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ALL INFORMATION CONTAINED  
(Rev. 01-21-2003)  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

DATE: 08-29-2005  
CLASSIFIED BY 65179 DMH/KJ/05-cv-0845  
SCN: 1.4 (c)  
CLASSIFY ON: 08-29-2030

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FEDERAL BUREAU OF INVESTIGATION

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**Precedence:** PRIORITY

**Date:** 03/19/2004

**To:** General Counsel

**Attn:** Investigative Law Unit,  
AGC [redacted]

**From:** [redacted]

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Squad 2

**Contact:** CDC [redacted]

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**Approved By:** [redacted]

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**Drafted By:** [redacted]

**Case ID #:** (U) 66F-HQ-C1364260 (Pending)  
(U) 66F-HQ-C1384970

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- 8401

**Title:** (U) USA PATRIOT ACT  
SUNSET PROVISIONS

**Synopsis:** (U) To provide Investigative Law Unit (ILU), Office of the General Counsel (OGC), with statistics and examples of the benefits [redacted] has derived from specified provisions of the USA PATRIOT Act.

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

**Reference:** (U) 66F-HQ-C1364260 Serial 5

**Details:** (U) Referenced communication instructed all field offices to provide ILU with statistics, examples and/or a brief narrative summarizing the benefits each division has derived from specified provisions of the USA PATRIOT Act.

(S) Referenced communication set forth a list of specific techniques for which each field office is to report statistics concerning its use.

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To: General Council From: [redacted]  
Re: (U) 66F-HQ-C1364260, 03/19/2004

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[redacted]

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(U) Set forth below are statistics and/or descriptions concerning Milwaukee Division's use of the remaining specified techniques:

[redacted]

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(U) ~~(S)~~ The [redacted] would clearly have submitted additional requests for such orders in a number of other cases but for the fact that, to date, no such orders have ever been issued. [redacted] experience is that FISA business record orders are likely to prove essential in numerous investigations once they begin to be issued.

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[redacted]

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(U) ~~(S)~~ One of the two exceptions noted above pertained to an individual who ultimately became the target of a FISA full content interception. [redacted] therefore believes that pen and trap order could still have been obtained in that instance under the previous, higher, standard. With regard to the second exception, although a foreign power was identified, [redacted] believes it would still have been difficult to meet the prior standard. Furthermore, the time involved with obtaining the

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To: General Counsel From: [redacted]  
Re: (U) 66F-HQ-C1364260, 03/19/2004

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facts necessary to support the affidavit would have probably resulted in [redacted] missing the window of opportunity for deploying the technique.

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[redacted] 315N

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classification investigations (none of which are in conjunction with an application for an order authorizing the interception of the content of communications). While each instance meets the current "relevancy" standard, it is questionable whether any of these three orders could be obtained under the previous, higher, standard.

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(U) ~~(S)~~ Changes to the Primary Purpose Standard: This change, which removed the risk of having to shut down the Division's most productive FISC authorized techniques in the event information was shared with prosecutive personnel, has directly let to a dramatic improvement in case coordination (see "information sharing" below). The change in the Primary Purpose standard, and consequent removal of "the wall," has fundamentally changed and enhanced the manner in which the [redacted] conducts international terrorism and foreign counterintelligence investigations.

(U) ~~(S)~~ Information Sharing: Due to elimination of the Primary Purpose standard, [redacted] sharing of information with regard to terrorism investigations has become routine. It is now standard practice that all [redacted] 315 classification cases are reviewed for federal criminal prosecutive potential by appropriately cleared United States Attorney's Office personnel. The changes in this area have led to US Attorney personnel being incorporated as essential and integral components of JTTFs in both [redacted] headquarters city and the Madison Resident Agency.

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(U) ~~(S)~~ For example, the First Assistance United States Attorney, [redacted] has FBI office access, a desk in [redacted] JTTF office space and a GroupWise account. He is continually (almost daily) briefed on significant cases. In fact, the US Attorney's Office [redacted] Intelligence Officer assigned to FBI [redacted] JTTF actually serves as the Coordinator of that JTTF.

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(U) ~~(S)~~ Similar coordination occurs with regard to the United States Attorney's Office, [redacted] and the JTTF located in the [redacted] Resident Agency.

