
CLASSIFIED BY 65179dmh/ksr/prs  
REASON: 1.4 ((c))  
DECLASSIFY ON: 06-04-2032

b6  
b7C

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To: Inspection Division From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/06/2005

(S)

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[REDACTED] responded to the NSL and delivered the telephone records that corresponded to the incorrect number listed in the NSL. Upon review of the telephone records, it was discovered that they belonged to a different U.S. Person.

(U) ~~(S)~~ When the error was discovered, the telephone records were sealed along with the original NSL and forwarded to Headquarters together with a report of the incident. (See 278-HQ-C1229736-VIO Series 820). These records will be forwarded to the Office of Intelligence Policy and Review (OIPR) All communications that contained the incorrect telephone number were permanently charged out and removed from FBI Automated Case Support system (ACS).

(U) ~~(S)~~ Section 2-56 of the National Foreign Intelligence Program Manual (NFIPM) requires OGC to determine whether the facts related above are required to be reported to the IOB. For the reasons discussed below this matter needs to be reported.

(U) ~~(S)~~ The Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709 authorizes the issuance of a National Security Letter for telephone subscriber information, telephone toll billing records and electronic communication transactional records for telephone numbers used by the subject of the investigation. The USA PATRIOT Act, P.L. 107-56, authorizes the issuance of an NSL for a subject upon a certification of relevance to an authorized investigation to protect against international terrorism or clandestine intelligence activities

b5

[REDACTED]

(U) Section 2.4 of the Executive Order (EO) 12863, dated 09/13/1993, mandates that Inspectors General and General Counsel of the Intelligence Community components (in the FBI, the Assistant Director, Inspection Division, and the General Counsel, OGC, respectfully) report to the IOB all information "concerning the intelligence activities that they have reason to believe may be unlawful or contrary to Executive Order or Presidential Directive."

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To: Inspection Division From: General Counsel  
(U) Re: ~~(S)~~ 278-HQ-C1229736-VIO, 05/06/2005

(U) In the instant matter, while the error in combining the two telephone numbers appears to be inadvertent, it resulted in obtaining another U.S. Person's telephone records without authorization. Even though the production of the wrong telephone records resulted from a typographical error, the delivery of the telephone records was contrary to 18 USC § 2709. Consequently, based on the above analysis, and in accordance with the reporting requirements of Section 2.4 of E.O. 12863 and Section 2-56 of the NFIPM, the error must be reported to the IOB.

LEAD(s):

Set Lead 1: (Action)

b2  
b7E



(U) Read and clear

Set Lead 2: (Action)

INSPECTION (IIS)

AT WASHINGTON, DC

(U) For action deemed appropriate

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1 - Ms. Thomas

1 - SSA 

1 - 

1 - IOB File

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May 6, 2005

BY COURIER

James Langdon, Chairman  
Intelligence Oversight Board  
New Executive Office Building  
725 17th Street, N.W., Room 5020  
Washington, D.C. 20503

Dear Chairman Langdon:

This letter forwards for your information a self-explanatory enclosure entitled, "Intelligence Oversight Board (IOB) Matter, IOB 2005 [redacted] (U)

b2

The enclosure 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. (U)

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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1 - Ms. Thomas  
1 - SSA [redacted]

1 - [redacted]  
1 - 278-HQ-C1229736-VIO-882

~~Derived from: G-3  
Declassify on: X1~~

DECLASSIFIED BY 65179dmh/ksr/prs  
ON 06-04-2007

~~SECRET~~

Chairman James Langdon

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

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

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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(S) [redacted] of the Federal  
Bureau of Investigation (FBI) has reported that a National  
Security Letter (NSL) [redacted]  
[redacted] contained an  
incorrect telephone number.

(S) [redacted]  
[redacted] drafted  
(S) a National Security letter (NSL) [redacted] which contained  
an incorrect telephone number. [redacted]

(S) [redacted]  
[redacted] responded to the NSL and  
delivered the telephone records that corresponded to the  
incorrect number listed in the NSL. Upon review of the telephone  
records, it was discovered that they belonged to a different U.S.  
Person.

(U) ~~(S)~~ When the error was discovered, the telephone records  
were sealed along with the original NSL and forwarded to FBI  
Headquarters together with a report of the incident. All  
communications that contained the incorrect telephone number were  
permanently charged out and removed from FBI Automated Case  
Support system (ACS). In addition, the matter has been referred  
to the FBI's Internal Inspection Section for any action that is  
deemed appropriate.

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~~Derived from: G-3  
Declassify on: X-1~~

ALL INFORMATION CONTAINED  
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CLASSIFIED BY 65179dmh/prs  
REASON: 1.4 (c)  
DECLASSIFY ON: 06-04-2032