

(Rev. 08-28-2000)

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## FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 05/24/2002

To: Salt Lake City  
Counterterrorism  
✓ Inspection

Attn: SAC (Personal Attention)  
AD (Personal Attention)  
AD (Personal Attention)

From: Office of Professional Responsibility  
Internal Investigative Unit I, Room 11861  
Contact: [REDACTED]

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Approved By: [REDACTED] *mmj*

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Drafted By: [REDACTED] *sk*

Case ID #: (U) 263-HQ-0-I-423 (Closed)

*297-HQ-A/327669-A-2*

Title: (U) UNKNOWN SUBJECT(S)  
COUNTERTERRORISM DIVISION  
PRELIMINARY INQUIRY  
OPR MATTER

Synopsis: (U) Investigation in this matter is complete. The Office of Professional Responsibility (OPR) is closing this matter administratively and will take no further action.

(U) Derived From : EC from the Inspection Division to the Office of General Counsel dated 03/01/2001, captioned "SSA [REDACTED] [REDACTED] SA [REDACTED] [REDACTED] Salt Lake City Division [REDACTED] Intelligence Oversight Board (IOB) Matter 2001-8."

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~~Reason : 1.5(c)  
Declassify On: X1~~

Reference: (U) One copy of a letter to Senator Warren B. Rudman, Acting Chairman, Intelligence Oversight Board (IOB) from [REDACTED] General Counsel, Office of General Counsel (OGC), dated 03/15/2001, OPR Electronic Communication (EC) to the Counterterrorism Division (CTD) dated 05/17/2001, and CTD EC to OPR dated 06/21/2001.

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*WTC*  
*AM* 6/20/02  
*Mueller*  
*CTD all-INS*

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Re: (U) 263-HQ-0-I-423, 05/24/2002

Details: (U) One copy of a letter to Senator Warren B. Rudman, Acting Chairman, Intelligence Oversight Board (IOB) from [redacted] General Counsel, Office of General Counsel (OGC), dated 03/15/2001, OPR Electronic Communication (EC) to the Counterterrorism Division (CTD) dated 05/17/2001, and CTD EC to OPR dated 06/21/2001.

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(U) By OPR EC dated 05/17/2001, the CTD was requested to provide additional information, to include names of individuals with the responsibility of handling such matters and relevant documentation.

(U) (S) By referenced CTD EC dated 06/12/2001 [redacted] Unit Chief, Iran/Hizballah Unit, CTD, advised that as of 06/14/2000, a reorganization of the unit to include the field division assignments for the unit's personnel was initiated (see CTD EC dated 06/21/2000). According to the reorganization, it appeared that [redacted] an Investigative Operations Specialist (IOS) in CTD and SSA [redacted] were responsible for handling the subject in this matter.

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(U) (S) UC [redacted] further advised that due to a lack of personnel resources in the unit, to include the absence of a unit secretary, coupled with the high volume of cases handled, the unit did not have any formal type of "tickler" system to track the paperwork and other facets of each case coming under the purview of the unit.

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(U) (S) In addition to the above, OPR notes that CTD's reorganization took place around the same time that CTD received Salt Lake City Division's LHM regarding [redacted] a U.S. person. OPR opines that the reorganization itself could have contributed to the delay in forwarding Salt Lake City Division's LHM as required.

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(U) OPR reviewed the following regarding this matter: By All SAC Airtel dated 08/08/1995, the Director set forth revisions to the Foreign Counter-Intelligence Investigation Guidelines (FCIG). FCIG, Section III.C.1 advised the following:

(U) (S) "As a result of revision, designated FBI field office officials may now open full Foreign Counter-Intelligence (FCI) investigations on subjects other than foreign officials and visitors from countries of the National Security Threat List (NSTL),

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provided that FBIHQ is notified in writing of the field office's intention to open a full investigation and interposes no objection within ten work days of notification."

(U) ~~(S)~~ "Because this revision of the FCIG does not affect the FBI's obligation to report relative to full FCI investigations on U.S. persons under Section IX.C. and D. of the FCIG, it is absolutely essential that the written notification by which FBIHQ is advised about the opening of full investigation on U.S. persons be in a form disseminable to the Office of Intelligence Policy and Review (OIPR), DOJ and that there be compliance with the continuing reporting requirements described by Section IX, FCIG. Section 1-2.2.2(3) (a) of the FCI Manual (FCIM) requires that the LHM by which information about full FCI investigations on U.S. persons is disseminated to OIPR contain a minimum amount of information necessary for review and oversight purposes."

(U) FCIM Part I Section 1-2.2.2(1) entitled, "FCIG Standards," provides:

(U) ~~(S)~~ "(c) In the absence of information establishing otherwise, subjects of full investigations shall be presumed to be U.S. persons. U.S. persons are defined in the FCIG as U.S. citizens and permanent resident aliens."

(U) FCIM Part I Section 1-2.2.2(3) entitled, "Reporting and Data Collection," provides:

(U) ~~(S)~~ "(a) The office of origin in each full investigation of a U.S. person (i.e., U.S. citizen or permanent resident alien) must submit an LHM with the communication to the FBIHQ requesting authority to initiate the full investigation. . . The primary purpose of this submission is to allow a review of the basis for the full investigation by the Department of Justice within 90 days of its

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initiation in accordance with Section IX.C. of the FCIG. . . The summary LHM should set forth the identify of subject, if known; the date the full investigation was initiated; the basis for the investigation; investigative steps taken to date; a statement regarding the objectives of the investigation; and if applicable, specific information on requests for assistance made to foreign agencies or services. . . "

(U) ~~(S)~~ OPR's review of this matter determined that CTD's failure to submit an LHM to the NSLU in a timely manner did not rise to the level of serious misconduct, and that, given the aforementioned circumstances, this incident appears to be an accidental administrative oversight. In view of same, OPR is closing this matter administratively and will take no further action.

Documents and/or reports prepared during this investigation must not be uploaded into the Automated Case Support (ACS) systems, until advised to the contrary by OPR.

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