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June 14, 2002

The Honorable Robert S. Mueller, III
Director
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue, Room 7240
Washington, DC 20535-0001

Dear Director Mueller:

I am writing to request a copy of the document described as "the E.C." that is referenced in the attached FBI memo which was recently made public. The last paragraph of the memo refers to "FISA mistakes covered in the E.C. I have prepared to go to the field, and which is in NSLU for signature."

Given the sensitivity and importance of FBI activities undertaken pursuant to the Foreign Intelligence Surveillance Act, I believe it is critical that the Judiciary Committee be aware of any past or ongoing "mistakes" the Bureau has identified in this area.

I look forward to your expeditious response to this request.

Sincerely,



William D. Delahunt

Enclosure

cc: The Honorable F. James Sensenbrenner, Jr.
The Honorable John Conyers, Jr.

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From: [REDACTED]
To: BOWMAN, SPIKE (MARION) [REDACTED]
Date: 4/5/00 5:29PM
Subject: [REDACTED]

I just received a call from [REDACTED] at OIPR. To state that she is unhappy with ITOS and the UBL Unit would be an understatement of incredible proportions. I will try to relate what [REDACTED] thinks has happened with the above named FISA.

[REDACTED] secured an ELSUR FISA very quickly on [REDACTED] at the request of [REDACTED] states that she was assured that the FBI had special software which could do what the FBI said it could do. In fact [REDACTED] states that the technical people in Quantico approved the FISA language.

The FBI technical people want to install the FBI software on [REDACTED] to accomplish the electronic surveillance on March 16:

The software was turned on and did not work correctly. The FBI software not only picked up the E-Mails under the electronic surveillance of the FBI's target, [REDACTED] but also picked up E-Mails on non-covered targets. The FBI technical person was apparently so upset that he destroyed all the E-Mail take, including the take on [REDACTED] is under the impression that no one from the FBI [REDACTED] was present to supervise the FBI technical person at the time. Now the FBI technical people want to run a new software experiment at the carrier to see if it works.

[REDACTED] states that OIPR was never told that the FBI software was experimental. OIPR was informed that it would work. The FBI technical people are still trying to make it work in [REDACTED], and want to resume the electronic surveillance. The FBI people in [REDACTED] also want a physical search warrant to pick up the E-Mails from the carrier, which the FBI picked up on the target, but destroyed.

[REDACTED] informed me that the FBI does not have the authority to resume electronic surveillance until she receives a written explanation of what has happened and she files something with the court. Obviously, she has no intention of securing a search warrant either until this is straightened out.

When you add this story to the FISA mistakes covered in the E.C. I have prepared to go to the field, and which is in NSLU for signature before it goes to [REDACTED] for his signature, you have a pattern of occurrences which indicate to OIPR an inability on the part of the FBI to manage its FISAs.

[REDACTED] and [REDACTED] please see me ASAP.

Thanks
[REDACTED]

CC: [REDACTED]

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