



Report: FBI improperly got phone records from 2003 to 2006

12:46pm EST

By James Vicini

WASHINGTON (Reuters) - The FBI broke the law by improperly obtaining thousands of telephone records in terrorism investigations from 2003 to 2006, the U.S. Justice Department's inspector general said on Wednesday.

"This report examines in detail the flawed practices that the FBI used to obtain thousands of telephone records, and the accountability of FBI employees for these troubling practices," Inspector General Glenn Fine said.

"The FBI has been granted expanded authority to obtain telephone records when handling its critical responsibilities. At the same time, the FBI must use this authority in accord with the law and department policies," he said.

The report could add to criticism of the FBI, which already faces questions in Congress about whether it did enough to prevent a shooting rampage at a U.S. Army base in November and how it handled an investigation into an attempt to blow up an airplane as it approached Detroit on Christmas Day.

Senator Patrick Leahy, the Judiciary Committee chairman, said: "When Americans break the law, there are consequences. No one in the FBI should be above the law."

The 289-page report said the FBI issued more than 700 letters citing "exigent circumstances" in seeking records on more than 2,000 different telephone numbers from 2003 to 2006.

Many of the investigations did not involve emergency or life-threatening circumstances, the report said, and the FBI inaccurately said grand jury subpoenas had been sought for the records.

An earlier report in 2007 found the FBI abused its power by illegally or improperly obtaining telephone, financial and other secret records in investigations of terrorism or espionage suspects.

The inspector general's previous reports concluded the FBI's use of the so-called exigent letters circumvented the requirements of the Electronic Communications Privacy Act and violated the attorney general's guidelines and FBI policy.

INFORMAL REQUESTS FOR PHONE RECORDS

The new report also found widespread use of even more informal requests for telephone records, instead of following the appropriate legal process.

It said the FBI requested records by email, in face-to-face and telephone conversations, or even in some cases by writing them on post-it notes. It also obtained records using a practice referred to by the FBI and telephone companies as "sneak peeks."

The report said an FBI unit made informal requests for records associated with at least 3,500 telephone numbers.

At times, telephone company employees simply invited FBI personnel to view the records on their computer screens.

One senior FBI counterterrorism official described the casual requests for telephone records by saying, "It like having the ATM in your living room," according to the report.

Fine urged the FBI and the Justice Department to take additional steps to make sure the bureau obtains such records in accord with the law and with Justice Department policies and to make sure past abuses do no recur.

He recommended that the FBI review the conduct of the individuals involved and determine whether discipline or other action would be appropriate.

The FBI said in a statement that it never obtained the content of any telephone conversations, only the telephone toll billing records.

"The ... report finds no intentional attempts to obtain records that counterterrorism personnel knew they were not legally entitled to obtain," FBI spokesman Mike Kortan said.

(Editing by Alan Elsner)

© Thomson Reuters 2009. All rights reserved. Users may download and print extracts of content from this website for their own personal and non-commercial use only. Republication or redistribution of Thomson Reuters content, including by framing or similar means, is expressly prohibited without the prior written consent of Thomson Reuters. Thomson Reuters and its logo are registered trademarks or trademarks of the Thomson Reuters group of companies around the world.

Thomson Reuters journalists are subject to an Editorial Handbook which requires fair presentation and disclosure of relevant interests.