

[redacted] OGC (FBI)

From: [redacted] b6
Sent: Monday, October 20, 2003 9:39 AM b7C
To: [redacted]
Subject: Fwd: Re: Business Records

DECLASSIFIED BY 65179 DMH/CLS
ON 09-08-2005
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Forwarded Mail received from: [redacted]

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

Date: 10/16/2003 03:48 pm -0400 (Thursday)

From: [redacted]
To: [redacted]

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CC: BOWMAN, MARION, Rowan, J
Subject: Re: Business Records

Thanks for teeing up this issue - again. Rather than dragging their collective feet or setting up hurdles - OIPR should be embarrassed that the FBI has used this valuable tool to fight terrorism - exactly ZERO times. The inability of FBI investigators to use this seemingly effective tool has had a direct and clearly adverse impact on our terrorism cases. Quite frankly, Agents have spent the last 2 years screwing around with weak NSLs or using made up "voluntary" NSLs literally begging people to give us information in our terrorism cases (try to get info from [redacted]). The fact that this new FISA b2 tool has languish for two years - with no likely usage in the future - is nuts. While b7E radical militant librarians kick us around - true terrorists benefit from OIPR's failure to let us use the tools given to us. THIS SHOULD BE AN OIPR PRIORITY!!!

In any event - the efforts of NSLB to get this on track are greatly appreciated. (PS - don't forget OIPR's [redacted] the same story)

[redacted]
WFO Office of Division Counsel [redacted]

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>>> [redacted] 10/16 2:56 PM >>>

Not surprisingly, we (I should say, Pat Rowan) presented OIPR with a finalized application and proposed order for business records, signed by Valerie, and they were all up in arms because we had not coordinated in advance and had not used the form they had and because we are not authorized to appear before the court and they don't have enough information about the target and . . . I guess, mainly, they were upset because we wanted to accomplish something without their interference. After Pat went through all their grievances and asked whether they would file something that used their form and met their informational needs, [redacted] said that it would depend on OIPR priorities. Which means, I guess, that we get business records after the last of the initiations sitting on their desks has been filed.

Anyway, does anyone have or has anyone heard of a business records form that OIPR has already produced. [redacted] said that [redacted] would have it but then conceded that he probably would not. Also, per FISC Rule 9, we are told that we cannot file something with the court or cannot appear in Court unless we are on some authorized list. Does anyone have a copy of the FISC rules?

I guess it was too good to be true, that we would actually be able to file something with the FISA Court with our names on it and without it being held up by OIPR.

More on this saga to come

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