Total Deleted Page(s) = 66
Page 2  ~ Duplicate;
Page 3  ~ Duplicate;
Page 4  ~ Duplicate;
Page 5  ~ Duplicate;
Page 7  ~ b5; b6; b7C; b7E;
Page 11 ~ Duplicate;
Page 52 ~ Duplicate;
Page 53 ~ Duplicate;
Page 54 ~ Duplicate;
Page 55 ~ Duplicate;
Page 56 ~ Duplicate;
Page 57 ~ Duplicate;
Page 65 ~ Duplicate;
Page 83 ~ Duplicate;
Page 84 ~ Duplicate;
Page 92 ~ Duplicate;
Page 93 ~ Duplicate;
Page 94 ~ Duplicate;
Page 99 ~ Duplicate;
Page 105 ~ Duplicate;
Page 106 ~ Duplicate;
Page 107 ~ Duplicate;
Page 108 ~ Duplicate;
Page 109 ~ Duplicate;
Page 111 ~ Duplicate;
Page 112 ~ Duplicate;
Page 113 ~ Duplicate;
Page 114 ~ Duplicate;
Page 115 ~ Duplicate;
Page 117 ~ Duplicate;
Page 118 ~ Duplicate;
Page 119 ~ Duplicate;
Page 120 ~ Duplicate;
Page 121 ~ Duplicate;
Page 152 ~ Duplicate;
Page 153 ~ Duplicate;
Page 154 ~ Duplicate;
Page 155 ~ Duplicate;
Page 156 ~ Duplicate;
Page 157 ~ Duplicate;
Page 160 ~ Duplicate;
Page 161 ~ Duplicate;
Page 162 ~ Duplicate;
Page 163 ~ Duplicate;
Page 164 ~ Duplicate;
Page 165 ~ Duplicate;
Page 170 ~ b5; b6; b7C; b7E;
Page 171 ~ b5; b7E;
Page 172 ~ b5; b7E;
Page 173 ~ Duplicate;
Page 174 ~ Duplicate;
Page 175 ~ Duplicate;
Page 184 ~ Duplicate;
Page 185 ~ Duplicate;
Page 186 ~ Duplicate;
Page 187 ~ Duplicate;
Page 188 ~ Duplicate;
Page 189 ~ Duplicate;
Page 190 ~ Duplicate;
Page 191 ~ Duplicate;
Page 193 ~ Duplicate;
Page 194 ~ Duplicate;
Page 195 ~ Duplicate;
Page 196 ~ Duplicate;
Page 197 ~ Duplicate;
Page 198 ~ Duplicate;

XXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s)  X
X No Duplication Fee X
X For this Page  X
XXXXXXXXXXXXXXXXXXXXXXXXXXX
Latest from the front: [Redacted] have partnered and come up with an airborne capability (assisted technically by [Redacted] et al.). [Redacted] etc, and have support by [Redacted]. They want an OTD commitment [Redacted].

My perspective on this now is that we want to consider reasonable requirements, but OTD should not commit to this unless and until:

[Redacted]
2 quick issues-

Thanks.

Associate General Counsel
Chief, Science & Technology Policy & Law Unit
FBI Office of the General Counsel
O: [Redacted]
BB: [Redacted]
E-Mail (U) [Redacted]
E-Mail (S) [Redacted]

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [Redacted]
Aviation Surveillance Brief  
Staff for Senate Judiciary Committee  
June 17, 2015

CIRG

- We’re here to address the questions posed in letters from Senators Grassley and Franken, as result of the recent AP article regarding FBI aerial surveillance activity.

- Introductions:
  - Aviation Program and Surveillance Operations: Assistant Director Jim Yacone
  - Operations Technology: Assistant Director Steve Richardson
  - Aviation Program Manager, Assistant Section Chief
  - Operations Technology Program Manager
  - Attorney for Operations Technology
  - Congressional Liaison
  - Congressional Liaison Appropriations

- The FBI’s aviation program is not secret; specific aircraft and their capabilities are protected for operational security purposes. FBI routinely uses aviation assets in support of predicated investigations targeting specific individuals (and has for over 30 years). The aircraft are not equipped, designed, or used for bulk collection activities or mass surveillance. The FBI uses all tools and equipment, and conducts all investigations, in accordance with the Attorney General Guidelines and the FBI's Domestic Investigations and Operations Guide (DIOG).
  - FBI registers planes covertly to protect the assets and the personnel (similar to unmarked police cruiser)

- FBI’s Aviation Program:

- Approvals/Authorities:
  - Requests for FBI surveillance are initiated for active investigations in our Field Offices and approved by GS 15 ASAC.
o All requests are conducted in full compliance with AG guidelines and the FBI’s DIOG.

o DIOG requires all airborne video be recorded and entered into the FBI’s ESLUR storage system. Video is retained as evidence associated with a specific case and disposed of in accordance with FBI ELSUR policy. (10 years after case closes-ELSUR destroyed.)

- Physical surveillance is the deliberate observation of persons, places, or events, on either a limited or continuous basis, in areas where there is limited reasonable expectation of privacy.
  
  o FBI does not engage in routine ‘patrols’ or other widespread collection from the air.
  
  o Baltimore and Ferguson – LE request to fill a capability and capacity gap, also to protect innocent bystanders (FBI mission balances civil liberties, public safety and national security.)
  
  o

- FBI uses its aircraft as a force multiplier to FBI personnel conducting investigations – aircraft provides situational awareness not otherwise apparent from the ground.

  o Aircraft can advise ground personnel of upcoming traffic jams for investigative personnel conducting surveillance from the ground.

  o Aircraft can maintain

  o Aircraft are equipped for real time video downlink. This allows image being seen in the aircraft to be viewed by investigators, a tactical team, or in an FBI command post. This is a critical capability when providing situation awareness to those who need it.

- No FBI aircraft are permanently equipped with any cell phone tracking or site simulator equipment.

  o Use of this technology on airborne platforms is extremely rare

  o

  o When used, it is with legal authority

OTD/OGC
FYI. I expect these requests to go up as field offices and CID learn of the airborne option.

Yes, thanks.
Let me know what you think,
Thanks

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED/DES
Just checking in. I am having a difficult time finding the bottom of my inbox so I apologize if you have answered the below. Do we have any forward progress?

To follow-up on our meeting from a few weeks ago, were you able to develop a proof of concept test and timeline for [ __ ]? I would like to make sure this moves forward and we can implement a test scenario for them in the near future.

Thanks,

[ __ ]

SSA

Technical Programs Section
Operational Technology Division

[ __ ]

[ __ ]
without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling _blank_.

From: OTD (FBI)
Sent: Wednesday, June 17, 2015 3:01 PM
To: YACONE, JAMES F (IR) (FBI); RICHARDSON, STEPHEN (OTD) (FBI); BURRELL, JAMES (OTD) (FBI); ER (CON) (FBI); OGC (FBI); SABOL, SHERRY E. (OGC) (FBI); ER (FBI)
Cc: OTD (FBI); HQ_DIV18_ESU_DATA_CALLS (OTD) (FBI); OTD (FBI)

Subject: RE: UPDATED: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Classification: UNCLASSIFIED

TRANSMISSORY RECORD

It appears that AD Richardson is available, but we will need OGC.

From: DO (FBI)
Sent: Wednesday, June 17, 2015 10:30 AM
To: YACONE, JAMES F (IR) (FBI); OTD (FBI); RICHARDSON, STEPHEN (OTD) (FBI); BURRELL, JAMES (OTD) (FBI); ER (CON) (FBI); OGC (FBI); SABOL, SHERRY E. (OGC) (FBI); ER (FBI)
Cc: OTD (FBI); HQ_DIV18_ESU_DATA_CALLS (OTD) (FBI); OTD (FBI); OTD (FBI)

Subject: UPDATED: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Importance: High

Classification: UNCLASSIFIED

TRANSMISSORY RECORD

All

The Committee is available on Monday July 6th, either morning or afternoon.

Are briefers available on this date?

Please advise.

