

~~FOR OFFICIAL USE ONLY~~

Sent: Sun Jan 14 16:17:11 2007
Subject: RE: NSL (~~FOUO~~)

I am in the office on Sunday responding to your inquiry. Unfortunately, and as expected, I don't have all the answers. I am providing as much as I can in that I will be out of the office until Friday. We will provide additional information next week, but as you requested, I am providing the info I have now, rather than wait to compile it all. Prior to the USA PATRIOT Act, most, if not all, NSLs were requested through the FBI, even though we had the authority under the RTFP.

CI
2007 (as of 12 Jan 07) - [REDACTED]
2006 - [REDACTED]
2005 - [REDACTED]
2004 - [REDACTED]
2003 - [REDACTED]
2002- [REDACTED]
2001 - to be provided later
2000 - to be provided later

CT

2006 [REDACTED]
2005 [REDACTED]
2001-2004 - to be provided later; Prior to 9/11 CT was handled by the CI
directorate

NSLs issued pursuant to 12 USC 3414 and 15 USC 1681v may be signed by the Director, Deputy Directors, Executive Assistant Director (EAD) for CI, EAD for CT, Deputy Assistant Director (DAD) for CI, or DAD for CT.

The DADs are GS-15s and the others with authority to sign are SES. A request issued under 50 USC 436 may be signed by the Director, DD, EAD for CI, or EAD for CT, as delegated by the OGC of DoN. All letters require a legal review to ensure compliance with the statute prior to signature:

As far as I know, the credit agencies have complied with all of our requests. Initially, we had to explain who NCIS is and how we fall within the statute, but once we provided those answers, they have complied. Only two financial institutions that I can recall did not provide records in response to our requests.

Letters have been issued in cases involving AD, civilians, and contractors. All cases involving civilians and contractors are coordinated with FBI. We will need additional time to identify the break down of the individual subjects.

Please advise if you need to discuss further. NCIS will provide additional information next week.

V/r
[REDACTED]

National Security Law Unit
Naval Criminal Investigative Service
[REDACTED]

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

From: [REDACTED]
Sent: Sunday, January 14, 2007 12:20
To: [REDACTED]

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Subject: NSL (~~FOUO~~)

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Happy Sunday to everyone,

Probably by now you are aware of the NY Times Article. In response to the article, the Acting USD(I) [REDACTED] has asked for information by Tuesday 1200. In discussion with the Acting DUSD, [REDACTED] this office will take the lead on gathering the information requested by [REDACTED]

[REDACTED] Please provide information 1000 hrs Tuesday 16 Jan. Send to myself and [REDACTED]

A. [REDACTED] has requested:

I must have an initial point paper by 1200 Tuesday, 16 Jan that addresses the following questions:

- * How many of these letters has been sent out?
 - * From 2000 to present
 - * Number per year
 - * CI or CT

* For Army: For CI/CT Understand your challenge of researching each case. If you can't make suspense, let us know the soonest you can.

- * How much of an increase has there been over time?
- * What are the processes that governs how the letters are sent?
- * What regulations outline these processes? When were the regs last reviewed? Who reviewed?
- * Who must sign off on the letters before they go out? Does CIFA control these? Or can individual Services or components send them out?

Please do not wait until "all" the information is in hand--if we do, we'll wait forever. I know that, with time, we can build a more complete picture--this will be an iterative process. But I need some facts now.

I emphasize: Make it short. Make it quick. Make it factual. Do not waste your time and mine with arguments about justification, value to investigations, or finger-pointing.

Let me have soonest what is on hand. Then we can dig back to look at trends.

B. In response to the NY Times article please provide the following by 1200 Wednesday 17 Jan. Or let us know when you can get us this information.

- * How many letters were turned down/information not provided.
- * Were the letters issued on Uniformed personnel/government civilian/contractors/Foreign Nationals. Break down per year back to 2000.
- * Army: Were letters Used in the [REDACTED] case?

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<<DoD NSL Fact Sheet (13 Jan 07).doc>> <<NYT Article>>

v/r

[REDACTED]
Acting Director
Counterintelligence
DUSD (CI&S)
[REDACTED]

This may contain information exempt from mandatory disclosure under the Freedom of Information Act (FOIA).

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