

Precedence: ROUTINE

Date: 08/27/2004

To: General Counsel  
Inspection

Attn: NSLB

From: [Redacted]

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CT-4

Contact: SA [Redacted] [Redacted]

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Approved By: [Redacted]

b6

b7C

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Drafted By: [Redacted]

bsc

DATE: 12-03-2005

CLASSIFIED BY 65179DMH/BAW 05-cv-0845

REASON: 1.4 (C)

DECLASSIFY ON: 12-03-2030

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

Title: (U) PRESIDENT'S INTELLIGENCE OVERSIGHT BOARD

Synopsis: (S) [Redacted]

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~~(S)~~  
~~(U)~~

~~Derived From: G-3~~

~~Declassify On: X1~~

Details: (S) [Redacted]

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*Handwritten signature/initials*

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Page 2

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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

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Page 3

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

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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 02/08/2005

To: [Redacted]

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Attn: SAC  
CDC

Counterterrorism

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Attn: ITOS I / CONUS IV  
SSA [Redacted]

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Inspection

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Attn: IIS  
SC Toni Fogle

b7C

From: General Counsel  
NSLB/CTLU I/Room 7975.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Contact: [Redacted]

Approved By: Thomas Julie F [Redacted]

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Drafted By: [Redacted] rm

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b2 Case ID #: (S) [Redacted] 278-HQ-C1229736-VIO (Pending) b6

b7E [Redacted] (Pending) b7C

b7A Title: (U) INTELLIGENCE OVERSIGHT BOARD  
(IOB) MATTER 2004-79 [Redacted]

Synopsis: (S) (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.

(S) (U)

~~Derived From: G-3  
Declassify on: [Redacted]~~

DATE: 09-12-2005  
DECLASSIFIED BY 65179/DMH/JW/05-CV-0845  
REASON: 1.4 (C)  
DECLASSIFY ON: 09-12-2030

Reference: (S) (U) 278-HQ-C1229736-VIO Serial 572

Details: (S) [Redacted]

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OIG/DOJ Review: Wang DATE: 3/20/05  
FBI INVEST.: (M) OIG/DOJ INVEST.: \_\_\_\_\_  
OPR UC INITIALS: \_\_\_\_\_

*To me - but still an  
"OPR" lead (?)  
Please handle &  
OPR lead in  
AGS.  
MA*

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To: [Redacted] From: General Counsel  
Re: ~~(S)~~(U) 278-HQ-C1229736-VIO, 02/08/2005

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[Redacted]

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[Redacted]

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(U) Title 18, United States Code, Section 2511, prohibits the interception of electronic communications [Redacted] 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,

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[Redacted]

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(U) ~~(S)~~ 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) . . . ."

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To: [redacted] From: General Counsel  
Re: ~~(S)~~ 278-HQ-C1229736-VIO, 02/08/2005  
(U) ~~(S)~~

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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 [redacted]

[redacted] 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.

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To: [redacted] From: General Counsel  
Re: (S) (U) 278-HQ-C1229736-VIO, 02/08/2005

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LEAD(s):

Set Lead 1: (Discretionary)

[redacted]

AT

[redacted]

(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.

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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 65179DMH/BAW 05-cv-0845  
REASON: 1.4 (C)  
DECLASSIFY ON: 12-04-2030

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

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

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

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Case ID : 278-HQ-C1229736-VIO

Serial : 734

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Page 2

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

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

~~(S)~~ The FBI received authorization from the Foreign Intelligence

~~SECRET~~

[Redacted]

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Internal Investigations  
Section for any action that is deemed appropriate. (U)

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

#647

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Precedence: ROUTINE

Date: 06/22/2003

To: Counterintelligence

Attn: SSA [redacted]

Inspection  
General Counsel

CD-ID  
IMU  
NSLU

DATE: 12-03-2005  
CLASSIFIED BY 65179 DMH/BAW  
REASON: 1.4 (C)  
DECLASSIFY ON: 12-03-2030

From: [redacted]

Squad 6

Contact: SA [redacted]

Approved By: Whitehead Carl

[redacted]

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

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Drafted By:

[redacted]

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Case ID #: (S) [redacted] (Pending)

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(S) 278-HQ-C1229735 (Pending)

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(S) (U) 278-HQ-C1229736-VIO (Pending)

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Title: (S) (U) INTELLIGENCE OVERSIGHT BOARD;

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SSA [redacted]  
SA [redacted]

