

JUL 22 2002

U.S. Foreign Intelligence
Surveillance Court

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UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

IN RE ELECTRONIC SURVEILLANCE AND

PHYSICAL SEARCH OF INTERNATIONAL :

Docket Number: [REDACTED]

TERRORIST GROUPS, THEIR AGENTS,

AND RELATED TARGETS. (~~S~~) :

ORDER

This matter is before the Court on the motion of the United States, filed by James A. Baker, Counsel for Intelligence Policy and approved by the Attorney General of the United States, to modify the minimization procedures already approved and in use in the above captioned cases since January 1, 2001; to authorize the Federal Bureau of Investigation (FBI) to disseminate to the Central Intelligence Agency (CIA) and to the National Security Agency (NSA) "raw data" (i.e. unminimized information) only where the raw data relates to international

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Classified by: Derivative

Reason: 1.5(c)

Declassify on: ~~X1~~

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terrorism; to include communications of or concerning United States persons collected by the FBI in electronic surveillances and physical searches authorized by this Court under the Foreign Intelligence Surveillance Act ("FISA" or the "Act"); and to allow the CIA and NSA to review, translate, analyze, minimize, use, retain and disseminate such information pursuant to supplementary minimization procedures approved by the Attorney General and filed with the Government's motion.

The Court has fully considered the matters presented including:

- a. the arguments set forth in the Government's motion and attached exhibits;
- b. the proposed supplementary minimization procedures entitled "CIA Minimization Procedures for Information From FISA Electronic Surveillance and Physical Search Conducted by the FBI," and the "Standard Minimization Procedures for Electronic Surveillance Conducted by the National Security Agency," as described in the Government's motion and attached exhibits, as well as the FBI's "Standard Minimization Procedures For Electronic Surveillance of A United States Person Agent Of A Foreign Power;"

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c. the supporting legal memoranda from the Office of the Deputy Attorney General dated April 5, 2002 and April 12, 2002 provided by the Government;

d. the information provided by representatives of the FBI, CIA, and NSA at a hearing on July 1, 2002, conducted on the record by the Court sitting en banc:
and

e. the current international terrorism threat.

The Court makes the following FINDINGS:

FIRST, this Court derives its statutory powers, duties and responsibilities from the FISA;

SECOND, the FISA permits both the CIA and NSA to appear before this Court as applicant agencies seeking authorization to conduct electronic surveillances and physical searches of foreign powers and their agents;

THIRD, the FISA's legislative history recognizes that in the circumstances presented by the Government's motion, where the authorized intelligence agency is unable to process and to minimize all of the collected raw information because of linguistic or technical limitations, sharing the raw data with cooperating U.S.

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intelligence agencies which would apply appropriate minimization procedures is permissible under FISA;

FOURTH, the proposed supplementary minimization procedures to be used by the CIA and NSA set out in the Government's motion meet the definition of minimization procedures in sections 1801(h) and 1821(4) of the FISA: AND

FIFTH, in approving minimization procedures the Court is vested by FISA with discretion to determine whether the proposed procedures are "reasonably designed" to meet their statutory purpose and to enter ex parte orders for electronic surveillances and warrants for physical searches "as requested or as modified" (50 U.S.C. § 1805(a) and (c) and §1824(a) and (c).

Upon full consideration of the matters presented in the Government's motion, it is hereby ORDERED, pursuant to the authority conferred on this Court by the Foreign Intelligence Surveillance Act, 50 USC §§ 1801-1862, that the motion of the United States to use the aforementioned supplementary minimization procedures in all of the captioned electronic surveillances and physical searches already approved since January 1, 2001, as described in the Government's motion, is GRANTED as modified below:

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IT IS FURTHER ORDERED, that issuance of this Order does not affect in any way this Court's Order of [REDACTED]

[REDACTED]
which order shall apply to the CIA and NSA in all disseminations and information sharing authorized herein;

IT IS FURTHER ORDERED, that use of the aforementioned supplementary minimization procedures in the future shall be subject to the approval of this Court in each electronic surveillance and in each physical search where their use is proposed by the Government as provided in 50 U.S. C. 1804(a) (5) and 1823(a) (5); and

IT IS FURTHER ORDERED, that this matter shall be fully considered again by the Court en banc at its annual conference in May of 2004. During the intervening period the Department of Justice shall provide to the Court every six months, or as otherwise directed by the Court, an informative report describing the Government's implementation of this Order by the FBI, CIA, and NSA.

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All of the members of the Court concur in this Order.

July 22, 2002

DATE

Colleen Kollar-Kotelly

COLLEEN KOLLAR-KOTELLY

Presiding Judge

United States Foreign Intelligence

Surveillance Court

Docket Number: [REDACTED]

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All redacted information exempt under (b)(1),(b)(3), and (b)(7)(E).