Thank you.
Classification: UNCLASSIFIED

TRANSITIONAL RECORD

for your review and tweaking, here's the response document to the June 5 letter from certain House Representatives. It's similar to the June 3 House letter and corresponding FBI response captured in . I suggest this latest response be added to that existing task.

Classification: UNCLASSIFIED

TRANSITIONAL RECORD

Hello, there was an additional letter sent from the House of Representatives with specific questions concerning the Aviation program, although it is focused solely on the use of airborne cell simulator technology. The signatories to this letter will be invited to the July 6th briefing as well and a copy is attached.
From: [Redacted] (DO) (FBI)
Sent: Monday, June 22, 2015 2:37 PM
To: [Redacted] (DO)(FBI); [Redacted] (OTD) (FBI);
Cc: [Redacted] (FBI); [Redacted] (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI);
[Redacted] (FBI); [Redacted] (OTD) (OTD) (FBI);
[Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI);
[Redacted] (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI);
[Redacted] (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI);
RICHARDSON, STEPHEN (OTD) (FBI); [Redacted] (FBI); [Redacted] (FBI);
SABOL, SHERRY E. (OGC) (FBI); [Redacted] (DO) (FBI)
Subject: RE: UPDATED: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Classification: UNCLASSIFIED

======================================================================
TRANSITORY RECORD

Hello - House Judiciary Committee staff briefing on the aviation program and cell site simulators will now be on July 6th at 1:00 pm. Please let me know if that presents any problems. Thanks.

SSA [Redacted]
Office of Congressional Affairs

From: [Redacted] (DO) (FBI)
Sent: Thursday, June 18, 2015 11:50 AM
To: [Redacted] (IR) (FBI)
Cc: [Redacted] (DO)(FBI); [Redacted] (OTD) (FBI); [Redacted] (FBI);
[Redacted] (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI);
[Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI);
RICHARDSON, STEPHEN (OTD) (FBI); [Redacted] (FBI); [Redacted] (FBI);
SABOL, SHERRY E. (OGC) (FBI); [Redacted] (DO) (FBI)
Subject: RE: UPDATED: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Classification: UNCLASSIFIED

======================================================================
TRANSITORY RECORD

Apologies, apparently I spoke to soon. Committee changed their mind and cannot do it the 26th now. Too many staffers will not be able to make it that late in the day - Congress is on recess the following week so a lot of people will be out. Congress is not back in session until July 6th so that is the next possible day we can do it.

If the 6th does not work we can try to schedule for the 13th. Please advise on availability, thanks.
Classification: UNCLASSIFIED

TRANSTITORY RECORD

Committee can do 3:30 on June 26th. I will confirm with them early this afternoon so please let me know if that date/time does not work for some reason.

Is an FBI detail to the Judiciary Committee and will attend the briefing.

SSA
Office of Congressional Affairs
If possible can we do this on the first date suggested June 26th, but later in the day—anytime 3:30 p.m. or later. I emailed [name] on the low-side and he advised that he would be available at 3:30 that day or later. Let us know...Again. Thanks for whatever you can arrange soonest!!

Special Assistant to the Assistant Director
Critical Incident Response Group

From: [name] (OGC) (FBI)
Sent: Wednesday, June 17, 2015 4:58 PM
To: [name] (OTD) (FBI); [name] (OTD) (FBI); [name] (FBI); [name] (ER) (CON); [name] (FBI); [name] (IR) (FBI); [name] (OTD) (FBI); HQ_DIV18_ESU_DATA_CALLS (OTD) (FBI); DO (FBI); YACONF, JAMES F. (IR) (FBI); RICHARDSON, STEPHEN (OTD) (FBI); BURRELL, JAMES (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI)
Cc: [name] (OTD) (FBI); [name] (OTD) (FBI); [name] (OTD) (FBI); [name] (OTD) (FBI)
Subject: RE: UPDATED: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Classification: UNCLASSIFIED

i'm available.

Associate General Counsel
Chief, Science & Technology Policy & Law Unit
FBI Office of the General Counsel
O
BB:
E-Mail (U): [email] @ic.fbi.gov
E-Mail (S): [email] @fbi.sgov.gov

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly
FBI OCA

From: YACONE, JAMES F (IR) (FBI)
Sent: Tuesday, June 16, 2015 5:37 PM
To: [DO](FBI); RICHARDSON, STEPHEN (OTD) (FBI); YACONE, JAMES F (IR) (FBI); BURRELL, JAMES (OTD) (FBI); [ER](CON) [CON] (OGC)(FBI); SABOL, SHERRY E. (OGC) (FBI)
Cc: [OTD] (FBI); [OTD] (FBI); [OTD] (FBI); [OTD] (FBI); [OTD] (FBI); [OTD] (FBI); HQ_DIV18_ESU_DATA_CALLS [CON] [TO] (OTD) (FBI)
Subject: RE: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Classification: UNCLASSIFIED

TRANSMISSION ACKNOWLEDGED

All, I am not available from June 28 – July 1. I’ll be TDY in [ ]

I am available on June 25th.

From: [DO](FBI)
Sent: Tuesday, June 16, 2015 5:09 PM
To: [OTD] (FBI); RICHARDSON, STEPHEN (OTD) (FBI); YACONE, JAMES F (IR) (FBI); BURRELL, JAMES (OTD) (FBI); [ER](CON) [CON] (OGC)(FBI); SABOL, SHERRY E. (OGC) (FBI)
Cc: [OTD] (FBI); [OTD] (FBI); [OTD] (FBI); [OTD] (FBI); [OTD] (FBI); [DO](FBI)
Subject: RE: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Classification: UNCLASSIFIED

TRANSMISSION ACKNOWLEDGED

Have asked if we can push to the week of the 29th – that 26th does not work. Will advise once I hear back.

Thanks
Subject: RE: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Classification: UNCLASSIFIED

---

TRANSITORY RECORD

Is it at all possible to pick a different date for the aviation briefing? OGC is not available.

Thanks,

From: DO(FBI)
Sent: Tuesday, June 16, 2015 2:50 PM
To: RICHARDSON, STEPHEN (OTD) (FBI); YACONE, JAMES F (IR) (FBI); BURRELL, JAMES (OTD)(FBI); (ER)(CON); OGC(FBI); SABOL, SHERRY E. (OGC) (FBI)
CC: OGD(FBI); OTD (FBI); HO DIV18_ESU DATA CALLS (OTD) (FBI); DO(FBI); OTD (FBI); DO(FBI)
Subject: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED
Importance: High

Classification: UNCLASSIFIED

---

TRANSITORY RECORD

All

House Judiciary Committee staff have now asked for the same FBI Aviation briefing that many of you will be providing to Senate Judiciary Committee tomorrow, the 17th.

House staff are interested in receiving the briefing on Friday June 26th, preferably at 10:00am.

Please indicate soonest if you are available to brief on this date at that time. If not, we will ask committee to choose another date/time.

Thank you

FBI Congressional

---

Classification: UNCLASSIFIED
Operational Technology Division/Technical Surveillance Section/Tracking Technology Unit (TTU)

Responses to June 5, 2015 letter from Representatives Loretta Sanchez, Justin Amish, Derek Kilmer, David Schweikert, Michael Capuano, Jason Smith, Beto O'Rourke, Jeff Duncan, Earl Blumenauer, Tim Huelskamp, Madeline Bordallo, Walter Jones, Jr., Raul Labrador, and Louie Gohmert.

Referenced questions and TTU responses:

1. 

2. 

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

The information in this document is the property of the Federal Bureau of Investigation (FBI) and may be distributed within the Federal Government (and its contractors), U.S. intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI Operational Technology Division authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website on an unclassified network.
June 5, 2015

Director James B. Comey
Director of the Federal Bureau of Investigation
Federal Bureau of Investigation Headquarters
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Director Comey,

On June 2, 2015, the Associated Press (AP) reported (article attached) that the FBI has been operating a “small air force...carrying video and, at times, cellphone surveillance technology — all hidden behind fictitious companies that are fronts for the government.” In fact, the report states that in a span of 30 days, the FBI flew throughout 11 states, many in heavily populated urban areas, such as Southern California, the Midwest, and the Northeast.

