

OIG Woods Audit Media Coverage: 30-Sep-21

Inquiries:

- Devlin Barrett, WaPo - story
- Andy Triay, CBS
- Kevin Johnson, USA Today - story
- Sarah Lynch, Reuters - story
- Morgan Chalfant, The Hill - story
- Bradford Betz, Fox News – story
- Daniel Wilson, Law360

Did not inquire:

(b)(6) per FBI

Twitter

- Catherine Herridge, CBS

https://www.washingtonpost.com/national-security/fisa-woods-file-fbi-inspector-general/2021/09/30/2588e666-21ff-11ec-b3d6-8cdebe60d3e2_story.html

Inspector general finds ‘widespread’ problems in FBI’s FISA applications

Washington Post

By Devlin Barrett

Today at 11:50 a.m. EDT

An inquiry into how the FBI handles some of its most sensitive surveillance work found “widespread” failure to follow one of the key rules in the program, according to a report issued Thursday by the Justice Department inspector general.

The findings grew out of an earlier probe of how the FBI investigated the Trump campaign for possible ties to Russia in the 2016 election. Those findings, [released in 2019](#), found more than a dozen major errors or omissions with the surveillance application targeting a former Trump campaign adviser, Carter Page.

Inspector General Michael Horowitz then went on to look at other applications to the classified court created by the Foreign Intelligence Surveillance Act to handle the most sensitive national security cases.

Last year, Horowitz [released initial findings](#) that within the 29 Foreign Intelligence Surveillance Act applications reviewed, there were 209 errors, four of which the Justice Department deemed material to the investigations.

Horowitz's new findings suggest that the missteps in the Page investigation were not the result of anti-Trump scheming within the FBI, but part of a broader pattern of failure by agents to adhere to their own standards on a wide variety of espionage and terrorism cases.

The FBI said in a statement that it appreciates the inspector general's "determined focus on the FBI's FISA process, especially given the significant changes and policy enhancements that we have worked to make in concert with, and in many instances, prior to the issuance of this most recent OIG Audit Report." The FBI fully accepts the inspector general's recommendations, has already adopted half of them and is working on the rest, the statement said.

The report issued Wednesday examined thousands of other applications to the FISA court, and found similar problems in a time period ranging from 2015 to early 2020. Horowitz focused in particular on what FBI officials call the "Woods file" — a document meant to ensure the accuracy of all statements made to the FISA court. The file contains the supporting documentation for every factual assertion in a court application, as well as the result of government database searches and information about informants used in the case.

Of the more than 7,000 FISA applications reviewed, the inspector general found that in 183 cases — about 2.6 percent — the Woods file was either partially or completely missing.

"The widespread Woods Procedures non-compliance that we identified in this audit raises serious questions about the adequacy and execution of the supervisory review process in place at the time of the applications we reviewed," the inspector general concluded, noting that the FBI's own internal quality-control measures seem to have missed many of these problems.

Acting Assistant Attorney General Mark Lesko said the Justice Department "remains dedicated to ensuring that all applications" to the FISA court "meet the highest standards of accuracy. I look forward to continuing to strengthen the Division's oversight efforts and to supporting the FBI as it continues to implement improvements to this process."

As part of Horowitz's inquiry, a closer look at the original 29 FISA applications found "over 400 instances of non-compliance with the Woods Procedures." FBI and Justice Department officials [have told the court](#) that in many instances those errors were typos or similarly small mistakes, far less significant than a missing or incomplete file.

###

<https://www.usatoday.com/story/news/politics/2021/09/30/doj-watchdog-finds-widespread-errors-fbi-surveillance-requests/5931546001/>

Justice Department inspector general finds 'widespread' failures in FBI surveillance requests

Kevin Johnson
USA TODAY

The Justice Department inspector general Thursday faulted the FBI for "widespread" errors in its applications for surveillance authority, concluding that the bureau failed to provide supporting documentation for sensitive wiretap requests.

Building on a 2019 examination of the FBI's surveillance of a former Trump aide, Justice Inspector General Michael Horowitz found that the bureau did not include adequate support for 183 surveillance applications between 2015 and 2020 following a review of more than 7,000 such requests.

The findings, Horowitz said "highlights the need for the FBI and DOJ to ensure rigorous supervisory review and robust oversight to help reduce the risk of erroneous information being included in (Foreign Intelligence Surveillance Act) FISA applications."

The FISA, enacted in 1978, outlines procedures investigators must follow when they ask judges for permission to conduct electronic surveillance of people suspected of acting as foreign agents.

