

# WARRANTLESS WIRETAP MEMOS

I laid out the OLC opinions described in the Steven Bradbury declaration to the ACLU. In this post, I'll add in the other significant documents he describes. Note, Bradbury names four documents—OLC 56, 57, and 58, and OIPR 138—which are documents created by the President or his immediate staff, and so are not agency documents; he provides no description of these documents. There are, of course, a great number of documents withheld, which therefore have no description or date.

Materials not included in Bradbury's memos are not bold.

September 12, 2001: AUMF authorizes the President "to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."

September 14, 2001: Michael Hayden approves countries of interest wiretapping

September 18, 2001: Bush signs AUMF.

September 20, 2001: NSA GC writes Alberto Gonzales to find out if amendments to FISA proposed by HPSCI have merit, got no response.

September 21, 2001: Yoo writes internal memo on program. (Bamford 115)

September 25, 2001: OLC provides memo to David Kris on "a purpose" language for FISA.

October 1, 2001: Hayden briefs HPSCI. (Noted as October 2 in NSA IG Report).

October 2, 2001: Predecessor bill to PATRIOT Act

introduced into House.

October 3, 2001: 15-day exception in FISA after declaration of war expires.

**October 4, 2001, from DAAG OLC to Alberto**

**Gonzales:** OLC 132, which consists of two copies, one with handwritten comments and marginalia, of a 36-page memorandum, dated October 4, 2001, from a Deputy Assistant Attorney General in OLC to the Counsel to the President, created in response to a request from the White House for OLC's views regarding what legal standards might govern the use of certain intelligence methods to monitor communications by potential terrorists. Jack Goldsmith describes this opinion as describing a hypothetical electronic surveillance program. Warrantless wiretapping program authorized. Predecessor bill to PATRIOT Act introduced into Senate.

October 4, 2001: Authorization for Specified Electronic Surveillance Activities During a Limited Period to Detect and Prevent Acts of Terrorism within the United States.

October 5, 2001: Bush explicitly limits briefings to Congress.

October 6, 2001: Program begins.

October 8, 2001: Special briefing for team members. Special Source Operations personnel briefed, tasked with getting cooperation from telecoms.

~October 7, 2001: Technicians discover program.

October 9, 2001: Associate General Counsel says Stellar Wind is legal.

October 10, 2001: NSA Oversight and Compliance read in.

October 11, 2001: Nancy Pelosi writes Michael Hayden with concerns about the program. NSA AGC for Operations and NSA DGC cleared and agree program legal, without documenting rationale.

October 16, 2001: Hayden's first letter to telecoms.

October 18, 2001: Michael Hayden responds to Pelosi.

**October 21, 2001, from Ashcroft to Mueller:** FBI 7 is a one-page memorandum, dated October 20, 2001, from the Attorney General to the Director of the FBI, advising the Director that certain intelligence collection activities are legal and have been appropriately authorized. The memorandum is classified TOP SECRET.

**October 23, 2001, from Yoo and Delahunty to Alberto Gonzales:** OLC 146, which is a 37-page memorandum, dated October 23, 2001, from a Deputy Assistant Attorney General in OLC, and a Special Counsel, OLC, to the Counsel to the President, prepared in response to a request from the White House for OLC's views concerning the legality of potential responses to terrorist activity. This is the memo that eviscerates the Fourth Amendment. Also, Sensenbrenner introduces PATRIOT Act into Congress.

October 25, 2001: PSP briefings start.

October 26, 2001: Bush signs PATRIOT Act.

October 31, 2001: STELLARWIND name assigned.

**November 2, 2001, from Yoo to John Ashcroft:** OLC 131, which consists of two copies, both with underscoring and marginalia, of a 24-page memorandum, dated November 2, 2001, from a Yoo to the Attorney General, prepared in response to a request from the Attorney General for OLC's opinion concerning the legality of certain communications intelligence activities. The IG Report states this is the first opinion "directly supporting the legality of the PSP." (This highly redacted copy was released in March 2011.)

November 2, 2001: Second Authorization signed.

November 30, 2001: 3rd Authorization signed.

December 5, 2001: NSA briefs Mueller.

December 21, 2001: John Rizzo read into Stellar Wind.

**January 9, 2002, from DAAG OLC to Ashcroft:** OLC 115 is a two-page memorandum for the Attorney General from a Deputy Assistant Attorney General, OLC, dated January 9, 2002, which relates to the Attorney General's review of the legality of the President's order authorizing the TSP in the course of considering that program's reauthorization, which was done approximately every 45 days.

January 9, 2002: Fourth Authorization signed.

January 11, 2002: James Baker briefed.