We realize that the FBI routinely assists local law enforcement authorities in surveillance for ongoing investigations and at the request of the local law enforcement agency. However, it appears that many of the aerial surveillance operations go beyond local law enforcement and in fact, use cellphone data capture devices to monitor potential suspects. The article states that the electronic signals collection technology, used by the FBI, would set up “cell-site simulators.” As such, during the course of an investigation, the technology could be used to capture cellphone information of individuals not suspected of a crime. Therefore, we request the following information:

- To the extent possible, we request you provide the number of incidences that this technology has been used during aerial surveillance operations.

- To the extent possible, we request the number of incidences this technology was authorized by a search warrant.

- To the extent possible, we request the legal approval process in which instances a search warrant didn’t authorize the use of cell-site simulators.
• To the extent possible, we request you provide the number of incidences in which individuals not suspected of a crime had their cellphone data captured during aerial surveillance operations.

• To the extent possible, we request the role the FBI’s Office of Integrity and Compliance has in creating the policy on the usage of such technology.

We understand the important role the FBI has in protecting our country, and the sensitive nature your work entails. However, as Members of Congress, it is our duty to address any concerns that have been raised by the public regarding this program. In doing so, we would like to continue this dialogue with your office and ask you promptly respond to our requests.

Sincerely,

Loretta Sanchez
Member of Congress

Derek Kilmer
Member of Congress

Michael Capuano
Member of Congress

Beto O'Rourke
Member of Congress

Earl Blumenauer
Member of Congress

Justin Amash
Member of Congress

David Schweikert
Member of Congress

Jason Smith
Member of Congress

Jeff Duncan
Member of Congress

Tim Huelskamp
Member of Congress
Madeline Bordallo
Member of Congress

Raúl Labrador
Member of Congress

Walter Jones Jr.
Member of Congress

Louie Gohmert
Member of Congress
FBI behind mysterious surveillance aircraft over US cities

By JACK GILLUM, EILEEN SULLIVAN and ERIC TUCKER

WASHINGTON (AP) — Scores of low-flying planes circling American cities are part of a civilian air force operated by the FBI and obscured behind fictitious companies, The Associated Press has learned.

The AP traced at least 50 aircraft back to the FBI, and identified more than 100 flights in 11 states over a 30-day period since late April, orbiting both major cities and rural areas. At least 115 planes, including 90 Cessna aircraft, were mentioned in a federal budget document from 2009.

For decades, the planes have provided support to FBI surveillance operations on the ground. But now the aircraft are equipped with high-tech cameras, and in rare circumstances, technology capable of tracking thousands of cellphones, raising questions about how these surveillance flights affect Americans' privacy.

"It's important that federal law enforcement personnel have the tools they need to find and catch criminals," said Charles Grassley, chairman of the Senate Judiciary Committee. "But whenever an operation may also monitor the activities of Americans who are not the intended target, we must make darn sure that safeguards are in place to protect the civil liberties of innocent Americans."

The FBI says the planes are not equipped or used for bulk collection activities or mass surveillance. The surveillance equipment is used for ongoing investigations, the FBI says, generally without a judge's approval.

The FBI confirmed for the first time the wide-scale use of the aircraft, which the AP traced to at least 13 fake companies, such as FVX Research, KQM Aviation, NBR Aviation and PXW Services.
"The FBI's aviation program is not secret," spokesman Christopher Allen said in a statement. "Specific aircraft and their capabilities are protected for operational security purposes."

The front companies are used to protect the safety of the pilots, the agency said. That setup also shields the identity of the aircraft so that suspects on the ground don't know they're being followed.

The FBI is not the only federal law enforcement agency to take such measures.

The Drug Enforcement Administration has its own planes, also registered to fake companies, according to a 2011 Justice Department inspector general report. At the time, the DEA had 92 aircraft in its fleet. And since 2007, the U.S. Marshals Service has operated an aerial surveillance program with its own fleet equipped with technology that can capture data from thousands of cellphones, the Wall Street Journal reported last year.

In the FBI's case, one of its fake companies shares a post office box with the Justice Department, creating a link between the companies and the FBI through publicly available Federal Aviation Administration records.

Basic aspects of the FBI's program are withheld from the public in censored versions of official reports from the Justice Department's inspector general, and the FBI also has been careful not to reveal its surveillance flights in court documents. The agency will not say how many planes are currently in its fleet.

The planes are equipped with technology that can capture video of unrelated criminal activity on the ground that could be handed over to prosecutions. One of the planes, photographed in flight last week by the AP in northern Virginia, bristled with unusual antennas under its fuselage and a camera on its left side.

Some of the aircraft can also be equipped with technology that can identify thousands of people below through the cellphones they carry, even if they're not making a call or in public. Officials said that practice, which mimics cell towers and gets phones to reveal basic subscriber information, is used in only limited situations.

"These are not your grandparents' surveillance aircraft," said Jay Stanley, a senior policy analyst with the American Civil Liberties Union. Stanley said the flights are significant "if the federal government is maintaining a fleet of aircraft whose purpose is to circle over American cities, especially with the technology we know can be attached to those aircraft."
The Justice Department recently published a privacy policy for its agencies' use of drones and unmanned aircraft systems. But that policy does not apply to piloted aircraft. An FBI spokesman said the FBI's flights comply with agency rules.

Those rules, which are heavily redacted in publicly available documents, limit the types of equipment the agency can use, as well as the justifications and duration of the surveillance.

Evolving technology can record higher-quality video from long distances, even at night, and can capture certain identifying information from cellphones using a device known as a "cell-site simulator" — or Stingray, to use one of the product's brand names. These can trick pinpointed cellphones into revealing identification numbers of subscribers, including those not suspected of a crime.

The FBI has recently begun obtaining court orders to use this technology. Previously, the Obama administration had been directing local authorities through secret agreements not to reveal their own use of the devices, even encouraging prosecutors to drop cases rather than disclose the technology's use in open court.

Officials say cellphone surveillance from FBI aircraft was rarely used.

Details confirmed by the FBI about its air force track closely with published reports since at least 2003 that a government surveillance program might be behind suspicious-looking planes slowly circling neighborhoods.

One such plane was spotted during the recent disturbance in Baltimore that followed the death of 25-year-old Freddie Gray, who sustained grievous injuries while in police custody. In that instance, the FBI was helping local police with aerial support, which it occasionally does when asked. Those types of requests are reviewed by senior FBI officials.

During the past few weeks, the AP tracked planes from the FBI’s fleet on more than 100 flights over at least 11 states plus the District of Columbia, most with Cessna 182T Skylane aircraft. These included parts of Boston, Chicago, Dallas, Houston, Minneapolis, Phoenix, Seattle and Southern California.

Some flights orbited large, enclosed buildings for extended periods where aerial photography would be less effective than electronic signals collection. Those included above Ronald Reagan Washington National Airport and the Mall of America in Bloomington, Minnesota.

David Gomez, a former FBI agent who oversaw parts of the aviation surveillance program over the course of his career, said the FBI surveillance aircraft are used to assist surveillance on the
ground. For example, if a plane is following a suspect in a vehicle, an FBI ground surveillance team can lag behind so as not to blow their cover, Gomez said.

After The Washington Post revealed flights by two planes circling over Baltimore in early May, the AP began analyzing detailed flight data and aircraft-ownership registrations that shared similar addresses and flight patterns. That review found that some FBI missions circled above at least 40,000 residents during a single flight over Anaheim, California, in late May, according to Census data and records provided by the website FlightRadar24.com.

Most flight patterns occurred in counter-clockwise orbits up to several miles wide and roughly one mile above the ground at slow speeds. A 2003 newsletter from the company FLIR Systems Inc., which makes camera technology such as seen on the planes, described flying slowly in left-handed patterns.

Gomez said the aircraft circle to the left because the pilot sits on the left side. He said different flight formations are used depending on circumstances on the ground, such as whether a suspect is on the move.