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[redacted]

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Synopsis: (S)

[redacted]

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(S)

Derived From: G-3

Declassify On: X1

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(S) (U)

[redacted]

Package Copy: (S)

[redacted]

Case ID :

278-HQ-C1229736  
278-HQ-C1229736-VIO  
278 [redacted] C63856-VIO

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Details: (S)

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Page 1

DATE: 12-03-2005  
CLASSIFIED BY 65179DMH/BAW 05-cv-0845  
REASON: 1.4 (C)  
DECLASSIFY ON: 12-03-2030

ALL INFORMATION CONTAINED  
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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                      b2  
1 - Mr. Szady                      b7E  
1 - SAC [redacted]                      b6  
1 - Ms. Thomas                      b7C  
1 - [redacted]  
1 - OPR  
1 - 278-HQ-C1229736-VIO

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

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Case ID : 278-HQ-C1229736-VIO

Serial : 653

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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

b1

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

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INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER b7A

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[redacted] DIVISION

IOB MATTER 2004-96 (U)

(S)

(S)

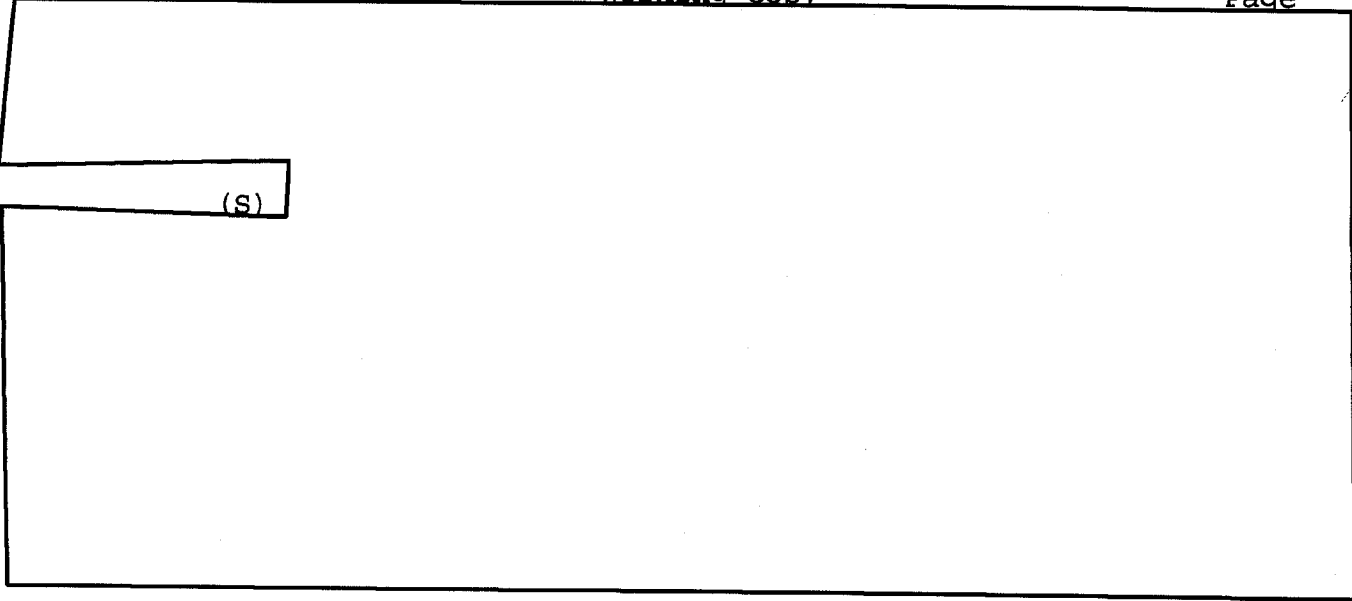
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Page 3



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#658

Precedence: PRIORITY

Date: 07/16/2004

To: General Counsel  
Counterintelligence

Attn: National Security Law Branch  
Attn: CD-3B, Room 4094  
SSA [redacted]

From: [redacted]  
Squad 16B, [redacted] RA  
Contact: SA [redacted]

Approved By: Mershon Mark J

[redacted]

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HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Drafted By: [redacted]

Case ID #: ~~(S)~~ (U) 278-HO-C1229736-VIC (U) (Pending)  
(S) [redacted]

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Title: ~~(S)~~ (U) SSRA [redacted]  
SA [redacted]  
[redacted] Division  
IOB

DATE: 12-03-2005  
CLASSIFIED BY 65179DMH/BAW 05-cv-0845  
REASON: 1.4 (C)  
DECLASSIFY ON: 12-03-2030

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

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

Enclosure(s): (S) [redacted]

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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).