January 31, 2002: Royce Lamberth briefed

**February 8, 2002, from DAAG OLC to Jim Haynes:** OLC 62, which consists of two copies, one with highlighting and marginalia by an OLC attorney, of a February 8, 2002, memorandum from a Deputy Assistant Attorney General in OLC to the General Counsel of another federal agency, prepared in response to a request for OLC views regarding the legality of certain hypothetical activities.

February 11, 2002: Company E (Qwest) approached.

February 19, 2002: Qwest submits proposal (tied especially to Olympics).

February 26, 2002: First Hayden letter sent to Company E (Qwest).

March 14, 2002: Second Hayden letter sent to Company E. Fifth Authorization signed.

April 10, 2002: NSA briefs Chair SSCI (Bob Graham).

April 18, 2002: Sixth Authorization.

May 17, 2002: FISC revises DOJ's proposed information sharing procedures; Colleen Kollar-Kotelly first briefed.

May 22, 2002: 7th Authorization.

May 30, 2002: Attorney General Procedures for Lawful, Warrantless Monitoring of Verbal Conversations.

June 24, 2002: 8th Authorization.

July 30, 2002: 9th Authorization.

August 12, 2002: Kollar-Kotelly briefed at White House, reviews Authorization.

August 13, 2002: NSA IG first briefed in PSP after Hayden makes the case for it.

September 2002: Due diligence meetings start.

September 5, 2002: NSA legal and operational (not SSO) personnel meet with Internet COMPANY D (Microsoft?).

September 10, 2002: 10th Authorization.

September 11, 2002: IG and others meet to discuss oversight.

October 9, 2002: First letter sent to Company D.

**October 11, 2002, from DAAG OLC to John**

**Ashcroft:** OLC 129, which consists of two copies, one with handwritten comments and marginalia, of a nine-page memorandum, dated October 11, 2002, from a Deputy Assistant Attorney General in OLC to the Attorney General, prepared in response to a request for OLC's views concerning the legality of certain communications intelligence activities.

October 15, 2002: 11th Authorization.

October 29, 2002: NSA Legal and operational (not SSO) personnel meet with Internet COMPANY E (which did not cooperate).

November 18, 2002: 12th Authorization.

December 18, 2002: IG recommends Hayden delegating authority so people don't violate terms. Addington had refused.

January 8, 2003: 13th Authorization.

January 13, 2002: Mueller briefing at NSA.

February 7, 2003: 14th Authorization.

**February 25, 2003, from DAAG OLC to John**

**Ashcroft:** OLC 16, which consists of four copies, one with handwritten marginalia, of a 12-page

memorandum, dated February 25, 2003, for the Attorney General from a Deputy Assistant Attorney General for OLC, prepared in response to a request from the Attorney General for legal advice concerning the potential use of certain information collected in the course of classified foreign intelligence activities.

March 2003: IG convinces Hayden to report compliance problems to President, noted alternative notice to IOB.

March 4, 2003: Hayden signs Delegation of Authority to key personnel.

March 17, 2003: 15th Authorization.

March 28, 2003: Jay Bybee sworn in to Ninth Court. Addington and Gonzales try to appoint Yoo as his replacement, but Ashcroft refuses. Ed Whelan Acting AAG. Tenet decides Iraqi Intelligence Services engaged in terrorist activities.

April 2003: Company D starts providing email content.

April 2003: NSA legal and operational personnel meet with "private sector" COMPANY G

April 22, 2003: 16th Authorization.

**May 30, 2003, DAAG OLC to GC of another agency:** ODAG 42 is a 19-page memorandum, dated May 30, 2003, from a Deputy Assistant Attorney General in OLC to the General Counsel of another Executive Branch agency.

June 2003: John Yoo leaves his position at OLC.

June 11, 2003: 17th Authorization.

July 14, 2003: 18th Authorization.

September 10, 2003: 19th Authorization.

September 11, 2003: Last letter sent to Company D.

October 3, 2003: Jack Goldsmith confirmed as head of OLC.

October 8, 2003: NSA-FBI-CIA conference to discuss operations and customer needs.

October 15, 2003: 20th Authorization.

Mid-November 2003, Goldsmith to Ashcroft: draft memo, Review of Legality of the [NSA] Program

November 2003: Company D stops providing content under PSP.

December 2003: Jack Goldsmith and Pat Philbin tell David Addington and Alberto Gonzales that program might not survive in current form.

December 1, 2003: NSA announces review of Stellar Wind operations.

December 8, 2003: NSA's IG and Deputy GC ask ADAG to see OLC memo. "The Counsel to the Vice President, who unexpectedly attended the meeting, denied the request and said that any request had to come directly from General Hayden."