The FBI asked the AP not to disclose the names of the fake companies it uncovered, saying that would saddle taxpayers with the expense of creating new cover companies to shield the government's involvement, and could endanger the planes and integrity of the surveillance missions. The AP declined the FBI's request because the companies' names — as well as common addresses linked to the Justice Department — are listed on public documents and in government databases.

Recently, independent journalists and websites have cited companies traced to post office boxes in Virginia, including one shared with the Justice Department.

Included on most aircraft registrations is a mysterious name, Robert Lindley. He is listed as chief executive and has at least three distinct signatures among the companies. Two documents include a signature for Robert Taylor, which is strikingly similar to one of Lindley's three handwriting patterns.

The FBI would not say whether Lindley is a U.S. government employee. The AP unsuccessfully tried to reach Lindley at phone numbers registered to people of the same name in the Washington area.

Law enforcement officials said Justice Department lawyers approved the decision to create fictitious companies and that the Federal Aviation Administration was aware of the practice. The
FBI has been doing this since at least the late 1980s, according to a 1990 report by the then-General Accounting Office.

Associated Press writers Sean Murphy in Oklahoma City; Joan Lowy and Ted Bridis in Washington; Randall Chase in Wilmington, Delaware; and news researchers Monika Mathur in Washington and Rhonda Shafner in New York contributed to this report.
From: HQ_DIV18_ESU_DATA_CALLS</O=FBI/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ESU _DATA_CALLS9EFCDD89410548068AD5928A58687B6D49F9003>

Sent: Wednesday, July 15, 2015 10:07:02 AM

To: [Redacted]

Cc: [Redacted]

Subject: OTD response - Action item from June 17, 2015 Aviation briefing to the Staff of the Senate Judiciary Committee --- UNCLASSIFIED//NOFORN//LES

Attachments: OTD_TTU_AAR_Senate_StafferMeeting_06_17_2015.docx; Aviation briefing June 17_2015 - ESU Tasking 476.docx

Classification: UNCLASSIFIED//NOFORN//LES

=================================================================================================

TRANSITORY RECORD

(U) LAW ENFORCEMENT SENSITIVE. The information marked (U) LES in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

Attached are the following for your dissemination as appropriate:

OTD’s response to the question posed by one of the staffers during the Aviation Briefing held on June 17, 2015 to the Staff of the Senate Judiciary Committee.

Background:

SSA After Action Report from the Aviation Briefing held on June 17, 2015 to the Staff of the Senate Judiciary Committee

Thank you,

[Redacted]

Executive Support Unit
Operational Technology Division
Location: Quantico/EBF
Desk: [Redacted]
Mobile: [Redacted]
Operational Technology Division (OTD)

Technical Surveillance Section (TSS)

**Action Item from** Aviation Briefing June 17, 2015

Senator Grassley's staffer requested additional details on the procedures for altering a cell-site simulator to allow it to intercept and record any electronic communication. Since the depth and breadth of information for such a reply was not readily available, FBI personnel advised that they would communicate a response directly to the staffer, who was the only individual in the meeting that expressed a desire to review such data.

**OTD response:**

Excerpt from the FBI Technology-based Tagging, Tracking, and Locating Policy Implementation Guide:
Operational Technology Division/Technical Surveillance Section/Tracking Technology Unit (TTU)

Drafted by SSA [redacted] PM for [redacted]

06/17/2015

OTD/TSS/TTU After Action Report (AAR) for Meeting with Senatorial Staff on Responses to June 3, 2015 Letter from Sen. Al Franken

FBI Personnel: AD Stephen Richardson, AD James Yacone, Staff Attorney [redacted] SSA [redacted] (SME for Cell Site Simulators [CSSs]), OCA: SSA [redacted]

Unclassified Meeting:

FBI met with approximately 25 Senate staffer to discuss responses to Senator Franken letter, dated June 3, 2015. At the meeting, AD Yacone addressed responses to the letter dealing with the aviation program and technology aboard FBI’s planes. AD Richardson addressed issues regarding CSS devices, in particular airborne capabilities, deployments, and mission statistics. The Senate staffers were advised that there were a total of five CSS airborne missions.

The majority of questions were directed at AD Yacone regarding airborne missions and concerns regarding aerial surveillance directed at groups or individuals exercising 1st Amendment Rights. The staffers were informed that both FBI and USDOJ policy strictly prohibit investigative conduct and intelligence collection directed at individuals or groups who are exercising their 1st Amendment Rights. The staffers were also advised that FBI’s practices were in line with its policy. In addition, AD Yacone directly refuted allegations from recent articles on the usage of aviation assets to conduct the bulk collection of information on innocent citizens.

Additional questions were focused on the recent flight mission in Baltimore, MD that occurred during the protests regarding the death of Freddie Gray. Staffers were informed that the request for FBI aviation assets came from the City of Baltimore. They were also advised that the FBI’s aviation asset was directed over areas of apparent criminal activity, such as arson sites, and not at areas where protestors were gathering peacefully.

UNCLASSIFIED/LAW ENFORCEMENT SENSITIVE

The information in this document is the property of the Federal Bureau of Investigation (FBI) and may be distributed within the Federal Government (and its contractors), U.S. intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI Operational Technology Division authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website on an unclassified network.
After approximately 15 minutes, all questions regarding the FBI’s aviation program and the CSS devices appeared to be satisfactorily answered with exception of one question from a member of Senator Grassley’s staff.

Close/Classified Session:

Action Items:

TTU will begin collecting responsive information for Senator Grassley’s staffer. The information will likely be designated as “Law Enforcement Sensitive”. This information will be sent to OTD’s Executive Management on 06/18/2015.
Classification: UNCLASSIFIED//LES

========================================

TRANSITORY RECORD

AD Richardson, DAD Burrell,
Here is the latest version for your approval. The red boxes indicate LES.

Classification: UNCLASSIFIED//LES
(U) LAW ENFORCEMENT SENSITIVE: The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

Associate General Counsel and Unit Chief
Science and Technology Law Unit
Office of the General Counsel

Confidentiality Statement:
This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling

From: [Redacted]
Sent: Thursday, February 27, 2014 11:33 AM
To: BEAN, W L SCOTT III (OTD) (FBI)
Cc: (OTD) (FBI) [Redacted] (OGC) (FBI)
Subject: (U) LES Latest - airborne capability

Classification: UNCLASSIFIED//LES

(U) LAW ENFORCEMENT SENSITIVE: The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

Latest from the front: [Redacted] have partnered and come up with an airborne capability (assisted technically by [Redacted] et al.).

They want an OTD commitment...

My perspective on this now is that we want to consider reasonable requirements, but OTD should not commit to this unless and until:
I approve. Nice work and team.

Here is a synopsis of what I have obtained so far. The caveat is that the airborne missions are not recorded in [ ] metrics. I also cannot locate any data in Sentinel and [ ]. Therefore, the data I have is based upon an urgent email request that was sent out to the field [ ]. There may be additional missions that can be reported in the future, when all the [ ] respond (the email was sent 06/08/2015). Also, some of the missions might go back as far as when [ ] had tried to start a nascent aerial capability. At that time, CSS gear was sent to [ ] interest/usage. The POC for that program [ ] reached out specifically to those offices in addition to the [ ] wide email I sent. All offices reported back with the same stats as the ones emailed to me. There may also be airborne missions that involved [ ] that are no longer in the tech program or retired, so I cannot say for certain that the mission numbers are 100% accurate. So far, we have five airborne missions reported.
Since this information is going to AD Yacone soon, I thought you should be kept in the immediate loop, but the attached document has not received approval for release yet from UC and A/SC.

<< File: Draft

Supervisory Special Agent
Operational Technology Division
Tracking Technology Unit

Office:
Mobile:
Fax:

Classification: SECRET/NOFORN
I am still not certain where those stats came from for the DD?

I’m available the 10th and 11th, and morning of the 12th.

Thanks,
2 quick issues-

Thanks.

