

UNCLASSIFIED

**Legal Issues Conference 2010**

AG

The overall classification of this briefing is ~~SECRET//NOFORN~~

UNCLASSIFIED

~~SECRET//NOFORN~~

**Agenda**

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2

~~SECRET//NOFORN~~

- What they are.
- What they can do.
- How they work.
- How to use them.
- Legal authorities.

~~SECRET//NOFORN~~

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~~SECRET//NOFORN~~

**What they are**

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b7E

~~SECRET//NOFORN~~

**What they are**

~~SECRET//NOFORN~~

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~~SECRET//NOFORN~~

**What they can do**

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~~TOP SECRET~~

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**How they work**

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~~TOP SECRET~~

~~SECRET//NOFORN~~

**How they work**

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~~TOP SECRET~~

~~SECRET//NOFORN~~

**How to use them**

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~~TOP SECRET~~

~~SECRET//NOFORN~~

**How to use them**

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~~TOP SECRET~~

~~SECRET//NOFORN~~

**Legal authorities**

11

~~SECRET~~

Washington, D.C. 20535

[Redacted]

From: [Redacted]

Sent: Friday, December 09, 2011 2:15 PM

To: [Redacted]

Cc: [Redacted]

(S) Subject: RE: [Redacted]

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(S) Classification: ~~SECRET//NOFORN~~ [Redacted]

~~Classified By: J71J92T44~~

~~Declassify On: 20361209~~

~~Derived From: FBI NSISC-20090615~~

=====

(S) [Redacted]

THIS E-MAIL MAY CONTAIN PRIVILEGED ATTORNEY-CLIENT COMMUNICATION AND ATTORNEY WORK PRODUCT. DO NOT DISSEMINATE WITHOUT OGC APPROVAL.

ADC [Redacted]

[Redacted]

From: [Redacted]

Sent: Friday, December 09, 2011 2:12 PM

To: [Redacted]

Cc: [Redacted]

(S) Subject: RE: [Redacted]

(S) Classification: ~~SECRET//NOFORN~~ [Redacted]

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~~Classified By: C11W58B93~~

~~Declassify On: 20361209~~

~~Derived From: FBI NSISC-20090615~~

=====

Sounds ok, but nothing was attached. Can you please send?

From: [Redacted]

From: [redacted]  
Sent: Wednesday, December 07, 2011 8:12 AM  
To: [redacted]  
Cc: [redacted]  
(S) Subject: RE: [redacted]

(S) Classification: ~~SECRET//NOFORN~~ [redacted]

~~Classified By: J71J92T44  
Declassify On: 20361207  
Derived From: FBI NSISC-20090615~~

(S) [redacted]

From: [redacted]  
Sent: Wednesday, December 07, 2011 8:09 AM  
To: [redacted]  
Cc: [redacted]  
(S) Subject: RE: [redacted]

(S) Classification: ~~SECRET//NOFORN~~ [redacted]

~~Classified By: C11W58B93  
Declassify On: 20361207  
Derived From: FBI NSISC-20090615~~

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We feel your pain. In the land of common sense, our rationale has no place [redacted] and I will take this issue up with our management and try to get it resolved. If it makes you feel any better, this has happened to others recently - although in not as egregious situation as this.

(S) [redacted]

From: [redacted]  
Sent: Wednesday, December 07, 2011 7:50 AM  
To: [redacted]  
Cc: [redacted]  
(S) Subject: RE: [redacted]

(S) Classification: ~~SECRET//NOFORN~~ [redacted]

~~Classified By: J71J92T44  
Declassify On: 20361207  
Derived From: FBI NSISC-20090615~~

From [redacted]  
Sent: Tuesday, December 06, 2011 4:08 PM  
To [redacted]  
(S) Subject: RE: [redacted]

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(S) Classification: ~~SECRET~~//NOFORN [redacted]

~~Classified By: C11W58B93  
Declassify On: 20361206  
Derived From: FBI NSISC-20090615~~

=====

(S) [redacted]

If we can't do this with this particular factual scenario, then I can't see a clearer one coming along. Common sense doesn't always win.

From [redacted]  
Sent: Tuesday, December 06, 2011 3:36 PM  
To [redacted]  
(S) Subject: RE: [redacted]

(S) Classification: ~~SECRET~~//NOFORN [redacted]

~~Classified By: F36M55K50  
Declassify On: 20361206  
Derived From: FBI NSISC-20090615~~

=====

(S) [redacted]

[redacted]  
*Assistant General Counsel*  
[redacted]  
935 Pennsylvania Ave., N.W.  
Room [redacted]  
Washington, D.C. 20535  
[redacted]

From [redacted]  
Sent: Tuesday, December 06, 2011 3:34 PM

[Redacted]

**From:** [Redacted]  
**Sent:** Tuesday, September 14, 2010 8:38 AM  
**To:** [Redacted]  
**Subject:** RE: Question re [Redacted]

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~~RECORD~~

[Redacted] well, I'm glad people paid attention to my presentation. I always think that people will tune out during the legal portion.