December 9, 2003: 21st Authorization. NSA IG asks Hayden for NSA IG and GC to obtain copies of legal justification.

December 9, 2003: Comey confirmed Deputy AG.

January 6, 2004: NSA briefing for Philbin and Goldsmith.

January 8, 2004: NSA and FBI meet to discuss Stellar Wind and changes at NSA.

January 14, 2004: 22nd Authorization.

Late January 2004: Comey read into program.

February 17, 2003: Comey read into program, per DOJ IG Report.

March 1, 2004: Comey tells Robert Mueller of his concerns about the program.

March 4, 2004: Ashcroft and Comey agree they cannot recertify the NSA domestic spying program. Ashcroft hospitalized with pancreatitis.

March 5, 2004: Goldsmith advises Comey by memo, cc'ed to Gonzales, that Ashcroft was clearly absent or disabled, meaning Comey would be in charge. Gonzales calls Goldsmith to request a letter from OLC stating that Yoo's prior opinions had concluded the program was legal. Goldsmith, Philbin, and Comey conclude they do not.

March 6, 2004: Goldsmith and Philbin tell Addington and Gonzales that "certain activities in the PSP should cease."

March 7, 2004: Addington and Gonzales tell Goldsmith and Philbin they disagree with their analysis.

March 9, 2004: Hayden briefs Tenet on value of Stellar Wind. Gonzales tries to persuade Goldsmith, then asks for 30 day bridge. Later meeting between Mueller, Card, Cheney, McLaughlin, Hayden, Gonzales and others. Cheney says, "the President may have to reauthorize without blessing of DOJ," to which Mueller responds, "I could have a problem with that" and FBI would "have to review legality of continued participation in the program." Still later meeting with Comey, Goldsmith, and Philbin "to make sure Comey understood what was at stake with the PSP and to demonstrate the program's value."

March 10 2004: Hayden briefs Gonzales, Card, McLaughlin, and Mueller. Goldsmith, Philbin, and Comey meet; Goldsmith and Philbin confirm that some of the Other Intelligence Activities could not be legally supported. Emergency meeting with Congressional leaders including Cheney, Card, Hayden, McLaughlin, and Tenet. The hospital confrontation between Comey and Gonzales and Card. Hayden briefs Rumsfeld, DOD Principal Deputy GC.

March 11, 2004: Madrid train bombing.

March 11, 2004: Bush reauthorizes the NSA domestic spying program (23rd Authorization) without DOJ's certification of legality. Card informs Comey by phone. Gonzales calls Goldsmith



to tell him "DOJ should not act in contradiction of the President's determinations." Card tells Mueller that if no "legislative fix" could be found by May 6, 2004, the program would be discontinued. NSA IG and Acting GC discuss new authorization. NSA briefs DeLay.

**March 11, 2004, from Goldsmith to Gonzales:** OIPR 140 is a one-page letter dated March 11, 2004, from the Assistant Attorney General for OLC, to the White House Counsel seeking clarification regarding advice that OLC had been requested to provide concerning classified foreign intelligence activities.

**March 12, 2004, from Goldsmith to Comey:** According to the IG Report, Goldsmith explained that the President, as Commander in Chief and Chief Executive with the constitutional duty to "take care that the laws are faithfully executed," made a determination that the PSP, as practiced, was lawful. Goldsmith concluded that this determination was binding on the entire Executive Branch, including Comey in his exercise of the powers of the Attorney General. Based on this, Comey did not direct FBI to stop cooperating with NSA on PSP.

March 12, 2004: Interagency working group led by OLC to continue reanalyzing PSP.

**March 14, 2004:** OLC 125 is an undated two-page document entitled "Presentation: Where DOJ is on [REDACTED CLASSIFIED CODENAME]." OLC 126 consists of two copies of a five-page document, dated March 14, 2004, which consists of bullet points related to OLC 125. OLC 125 and OLC 126 were prepared for purposes of providing legal assistance and advice to other Executive Branch officials concerning DOJ's views about foreign intelligence activities

**March 15, 2004, from Goldsmith to Comey:** OLC 64 [the same as FBI 5] consists of four copies of a three-page memorandum dated March 15, 2004, for the Deputy Attorney General from the Assistant Attorney General for OLC, plus an electronic file, which outlines preliminary OLC views with

respect to certain legal issues concerning classified foreign intelligence activities. The memorandum specifically notes that OLC's views have "not yet reached final conclusions" and that OLC is "not yet prepared to issue a final opinion."