"The widespread... non-compliance that we identified in this audit raises serious questions about the adequacy and execution of the supervisory review process in place at the time of the applications we reviewed," the report concluded.

Horowitz's review is part of continuing examination of FBI surveillance requests following a harshly critical account of error-riddled applications targeting former Trump foreign policy adviser Carter Page.

At that time, investigators identified 17 separate inaccuracies across multiple surveillance applications, effectively inflating the justification for monitoring Page in the fall of 2016. The action was part of a larger FBI inquiry into Russian interference in the 2016 election.

While highlighting the flawed handling of the Page surveillance, the 2019 report concluded the FBI was legally justified in launching its inquiry, adding that there was no "documentary or testimonial evidence that political bias or improper motivation influenced the FBI's decision to conduct these operations."

In the latest inspector general report, investigators also re-examined 29 FISA applications that were the focus of an earlier review and found slightly more than 200 instances in which the supporting documentation, known as "Woods Files" did not contain adequate support for the applications.

In each of the 200 instances, however, the FBI and the (Justice Department's National Security Division) subsequently "confirmed the existence of available supporting documentation," the inspector general found.

On Thursday, the FBI said it "fully" accepted the inspector general's findings.

"The FBI appreciates the OIG's determined focus on the FBI's FISA process, especially given the significant changes and policy enhancements that we have worked to make in concert with, and in many instances, prior to the issuance of this most recent ... audit," the bureau said.

Acting Assistant Attorney General Mark Lesko said the FBI was far along in implementing "numerous reforms" in wake of the 2019 inspector general's review.

"It is essential that the Department and the FBI maintain the trust of the courts and the public, including by cooperating with OIG reviews like this one and implementing the recommendations that result," Lesko said.

###

<https://www.reuters.com/world/us/watchdog-faults-fbi-widespread-errors-handling-surveillance-warrants-2021-09-30/>

Watchdog faults FBI for 'widespread' errors handling surveillance warrants

By Sarah N. Lynch

September 30, 2021 1:17 PM EDT

WASHINGTON, Sept 30 (Reuters) - The U.S. Justice Department's internal watchdog on Thursday said he had uncovered "widespread non-compliance" with the FBI's domestic surveillance program, dealing the bureau another setback and raising questions about the accuracy of the information underpinning its wiretap warrants.

Inspector General Michael Horowitz's findings mark the latest problem uncovered since 2019, when his office first discovered the FBI had made numerous errors in its warrant applications to the Foreign Intelligence Surveillance Court as part of the early probe into contacts between President Donald Trump's 2016 campaign and Russia.

Horowitz's report on Thursday entailed an audit of the FBI's so-called "Woods Procedures" - rules the bureau follows to ensure FISA applications to the court are "scrupulously accurate."

"A failure to adhere to the Woods Procedures ... could easily lead to errors that do impact probable cause — and therefore potentially call into question the legal basis for the government's use of highly intrusive FISA warrants," Horowitz said.

In a statement, National Security Division Acting Assistant Attorney General Mark Lesko said the FBI "has already implemented numerous reforms" and that the department is committed to "meet the highest standards of accuracy."

In 2019, the inspector general revealed the FBI had severely botched applications to continue monitoring the communications of Carter Page, a former adviser to Trump's 2016 campaign.

The errors prompted a Foreign Intelligence Surveillance Court judge to issue a rare public ruling ordering the FBI to detail how it would correct its policies and procedures.

Horowitz's findings led Special Counsel John Durham to later file charges against FBI Attorney Kevin Clinesmith for falsifying a document used in a FISA application to monitor Page. Clinesmith pleaded guilty in August 2020.

The ACLU, which has long expressed concerns about the FISA process, said in a statement on Thursday that Horowitz's report shows "yet more evidence that FISA surveillance is in need of reform." The FBI's efforts since the Page debacle "have not gone nearly far enough," ACLU attorney Ashley Gorski said.

Thursday's audit is an extension of an earlier report from Horowitz from March 2020 in which he found 209 errors in 29 applications.

Since then, he said his office had uncovered an additional 200 errors or lack of supporting documents in those applications - and he accused the FBI and the National Security Division of displaying "a tolerance for error."

Jason Jones, the FBI's general counsel, disagreed with that assertion in his response. He said the FBI has implemented reforms and that its "commitment to emphasize the importance of scrupulous accuracy will continue unabated."