Anyway, you asked what legal authority is required to [Redacted] For that, you will [Redacted]

[Redacted]

[Redacted]

[Redacted]

*Assistant General Counsel*

[Redacted]

935 Pennsylvania Ave., N.W.

Room [Redacted]

Washington, D.C. 20535

[Redacted]

**From:** [Redacted]  
**Sent:** Monday, September 13, 2010 6:29 PM  
**To:** [Redacted]  
**Subject:** Question re: [Redacted]

[Redacted]

I am the former CDC in [Redacted] and I am currently assigned [Redacted]. One of our agents just returned from some training where you gave some guidance re [Redacted] and our agent's notes weren't completely clear on what your guidance had been so I am reaching out to you since I have been advised that you are the subject matter expert. Our new CDC is not really up on this matter from the [Redacted]

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Basically...the question in a nutshell is what legal authority is currently required to [Redacted]

[Redacted]

I have seen some things on the [Redacted] that suggest we always get [Redacted] but it seems to me that [Redacted] The other thing this type of order usually covers [Redacted]

[Redacted]

From: [redacted]  
Sent: Friday, March 13, 2009 6:46 PM  
To: [redacted]  
Cc: [redacted]  
Subject: [redacted]

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NON-RECORD

<< File [redacted].htm >> << File [redacted].doc >> << File [redacted].doc >>

I know we've talked about this [redacted] before but not in a formal setting. I wanted to pass this [redacted] onto you because I hear you understand the fights we go through as case agents and are willing to help us out when we need it. I don't even know if you can help directly but at least you can look at this and get a feeling of how important this is to all case agents who work with [redacted] which is almost all [redacted] cases these days [redacted] was our representative from your unit and now I hear he has left. I'm hoping that you could work with me on this issue because it is bigger than I can handle on my own.

These three attachments (in order) are the [redacted] our posted comments and then the [redacted] b3  
[redacted] If you look at them in order I think you'll get the idea of what [redacted] b5  
[redacted] a routine case. They'll just say use the [redacted] (like they already [redacted] b6  
do). This segways into our equally enormous task of [redacted] and the fact that [redacted] the [redacted] b7C  
offices [redacted] b7E

I'll be in San Diego all next week but my UC is cc'd and I'll have my Blackberry. I think you should maybe come to our next class May 13-15, and see what we're doing. It's good stuff and we could use someone to talk about legality. They're supposed to let me know when [redacted] and then we'll have 14 days to make comments. I'd like to meet with you or at least have spoken with you by the 23rd when I get back, so I can start making our second response to the posting.

Thanks,

[redacted]

SSA [redacted]  
Desk [redacted]  
Fax [redacted]  
[redacted]

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[Redacted]  
From: [Redacted]  
Sent: Tuesday, December 30, 2008 3:17 PM  
To: [Redacted]  
Cc: [Redacted]  
Subject: RE: [Redacted]

**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

Based on my rudimentary understanding of [Redacted] and the guidance we've been given from DOJ and in turn disseminated to the field, etc., I agree with your response.

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From: [Redacted]  
Sent: Tuesday, December 30, 2008 2:19 PM  
To: [Redacted]  
Subject: FW: [Redacted]

**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

[Redacted]  
Please read the following and let me know if you agree with my response to the CDC in [Redacted]

Thanks,  
[Redacted]

\*\*\*\*\*

[Redacted]  
You have asked whether [Redacted]

The simple answer to your questions is [Redacted]

[Redacted]

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If you are also seeking to [Redacted]  
[Redacted]

Please let me know if you need further information or if I have failed to adequately answer your question.

Thanks  
[Redacted]  
[Redacted]

Asst. General Counsel



No problem...let me know what I can do to help. The U.S. Attorney's Office can also reach out to OEO (Office of Enforcement Operations) at main DOJ if they want other go-by's. I have found OEO to be very helpful and your USA's office can reach out to them if they want DOJ, instead of FBI, guidance.

[Redacted]

From: [Redacted]  
Sent: Friday, December 12, 2008 3:48 PM  
To: [Redacted]  
Subject: RE: [Redacted]

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

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[Redacted]

Thanks for getting back to me so quickly. I appreciate your help, and I will probably need your guidance as I discuss this with the U.S. Attorney's Office.

[Redacted]

From: [Redacted]  
Sent: Friday, December 12, 2008 2:45 PM  
To: [Redacted]  
Subject: [Redacted]

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

[Redacted]

Good talking to you a few minutes ago. I have gone through some old materials and have attached [Redacted] language if you or the AUSA needs additional information. [Redacted] I am happy to work with you on this

<< File [Redacted].wpd >> << File [Redacted].wpd >>

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I also direct your attention to the [Redacted]

I hope you find this information helpful, and please do not hesitate to contact me should you have any additional questions.

Thanks,

[Redacted]

Asst. General Counsel  
Science and Technology Law Unit  
FBIHQ, Room [Redacted]

[Redacted]

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[Redacted]

[Redacted]

[Redacted]

[Redacted] will be in tomorrow and she may have more information on the issue.

