

NPO

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From: [REDACTED]
Sent: Friday, July 24, 2009 3:48 PM
To: [REDACTED]
Subject: FW: fbi going dark

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

From: [REDACTED]
Sent: Monday, May 11, 2009 4:03 PM
To: [REDACTED]
Subject: RE: fbi going dark

[REDACTED] - per your request:

On the record (if you need attribution: Marcus Thomas, Assistant Director, Operational Technology Division):

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities. The term applies to the research and development of new tools, technical support and training initiatives.

Background:

One purpose of the Communications Assistance for Law Enforcement Act (CALEA) when passed in 1994 was to make clear the duty incumbent on telecommunication carriers to cooperate with law enforcement in the interception of communications when lawfully authorized. Among the original reasons the FBI advocated strongly for CALEA was our fear that the emergence of digital telephone exchange switch technology was and would make the lawful intercept of telephone based communications extremely difficult if not impossible for US law enforcement.

In the years since CALEA was passed, US law enforcement has successfully leveraged CALEA to maintain a capability to intercept with appropriate authority the telephonic communications of criminals.

However, in recent years and despite the success of CALEA, it has become clear that US law enforcement lacks the resources, flexibility, and agility to respond adequately to rapidly-evolving and constantly changing Internet based communications technology.

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities.

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From: [REDACTED] [mailto:[REDACTED]@politico.com]
Sent: Monday, May 11, 2009 10:41 AM
To: [REDACTED]
Subject: fbi going dark

thanks for that

if you have a few lines you could send me i'd appreciate

thanks

[REDACTED]

[REDACTED]

POLITICO

[REDACTED]

[REDACTED]@politico.com

[redacted] b6
b7C [redacted]

From: [redacted]
Sent: Friday, July 24, 2009 3:48 PM
To: [redacted]
Subject: Out of Office: fbi going dark

I will be out of the office beginning July 20-27.

Thank you.

[redacted], per request

- [redacted]

7/24/09

From: [redacted]
Sent: Monday, May 11, 2009 4:03 PM
To: [redacted]
Subject: RE: fbi going dark

[redacted] - per your request:

On the record (if you need attribution: Marcus Thomas, Assistant Director, Operational Technology Division):

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities. The term applies to the research and development of new tools, technical support and training initiatives.

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However, in recent years and despite the success of CALEA, it has become clear that US law enforcement lacks the resources, flexibility, and agility to respond adequately to rapidly-evolving and constantly changing Internet based communications technology.

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From: [redacted] [mailto:[redacted]@politico.com]
Sent: Monday, May 11, 2009 10:41 AM

To: [redacted]
Subject: fbi going dark

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b7C

thanks for that

if you have a few lines you could send me i'd appreciate

thanks

[redacted]

[redacted]

POLITICO

[redacted]

[redacted]@politico.com

From: [REDACTED]
Sent: Monday, May 11, 2009 11:22 AM
To: Kortan, Michael P.
Cc: [REDACTED]
Subject: FW: fbi going dark

Mike,

Just received another 'Going Dark' media inquiry. For this response and in anticipation of more, would you be okay with us sending the following to reporters requesting information about the program:

On the record, attributed to Marcus Thomas, Assistant Director, Operational Technology Division:

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities. The term applies to the research and development of new tools, technical support and training initiatives.

Background (from Marcus Thomas, edited by Louis Grever):

"One purpose of the Communications Assistance for Law Enforcement Act (CALEA) when passed in 1994 was to make clear the duty incumbent on telecommunication carriers to cooperate with law enforcement in the interception of communications when lawfully authorized. Among the original reasons the FBI advocated strongly for CALEA was our fear that the emergence of digital telephone exchange switch technology was and would make the lawful intercept of telephone based communications extremely difficult if not impossible for US law enforcement.

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'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities."

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From: [redacted] [mailto:[redacted]@politico.com]
Sent: Monday, May 11, 2009 10:41 AM
To: [redacted]
Subject: fbi going dark

thanks for that

if you have a few lines you could send me i'd appreciate

thanks

[redacted]

[redacted]

POLITICO

[redacted]

[redacted]@politico.com

[redacted] b6
b7C

From: [redacted]
Sent: Friday, May 08, 2009 8:07 PM
To: [redacted]@abc.com
Subject: Re: "Going Dark" Program

Please use Marcus Thomas' name - thanks

From: [redacted]@abc.com>
To: [redacted]
Sent: Fri May 08 19:02:05 2009
Subject: Re: "Going Dark" Program

Thank you very much. Can I use this on the record from you?

From: [redacted]@ic.fbi.gov>
To: [redacted]@abc.com>
Sent: Fri May 08 18:56:59 2009
Subject: Re: "Going Dark" Program

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

From: [redacted]@abc.com>
To: [redacted]
Sent: Fri May 08 18:22:53 2009
Subject: Re: "Going Dark" Program

Thank you.

