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U.S. Department of Justice
Federal Bureau of

Washington, D. C. 20535-0001

May 1, 2008

Representative Mel Watt
United States House of Representatives
Committee on the Judiciary
Washington, D.C. 20515

Dear Representative Watt:

During Director Mueller's appearance before the Judiciary Committee on April 23, you inquired into two matters about which the Director promised prompt follow-up. Specifically, you inquired into the status of a referral made to our Charlotte, North Carolina Field Office concerning Aero Contractors and also into the results of a recent field office wide audit of our use of National Security Letters (NSLs). This letter responds to your inquiries.

In October 2006 our Charlotte Field Office was forwarded a letter which the North Carolina State Bureau of Investigation (SBI) received from state lawmakers requesting an investigation into Aero Contractors. According to the letter, Aero Contractors provided services for the Central Intelligence Agency (CIA) which included transporting suspected terrorists to third countries where they were subsequently tortured. Agents in our Charlotte Field Office discussed these allegations with the U.S. Attorney's Office which forwarded them to the Department of Justice. We are still awaiting the Department's advice on how best to proceed in this matter.

In response to concerns raised about our use of NSLs, in 2007 we conducted a field office wide audit which examined 10% of all the NSLs we issued from January 1, 2003 through December 31, 2006. The audit identified two categories of FBI error: improper authorization (i.e., someone other than the appropriate authority, in most cases the Special Agent in Charge of a field office, authorized use of the NSL) and improper requests (e.g., NSLs which requested information beyond the scope permissible by

statute). The audit also identified a category of third party error, which typically involved companies to which NSLs were addressed providing information which had not been requested or more information than had been requested. The FBI error rate established by the audit (i.e., the percentage of total NSLs which were improperly authorized or improperly requested) was 1% (83 improperly issued NSLs out of 7,863 total).

Thank you for your continued interest in FBI operations and policies. The Director is committed to ensuring that the FBI fulfill its dual missions of protecting our nation from terrorist threats and enforcing federal law while upholding civil rights and respecting civil liberties. Should you need further assistance on this or any other issue concerning the FBI, please do not hesitate to contact me.

Sincerely,

Richard C. Powers
Assistant Director
Office of Congressional Affairs