**March 16, 2004, from Comey to Gonzales, cc'ed to Card:** OLC 63 [the same as FBI 4] is a two-page memorandum (and related electronic file) dated March 16, 2004, from the Acting Attorney General to the Counsel to the President, copied to the President's Chief of Staff, containing legal recommendations regarding classified foreign intelligence activities. IG Report explains, Comey advised that DOJ remained unable to find a legal basis to support certain Other Intelligence Activities (data mining) that had been authorized as part of the program and that such activities should be discontinued immediately. Comey cautioned that he believed some ongoing activities under the program raised "serious issues" about congressional notification, "particularly where the legal basis for the program is the President's decision to assert his authority to override an otherwise applicable Act of Congress." Gonzales replied:

Your memorandum appears to have been based on a misunderstanding of the President's expectations regarding the conduct of the Department of Justice. While the President was, and remains, interested in any thoughts the Department of Justice may have on alternative ways to achieve effectively the goals of the activities authorized by the Presidential Authorization of March 11, 2004, the President has addressed definitively for the Executive Branch in the Presidential Authorization the interpretation of the law.

March 16, 2004: Comey writes up his resignation letter.

March 17, 2004: Bush modifies certain PSP intelligence-gathering activities and discontinues certain Other Intelligence Activities by issuing two modifications to his March 11, 2004 Presidential Authorization.

March 19, 2004: Date Jack Goldsmith opinion gives for one modification of program. President rescinds authority to collect bulk metadata.

Between March 19 and April 2, Hayden writes Goldsmith.

**March 22, 2004. from Goldsmith to Comey:** OLC 114 consists of two copies of a three-page memorandum dated March 22, 2004, to the Deputy Attorney General from the Assistant Attorney General for OLC, which confirms oral advice provided by OLC on a particular matter concerning classified foreign intelligence activities.

March 23, 2004: Mueller meets with Cheney, at his request, in his office.

March 24, 2004: Email to FBI General Counsel referring to "recent changes" to Section 215 allowing FBI to bypass OIPR.

March 26, 2004: Bush amends March 11 Authorization; NSA stops collecting bulk Internet metadata.

**March 30, 2004, briefing from Comey to Ashcroft:** OLC 65 is a five-page document (plus an electronic file), dated March 30, 2004, entitled "Briefing for AG." This outline for a briefing to be provided to the Attorney General by the Deputy Attorney General prepared by Department staff includes a summary of preliminary OLC conclusions concerning the TSP and other intelligence activities; a discussion of issues for decision concerning these intelligence activities; a description of advice provided by OLC to other Executive Branch agencies and components concerning these activities; and an identification of legal issues requiring further discussion.

March 31, 2004: Ashcroft cleared to resume AG duties.

April 2004: FISC Law Clerk first briefed on PSP.

April 2, 2004: Bush amends Authorization again (not discussed in IG Report).

May 4, 2004: NSA provides comments to Goldsmith on memo, their first involvement in OLC memo involving the program.

May 5, 2004: 24th Authorization.

**May 6, 2004, from Jack Goldsmith for John**

**Ashcroft:** OLC 54 which consists of six copies, some with handwritten comments and marginalia, of a 108-page memorandum, dated May 6, 2004, from the Assistant Attorney General for OLC to the Attorney General, as well as four electronic files, one with highlighting, prepared in response to a request from the Attorney General that OLC perform a legal review of classified foreign intelligence activities. According to the IG Report, much of this was replicated in the January 6, 2006 White Paper.

May 20, 2004: Ashcroft writes memo stating it was not until Philbin and later Goldsmith explained to him that aspects of the NSA's Other Intelligence Activities were not accurately described in the prior Authorizations that he realized that he had been certifying the Authorizations prior to March 2004 based on a misimpression of those activities.

May 21, 2004: FBI gets its first business record in response to Section 215 of the PATRIOT Act.

June 17, 2004: Jack Goldsmith announces his resignation.

June 23, 2004: 25th Authorization.

June 28, 2004: Hamdi decision.

July 14, 2004: IP collection moves to FISC PR/TT.

**July 16, 2004, from Jack Goldsmith for Ashcroft:** OLC 85, which is a nine-page memorandum, with

highlighting, dated July 16, 2004, from the Assistant Attorney General in OLC to the Attorney General, evaluating the implications of a recent Supreme Court decision [Hamdi] for certain foreign intelligence activities.

Late July 2004?: Goldsmith leaves, Daniel Levin Acting AAG OLC.

**August 9, 2004, to Comey:** OLC 51 is a one-page memorandum, dated August 9, 2004, from the Acting Assistant Attorney General for OLC to the Deputy Attorney General entitled "Proposed Memorandum," which contains OLC's advice concerning a decision to be made by the Deputy Attorney General regarding an intelligence collection activity.

August 9, 2004: 26th Authorization, as well as "Presidential Further Direction."