Associate General Counsel
Chief, Science & Technology Policy & Law Unit
FBI Office of the General Counsel

E-Mail (U) [pic.fbi.gov]
E-Mail (S) [fbi.gov]

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [ ]

=================================================================================================================================================================

Classification: UNCLASSIFIED//FOUO
Thanks.

Associate General Counsel
Chief, Science & Technology Policy & Law Unit
FBI Office of the General Counsel

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling

---
Classification: UNCLASSIFIED/FOOU
---
Classification: UNCLASSIFIED/FOO
---
Classification: UNCLASSIFIED/FOO
---
Classification: UNCLASSIFIED/FOO
ASSOCIATIVE COUNSEL

Chief, Science & Technology Policy & Law Unit
FBI Office of the General Counsel

CONFIDENTIALITY STATEMENT: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling...
Classification: UNCLASSIFIED//FOUO

TRANSPRINTORY RECORD

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling

From: (OTD) (FBI)
Sent: Tuesday, June 22, 2015 2:09 PM
To: (OGC)(FBI) (OTD) (FBI)
Cc: (OTD) (FBI) (OGC)(FBI) (OGC)(FBI)
Subject: RE: Airborne Stats --- UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO

TRANSPRINTORY RECORD
I am still not certain where those stats came from for the DD?

I’m available the 10th and 11th, and morning of the 12th.

Thanks,

From: [Redacted]
Sent: Tuesday, June 09, 2015 1:56 PM
To: [Redacted]
Cc: [Redacted]
Subject: Airborne Stats --- UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO

TRANSMITTED RECORD

2 quick issues-

Thanks.

Associate General Counsel
Chief, Science & Technology Policy & Law Unit
FBI Office of the General Counsel
Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling blank.

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED
From: OGC(FBI)
Sent: Tuesday, June 09, 2015 2:23 PM
To: OGC(FBI)
Cc: OGC(FBI)
Subject: RE: Airborne Stats --- UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO

TRANSITIONAL RECORD

Associate General Counsel
Chief, Science & Technology Policy & Law Unit
FBI Office of the General Counsel

O:
B:
E-Mail (U) vic.fbi.gov
E-Mail (S) g.fbi.gov

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling _____________________________________________

EFF CELL-1202
TRANSPORTABLE RECORD

Associate General Counsel
Chief, Science & Technology Policy & Law Unit
FBI Office of the General Counsel
O:
B:
E-Mail (U)
E-Mail (S)

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling

TRANSPORTABLE RECORD

TRANSPORTABLE RECORD
Classification: UNCLASSIFIED//FOUO

______________________________________________________________
TRANSITORY RECORD

I am still not certain where those stats came from for the DD?

I’m available the 10\textsuperscript{th} and 11\textsuperscript{th}, and morning of the 12\textsuperscript{th}.

Thanks,

______________________________________________________________
From: (OGC)(FBI)  
Sent: Tuesday June 09 2015 1:56 PM  
To:  
Cc:  
Subject: Airborne Stats --- UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO

______________________________________________________________
TRANSITORY RECORD
2 quick issues-

Thanks.

Associate General Counsel
Chief, Science & Technology Policy & Law Unit
FBI Office of the General Counsel

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [redacted].

Classification: UNCLASSIFIED//FOUO
I am still not certain where those stats came from for the DD?

I'm available the 10th and 11th, and morning of the 12th.

Thanks,
From: OGC (FBI)
Sent: Tuesday, June 09, 2015 1:56 PM
To: OTD (FBI)
Cc: OTD (FBI); OGC (FBI); OGC (FBI)
Subject: Airborne Stats --- UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO

TRANSITORY RECORD

2 quick issues-

Thanks.

Associate General Counsel
Chief, Science & Technology Policy & Law Unit
FBI Office of the General Counsel

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [redacted].
I am still not certain where those stats came from for the DD?

I’m available the 10th and 11th, and morning of the 12th.

Thanks,

From: [Redacted]
Sent: Tuesday, June 09, 2015 1:56 PM
To: [Redacted]
Cc: [Redacted]
Subject: Airborne Stats --- UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO

=====================================================================
TRANSITORY RECORD

2 quick issues-

Thanks.

EFF CELL-1210
Scott

Associate General Counsel and Unit Chief
Science and Technology Law Unit
Office of the General Counsel

Confidentiality Statement:
This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling

From: (OTD) (FBI)  
Sent: Tuesday, April 01, 2014 1:08 PM  
To: OGC(FBI)  
OGC(FBI); BEAN, W L  
CC: OGC(FBI)  
OGC(FBI)  
OGC(FBI)  
Subject: FW: Airborne proof of concept --- UNCLASSIFIED/

Classification: UNCLASSIFIED/

-----------------------------

From: (OTD) (FBI)  
Sent: Tuesday, April 01, 2014 12:42 PM  
To:  
(OTD) (FBI)  
(OTD) (FBI)  
(OTD) (FBI)  
(OTD) (FBI)  
Subject: RE: Airborne proof of concept --- UNCLASSIFIED/

Classification: UNCLASSIFIED/

-----------------------------

Just checking in. I am having a difficult time finding the bottom of my inbox so I apologize if you have answered the below. Do we have any forward progress?
To follow-up on our meeting from a few weeks ago,

Thanks,

SSA
TTA Operations and Development Unit
Technical Programs Section
Operational Technology Division

Classification: UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO

Classification: UNCLASSIFIED//FOUO
(U) LAW ENFORCEMENT SENSITIVE: The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

I understand that you are working on a legal opinion re this capability. Is that correct?

FYI. I expect these requests to go up as field offices and CID learn of the airborne option.
Yes, thanks.

Classification: UNCLASSIFIED

From: [Redacted]
Sent: Thursday, April 24, 2014 9:35 AM
To: [Redacted]
Subject: RE: Airborne -- UNCLASSIFIED

Classification: UNCLASSIFIED

From: [Redacted]
Sent: Thursday, April 24, 2014 12:22 PM
To: [Redacted]
Subject: RE: Airborne -- UNCLASSIFIED

Classification: UNCLASSIFIED

From: [Redacted]
Sent: Thursday, April 24, 2014 8:10 AM
To: [Redacted]
Subject: FW: Airborne -- UNCLASSIFIED

Classification: UNCLASSIFIED
Let me know what you think,
Thanks

Classification: UNCLASSIFIED
(U) LAW ENFORCEMENT SENSITIVE: The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

FYI. I expect these requests to go up as field offices and CID learn of the airborne option.
(U) LAW ENFORCEMENT SENSITIVE. The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [Redacted].
(U) LAW ENFORCEMENT SENSITIVE. The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

I understand that you are working on a legal opinion re this capability. Is that correct?

FYI. I expect these requests to go up as field offices and CID learn of the airborne option.
Yes, thanks.

From: (OTD) (FBI)
Sent: Thursday, April 24, 2014 9:35 AM
To: (OTD) (FBI)
Subject: RE: Airborne --- UNCLASSIFIED

Classification: UNCLASSIFIED

From: (OTD) (FBI)
Sent: Thursday, April 24, 2014 12:22 PM
To: (OTD) (FBI)
Subject: RE: Airborne --- UNCLASSIFIED

Classification: UNCLASSIFIED

From: (OTD) (FBI)
Sent: Thursday, April 24, 2014 8:10 AM
To: (OTD) (FBI)
Subject: PW: Airborne --- UNCLASSIFIED

Classification: UNCLASSIFIED
From: (FBI) 
To: OTD (FBI) 
Subject: Airborne

Classification: UNCLASSIFIED

Let me know what you think,

Thanks

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED/DEL
(U) LAW ENFORCEMENT SENSITIVE. The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.
Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [redacted].

From: [redacted] (OTD) (FBI)
Sent: Thursday, April 24, 2014 1:41 PM
To: [redacted] (OTD) (FBI) [redacted] (OTD) (FBI)
Cc: [redacted] (OTD) (FBI) [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)
Subject: RE: Airborne --- UNCLASSIFIED//LES

Classification: UNCLASSIFIED//LES

(U) LAW ENFORCEMENT SENSITIVE: The information marked (U//LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

I understand that you are working on a legal opinion re this capability. Is that correct?