From: [Redacted]  
Sent: Wednesday, October 15, 2008 2:37 PM  
To: [Redacted]  
Subject: RE: [Redacted]

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[Redacted]

Does this reconcile with what you have researched/worked on?

[Redacted]

From: [Redacted]  
Sent: Wednesday, October 15, 2008 1:31 PM  
To: [Redacted]  
Subject: FW: [Redacted]

UNCLASSIFIED  
NON-RECORD

This information, below, is a significant change if it is correct as this ruling dictates that [Redacted]

[Redacted]

Now, if true, we will have to have [Redacted]

Could you check on this or point me in the right direction and I will check for us??

[Redacted]

Assistant General Counsel  
Science and Technology Law Unit  
Office of the General Counsel  
Federal Bureau of Investigation

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(Office) [redacted]  
(Cell) [redacted]  
(Secure) [redacted]  
(Fax) [redacted]

From: [redacted]  
Sent: Wednesday, October 15, 2008 9:13 AM  
To: [redacted]  
Cc: [redacted]  
Subject: RE: [redacted]

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[redacted]

I work with [redacted] I just wanted to let you know that the US attorneys office is stating that OEO  
[redacted]

Thanks

[redacted]

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SA [redacted]  
Desk: [redacted]  
Fax: [redacted]  
Cell: [redacted]

From: [redacted]  
Sent: Tuesday, October 14, 2008 2:09 PM  
To: [redacted]  
Subject: FW: [redacted]

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From: [redacted]  
Sent: Tuesday, September 30, 2008 1:49 PM  
To: [redacted]  
Subject: R: [redacted]

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Thanks. Looking forward to seeing you presentation. October is filling up but November is open for me.

[redacted]

Assistant General Counsel  
Science and Technology Law Unit  
Office of the General Counsel

Federal Bureau of Investigation  
(Office [redacted])  
(Cell) [redacted]  
(Secure) [redacted]  
(Fax) [redacted]

From: [redacted]  
Sent: Tuesday, September 30, 2008 1:17 PM  
To: [redacted]  
Subject: RE: [redacted]

**UNCLASSIFIED**  
**NON-RECORD**

Actually we finalized them last week and burnt a new CD, but in light of the new decision [redacted] we have modified the presentation once again. We are teaching a class tonight and I will get with my partner and get you are newest version. Also, I did speak with our local Magistrate Judge regarding training in October. She recommended that we set the date(s) and they will try and get everyone there. So look at your calendar and come up with some dates that work for you in Oct/Nov.

From: [redacted]  
Sent: Tuesday, September 30, 2008 9:25 AM  
To: [redacted]  
Subject: RE: [redacted]

**UNCLASSIFIED**  
**NON-RECORD**

[redacted]

Did you ever finish this project? I would really like to see your slides.

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[redacted]

Assistant General Counsel  
Science and Technology Law Unit  
Office of the General Counsel  
Federal Bureau of Investigation  
(Office) [redacted]  
(Cell) [redacted]  
(Secure) [redacted]  
(Fax) [redacted]

From: [redacted]  
Sent: Thursday, August 21, 2008 3:13 PM  
To: [redacted]  
Subject: [redacted]

**UNCLASSIFIED**  
**NON-RECORD**

[redacted] just wanted to send you a quick email ref our conversation last night. I will send you via bumail a copy of our [redacted] I will try to include the teaching points that we use when talking about the slides (some of the slides are self explanatory, but others need explanation). As soon as we figure out how to marry those two up, I will send it out. I am looking into conducting training for the US Dist Ct and the US Attys office sometime in October. I will let you know if we get some possible dates. I would like to have you or someone from OCG give a short presentation regarding legal issues involving [redacted]

[Redacted]

Assistant General Counsel

[Redacted]

From: [Redacted]  
Sent: Wednesday, July 23, 2008 11:53 AM  
To: [Redacted]  
Cc: [Redacted]  
Subject: RE: [Redacted]

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[Redacted] and [Redacted]

Did anyone every review and answer the questions in the e-mail below? We need to get this to [Redacted] understand there are a number of [Redacted]

[Redacted]

Assistant General Counsel  
Science and Technology Law Unit  
Phone: [Redacted]  
Cell phone: [Redacted]  
Secure phone: [Redacted]  
Fax: [Redacted]

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From: [Redacted]  
Sent: Monday, June 30, 2008 1:07 PM  
To: [Redacted]  
Subject: RE: [Redacted]

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Will have [Redacted] review and advise.