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

Case ID : 278-HO-C1229736-VIO

Serial : 556

[redacted]  
278- [redacted] C136372 (S)

(S) [redacted] 39

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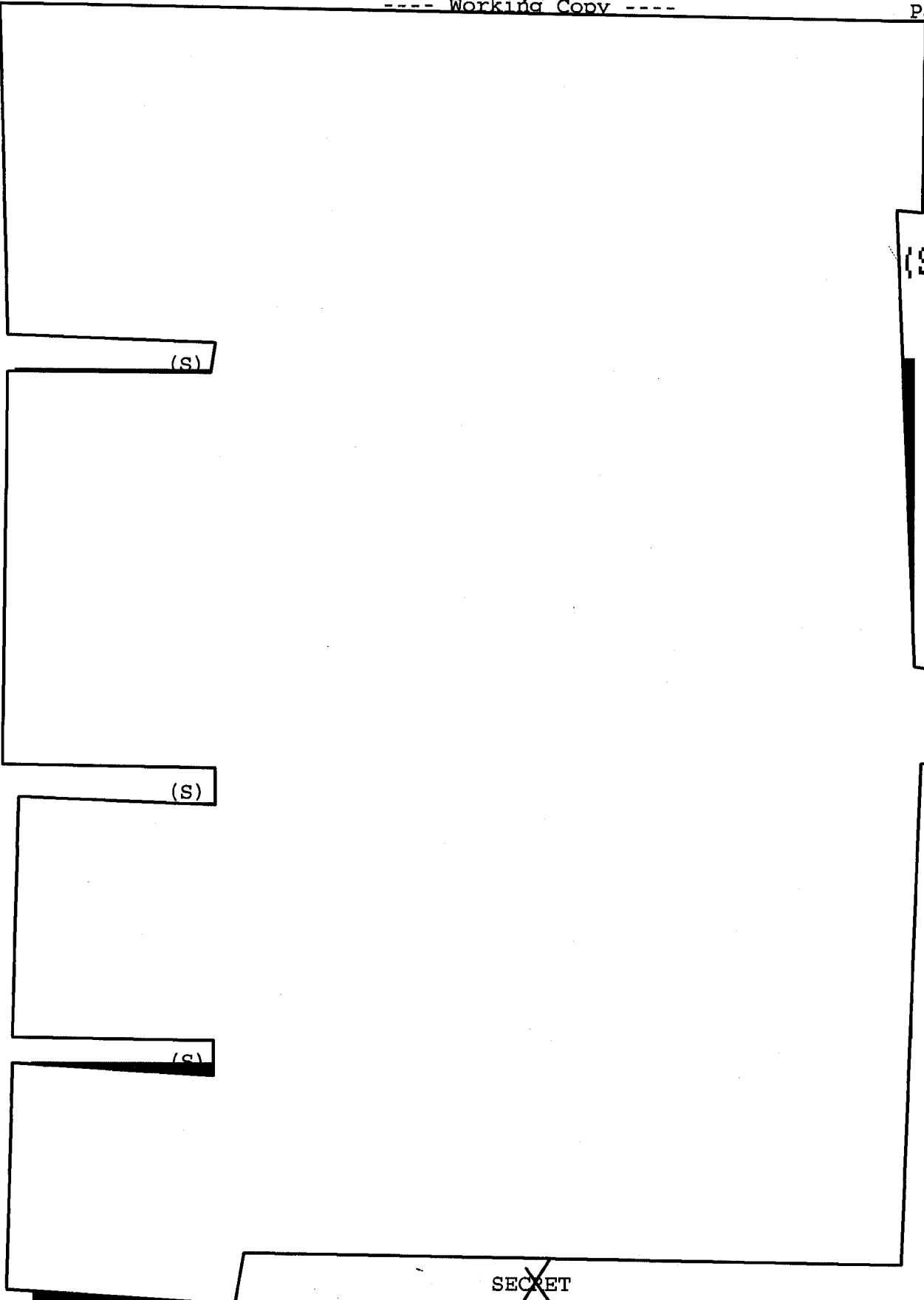
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Page