From: [redacted] (OTD) (FBI)
Sent: Thursday, April 24, 2014 1:28 PM
FYI. I expect these requests to go up as field offices and CIG learn of the airborne option.

Yes, thanks.
Sent: Thursday, April 24, 2014 12:22 PM
To: [Redacted] (OTD) (FBI)
Subject: RE: Airborne -- UNCLASSIFIED

Classification: UNCLASSIFIED

----------------------------------------

From: [Redacted] (OTD) (FBI)
Sent: Thursday, April 24, 2014 8:10 AM
To: [Redacted] (OTD) (FBI)
Subject: FW: Airborne -- UNCLASSIFIED

Classification: UNCLASSIFIED

----------------------------------------

From: [Redacted] (FBI)
Sent: Thursday, April 24, 2014 11:02 AM
To: HASTIE, MICHAEL A. (OTD) (FBI)
Cc: [Redacted] (FBI)
Subject: Airborne -- UNCLASSIFIED

Classification: UNCLASSIFIED

----------------------------------------
Let me know what you think,

Thanks

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED
From: OTD (FBI) <O=OTD/CN=RECIPIENTS/CN=>
Sent: Friday, April 25, 2014 4:47:44 PM
To: OGC (FBI)
Cc: OGC (FBI)
Subject: RE: Airborne---UNCLASSIFIED//LES

Classification: UNCLASSIFIED//LES

(U) LAW ENFORCEMENT SENSITIVE: The information marked (U//LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

From the message below, I am understanding that TTU is to provide a briefing to OTD/OGC and address the topics that [REDACTED] mentioned? I believe I can dispel most mis-conceptions and about the way it operates, which I believe may be driving some of [REDACTED] questions.

P.S. I'm on TDY next week, although can meet afterwards.

From: OGC (FBI)
Sent: Thursday, April 24, 2014 6:16 PM
To: OGC (FBI)
Cc: OGC (FBI); LEONARD, W.L SCOTT III (OTD) (FBI)
Subject: RE: Airborne---UNCLASSIFIED//LES

Classification: UNCLASSIFIED//LES

(U) LAW ENFORCEMENT SENSITIVE: The information marked (U//LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.
From: OTD (FBI) <O=FB/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=
Sent: Monday, April 28, 2014 8:06:17 AM
To: OGC (FBI) DGO (FBI)
Cc: OGD (FBI); BEAN, W L SCOTT III (WF) (FBI)
Subject: RE: Airborne --- UNCLASSIFIED//LES

Classification: UNCLASSIFIED

(U) LAW ENFORCEMENT SENSITIVE. The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

That would be great. Let’s schedule something upon your return.

From: OTD (FBI)
Sent: Friday, April 25, 2014 4:49 PM
To: OGC (FBI); (OTD) (FBI)
Cc: OGD (FBI); BEAN, W L SCOTT III (OTD) (FBI)
Subject: RE: Airborne --- UNCLASSIFIED//LES

Classification: UNCLASSIFIED//LES

(U) LAW ENFORCEMENT SENSITIVE. The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.
(U) LAW ENFORCEMENT SENSITIVE: The information marked (U/LSS) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LSS caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LSS on a website or an unclassified network.

I would like to get on calendar an internal OTD meeting about Airborne. I would just like to have a "initial" meeting to communicate the scope of this effort, which may help drive our other meetings.

Perhaps a quick ½ hour discussion would suffice.

I'm available all of next week and week after (except 06/24). If you let us know a date/time that would work, we'll send out the invite to get it on calendar.
precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

Yes. Please include me.

Classification: UNCLASSIFIED//LES

(U) LAW ENFORCEMENT SENSITIVE: The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

Just wanted to check with you prior to engaging anyone about this. Should we schedule a meeting about this since [blank] was asking?

Perhaps a meeting to re-enforce that the same concepts are being used would alleviate concerns.

Classification: UNCLASSIFIED//LES
That would be great. Let's schedule something upon your return.

From: (OTD) (FBI)
Sent: Friday, April 25, 2014 4:48 PM
To: OGC (FBI) OGC (FBI) OTD (FBI) OGC (FBI)
Cc: OTD (FBI) BEAN, W L SCOTT III (OTD) (FBI)
Subject: RE: Airborne --- UNCLASSIFIED//LES

Classification: UNCLASSIFIED//LES
====================================================================

P.S. I'm on TDY next week, although can meet afterwards.

From: OGC (FBI)
Sent: Thursday, April 24, 2014 6:16 PM
To: OGC (FBI) OTD (FBI)
Cc: OTD (FBI) BEAN, W L SCOTT III (OTD) (FBI)
Subject: RE: Airborne --- UNCLASSIFIED//LES
This is one of the tech capabilities on the list that I was seeking time from OTD for presentations to specific OGC disciplines.
I understand that you are working on a legal opinion re this capability. Is that correct?
FYI. I expect these requests to go up as field offices and CID learn of the airborne option.

Classification: UNCLASSIFIED

Yes, thanks.
From: (OTD) (FBI)  
Sent: Thursday, April 24, 2014 8:10 AM  
To: (OTD) (FBI)  
Subject: FW: Airborne -- UNCLASSIFIED  

Classification: UNCLASSIFIED  

Let me know what you think,  
Thanks  

Classification: UNCLASSIFIED
Classification: UNCLASSIFIED
ATTORNEY-CLIENT PRIVILEGED INFORMATION/DELIBERATIVE PROCESS
PRIVILEGED DOCUMENT
=====================================================================

(U)LAW ENFORCEMENT SENSITIVE: The information marked (U)/LES in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

Classification: UNCLASSIFIED
ATTORNEY-CLIENT PRIVILEGED INFORMATION/DELIBERATIVE PROCESS
PRIVILEGED DOCUMENT
=====================================================================

(U)LAW ENFORCEMENT SENSITIVE: The information marked (U)/LES in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

EFF CELL-1260
(U) LAW ENFORCEMENT SENSITIVE. The information marked (U//LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LE5 caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LE5 on a website or an unclassified network.

I’ve made suggested edits and comments to one of the versions here, which can be incorporated into other versions to ensure consistency if accepted. I’m available to discuss if you have any questions.

Associate General Counsel
Chief, Science & Technology Policy & Law Unit
Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling b5 b6 b7c

From: (OTD) (FBI)
Sent: Saturday, March 07, 2015 6:00 PM
To: OTD (FBI); BURRELL, JAMES (OTD)(FBI);
CC: (OTD) (FBI); (OGC) (FBI);
Subject: RE: CSS - talking points for public discussions --- UNCLASSIFIED//LNS

Classification: UNCLASSIFIED//LNS
ATTORNEY-CLIENT PRIVILEGED INFORMATION/DELIBERATIVE PROCESS PRIVILEGED DOCUMENT

Furthermore, The information marked LNS in this document is the property of FBI and may be distributed within the Federal Government and its contractors, US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LNS caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LNS on a website or an unclassified network.

From: (OTD)(FBI)
Sent: Friday, March 06, 2015 3:13 PM
To: (OTD) (FBI)
Classification: UNCLASSIFIED//DELITERATIVE PROCESS PRIVILEGED DOCUMENT

(U) LAW ENFORCEMENT SENSITIVE: The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.
Classification: UNCLASSIFIED//FOUO
DELIBERATIVE PROCESS PRIVILEGED DOCUMENT

(U) LAW ENFORCEMENT SENSITIVE. The information marked (U) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

From: OTD (FBI)
Sent: Monday, March 02, 2015 3:10 PM
To: OTD (FBI); OPA (FBI); OGC (FBI); OGC (FBI); OGC (FBI); OGC (FBI); OGC (FBI); OTD (FBI); OTD (FBI); OTD (FBI); OTD (FBI); OTD (FBI); OTD (FBI); OTD (FBI); OTD (FBI); OTD (FBI); OTD (FBI);
Subject: RE: talking points for public discussions --- UNCLASSIFIED//LES
Importance: High

Classification: UNCLASSIFIED//FOUO
DELIBERATIVE PROCESS PRIVILEGED DOCUMENT

(U) LAW ENFORCEMENT SENSITIVE. The information marked (U) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.
I received comments/edits back from [Redacted] and [Redacted]. Based on [Redacted] advice, I split my original draft into two documents. Please see both updated files below, review, edit/comment, and return to me. I'll maintain version integrity.