August 23, 2004: Hayden briefs Condi and Fran Townsend.

September 17, 2004: 27th Authorization.

September 23, 2004: "Further Direction" expires.

October 20, 2004: DDCI McLaughlin and DCI COS Moseman meet with Philip Taubman and James Risen to try to talk him out of publishing on Stellar Wind.

Late October 2004: Top Administration officials convince NYT to spike the NSA domestic spying story.

**November 17, 2004, memorandum "for the file":** OLC 59, which consists of four copies of an 18-page memorandum for the file, dated November 17, 2004, from the Acting Assistant Attorney General in OLC, plus an electronic file, prepared in response to a request for OLC views regarding the applicability of certain statutory requirements.

November 17, 2004: 28th Authorization.

November 18, 2004: Extension of "Further Direction" expires.

January 5, 2005: NSA briefs Condi and Gonzales.

January 11, 2005: 29th Authorization.

January 12, 2005: Kollar-Kotelly letter to Counsel for Intelligence Policy describing her earlier briefings.

February 4, 2005: Daniel Levin approves additional use of PRTT metadata. (PDF 555)

February 14, 2005: Gonzales sworn in.

February 25, 2005: NSA briefs Harriet Miers and Counsel to Comey.

March 1, 2005: 30th Authorization.

April 19, 2005: 31st Authorization.

April 20, 2005: Comey announces resignation.

April 22, 2005: Hayden briefs DNI.

May 20, 2005: Program manager changes clearance process.

May 23, 2005: 2-level SW clearance discontinued.

Mid 2005: Live telephony metadata collection stops.

June 1, 2005: Discussions about moving content to FISC authorization begin with OLC.

June 14, 2005: 32nd Authorization.

June 23, 2005: Steven Bradbury nominated AAG OLC, becomes Acting AAG.

July 14, 2005: 32nd Authorization.

July 26, 2005: 33rd Authorization.

August 3, 2005: Hayden hands over SW to Keith Alexander. (first briefing for Alexander?)

August 15, 2005: Comey's Farewell Address.

September 10, 2005: 34th Authorization.

September 19, 2005: Keith Alexander starts signing company letters.

October 26, 2005: 35th Authorization.

December 13, 2005: 36th Authorization.

December 16, 2005: Risen and Lichtblau's first story on the NSA domestic spy program. FISC Orders not related to bulk collection.

**December 18, 2005:** OLC 81 consists of 11 copies, some drafts and some with handwritten marginalia and notes, of four pages of briefing notes, dated December 18, 2005, which describe the TSP and other foreign intelligence activities and summarize various OLC legal opinions related to foreign intelligence collection activities. OLC 81 was created so that I could brief Department officials regarding foreign intelligence activities and OLC views following the publication of the article in The New York Times which divulged without authorization classified information concerning the TSP.

December 20, 2005: 39 MoCs write DOD IG asking for IG investigation.

December 21, 2005: NSA briefs DNI.

January 1, 2006, Lichtblau and Risen tell the story of the hospital visit.

January 3, 2006: NSA and DOD IG discuss letter from Congress.

**January 6, 2006:** OLC 82 consists of 20 copies, some drafts and some with handwritten edits and marginalia, plus eight related electronic files of a briefing outline, dated January 6, 2006, summarizing various topics related to foreign intelligence activities. OLC 82 was created as an outline for my use in the course of briefing members of the FISC.

January 9, 2006: Alexander briefs balance of FISC judges, 3 FISC legal advisors.

January 24, 2006: Gonzales sends letters to telecoms certifying no warrant required for assistance.

January 27, 2006: 37th Authorization.

January 31, 2006: Last FISC judge, Scullin, briefed.

February 17, 2006: WH refuses to allow Ashcroft, Comey, and Goldsmith to testify before SJC. FISC 215 Orders not related to bulk collection.

February 21, 2006: NSA GC concerned about transitioning to FISC orders.

February 24, 2006: FISC Opinion on Section 215, not related to bulk collection.

March 21, 2006: 38th Authorization, NSA briefs John Bates.

April 2006: NSA's OIG (under Joel Brenner) suggested to SID that alert process be spelled out

April 13, 2006: DNI sends letters to telecoms on continuing importance of assistance.

April 28, 2006: Report to Congress regarding implementation of Section 215 authority [released in part]

May 2, 2006: Mueller testimony before SJC.

May 16, 2006: 39th Authorization.

May 24, 2006: Malcom Howard authorizes dragnet.

May 25, 2006: SID asks OGC to "concur on a draft set of procedures."

May 26, 2006: Chief of NSA CT org in SID directs alert list to be rebuilt

June 2006: Semiannual Report

June 7, 2006: NSA briefs PCLOB.

