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## Official Alerted F.B.I. to Rules Abuse 2 Years Ago, Lawyer Says

By **EDMUND L. ANDREWS**

**WASHINGTON**, March 18 — Almost two years before the **Federal Bureau of Investigation** publicly admitted this month that it had ignored its own rules when demanding telephone and financial records about private citizens, a top official in that program warned the bureau about widespread lapses, his lawyer said on Sunday.

The official, Bassem Youssef, who is in charge of the bureau's Communications Analysis Unit, said he discovered frequent legal lapses and raised concerns with superiors soon after he was assigned to the unit in early 2005.

Stephen M. Kohn, the lawyer for Mr. Youssef, said his client told his superiors that the bureau had frequently failed to document an urgent national security need — proving “exigent circumstances,” in the bureau's language — when obtaining personal information without a court order through the use of “national security letters.”

Mr. Youssef said his superiors had initially minimized the scope of the problem and the likely violation of laws intended to protect privacy, Mr. Kohn said.

“He identified the problems in 2005, shortly after he became unit chief,” Mr. Kohn said. “As in other matters, he was met with apathy and resistance.”

Mr. Youssef's criticisms were first reported on Sunday by The Washington Post, which also cited internal e-mail messages in which Justice Department officials had discussed the legal lapses surrounding national security letters.

Mr. Youssef, born in Egypt, is suing the bureau for discrimination, charging that senior officials improperly suspected his loyalties in part because of his Egyptian origins.

On March 9, the inspector general for the Justice Department sharply criticized the F.B.I. over its heavy use of national security letters, saying it had found many instances in which the bureau had improperly and sometimes illegally used them to demand personal records from telephone companies, Internet service

providers, credit companies and other businesses.

The report has provoked angry reactions from [Republicans](#) and Democrats in Congress, some of whom have charged that the bureau ran roughshod over civil liberties.

Unlike a search warrant, which must be approved by a judge, a national security letter can be approved by the agent in charge of a local F.B.I. office. The bureau has issued more than 20,000 such letters since it received authority under the antiterrorism law known as the USA Patriot Act of 2001.

One of the report's biggest criticisms was that top bureau officials signed off on many of the demands for information without properly justifying a specific national security need, like a clear link to a specific counterterrorism investigation. Mr. Kohn said that Mr. Youssef had had a long familiarity with national security letters from earlier work on counterterrorism investigations, and that he began reviewing recent letters and spotting legal deficiencies almost immediately.

"It was the same issue that was in the inspector general's report," Mr. Kohn said Sunday. "They didn't have the proper legal justifications in writing to back up their searches."

One of the F.B.I.'s few fluent Arabic speakers, Mr. Youssef won the Director of Central Intelligence Award in 1995 for his work infiltrating the Islamic group led by Sheik [Omar Abdel Rahman](#), who is now serving a life sentence in prison on charges tied to the first bombing of the World Trade Center, in 1993. From 1996 to 2000, Mr. Youssef was the Justice's Department's legal attaché to Saudi Arabia, where he won praise for his work with Saudi officials on investigations of the bombing of the Khobar Towers in 1996.

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