From: [Redacted] (FBI)
Sent: Thursday, February 26, 2015 5:46 PM
To: [Redacted] (FBI), [Redacted] (FBI), [Redacted] (OGC)(FBI);
     [Redacted] (FBI), [Redacted] (FBI), [Redacted] (OGC)(FBI);
     [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI);
     [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI)
Cc: [Redacted] (CON), [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI), [Redacted] (FBI)
Subject: RE: talking points for public discussions --- UNCLASSIFIED/LES
Importance: High

Classification: UNCLASSIFIED//LES
DELIBERATIVE PROCESS PRIVILEGED DOCUMENT

[UNCLASSIFIED//LES]

The information marked [LES] in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure that this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES covenant may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.
Classification: UNCLASSIFIED

Please forward your responses to me by 3/2/15 for section level review.
From: (OTD) (FBI) /<O=FBI/O>=FIRST
ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=
Sent: Friday, March 13, 2015 2:48:02 PM
To: OPA (FBI) (OGC)(FBI)
Cc: OTC (FBI) (OGC) (FBI)
Subject: RE: CSS - talking points for public discussions --- UNCLASSIFIED/LES

Classification: UNCLASSIFIED/LES
ATTORNEY-CLIENT PRIVILEGED INFORMATION/DELIBERATIVE PROCESS
PRIVILEGED DOCUMENT
==================================================================

(U) LAW ENFORCEMENT SENSITIVE: The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

From: OPA (FBI)
Sent: Wednesday, March 11, 2015 10:32 AM
To: (OTD) (FBI) (OGC)(FBI)
Subject: RE: CSS - talking points for public discussions --- UNCLASSIFIED/LES

Classification: UNCLASSIFIED/LES
ATTORNEY-CLIENT PRIVILEGED INFORMATION/DELIBERATIVE PROCESS
PRIVILEGED DOCUMENT
==================================================================

(U) LAW ENFORCEMENT SENSITIVE: The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.
(U) LAW ENFORCEMENT SENSITIVE: The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the IES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked IES on a website or an unclassified network.
enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

Associate General Counsel
Chief, Science & Technology Policy & Law Unit
FBI Office of the General Counsel

E-Mail (U): @ic.fbi.gov
E-Mail (S): @fbi.gov

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling.

From: (OTD)(FBI)
Sent: Saturday, March 07, 2015 6:00 PM
To: (OTD)(FBI) (OTD)(FBI); BURRELL, JAMES (OTD)(FBI);
Cc: (OTD)(FBI); OGC(FBI); (OTD)(FBI);
(OTD)(FBI); OGC(FBI); (OTD)(FBI);
(OTD)(FBI); (OTD)(FBI); (OTD)(FBI);
Subject: RE: CSS - talking points for public discussions --- UNCLASSIFIED/LES
Classification: UNCLASSIFIED//LEG
ATTORNEY-CLIENT PRIVILEGED INFORMATION/DELIBERATIVE PROCESS PRIVILEGED DOCUMENT
==================================================================================================

(U) LAW ENFORCEMENT SENSITIVE. The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

From: OTD(FBI)
Sent: Friday, March 6, 2015 3:13 PM
To: OTD (FBI)
Cc: OTD (FBI)
Subject: RE: CSS - talking points for public discussions --- UNCLASSIFIED//LEG

Classification: UNCLASSIFIED//LEG
DELIBERATIVE PROCESS PRIVILEGED DOCUMENT
==================================================================================================

(U) LAW ENFORCEMENT SENSITIVE. The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.
From: (OTD) (FBI)
Sent: Tuesday, March 03, 2015 5:12 PM
To: OTD (FBI), DO (FBI), OGG (FBI), OGC (FBI)
CC: OTD (CON), OTD (FBI), OGC (FBI), OTD (FBI), OGC (FBI), OTD (FBI)

Subject: RE: CSS - talking points for public discussions --- UNCLASSIFIED/LES
Importance: High

Classification: UNCLASSIFIED/LES
DELIVERATIVE PROCESS PRIVILEGED DOCUMENT
=================================================================

(D) DISCLOSURE RESTRICTION: The information marked [LES] in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.
I received comments/edits back from [redacted] and [redacted]. Based on [redacted] advice, I split my original draft into two documents, [redacted] and [redacted]. Please see both updated files below, review, edit/comment, and return to me. I'll maintain version integrity.

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY
DELiberative Process Privileged Document

[Note: The text above the line is redacted.]

From: (OTD) (FBI)
To: (OTD) (FBI)
CC: (OTD) (CON)
Subject: [Redacted] talking points for public discussions --- UNCLASSIFIED//LCS

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY
DELiberative Process Privileged Document

[Note: The text above the line is redacted.]

From: (OTD) (FBI)
To: (OTD) (FBI)
CC: (OTD) (CON)
Subject: [Redacted] talking points for public discussions --- UNCLASSIFIED//LCS

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY
DELiberative Process Privileged Document

[Note: The text above the line is redacted.]
Classification: UNCLASSIFIED

Please forward your responses to me by 3/2/15 for section level review.
From: ADMINISTRATIVE GROUP (FYDIBOFH23SPDLT)/CN=RECIPIENTS/CN=
Sent: Tuesday, June 16, 2015 5:20:44 PM
To: OTD (FBI); RICHARDSON, STEPHEN (OTD) (FBI);
BURRELL, JAMES (OTD)(FBI); BROOKS, BRIAN K (OTD) (FBI);
HQ_DIV18_ESU_DATA_CALLS (OTD) (FBI)
Cc: OTD)(FBI); OTD) (FBI);
Subject: OTD_Responses_to_Sen_Franken__06162015 (OGC input).docx
Attachments: OTD_Responses_to_Sen_Franken__06162015 (OGC input).docx

Classification: UNCLASSIFIED//FCS

TRANSGITORY RECORD

Acting Section Chief
Science & Technology Law Office
FBI Office of the General Counsel

E-Mail (U) ecic.fbi.gov
E-Mail (S) fbi_sgov.gov

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling

From: OTD (FBI)
Sent: Tuesday, June 16, 2015 2:13 PM
To: RICHARDSON, STEPHEN (OTD) (FBI); BURRELL, JAMES (OTD)(FBI); BROOKS, BRIAN K (OTD) (FBI);
HQ_DIV18_ESU_DATA_CALLS (OTD) (FBI)
Cc: OTD)(FBI); OTD) (FBI);
Subject: OTD Response to Sen Franken CSS questions --- UNCLASSIFIED//FCS

EFF CELL-1277
AD Richardson, DAD Burrell,
Here is the latest version for your approval. The red boxes indicate LES.

<< File: OTD_Responses_to_Sen_Franken__06162015.docx >>

Classification: UNCLASSIFIED//LES
TRANSPORT RECORD

From: (OGC)(FBI)
Sent: Tuesday, June 16, 2015 5:21 PM
To: OTD (FBI); RICHARDSON, STEPHEN (OTD) (FBI); BURRELL, JAMES (OTD)(FBI);
HQ_DIV18_ESU_DATA_CALLS (OTD) (FBI)
Cc: OTD (FBI); OTD (FBI);
Subject: RE: OTD Response to Sen Franken CSS questions --- UNCLASSIFIED//LES

Classification: UNCLASSIFIED//LES

TRANSPORT RECORD

Acting Section Chief
Science & Technology Law Office
FBI Office of the General Counsel
O:
BB:
E-Mail (C): @ic.fbi.gov
E-Mail (S): @ic.fbi.gov

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and
legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling...
Upon removal of attachment(s), this document is UNCLASSIFIED

(U) LAW ENFORCEMENT SENSITIVE: The information marked (U/LESS) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

Attached are the two documents that will be referenced in the 2:30 Prep for 7/6 Aviation briefing Congressional Briefing Prep call. The final submission will be provided after the meeting.