SSA [Redacted]  
Unit Chief  
Tracking Technology Unit  
Operational Technology Division

[Redacted]

From: [Redacted]  
Sent: Monday, June 30, 2008 11:52 AM  
To: [Redacted]  
Subject: FW: [Redacted]

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[Redacted] and [Redacted]

Did you folks review a [redacted] draft? See below, and also please have someone answer the questions in the e-mail below.  
Thanks,

[redacted]  
Assistant General Counsel  
Science and Technology Law Unit  
Phone: [redacted]  
Cell phone: [redacted]  
Secure phone: [redacted]  
Fax: [redacted]

From: [redacted]  
Sent: Thursday, June 26, 2008 9:56 AM  
To: [redacted]  
Cc: [redacted]  
Subject: FW: [redacted]

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[redacted]  
Just wanted to follow-up on this issue and if OTD had a chance to look at the draft sent over by [redacted] in addition, [redacted] has sent a few more questions regarding this issue. Thanks!

[redacted]  
Assistant General Counsel  
[redacted]

From: [redacted]  
Sent: Wednesday, June 25, 2008 1:58 PM  
To: [redacted]  
Cc: [redacted]  
Subject: RE: [redacted]

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Hi [redacted]

[redacted] reviewed the draft brief and form and had some additional questions about the technique. So here they are:

- 1) [redacted]
- 2) [redacted]
- 3) [redacted]
- 4) [redacted]
- 5) [redacted] would think not, but please confirm.)

6) [redacted]

7) [redacted]

So, please pass these questions on to whomever on your side is most familiar with [redacted] We can't move forward on getting approval of [redacted] without more information about exactly [redacted]

Thanks!

[redacted]

From: [redacted]  
Sent: Wednesday, May 21, 2008 12:33 PM  
To: [redacted]  
Subject: RE: [redacted]

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Will do, thanks. We'll be in touch.

[redacted]

Assistant General Counsel

[redacted]

From: [redacted]  
Sent: Wednesday, May 21, 2008 12:32 PM  
To: [redacted]  
Cc: [redacted]  
Subject: RE: [redacted]

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[redacted]

Attached is a write-up of [redacted] that I prepared -- using information from a variety of sources. Would you please distribute it to the appropriate people within the FBI to (a) make sure the facts are accurate; and (b) get answers to my questions? I've also got [redacted] to the court that will need to be reviewed at our end. But getting the [redacted] down will be more than half the battle.

Thanks very much.

[redacted]

<< File: [redacted].pdf >>

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From: [redacted]  
Sent: Wednesday, April 23, 2008 11:25 AM  
To: [redacted]  
Subject: [redacted]

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Have we made any progress on this issue from your side of the house? We may have a case or two that we can consider. I propose we get together and hammer out the remaining legal issues. Let me know what you guys think.

[Redacted]

Assistant General Counsel

[Redacted]

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SECRET~~



Subject:

FW: [redacted]

Here is the latest correspondence on [redacted] You can see near the bottom of the email chain, what questions remain for the FBI to address.

From:

[redacted]

Sent:

Wednesday, August 27, 2008 8:29 AM

To:

[redacted]

Subject:

RE: [redacted]

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[redacted]

What's up . . . Still haven't heard from OTD, I've got a call in and will find out where they're at with this. So I hear your Falcons are going to start the rookie? My Vikes should be solid, but all depends on "fragile toes" aka Tarvaris Jackson. Talk to you later.

[redacted]

Assistant General Counsel

[redacted]

From:

[redacted]

Sent:

Tuesday, August 26, 2008 6:12 PM

To:

[redacted]

Subject:

FW: [redacted]

[redacted]

I have taken over for [redacted] Did you or OTD get a chance to get back to her on her questions below? Give me a call tomorrow if possible and lets discuss where we are on the questions below.

Thanks,

[redacted]

From:

[redacted]

Sent:

Tuesday, August 26, 2008 3:44 PM

To:

[redacted]

Subject:

FW: [redacted]

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From:

[redacted]

Sent:

Wednesday, June 25, 2008 1:58 PM

To:

[redacted]

Cc:

RE: [redacted]

Subject:

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H

[redacted] reviewed the draft brief and form and had some additional questions about [redacted] So here they are:

- 1) [redacted]
- 2) [redacted]
- 3) [redacted]
- 4) [redacted]
- 5) [redacted] (I would think not, but please confirm.)
- 6) [redacted]
- 7) [redacted] (I think we may be able to deal with this [redacted])

So, please pass these questions on to whomever on your side is most familiar with [redacted] We can't move forward on getting approval of [redacted] without more information about exactly [redacted]

Thanks!

[redacted]

From: [redacted]  
 Sent: Wednesday, May 21, 2008 12:33 PM  
 To: [redacted]  
 Subject: RE: [redacted]

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Will do, thanks. We'll be in touch.

[redacted]  
Assistant General Counsel

[redacted]

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From: [redacted]  
 Sent: Wednesday, May 21, 2008 12:32 PM  
 To: [redacted]  
 Cc: [redacted]  
 Subject: RE: [redacted]

~~SECRET~~  
~~RECORD-xxxx~~

[redacted]

Attached is [redacted] that I prepared -- using information from a variety of sources. Would you please distribute it to the appropriate people within the FBI to (a) make sure the facts are accurate; and (b) get answers to my questions? I've also got [redacted] that will need to be reviewed at our end. But getting the [redacted] down will be more than half the battle.

