

Received(Date): 30 JUL 2002 09:42:11

From: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

To: Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

Cc: michael b. depaepe (CN=michael b. depaepe/OU=nsc/O=eop@eop [NSC]), linda c. flohr (CN=linda c. flohr/OU=nsc/O=eop@eop [NSC]), john b. wiegmann (CN=john b. wiegmann/OU=nsc/O=eop@eop [NSC]), deborah a. loewer (CN=deborah a. loewer/OU=nsc/O=eop@eop [NSC]), william h. leary (CN=william h. leary/OU=nsc/O=eop@eop [NSC]), john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

Subject: : Re: Ken Piernick -- E-Mail/computers/FBI -- good to go, correct?

Begin Original ARMS Header

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 30-JUL-2002 09:42:11.00

SUBJECT: Re: Ken Piernick -- E-Mail/computers/FBI -- good to go, correct?

TO: Edward McNally (CN=Edward McNally/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: michael b. depaepe (CN=michael b. depaepe/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

CC: linda c. flohr (CN=linda c. flohr/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

CC: john b. wiegmann (CN=john b. wiegmann/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

CC: deborah a. loewer (CN=deborah a. loewer/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

CC: william h. leary (CN=william h. leary/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

CC: john b. bellinger (CN=john b. bellinger/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

End Original ARMS Header

agree with Ed.

From: Edward McNally on 07/30/2002 09:24:18 AM

Record Type: Record

To: John B. Bellinger/NSC/EOP@EOP, John B. Wiegmann/NSC/EOP@EOP

cc: See the distribution list at the bottom of this message

Subject: Ken Piernick -- E-Mail/computers/FBI -- good to go, correct?

John -- I discussed this in some detail with Brad, and followed up with Ken to make sure we were working off complete facts, which I believe Ken summarizes well below. Based on our discussions earlier this month (you were not available, but Brett, Brad and I met as you'll recall), and based on my understanding of our consensus at that meeting, I believe Bill Leary's brief analysis below best addresses this issue. I am in agreement with Bill's analysis and conclusions, and believe it comports with what Brett, Brad and I discussed. So my view is that Ken should be able to make use of an FBI system for FBI-only purposes from whatever locations his assignments have him working at. All OHS work should be conducted on an EOP system. Please call me if I can help in any other way. Thanks -- Ed

From: Piernick, Kenneth R. (OCT)
Sent: Monday, July 29, 2002 9:47 AM
To: Bellinger III, John B. (LEGAL); Leary, William H. (ACCESS);
Loewer, Deborah A. (WHSR); Biegun, Stephen E. (EXECSEC)
Cc: DePaepe, Michael B. (STP); Flohr, Linda C. (OCT); Wiegmann,
John B. (LEGAL)
Subject: RE: Stuff for working more efficiently and install of FBI
computer [UNCLASSIFIED, Record]

All, Access to the content of the FBI email system, items which are addressed generally and specifically to me, are about 80% FBI administrative. I estimate the balance and remainder are case, operations, intel or investigative related. They allow me to acquire more information on specifics for background, eg Director's briefing materials, messages from Legal Attaches and SACs on terrorism issues and communications between substantive HQ units and supervisors/analysts. These documents are not intended for publication outside of the FBI. I neither print them or transfer them via disks to any other system. A part of the information is from other agencies' LNOs, eg State, INS, CIA, etc. Using the system, I can ask questions and answer them, and, presumably, provide better answers to questions here.

This is a precious time saving means of keeping me better informed. It is in lieu of oral communications to my agency and to the LNOs of other agencies at the FBI. Information derived from those oral conversations is sometimes included here in the NSC/OHS record. The email, for my purposes, would be the same. Knowledge would be extracted and injected here as appropriate. Of course it is a matter of judgment on my part.

But, it seems to me that the FBI is unlikely to be willing to "lend" its internal communications to the NSC for capture as part of the Presidential Records. FBI emails are retained for record and archive internally and, I believe, preserved through other means. Most oral conversations are not. I make no pretense of understanding that aspect of bureaucracy. When the FBI overtly shares a document, eg faxes it to the sitroom or sends a product over as is done daily, that, necessarily, is part of the NSC/OHS record and copies proliferate throughout the NSC, OHS and elsewhere.

How, then, can I expect the LNOs in the Intel Directorate/Threat Monitoring Center to maintain email connectivity to their agencies, especially when the NSC Lan will be proliferated at Nebraska Avenue? And are the contents and traffic of the CIA nodes with their version of email at Nebraska Ave a component of and integrated into the Presidential Records?

Rather than engage in a tussle within the the Berea Tar Pits, I will make alternative arrangements. Thank you all for your time and consideration.
Ken.