###

<https://thehill.com/policy/national-security/574761-report-finds-significant-lapse-in-fbis-management-of-surveillance>

Report finds 'significant lapse' in FBI's management of surveillance warrants

BY MORGAN CHALFANT - 09/30/21 03:09 PM EDT

The Justice Department inspector general found widespread shortcomings in the FBI's compliance with procedures that govern applications for surveillance warrants, according to a new report.

The report was triggered by an earlier investigation into the FBI's handling of surveillance applications targeting former Trump campaign adviser Carter Page.

In December 2019, Justice Department inspector general Michael Horowitz released a report detailing multiple inaccuracies and omissions in the surveillance warrant applications targeting Page that were submitted to the court associated with the Foreign Intelligence Surveillance Act (FISA).

According to the new Justice Department inspector general report released Thursday, the subsequent investigation found 209 errors in a sample of 29 FISA applications reviewed.

The inspector general also found an additional 209 instances in which the Woods File in the sample applications did not contain adequate documentation or support statements in accordance with FBI policy. Additionally, the inspector general found 183 missing or incomplete Woods Files in a larger pool of thousands of FISA applications filed between 2015 and 2020.

"The OIG initiated this audit to determine whether the significant errors found in that December 2019 OIG report were indicative of a more widespread problem with Woods Procedures compliance," the inspector general report states.

“Given the FBI’s reliance upon its Woods Procedures to help ensure the accuracy of its FISA applications, we believe the missing Woods Files represent a significant lapse in the FBI’s management of its FISA program,” it states.

The initial findings of the review of 29 FISA applications had been released in March 2020.

After the release of the 2019 report, the FBI has said it is working to implement reforms to the FISA process. The inspector general on Thursday outlined 10 recommendations for the FBI and the Justice Department’s National Security Division to undertake.

Ashley Gorski, a senior staff attorney at the American Civil Liberties Union’s National Security Project, said in a statement that the new report “provides yet more evidence that FISA surveillance is in need of reform.”

“The FBI has repeatedly failed to comply with the procedures for ensuring the accuracy of its FISA applications, and its efforts to improve oversight policies in the wake of the Carter Page debacle have not gone nearly far enough,” Gorski said.

In a response to the inspector general’s report, the FBI agreed with the recommendations and said it had already implemented them.

“We fully accept the OIG’s recommendations, having cooperated with the OIG’s review of our Woods Procedures, which is just one important part of our overall FISA program,” the FBI said in a statement to The Hill.

“The FBI’s FISA authorities are indispensable national security tools and a vital means of accomplishing our mission of protecting the American people from national security threats. But our mission is also to uphold the Constitution, and the FBI remains committed to executing our FISA process with the unwavering rigor it requires,” it added.

Acting Assistant Attorney General Mark Lesko said in a statement that the Justice Department’s National Security Division concurs with the two recommendations made by the inspector general that are specific to the division and said one has already been “fully resolved.”

“NSD remains dedicated to ensuring that all applications submitted to the FISC meet the highest standards of accuracy,” Lesko added.

Updated at 4:18 p.m.

###

Fox News:

"DOJ watchdog Horowitz reveals nearly 200 FBI FISA applications failed to go through accuracy reviews,"

Bradford Betz and Jake Gibson,

September 30, 2021

<https://www.foxnews.com/politics/doj-watchdog-horowitz-report-reveals-fisa-fbi-application-missteps>

A report from Justice Department Inspector General Michael Horowitz released Thursday details "widespread" shortcomings in how the FBI applies for surveillance warrants.

In the report, the Inspector General reviewed over 7,000 FISA applications and found that that 183 didn't have the appropriate factual accuracy review procedures, or "Woods Procedures."

In 2019, Horowitz released a severely critical report on the FBI's Crossfire Hurricane investigation and the procedures used to open a FISA investigation onto former Trump campaign official Carter Page. Horowitz indicated at the time that his office would take a broader look at the FISA application process.

DOJ officials noted that FBI Director Chris Wray made reforms to address these problems in March 2020 and the issues of non-compliance outlined in Thursday's report took place before those reforms.

"The OIG initiated this audit to determine whether the significant errors found in the December 2019 OIG report were indicative of a more widespread problem with the Woods Procedures compliance," Horowitz's Thursday report states.

"Given the FBI's reliance upon its Woods Procedures to help ensure the accuracy of its FISA applications, we believe the missing Woods Files represent a significant lapse in the FBI's management of its FISA program."

The report lists 10 recommendations for the FBI and the Justice Department's National Security Division to ensure compliance.

In a statement to Fox News, the FBI said it fully accepts the Inspector General's recommendations and has cooperated with the OIG's review of its Woods Procedures.