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Thanks very much.

[redacted]

<< File: [redacted].pdf >>

From: [redacted]  
Sent: Wednesday, April 23, 2008 11:25 AM  
To: [redacted]  
Subject: [redacted]

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Have we made any progress on this issue from your side of the house? We may have a case or two that we can consider. I propose we get together and hammer out the remaining legal issues. Let me know what you guys think.

[redacted]

Assistant General Counsel

[redacted]

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I don't have experience with this and can't really give advice beyond reading what [redacted] has left behind. The presentation I was looking at is available here [redacted]

[redacted] These and other documents are available from this page [redacted]

*PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL*

[redacted], Assistant General Counsel, OGC STLU [redacted]

-----Original Message-----

**From:** [redacted]  
**Sent:** Thursday, August 23, 2007 9:06 AM  
**To:** [redacted]

**Cc:** [redacted]  
**Subject:** RE: [redacted]

**UNCLASSIFIED**  
**NON-RECORD**

Sorry, not me.

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[redacted]  
Assistant General Counsel  
Science and Technology Law Unit  
Phone [redacted]  
Cell phone [redacted]  
Secure phone [redacted]  
Fax [redacted]

-----Original Message-----

**From:** [redacted]  
**Sent:** Wednesday, August 22, 2007 7:07 PM  
**To:** [redacted]  
**Cc:** [redacted]  
**Subject:** FW: [redacted]  
**Importance:** High

**UNCLASSIFIED**  
**NON-RECORD**

Do any of you have any thoughts on the below or prior experience with these issues, in [redacted] absence?

[redacted]  
Assistant General Counsel  
Science and Technology Law Unit  
Office of the General Counsel

w  
bl

*PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL*

-----Original Message-----

**From:** [redacted]  
**Sent:** Wednesday, August 22, 2007 5:25 PM  
**To:** [redacted]

Subject: RE: [redacted]

UNCLASSIFIED  
NON-RECORD

Thank you!

-----Original Message-----

From: [redacted]  
Sent: Wednesday, August 22, 2007 1:54 PM  
To: [redacted]  
Subject: RE: [redacted]

UNCLASSIFIED  
NON-RECORD

Running into more meetings....will take a look later this afternoon and hope to get back to you soon, hopefully by tomorrow morning.

[redacted]  
[redacted]

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Assistant General Counsel  
Science and Technology Law Unit  
Office of the General Counsel

W: [redacted]  
bb

*PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL*

-----Original Message-----

From: [redacted]  
Sent: Wednesday, August 22, 2007 1:55 PM  
To: [redacted]  
Subject: FW: [redacted]

UNCLASSIFIED  
NON-RECORD

[redacted]

[redacted]

I sent the below message to [redacted] for some legal assistance, but got her "out of office" reply. Would you have time to address these questions?

Thanks,

[redacted]

-----Original Message-----

From: [redacted]  
Sent: Wednesday, August 22, 2007 12:53 PM  
To: [redacted]  
Cc: [redacted]  
Subject: [redacted]

UNCLASSIFIED  
NON-RECORD

[redacted]

[Redacted]

**From:** [Redacted]  
**Sent:** Friday, February 08, 2008 8:58 AM  
**To:** [Redacted]  
**Subject:** RE: [Redacted]

**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

I have no idea.

[Redacted]

Assistant General Counsel  
Science and Technology Law Unit  
Phone: [Redacted]  
Cell phone: [Redacted]  
Secure phone: [Redacted]  
Fax: [Redacted]

**From:** [Redacted]  
**Sent:** Friday, February 08, 2008 8:14 AM  
**To:** [Redacted]  
**Subject:** RE: [Redacted]

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**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

I have seen this, but I heard that it was never approved, uploaded, etc.. Do either of you know if it was approved?

**From:** [Redacted]  
**Sent:** Wednesday, February 06, 2008 3:15 PM  
**To:** [Redacted]  
**Subject:** RE: [Redacted]

**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

<< File: [Redacted] wpd >>

[Redacted]

Assistant General Counsel  
Science and Technology Law Unit  
Phone: [Redacted]  
Cell phone: [Redacted]  
Secure phone: [Redacted]  
Fax: [Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, February 06, 2008 2:47 PM  
**To:** [Redacted]  
**Subject:** FW: [Redacted]

[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, October 15, 2008 3:37 PM  
**To:** [Redacted]  
**Subject:** FW: [Redacted]

UNCLASSIFIED  
NON-RECORD

Additional information.

[Redacted]

Assistant General Counsel  
Science and Technology Law Unit  
Office of the General Counsel  
Federal Bureau of Investigation  
(Office) [Redacted]  
(Cell) [Redacted]  
(Secure) [Redacted]  
(Fax) [Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, October 15, 2008 2:54 PM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: [Redacted]

UNCLASSIFIED  
NON-RECORD

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[Redacted]

Thanks for taking the time to look into this. I re-read the e-mail from our US Attorney and just so I am not putting words in her mouth she stated: ...Although DOJ wants to take the position [Redacted]

[Redacted]

Just wanted to pass this along as a trend that at least our US Attorneys office seems to be heading toward.