July 6, 2006: 40th Authorization.

July 17, 2006: Internal Executive Branch report regarding implementation of Section 215 authority

August 12, 2006: Managing Attorney, Operations, in NSA OGC has others check description of alert.

August 17, 2006: Guidelines for government personnel pertaining to implementation of Section 215 authority



August 17, 2006: Government first describes alert list

September 5, 2006: Submission to FISC of standard minimization procedures regarding implementation of Section 215 authority; OIG Report: Assessment of Management Controls for Implementing the FISC Order

September 6, 2006: 41st Authorization.

September 28, 2006: Contact chaining USPs

October 24, 2006: 42nd Authorization.

October 31, 2006: Two (or two-part) FISC opinion on phone dragnet ultimately shared with Congress.

November 20, 2006: NSA briefs PCL0B.

November 29, 2006: Alberto Gonzales issues The Attorney General's Supplemental Guidelines on Collection, Retention, and Dissemination of Foreign Intelligence.

December 2006: Semiannual Report

December 8, 2006: Last authorization.

December 13, 2006: Application to move content collection to FISA.

December 15, 2006: Internal Executive Branch report regarding implementation of Section 215 authority.

January 8, 2007: Note to Congressional staffer regarding implementation of Section 215 authority; Guidelines for government personnel pertaining to implementation of Section 215 authority; Training materials for government personnel pertaining to implementation of various acquisition authorities, including Section 215 (5 versions of dramatically different lengths)

January 9, 2007: New application for domestic content.

January 10, 2007: FISC signs Foreign Content Order and Domestic Content Order.

January 17, 2007: Content from telecoms under PSP stops.

January 25, 2007: Congressional notification regarding implementation of Section 215 authority

February 1, 2007: Final Presidential Authorization expires. NSA briefs PCL0B.

March 9, 2007: Internal Executive Branch email message and attached document regarding implementation of Section 215 authority

March 20, 2007: Reauthorization application for content collection.

March 29, 2007: Vinson warns he won't be able to reauthorize content collection.

April 3, 2007: Vinson memo

April 27, 2007: Report to Congress regarding implementation of Section 215 authority

May 2007: Guidelines for government personnel pertaining to Section 215 authority

June 2007: Semiannual report  
August 2007: Protect America Act.

August 30, 2007: Internal Executive Branch email message about Congressional inquiry for the record regarding implementation of Section 215 authority

October 19, 2007: Updated Procedures for contact chaining

November 13, 2007: Production to Congressional Committee of FISC orders, submissions, and supporting materials regarding implementation of Section 215 authority

November 20, 2007: Proposed change to contact chaining

December 2007: Semiannual report

December 2007: Guidelines for government personnel pertaining to implementation of Section 215 authority

December 7, 2007: All-Senate briefing by Mukasey and McConnell.

January 2008: NSA management cancels monthly due diligence meetings

February 25, 2008: Letter from member of Congress to AG Holder [sic] regarding implementation of Section 215

March 2008: DOJ IG Report on Section 215, including 2 classified sections that presumably include the dragnet (though only for 2006)

April 2008: Guidelines for government personnel pertaining to implementation of Section 215 authority

April 2008: 31 newly trained NSA analysts query BR database using 2,373 identifiers without knowing the were doing so

April 25, 2008: Order to Yahoo to compel compliance with FAA order

April 30, 2008: REport to Congress regarding implementation of section 215 authority

June 2008: Semiannual report

June 6, 2008: Internal memo addressed to NSD/OI officials including Matthew Olsen in anticipation of filing to FISC

July 29, 2008: NSA shifts the servers the reports are retained on (no word about the records themselves).

July 2008: Disabling of hyperlink allowing CIA, FBI, and NCTC to access BR metadata directly (Note, ETE report says this happened in "Summer 2008 timeframe")

July 10, 2008: FISA Amendments Act.

August 2008: Distribution of Data Integrity Analysts' defeat list changes (probably expands) in some way

August 18, 2008: NSA tells FISC about tool to find correlations

August 20, 2008: Unreleased FISC opinion, probably pertaining to correlations.

August 29, 2008: Guidelines for government personnel pertaining to implementation of Section 215 authority; Internal Executive Branch memorandum regarding implementation of Section 215 authority

September 4, 2008: First certification under FAA approved, signed by Mary McLaughlin. 702(i)-08-1 (see 7)

September 18, 2008: Probable approval date for additional 702 certification(s) based on CIA 5-year destruction date (see 36-7).

