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ATTORNEY GENERAL'S REVIEW TEAM
ON THE HANDLING OF THE
LOS ALAMOS NATIONAL LABORATORY INVESTIGATION

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| 1. (U) The Criminal Division need not be excluded from an FCI investigation in order for the "primary purpose" of the FISA surveillance to be to obtain foreign intelligence information | 735 |
| a. (U) The primary purpose certification applies to the FISA coverage, not to the underlying investigation | 735 |
| b. (U) While the primary purpose of FISA coverage must be to obtain foreign intelligence information, criminal law enforcement may be a secondary purpose, although, for prudential reasons, this is not where the line should be drawn for fashioning policy on the giving of advice | 738 |
| c. (U) The Criminal Division may give affirmative advice and guidance concerning issues relating to the FCI investigation | 743 |
| 2. (U) The test is "primary purpose," not "direction and control" | 745 |
| 3. (U) There is no reason for an unduly apprehensive application of the "primary purpose" standard | 751 |
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