Thanks again

[Redacted]

SA [Redacted]

Desk: [Redacted]  
Fax: [Redacted]  
Cell: [Redacted]

From: [redacted]  
Sent: Wednesday, October 15, 2008 1:27 PM  
To: [redacted]  
Subject: RE: [redacted]

UNCLASSIFIED  
NON-RECORD

[redacted]

I will have to send this up to OGC for additional information. I haven't heard this from any other source. Thanks.

[redacted]

Assistant General Counsel  
Science and Technology Law Unit  
Office of the General Counsel  
Federal Bureau of Investigation  
(Office) [redacted]  
(Cell) [redacted]  
(Secure) [redacted]  
(Fax) [redacted]

From: [redacted] (1)  
Sent: Wednesday, October 15, 2008 9:13 AM  
To: [redacted]  
Cc: [redacted]  
Subject: RE: [redacted]

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UNCLASSIFIED  
NON-RECORD

[redacted]

I work with [redacted] I just wanted to let you know that the US attorneys office is stating tha [redacted]

[redacted]

Thanks

[redacted]

S/ [redacted]  
[redacted]  
Desk [redacted]  
Fax: [redacted]  
Cell: [redacted]

From: [redacted]  
Sent: Tuesday, October 14, 2008 2:09 PM  
To: [redacted]  
Subject: FW: [redacted]

UNCLASSIFIED  
NON-RECORD



**From:** [redacted]  
**Sent:** Tuesday, September 30, 2008 1:49 PM  
**To:** [redacted]  
**Subject:** RE: [redacted]

**UNCLASSIFIED**  
**NON-RECORD**

Thanks. Looking forward to seeing your presentation. October is filling up but November is open for me.

[redacted]

Assistant General Counsel  
Science and Technology Law Unit  
Office of the General Counsel  
Federal Bureau of Investigation  
(Office) [redacted]  
(Cell) [redacted]  
(Secure) [redacted]  
(Fax) [redacted]

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**From:** [redacted]  
**Sent:** Tuesday, September 30, 2008 1:17 PM  
**To:** [redacted]  
**Subject:** RE: [redacted]

**UNCLASSIFIED**  
**NON-RECORD**

Actually we finalized them last week and burnt a new CD, but in light of the new decision [redacted] we have modified the presentation once again. We are teaching a class tonight and I will get with my partner and get you a newest version. Also, I did speak with our local Magistrate Judge regarding training in October. She recommended that we set the date(s) and they will try and get everyone there. So look at your calendar and come up with some dates that work for you in Oct/Nov.

**From:** [redacted]  
**Sent:** Tuesday, September 30, 2008 9:25 AM  
**To:** [redacted]  
**Subject:** RE: [redacted]

**UNCLASSIFIED**  
**NON-RECORD**

[redacted]

Did you ever finish this project? I would really like to see your slides.

[redacted]

Assistant General Counsel  
Science and Technology Law Unit  
Office of the General Counsel  
Federal Bureau of Investigation  
(Office) [redacted]  
(Cell) [redacted]

(Secure)  
(Fax)

From: [redacted]  
Sent: Thursday, August 21, 2008 3:13 PM  
To: [redacted]  
Subject: [redacted]

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UNCLASSIFIED  
NON-RECORD

[redacted] just wanted to send you a quick email ref our conversation last night. I will send you via bumail a copy of our [redacted]  
[redacted] will try to include the teaching points that we use when talking about the slides (some of the slides are self explanatory, but others need explanation). As soon as we figure out how to marry those two up, I will send it out. I am looking into conducting training for the US Dist Ct and the US Attys office sometime in October. I will let you know if we get some possible dates. I would like to have you or someone from OCG give a short presentation regarding legal issues involving [redacted]

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UNCLASSIFIED

[Redacted]  
From: [Redacted]  
Sent: Monday, December 01, 2008 10:55 AM  
To: [Redacted]  
Cc: [Redacted]  
Subject: RE: [Redacted]

UNCLASSIFIED  
NON-RECORD

[Redacted]

I sent the attached email out in early November. This reflects general DOJ/OGC guidance as it went out to all CDC's - I recognize [Redacted]

[Redacted]

Also, just FYI, it is my understanding that OTD is working on [Redacted]



OGC Guidance  
Concerning Reque:

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[Redacted]

Section Chief  
Science and Technology Law Office  
Office of the General Counsel  
HQ [Redacted]

bb: [Redacted]  
*PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL*

From: [Redacted]  
Sent: Monday, December 01, 2008 10:12 AM  
To: [Redacted]  
Subject: FV [Redacted]

UNCLASSIFIED  
NON-RECORD

[Redacted] Please review the below message from one [Redacted] SSAs. If there is a comprehensive OGC policy in regard to [Redacted] please advise.