September 28, 2008 AG Guidelines for Domestic FBI Operations

October 3, 2008: Production to Congressional Committees including FISC submissions and a FISC opinion

October 17, 2008: Notice of April violations

November 1, 2008: Start date for audit

November 2, 2008: 27,090 identifiers allowed to be contact chained

December 2008: Semiannual report

December 1, 2008: Production to Congress of FISC opinions and underlying documents on multiple matters, including implementation of Section 215 authority

December 10, 2008: Start date for 2 analysts doing 280 queries using non-RAS identifiers

December 11, 2008: Walton approves latest 215 order

December 12, 2008: Supplemental order

December 15, 2008: NSA stops adding identifiers to list w/o OGC authorization.

January 2009: FBI becomes a declarant before FISC.

January 9, 2009: NSD first briefed on Section 215 violations

January 15, 2009: DOJ reports compliance problem to FISC; 1,935 of 17,835 identifiers RAS approved

January 23, 2009: End date for 2 analysts making 280 queries for non-RAS identifiers; FBI OGC Valerie Caproni informed

January 23-24, 2009: NSA tries to kluge the automatic alert

January 26, 2009: Notice of violation on 280 non-RAS queries

January 28, 2009: Walton order in response to violations

February 3, 2009: Supplemental notice about failed attempt to kluge the automatic notice

February 4, 2009: DNI Blair receives more info from DNI General Counsel Benjamin Powell

February 10, 2009: USD/I James Clapper briefed on problems

February 12, 2009: DNI Blair receives more information; submission to FISC

February 17, 2009: Semiannual report

February 19, 2009: NSA alerts DOJ and DNI that analytical tool could be used to query BR database

February 25, 2009: Congressional notification regarding implementation of certain acquisition authorities, including Section 215 authority

February 26, 2009: FISC notification of new compliance incidents

March 2, 2009: Walton order

March 5, 2009: Submission to Congressional Committees from AAG for Legislative Affairs [cover released]

March 6, 2009: Primary order expires

March 24, 2009: Draft NSA IG Report

March 26, 2009: Guidelines for government personnel pertaining to Section 215 authority (<https://www.aclu.org/files/assets/March%202009%20NSA%20Memo%20&%20Guidelines%20Governing%20Access%20and%20Queries%20re%20FISA%20Business%20Records.pdf?>)

March 31, 2009: Dianne Feinstein and Kit Bond request recommendations so they can get started on PATRIOT reauthorization.

April 7, 2009: 702 opinion (in some way reviewing FAA as implemented, see 3)

April 10, 2009: Congressional notification regarding implementation of Section 215 authority; Guidelines for government personnel pertaining to implementation of Section 215

April 15, 2009: Risen and Lichtblau report new compliance issues with wiretap program

[filed in 2009]: Report to Congress regarding implementation of Section 215 authority  
[released in part]

May 2-12, 2009: Quarantining of BR FISA derived defeat list terms.

May 6, 2009: Response to February 25, 2008 letter to AG on Section 215

May 7, 2009: Congressional notification regarding implementation of Section 215 authority

May 29, 2009: Walton opinion reflection two addition violations

June 16, 2009: NSA notifies of access by CIA, FBI, and NCTC

June 22, 2009: FISC Order on 215

June 25, 2009: Date on End-to-End report

June 29, 2009: Congressional notification regarding implementation of certain acquisition authorities, including Section 215 authority

~July 2009: Pilot program on new contact chaining begins

July 2, 2009: Transmittal letter to FISC enclosing copy of report dated June 25, 2009

July 9, 2009: Primary Order permits use of defeat lists

July 20, 2009: Training materials for government personnel pertaining to implementation of Section 215 authority

July 29, 2009: Date of FAA Targeting and Minimization Procedures.

August 4, 2009: Discovery of fourth hop in beta test

August 19, 2009: Submission to FISC

September 1, 2009: Briefing materials for FISC

September 3, 2009: Primary order

September 3, 2009: Submission to Congressional Committees regarding various matters, including implementation of Section 215 authority. [Cover released]

September 10, 2009: Notification to a Congressional Committee regarding implementation of Section 215 authority

September 14, 2009: DOJ provides recommendations Feinstein and Bond asked for in March; also provides to Pat Leahy (claiming only that SSCI members aware of secret programs)

September 18, 2009: Briefing materials for FISC regarding implementation of Section 215 authority

September 25, 2009: New compliance incidents order

October 2009: Briefing materials for FISC

October 19, 2009: FBI General Counsel Valerie Caproni briefs Senate Judiciary Committee members in closed session, and SJC and Senate Intelligence Committee staffers on PATRIOT's

expiring provisions

October 21, 2009: Statement for the record before a Congressional Committee closed hearing on PATRIOT Reauthorization