Upon removal of attachment(s), this document is UNCLASSIFIED

(U) LAW ENFORCEMENT SENSITIVE: The information marked (U/LESS) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.
when this is “final” please submit a copy to the ESU datacall inbox so we can upload it into the tracker.

From: HQ_DIV18_ESU_DATA_CALLS
Sent: Thursday, July 02, 2015 7:37 AM
To: (OTD) (FBI) (OTD) (FBI)
Cc: HQ_DIV18_ESU_DATA_CALLS
Subject: FW: Task 504 --- UNCLASSIFIED/LES

Classification: UNCLASSIFIED/LES

Upon removal of attachment(s), this document is UNCLASSIFIED
=================================================================

(U) LAW ENFORCEMENT SENSITIVE. The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

See below for the latest on tasking # 504.

From: OGC(FBI)
Sent: Wednesday, July 01, 2015 5:55 PM
To: (OTD) (FBI)
Cc: (OTD) (FBI); HQ_DIV18_ESU_DATA_CALLS; BURRELL, JAMES (OTD)(FBI)
Subject: RE: Task 504 --- UNCLASSIFIED/LES

Classification: UNCLASSIFIED/LES

Upon removal of attachment(s), this document is UNCLASSIFIED
=================================================================

(U) LAW ENFORCEMENT SENSITIVE. The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from
the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

Only 1 comment on one document.

Associate General Counsel
Chief, Science & Technology Policy & Law Unit
FBI Office of the General Counsel

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling

From: OTD (FBI)
Sent: Wednesday, July 01, 2015 5:49 PM
To: [Redacted]
Cc: [Redacted], HQ_DIV18_ESU_DATA_CALLS; BURRELL, JAMES (OTD)(FBI)
Subject: Task 504 --- UNCLASSIFIED//LES

Classification: UNCLASSIFIED//LES

Upon removal of attachment(s), this document is UNCLASSIFIED

(U) LAW ENFORCEMENT SENSITIVE: The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.
Below are the two documents prepared in response to the two congressional letters referenced in task 504.

Please review and provide any updates to all.

Thank you

SS
Acting Section Chief
Technical Surveillance Section
Operational Technology Division

Classification: UNCLASSIFIED//FOR OFFICIAL USE

Classification: UNCLASSIFIED//FOR OFFICIAL USE

Classification: UNCLASSIFIED//FOR OFFICIAL USE

Classification: UNCLASSIFIED//FOR OFFICIAL USE

Classification: UNCLASSIFIED//FOR OFFICIAL USE

Classification: UNCLASSIFIED//FOR OFFICIAL USE

Classification: UNCLASSIFIED//FOR OFFICIAL USE
Hello, there was an additional letter sent from the House of Representatives with specific questions concerning the Aviation program, although it is focused solely on the use of airborne cell simulator technology. The signatories to this letter will be invited to the July 6th briefing as well and a copy is attached.

SSA
Office of Congressional Affairs

---

Hello - House Judiciary Committee staff briefing on the aviation program and cell site simulators will now be on July 6th at 1:00 pm. Please let me know if that presents any problems. Thanks.
From: [redacted] (DO) (FBI)
Sent: Thursday, June 18, 2015 11:50 AM
To: [redacted] (IR) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (FBI); RICHARDSON, STEPHEN (OTD) (FBI); BURRELL, JAMES (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI)
Subject: RE: UPDATED: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Classification: UNCLASSIFIED

TRANSITORY RECORD

Apologies, apparently I spoke to soon. Committee changed their mind and cannot do it the 26th now. Too many staffers will not be able to make it that late in the day - Congress is on recess the following week so a lot of people will be out. Congress is not back in session until July 6th so that is the next possible day we can do it.

If the 6th does not work we can try to schedule for the 13th. Please advise on availability, thanks.

From: [redacted] (DO) (FBI)
Sent: Thursday, June 18, 2015 8:16 AM
To: [redacted] (IR) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (FBI); RICHARDSON, STEPHEN (OTD) (FBI); BURRELL, JAMES (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI)
Subject: RE: UPDATED: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Classification: UNCLASSIFIED

TRANSITORY RECORD

Committee can do 3:30 on June 26th. I will confirm with them early this afternoon so please let me know if that date/time does not work for some reason.
If possible can we do this on the first date suggested June 26th, but later in the day—anytime 3:30 p.m. or later. I emailed [redacted] on the low-side and he advised that he would be available at 3:30 that day or later. Let us know. Again, thanks for whatever you can arrange soonest!!

Special Assistant to the Assistant Director
Critical Incident Response Group
desk
bb

From: (OGC)(FBI)
Sent: Wednesday, June 17, 2015 4:58 PM
To: RICHARDSON, STEPHEN (OTD) (FBI); BURRELL, JAMES (OTD)(FBI); SABOL, SHERRY E. (OGC) (FBI)
Classification: UNCLASSIFIED

TRANSITORY RECORD

I'm available.

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [redacted].

From: [redacted] (OTD) (FBI)
Sent: WEDNESDAY, JUNE 17, 2015 3:01 PM
To: DO (FBI); YACONE, JAMES E (IR) (FBI); RICHARDSON, STEPHEN (OTD) (FBI); BURRELL, JAMES (OTD) (FBI); ER (ER) (CON); OGC (FBI); SABOL, SHERRY E. (OGC) (FBI); KANG, JINSUK (IR) (FBI)
Cc: (OTD) (FBI); HQ_DIV18_ESU_DATA_CALLS (OTD) (FBI);

Subject: RE: UPDATED: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Classification: UNCLASSIFIED

TRANSITORY RECORD

It appears that AD Richardson is available, but we will need OGC.
From: YACONE, JAMES F (IR) (FBI)
Sent: Tuesday, June 16, 2015 5:37 PM
To: YACONE, JAMES F (IR) (FBI)
Cc: RICHARDSON, STEPHEN (OTD) (FBI); BURRELL, JAMES (OTD)(FBI); SHERRY E. (OGC) (FBI); OTD (FBI); DO (FBI)
Subject: RE: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Classification: UNCLASSIFIED

All, I am not available from June 28 - July 1.

From: (DO)(FBI)
Classification: UNCLASSIFIED

TRANSITORY RECORD

Have asked if we can push to the week of the 29th -- that 26th does not work. Will advise once I hear back.

Thanks

From:

Sent: Tuesday, June 16, 2015 5:09 PM

To:

Cc:

Subject: RE: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Classification: UNCLASSIFIED

TRANSITORY RECORD

Is it at all possible to pick a different date for the aviation briefing? OGC is not available.

Thanks

From:

Sent: Tuesday, June 16, 2015 2:50 PM

To:

Cc:

Subject: New Request for FBI Aviation Briefing to House Judiciary Committee --- UNCLASSIFIED

Importance: High
House Judiciary Committee staff have now asked for the same FBI Aviation briefing that many of you will be providing to Senate Judiciary Committee tomorrow, the 17th.

House staff are interested in receiving the briefing on Friday June 26th, preferably at 10:00am.

Please indicate soonest if you are available to brief on this date at that time. If not, we will ask committee to choose another date/time.

Thank you

FBI Congressional
Classification: UNCLASSIFIED

Classification: UNCLASSIFIED

Classification: UNCLASSIFIED
Upon removal of attachment(s), this document is UNCLASSIFIED

(U) LAW ENFORCEMENT SENSITIVE The information marked (U/LES) in this document is the property of FBI and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials and individuals with a need to know. Distribution beyond these entities without FBI authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a website or an unclassified network.

Below are the two documents prepared in response to the two congressional letters referenced in task 504.

☐ please review and provide any updates to all.

Thank you

SSA
Acting Section Chief
Technical Surveillance Section
Operational Technology Division

Classification: UNCLASSIFIED//LES