"The FBI's FISA authorities are indispensable national security tools and a vital means of accomplishing our mission of protecting the American people from national security threats. But our mission is also to uphold the Constitution, and the FBI remains committed to executing our FISA process with the unwavering rigor it requires," an FBI spokesperson said.

Washington Times: "FBI can't back up claims in dozens of surveillance applications: Report," Emily Zantow, September 30, 2021

<https://www.washingtontimes.com/news/2021/sep/30/fbi-cant-back-claims-dozens-surveillance-applicati/>

The FBI failed to support claims it made in almost 200 applications to the secret court that signs off on warrants to spy on Americans, the Justice Department's internal watchdog said Thursday.

DOJ Inspector General Michael E. Horowitz released a report saying the FBI ignored its own Woods Procedure — the set of rules the bureau follows to ensure accuracy in its applications to monitor Americans under the Foreign Intelligence Surveillance Act.

He uncovered at least 183 FISA applications between 2014 and 2019, in which the Woods File — the documentation intended to back up the FBI's argument for surveillance — was missing, destroyed or incomplete.

"Given the FBI's reliance upon its Woods Procedure to help ensure the accuracy of its FISA applications, we believe the missing Woods File represents a significant lapse in FBI's management of its FISA program," Mr. Horowitz wrote in his 60-page report.

The FBI's handling of warrants under the FISA has been closely scrutinized since 2016 when the bureau obtained a warrant to snoop on Carter Page, a Trump campaign official. That warrant was largely based on the unsubstantiated and now-discredited Steele dossier and included at least one piece of information fabricated by an FBI lawyer.

FBI attorney Jason Jones said in a memo accompanying Mr. Horowitz's report that the agency has made several changes to its FISA application process. He noted that the bureau has improved its policies and training efforts, and added a new electronic Woods File case management system.

"FBI leadership's commitment to emphasize the importance of scrupulous accuracy will continue unabated, and the FBI believes they have been effective at significantly improving the FBI's Woods Procedures compliance," Mr. Jones said.

The FBI adopted the Woods Procedures in 2001 to ensure strict checks and balances on the verification of every assertion in support of a FISA wiretap. Under the Woods Procedures, the application was to be withdrawn or the assertion removed if a claim was not verifiable.

If an application is approved by the secret Foreign Intelligence Surveillance Court, the FBI is given a warrant to conduct a physical search or electronic surveillance of a U.S. citizen.

The warrants, Mr. Horowitz said, are one of the most “intrusive” tools the agency uses to investigate terrorism, espionage and other national security threats.

In the report, investigators also found more than 200 instances of unsupported, inaccurate or omitted information in 27 FISA applications. Of the 209 total errors, however, none were deemed to have undermined or impacted probable cause determinations made by the FISC.

Mr. Horowitz noted that “including frequent factual errors in numerous FISA applications, even if they are later determined not to be material, risks undermining the FISC’s and the public confidence in the FBI’s and DOJ’s FISA process and the quality of the FBI’s submissions.”

Moreover, the report determined that supervisory accuracy reviews of existing Woods Files “generally did not contain evidence of the thoroughness or completeness” required by FBI policy.

Mr. Horowitz blamed top brass for the failures, saying the lack of oversight “raises serious questions” about the application review process.

“We believe the shortcomings we identified occurred primarily because the FBI and the DOJ National Security Division did not place enough emphasis or attention on the need for rigorous supervisory review and robust oversight of FISA applications,” he said.

The inspector general acknowledged the “inevitability” of occasional human error, but he said mistakes of any magnitude show flaws in the process used to ensure accuracy and safeguard civil liberties.

“If the FBI falls short of its own standards for accuracy, it risks impinging on the civil liberties of U.S. persons, and adversely affecting its credibility with the FISC, Congress, and the public, which in turn could lead to restrictions or even revocation of its authorization to use this important investigative tool in support of its national security mission,” he said.

Mr. Horowitz outlined 10 recommendations, including establishing policies on the handling of Woods Files and creating a headquarters to ensure accountability and efficacy of the Woods Procedures.

END

Media: Twitter

Byline: @CBS_Herridge

Date: September 30, 2021

URL: https://twitter.com/CBS_Herridge/status/1443701215972442112

#FISA From Acting AAG Mark Lesko on IG FISA findings of “non-compliance” in record numbers including +209 errors NOTE: Same period #Durham probe: “NSD remains dedicated to ensuring that all applications submitted to the FISC meet the highest standards of accuracy.”