November 5, 2009: Supplemental opinion on info sharing

November 18, 2009: Briefing materials for government personnel pertaining to implementation of Section 215 authority

December 1, 2009: Semiannual report; December 28 & 29, 2009: Semiannual reports for entire year on physical and electronic FISA

December 17, 2009: Letter to Conyers, Nadler, Scott refusing to make public more on Section 215

December 17, 2009: Ronald Weich letter to Congress

February 23, 24, 2010: Feinstein and Reyes notify members of Weich letter

[filed in 4/2010]: Report to Congress on implementation of Section 215 authority [released in part]

April 8, 2010: DOJ answers questions for the record posed to Robert Mueller, including on Section 215 authority, posed September

[filed June 2010]: Semiannual report

June 15, 2010: Unnamed FBI briefers brief Senate and House Intelligence staffers on efforts to fix ECPA in closed session; this was pertinent to the Section 215 FOIA because briefers explained why the FBI wasn't using Section 215 rather than ECPA

August 16, 2010: Production to Congress of FISC opinions and underlying documents on multiple matters, including implementation of Section 215 [cover released]

November 2010: Guidelines for government personnel pertaining to implementation of



Section 215 authority

November 29, 2010: SMD 424 allows more contact chaining

December 2010: Semiannual report

December 1, 2010: Memo to Congressional staffer regarding certain acquisition authorities, including Section 215

January 3, 2011: New contact-chaining procedures

February 2, 2011: Ronald Weich letter to Congress

February 4, 2011: Production to Congress of FISC opinion and underlying documents, [cover letter released]

February 8, 2011: Feinstein notifies Congress of Weich letter; Rogers provides no such notice

February 28, 2011: Valerie Caproni and others (including someone from the Director of National Intelligence Office) brief SJC members in closed session (Pat Leahy, Chuck Grassley, John Cornyn, Richard Blumenthal, Sheldon Whitehouse, Dianne Feinstein, Orrin Hatch, and Mike Lee are listed attendees)

March 17, 2011: FBI Executive Assistant Director (now Deputy Director) Sean Joyce, Acting Assistant Attorney General Todd Hinnen, and unnamed others, brief House Intelligence Members on expiring PATRIOT provisions

March 29, 2011: Guidelines for government personnel pertaining to implementation of Section 215 authority

March 30, 2011: Mueller testimony before SJC

[filed in April 2011]: Report to Congress regarding implementation of Section 215 authority [released in part]

April 1, 2011: Response to SSCI staffer on collecting location under Section 215.

May 11, 2011: Training materials for government personnel pertaining to implementation of

Section 215 authority (7 different versions of different lengths)

May 13, 2011: FBI Director Robert Mueller and Valerie Caproni brief the House Republican Caucus in closed session

May 26, 2011: Senate approves PATRIOT reauthorization House approves PATRIOT reauthorization

June 2011: Semiannual report

June 2011: Guidelines for government personnel pertaining to implementation of Section 215 authority

September 1, 2011: Congressional notification regarding collection of location under Section 215

October 3, 2011: FISC finds minimization standards for 702 collection don't comply with Fourth Amendment.

October 20, 2011: Keith Alexander tells SSCI they'll be informed before NSA starts collecting cell location data.

October 31, 2011: New Minimization procedures reflecting upstream

November 30, 2011: FISC opinion okaying minimization procedures

December 2011: Semiannual report

December 8, 2011: Joint statement to HPSCI on FAA

February 9, 2012: Joint statement on FAA reauthorization

[filed in April 2012]: Report to Congress on implementation of Section 215 authority

May 3, 2012: SID Compliance Report

May 4, 2012: Letter to HPSCI on upstream

September 20, 2012: FISC approval of FBI minimization procedures permitting the

mitigation of harm in computer intrusion,  
approval of NCTC minimization procedures.

September 25, 2012: FISC opinion finding  
upstream had been cleaned up

April 25, 2013: Primary Order for Section 215  
phone dragnet.

August 2013: Semiannual COmpliance Report

August 29, 2013: Claire Eagan opinion

August 30, 2013: 702 Certifications approved  
(including review of implementation, see 3),  
permits FBI to disseminate information to  
mitigate harm not just for computer intrusion  
but for other (physical) threats.

December 13, 2013: Review of 702 certifications  
completed (see fn 6 for explanation of delay).

October 11, 2013: Primary 215 Order

July 28, 2014: 702 certification submitted.

July 30, 2014: Compliance letter submitted.

August 4, 2014: 702 revision hearing.

August 26, 2014: 702 Certification approved

July 15, 2015: NSA notifies FISC it still isn't  
purging from "mission management" systems

November 6, 2015: 702 certifications approved