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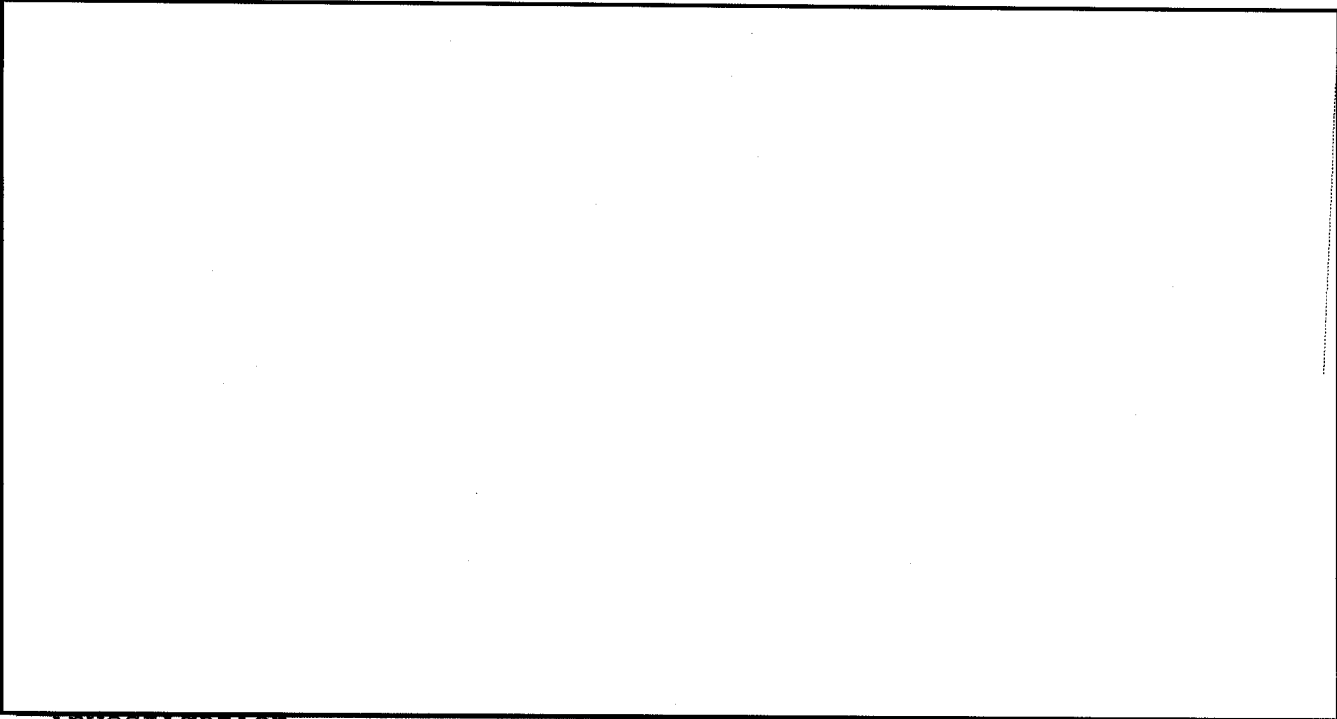
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To: General Counsel From: [redacted]  
Re: (U) 66F-HQ-C1364260, 03/19/2004

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Investigation.

(U) ~~(S)~~ While information sharing is a rather novel concept with regard to FCI investigations, its importance to [redacted] efforts in this area also cannot be overstated. Traditionally, FCI investigations have been hamstrung by rules that did not allow investigators to consult with prosecutors until the investigation was essentially over. Specific examples of the benefits which the new rules have brought to FCI investigations in [redacted] include the United States Attorney's Office [redacted] providing advice and consent to seize and initiate forfeiture of \$30,000 which was brought into the United States illegally by the subject of a 200M investigation. The US Attorney's Office has also provided counsel in [redacted] FCI cases regarding violations of the Foreign Agent Registration Act.

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To: General Counsel From:   
Re: (U) 66F-HQ-C1364260, 03/19/2004

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LEAD(s):

Set Lead 1: (Information Only)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) This information is provided for appropriate use  
by the Investigative Law Unit.

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