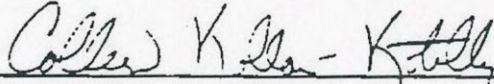
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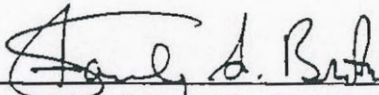
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Surveillance Court

CONCURRING IN THE ORDER:

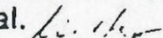


Honorable Colleen Kollar-Kotelly
Presiding Judge, United States
Foreign Intelligence Surveillance Court



Honorable Stanley S. Brotman
Judge, United States Foreign
Intelligence Surveillance Court



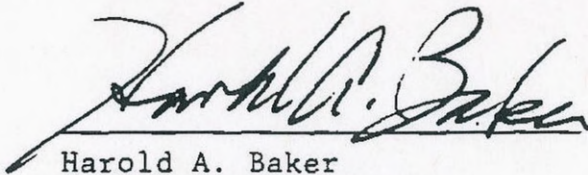
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Surveillance Court

CONCURRING IN THE ORDER:

Colleen Kollar-Kotelly
Presiding Judge, United States
Foreign Intelligence Surveillance Court



Harold A. Baker
Judge, United States
Foreign Intelligence Surveillance Court



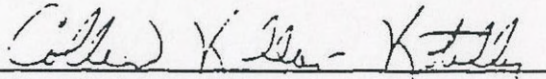
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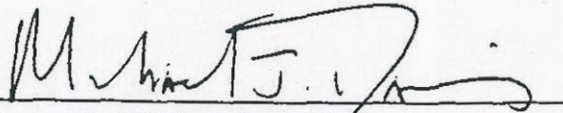
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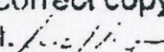


Colleen Kollar-Kotelly
Presiding Judge, United States
Foreign Intelligence Surveillance Court



Honorable Michael J. Davis
Judge, United States Foreign
Intelligence Surveillance Court




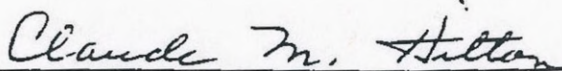
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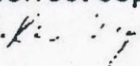
U.S. Foreign Intelligence
Surveillance Court

CONCURRING IN THE ORDER:


Colleen Kollar-Kotelly
Presiding Judge, United States
Foreign Intelligence Surveillance Court


Honorable Claude M. Hilton
Judge, United States Foreign
Intelligence Surveillance Court



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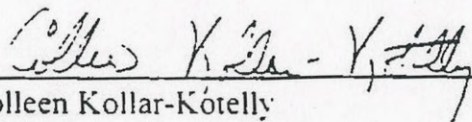
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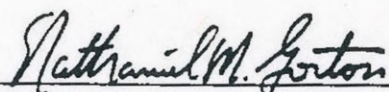
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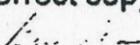


Colleen Kollar-Kotelly
Presiding Judge, United States
Foreign Intelligence Surveillance Court



Honorable Nathaniel M. Gorton
Judge, United States Foreign
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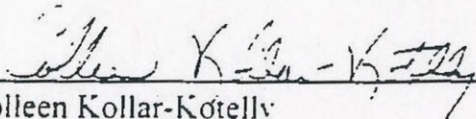
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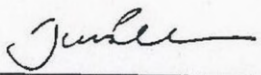
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Surveillance Court

CONCURRING IN THE ORDER:

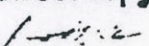


Colleen Kollar-Kotelly
Presiding Judge, United States
Foreign Intelligence Surveillance Court



Honorable James G. Carr
Judge, United States Foreign
Intelligence Surveillance Court

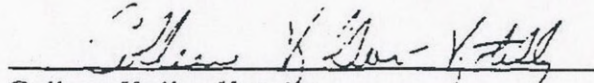


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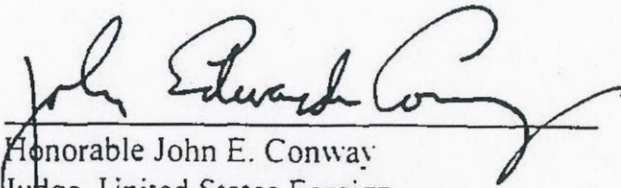
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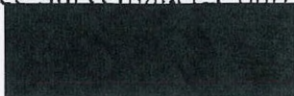
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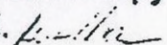


Colleen Kollar-Kotelly
Presiding Judge, United States
Foreign Intelligence Surveillance Court



Honorable John E. Conway
Judge, United States Foreign
Intelligence Surveillance Court

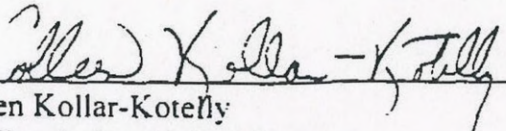


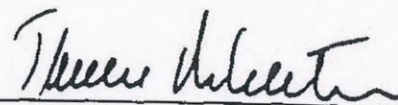
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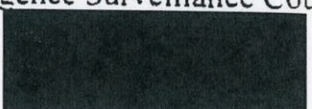
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CONCURRING IN THE ORDER:


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Honorable James Robertson
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