Thanks,  
CDC [Redacted]

From: [Redacted]  
Sent: Wednesday, November 26, 2008 1:15 PM

[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, February 04, 2009 9:43 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: [Redacted]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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UNCLASSIFIED  
NON-RECORD

[Redacted]

I did have a question regarding the last sentence of the second paragraph [Redacted]

[Redacted]

It is not clear to me what is intended here. [Redacted]

[Redacted]

Also, I'm concerned about the [Redacted]

[Redacted]



OGC Guidance  
Concerning Reque:

**From:** [Redacted]  
**Sent:** Wednesday, February 04, 2009 9:22 AM  
**To:** [Redacted]  
**Subject:** FW: [Redacted]

UNCLASSIFIED  
NON-RECORD

I am assuming there is no problem with this so I am going to go ahead and send it out.

[Redacted]

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**From:** [Redacted]  
**Sent:** Tuesday, January 20, 2009 10:17 AM  
**To:** [Redacted]  
**Subject:** [Redacted]

[Redacted]

**From:** [Redacted]  
**Sent:** Thursday, August 07, 2008 10:12 AM  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** FW: [Redacted]

UNCLASSIFIED  
NON-RECORD

[Redacted]

Please see [Redacted] write-up about this matter below, which I reviewed in [Redacted] absence. I agree with [Redacted] assessment that there does not seem to be anything else for OGC to do regarding this matter right now.

Please let [Redacted] or me know if you have any questions or would like us to take any further action.

[Redacted]

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**From:** [Redacted]  
**Sent:** Thursday, August 07, 2008 8:55 AM  
**To:** [Redacted]  
**Subject:** FW: [Redacted]

UNCLASSIFIED  
NON-RECORD

[Redacted]

[Redacted] did not get the opportunity to read/take action on this yesterday. He asked that I forward it to you for your review and that you then pass it on to [Redacted] in case she had any questions.

Thanks,

[Redacted]

**From:** [Redacted]  
**Sent:** Wednesday, August 06, 2008 11:34 AM  
**To:** [Redacted]  
**Subject:** RE: [Redacted]

UNCLASSIFIED  
NON-RECORD

[Redacted]

Thanks,

[Redacted]

From: [Redacted]  
Sent: Monday, August 04, 2008 4:18 PM  
To: [Redacted]  
Subject: RE: [Redacted]

UNCLASSIFIED  
NON-RECORD

No, he did not raise this issue with me. Is there anything you would like me to do?

[Redacted]

From: [Redacted]  
Sent: Monday, August 04, 2008 4:07 PM  
To: [Redacted]  
Subject: FW: [Redacted]  
Importance: High

UNCLASSIFIED  
NON-RECORD

[Redacted]

Did [Redacted] share anything about this with you? Please advise.

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[Redacted]

From: [Redacted]  
Sent: Monday, August 04, 2008 4:03 PM  
To: [Redacted]  
Subject: FW: [Redacted]

UNCLASSIFIED  
NON-RECORD

Where do we stand on the guidance related to [Redacted]

[Redacted]

[Redacted]

Section Chief  
Science and Technology Law Office  
Office of the General Counsel  
HQ [Redacted]

bb [Redacted]  
*PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR OGC APPROVAL*

From: [Redacted]  
Sent: Friday, August 01, 2008 7:45 PM

To: [redacted]  
Cc: [redacted]  
Subject: FW: [redacted]

UNCLASSIFIED  
NON-RECORD

FYI. Did you know about this kerfluffle?

From: [redacted]  
Sent: Friday, August 01, 2008 4:07 PM  
To: [redacted]  
Subject: FW: [redacted]

UNCLASSIFIED  
NON-RECORD

I don't see you on this and thought you ought to at least know about the chatter. My understanding is that there is proposed policy in the AGG Implementation Guide that discusses the issue but I haven't seen it.

[redacted]  
Head, Office of Integrity and Compliance  
FBI Deputy Designated Agency Ethics Official  
[redacted]  
OIG Webpage [redacted]

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From: [redacted]  
Sent: Friday, August 01, 2008 2:23 PM  
To: [redacted]  
Cc: [redacted]  
Subject: RE: [redacted]

UNCLASSIFIED  
NON-RECORD

[redacted]

This is the story as I understand it. I haven't spoken to [redacted] yet, but I understand that the acting ASAC has spoken to [redacted] this morning.

A few weeks/months ago, the [redacted]

[redacted]

[redacted]

As I thought, it doesn't sound like any effort was made by the [redacted]

[redacted]

Hope that helps,

[Redacted]

Office of Integrity and Compliance

[Redacted]

Learn about the OIC at [Redacted]

This communication may be Privileged or otherwise Deliberative, and should not be disseminated outside of the FBI without the concurrence of OGC.

From: [Redacted]

Sent: Friday, August 01, 2008 11:02 AM

To: [Redacted]

Cc:

Subject: RE: [Redacted]

UNCLASSIFIED  
NON-RECORD

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[Redacted]

I believe you are referring to a paper by [Redacted] who was in OGC at the time. [Redacted] do you have (or recall) such a paper?