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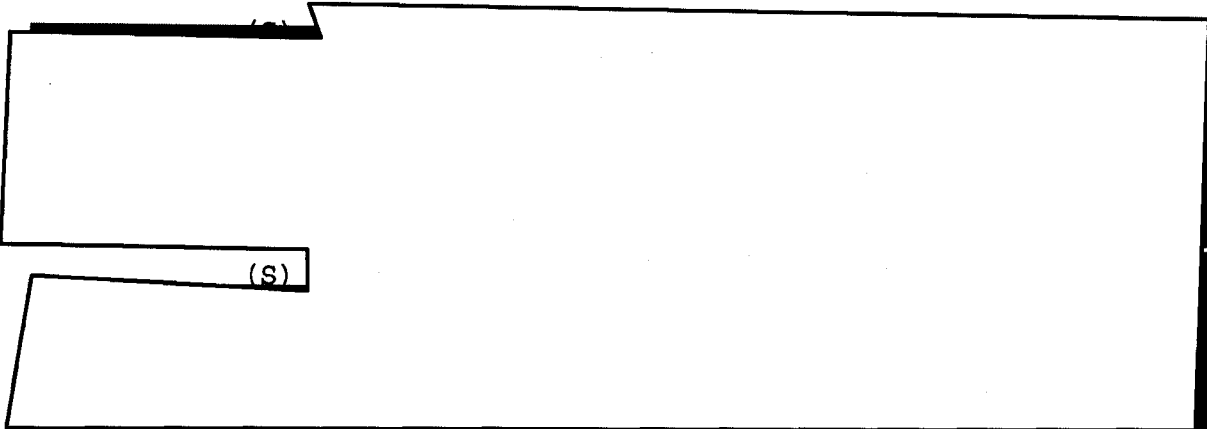
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LEAD(s) :

Set Lead 1: (Discretionary)

GENERAL COUNSEL

AT WASHINGTON, DC

(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).

Set Lead 2: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) ~~(S)~~ Read and clear.



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[Redacted]

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**\*\*FOOTNOTES\*\***

i1: (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

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[Redacted] SA [Redacted] Division, IOB" hereinafter cited as [Redacted] EC."

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i2: (U) [Redacted] EC

[Redacted]

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i4: (U) [Redacted] EC.

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i5: (U) Id. b2

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i6: (U) Id. b7E

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i7: (U) Id. This notification was made via FBI e-mail.

i8: (U) [Redacted] EC. The FBI technical collection personnel so informed [Redacted] by reply e-mail.

i9: (U) [Redacted] EC.

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i10: (U) Id.

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~~i11: (U) Id.~~ [Redacted]

(S)

~~i12: (U)~~ [Redacted]

[Redacted]

(S)

i13: (U) [Redacted] EC. AGC [Redacted] gave the unopened envelope containing this information to SSA [Redacted] CD-3B who then

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submitted the unopened envelope to the [redacted]

i14: (U) [redacted] EC.

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i15: (U) Id.

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LEAD(s):

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Set Lead 1: (Info)

[redacted]

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AT [redacted]

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

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Set Lead 2: (Action)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

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

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Set Lead 3: (Discretionary)

DIRECTOR'S OFFICE

AT OPR FO, DC

(U) For review and action deemed appropriate.

CC: Ms. Thomas

[redacted]

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NSLB IOB Library

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Page 1

ALL INFORMATION CONTAINED  
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WHERE SHOWN OTHERWISE

BY COURIER

DATE: 12-03-2005  
CLASSIFIED BY 65179DMH/BAW 05-cv-0845  
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, [redacted] Division, IOB Matter 2004-75." (U) b2 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 b6
- 1 - Mr. Curran b7C
- 1 - [redacted]
- 1 - 278-HQ-C1229736-VIO-

~~UNCLASSIFIED WHEN  
DETACHED FROM  
CLASSIFIED ENCLOSURE~~

Case ID : 278-HQ-C1229736-VIO

~~SECRET~~

Serial : 629  
OIG/DOJ Review: Very DATE: 5/20/05  
FBI INVEST: (M) OIG/DOJ INVEST: \_\_\_\_\_  
OPR UC INITIALS: \_\_\_\_\_

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Page 2

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

INTELLIGENCE OVERSIGHT BOARD (IOB) MATTER

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[REDACTED]  
IOB MATTER 2004-75 (U)

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(S) [REDACTED]

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[Redacted]

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(U) This matter has been reported to the FBI's Office of Professional Responsibility for appropriate action.

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

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Page 4

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