-----Original Message-----

From: Bellinger III, John B. (LEGAL)
Sent: Saturday, July 27, 2002 2:44 PM
To: Leary, William H. (ACCESS); Piernick, Kenneth R. (OCT); Loewer,
Deborah A. (WHSR); Biegun, Stephen E. (EXECSEC)
Cc: DePaepe, Michael B. (STP); Flohr, Linda C. (OCT); Wiegmann,

John B. (LEGAL)

Subject: RE: Stuff for working more efficiently and install of FBI computer [UNCLASSIFIED, Record]

Sorry to be slow to respond about this.

It is not clear to me that the communications would be only about FBI business. Presumably Ken will be sending and receiving information to/from the FBI about matters relating to his responsibilities as an NSC/OHS employee, and therefore these would be Presidential Records. This seems to me to be different from the situation where an intelligence agency "lends" certain sensitive information (such as the PDB) to the NSC. Is there a problem capturing and preserving the e-mails as Presidential Records?

-----Original Message-----

From: Leary, William H. (ACCESS)

Sent: Friday, July 12, 2002 4:36 PM

To: Piernick, Kenneth R. (OCT); Loewer, Deborah A. (WHSR); Bellinger III, John B. (LEGAL); Biegun, Stephen E. (EXECSEC)

Cc: DePaepe, Michael B. (STP); Flohr, Linda C. (OCT)

Subject: RE: Stuff for working more efficiently and install of FBI computer [UNCLASSIFIED, Record]

It is my understanding that, officially, Ken is on detail from the FBI to OHS. I assume that the purpose of this connection would be to allow Ken to communicate with his FBI colleagues about FBI business, not about NSC business.

If this is correct, and since this would be a stand-alone connection, I do not think there would be any records management objections to this connection. We could fairly regard this as non-record e-mail that does not need to be captured and preserved by the NSC.

E-mail communications with the FBI about NSC business should take place via SIPRNET or OA's Unclass system to ensure that the NSC's recordkeeping requirements are fulfilled.

-----Original Message-----

From: Piernick, Kenneth R. (OCT)

Sent: Friday, July 12, 2002 1:44 PM

To: Loewer, Deborah A. (WHSR); Bellinger III, John B. (LEGAL); Leary, William H. (ACCESS); Biegun, Stephen E. (EXECSEC)

Cc: DePaepe, Michael B. (STP); Flohr, Linda C. (OCT)

Subject: FW: Stuff for working more efficiently and install of FBI computer [UNCLASSIFIED, Record]

Deb, Mike has suggested I send this to you with copies to the others. I have requested this system, email only with no access to investigative case files, etc. I have one system installed at Nebraska Ave, and because 85% of my time is here, I need one here as well. With your approval, I hope to have this installed and have better communications with FBIHQ, comparable but not as efficient as the Secret Service email that co-suitmate, Pete McCauley had with his agency. Without it, I miss many communications intended for me. Thanks. V/r Ken

-----Original Message-----

From: DePaepe, Michael B. (STP)
Sent: Friday, July 12, 2002 1:04 PM
To: Piernick, Kenneth R. (OCT)
Subject: RE: Stuff for working more efficiently and install of FBI computer [UNCLASSIFIED, Non-Record]

Sir, please give me a call when you get a chance.

-----Original Message-----

From: Piernick, Kenneth R. (OCT)
Sent: Thursday, July 11, 2002 11:43 AM
To: DePaepe, Michael B. (STP)
Subject: Stuff for working more efficiently and install of FBI computer [UNCLASSIFIED, Non-Record]

Mike, per our conversation of the other day:

1. The FBI is prep'ed to install an computer for my email connectivity to FBIHQ here at EEOB. One is already at Nebraska Ave (and works as well as any ATARI my brother had). The project manager at FBIHQ was Rey Felix, pager 888.628.8554, office 202.324.9375. His rig for me includes a desktop and some kind of encryption thing for analog telephonic connection. His full name is Rinaldo Felix-Rivera, DOB [P6/b6] SSN [P6/b6]

2. Most of my secure tel calls need to be handled with a Stu3 or Ste. I would like one installed in my space, perhaps in lieu of the MLP, if you need the line or the unit. I rarely use the MLP presently.

3. My NAC NSC Lan did not have the intel stuff from the sitroom. I haven't a clue why.

Thanks. Ken

Message Copied

To: _____
William H. Leary/NSC/EOP@EOP
Brett M. Kavanaugh/WHO/EOP@EOP
Linda C. Flohr/NSC/EOP@EOP
Deborah A. Loewer/NSC/EOP@EOP
Michael B. DePaepe/NSC/EOP@EOP