[Redacted]

[Redacted]

[Redacted]

From: [Redacted]

Sent: Friday, August 01, 2008 10:13 AM

To: [Redacted]

Cc:

Subject: RE: [Redacted]

UNCLASSIFIED  
NON-RECORD

All - we need to get back to the Staffer on this [Redacted] - this has been a recurring issue for years with us and I remember a white paper that was done that addressed our concerns. I am fairly certain it was an OTD document. Could you have someone see if that rings a bell?

[Redacted]

From: [Redacted]

Sent: Thursday, July 31, 2008 4:59 PM

To: [Redacted]

Cc:

Subject: RE: [Redacted]

UNCLASSIFIED  
NON-RECORD



[Redacted]

From: [Redacted]  
Sent: Monday, September 26, 2011 2:01 PM  
To: [Redacted]  
Subject: FW: [Redacted]

Classification: ~~SECRET~~

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~~Classified By: C48W86B31  
Declassify On: 20360926  
Derived From: FBI NSISC 20090615~~

Hey there legal beagle expert on all techie matters. Is the below still correct to the best of your knowledge as it relates

[Redacted]

From: [Redacted]  
Sent: Tuesday, January 13, 2009 7:15 PM  
To: [Redacted]  
Cc: [Redacted]  
Subject: [Redacted]

~~SECRET//NOFORN  
RECORD~~



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

935 Pennsylvania Ave., N.W.

Room [redacted]

Washington, D.C. 20535

From: [redacted]

Sent: Friday, December 09, 2011 2:15 PM

To: [redacted]

Cc: [redacted]

(S) Subject: RE: [redacted]

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(S) Classification: ~~SECRET~~//NOFORN [redacted]

~~Classified By: J71J92T44~~

~~Declassify On: 20361209~~

~~Derived From: FBI NSISC-20090615~~

=====

(S)

THIS E-MAIL MAY CONTAIN PRIVILEGED ATTORNEY-CLIENT COMMUNICATION AND ATTORNEY WORK PRODUCT. DO NOT DISSEMINATE WITHOUT OGC APPROVAL.

ADC [redacted]

From: [redacted]

Sent: Friday, December 09, 2011 2:12 PM

To: [redacted]

Cc: [redacted]

(S) Subject: RE: [redacted]

(S) Classification: ~~SECRET~~//NOFORN [redacted]

~~Classified By: C11W58B93~~

~~Declassify On: 20361209~~

~~Derived From: FBI NSISC-20090615~~

=====

Sounds ok, but nothing was attached. Can you please send?

From: [redacted]  
Sent: Tuesday, December 06, 2011 4:08 PM  
To: [redacted]  
(S) Subject: RE: [redacted]

(S) Classification: ~~SECRET~~//NOFORN [redacted]

~~Classified By: C11W58B93  
Declassify On: 20361206  
Derived From: FBI NSISC-20090615~~

=====

(S) [redacted]

If we can't do this with this particular factual scenario, then I can't see a clearer one coming along. Common sense doesn't always win.

From: [redacted]  
Sent: Tuesday, December 06, 2011 3:36 PM  
To: [redacted]  
(S) Subject: RE: [redacted]

(S) Classification: ~~SECRET~~//NOFORN [redacted]

~~Classified By: F36M55K50  
Declassify On: 20361206  
Derived From: FBI NSISC-20090615~~

=====

(S) [redacted]

[redacted]  
*Assistant General Counsel*  
[redacted]  
935 Pennsylvania Ave., N.W.  
Room [redacted]  
Washington, D.C. 20535  
[redacted]

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From: [redacted]  
Sent: Tuesday, December 06, 2011 3:34 PM  
To: [redacted]  
(S) Subject: RE: [redacted]

935 Pennsylvania Ave., N.W.

Room [redacted]

Washington, D.C. 20535

[redacted]

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b7E

From [redacted]  
Sent: Friday, December 09, 2011 2:15 PM  
To [redacted]  
Cc [redacted]  
Subject: RE: [redacted]

(S)

(S) Classification: ~~SECRET~~//NOFORN [redacted]

~~Classified By: J71J92T44  
Declassify On: 20361209  
Derived From: FBI NSISC-20090615~~

(S)

[redacted]

THIS E-MAIL MAY CONTAIN PRIVILEGED ATTORNEY-CLIENT COMMUNICATION AND ATTORNEY WORK PRODUCT. DO NOT DISSEMINATE WITHOUT OGC APPROVAL.

ADD [redacted]

[redacted]

From [redacted]  
Sent: Friday, December 09, 2011 2:12 PM  
To [redacted]  
Cc [redacted]  
Subject: RE: [redacted]

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(S)

(S) Classification: ~~SECRET~~//NOFORN [redacted]

~~Classified By: C11W58B93  
Declassify On: 20361209  
Derived From: FBI NSISC-20090615~~

Sounds ok, but nothing was attached. Can you please send?