From: [redacted]@ic.fbi.gov>
To: [redacted]@abc.com>
Sent: Fri May 08 18:19:58 2009
Subject: Re: "Going Dark" Program

Hi - hoping to get answers soon - will get back asap

From: [REDACTED]@abc.com>

To: [REDACTED]

Sent: Fri May 08 17:44:55 2009

Subject: "Going Dark" Program

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b7C

[REDACTED]
I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[REDACTED]
ABC News
[REDACTED]

[REDACTED]
b6
b7C

From: [REDACTED]
Sent: Friday, May 08, 2009 8:06 PM
To: [REDACTED]
Subject: Re: "Going Dark" Program

Thanks

From: [REDACTED]
To: [REDACTED]
Sent: Fri May 08 20:04:33 2009
Subject: Re: "Going Dark" Program

Marcus

SSA [REDACTED] FBI
[REDACTED]

From: [REDACTED]
To: [REDACTED]
Sent: Fri May 08 19:17:41 2009
Subject: Fw: "Going Dark" Program

Who should this be attributed to? Or non-attribution?

From: [REDACTED]@abc.com>
To: [REDACTED]
Sent: Fri May 08 19:02:05 2009
Subject: Re: "Going Dark" Program

Thank you very much. Can I use this on the record from you?

From: [REDACTED]@ic.fbi.gov>
To: [REDACTED]@abc.com>
Sent: Fri May 08 18:56:59 2009
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Thank you.

From: [REDACTED]@ic.fbi.gov>
To: [REDACTED]@abc.com>
Sent: Fri May 08 18:19:58 2009
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From: [REDACTED]@abc.com>
To: [REDACTED]
Sent: Fri May 08 17:44:55 2009
Subject: "Going Dark" Program

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When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[REDACTED]
ABC News
[REDACTED]

From: [redacted]
Sent: Friday, May 08, 2009 7:18 PM
To: [redacted]
Subject: Fw: "Going Dark" Program

Who should this be attributed to? Or non-attribution?

From: [redacted]@abc.com>
To: [redacted]
Sent: Fri May 08 19:02:05 2009
Subject: Re: "Going Dark" Program

Thank you very much. Can I use this on the record from you?

From: [redacted]@ic.fbi.gov>
To: [redacted]@abc.com>
Sent: Fri May 08 18:56:59 2009
Subject: Re: "Going Dark" Program

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It is overseen by Marcus C. Thomas, Assistant Director, OTD.

From: [redacted]@abc.com>
To: [redacted]
Sent: Fri May 08 18:22:53 2009
Subject: Re: "Going Dark" Program

Thank you.

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To: [redacted]@abc.com>
Sent: Fri May 08 18:19:58 2009
Subject: Re: "Going Dark" Program

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From: [REDACTED]@abc.com>
To: [REDACTED]
Sent: Fri May 08 17:44:55 2009
Subject: "Going Dark" Program

b6
b7C

[REDACTED]
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When was it established and who oversees it.

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If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[REDACTED]
ABC News
[REDACTED]

From: [REDACTED]
Sent: Friday, May 08, 2009 6:57 PM
To: [REDACTED]@abc.com
Subject: Re: "Going Dark" Program

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

From: [REDACTED]@abc.com>
To: [REDACTED]
Sent: Fri May 08 18:22:53 2009
Subject: Re: "Going Dark" Program

Thank you.

From: [REDACTED]@ic.fbi.gov>
To: [REDACTED]@abc.com>
Sent: Fri May 08 18:19:58 2009
Subject: Re: "Going Dark" Program

Hi - hoping to get answers soon - will get back asap

From: [REDACTED]@abc.com>
To: [REDACTED]
Sent: Fri May 08 17:44:55 2009
Subject: "Going Dark" Program

[REDACTED]
I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

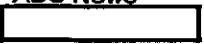
When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

ABC News



b6
b7C

From: [REDACTED]
Sent: Friday, May 08, 2009 6:56 PM
To: Kortan, Michael P.
Subject: Re: "Going Dark" Program

Thank you

From: Kortan, Michael P.
To: [REDACTED]
Sent: Fri May 08 18:54:13 2009
Subject: Re: "Going Dark" Program

Yes-Tx

From: [REDACTED]
To: Kortan, Michael P.
Cc: [REDACTED]
Sent: Fri May 08 18:51:27 2009
Subject: Fw: "Going Dark" Program

Mike - double checking you're ok for this to go out as a copy/paste as is to [REDACTED]...

From: Thomas, Marcus C.
To: [REDACTED]
Cc: Kortan, Michael P.; [REDACTED]
Sent: Fri May 08 18:46:07 2009
Subject: Re: "Going Dark" Program

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

From: [REDACTED]
To: Thomas, Marcus C.
Cc: Kortan, Michael P.; [REDACTED]
Sent: Fri May 08 18:13:19 2009
Subject: Fw: "Going Dark" Program

Mr. Thomas,

Would you be able to help us with answers for these questions from ABC (if they are ok to be released to media)? The reporter pushed the story so it is not expected to be published on abc.com until tomorrow.

Thanks!

[redacted]
FBI National Press Office
[redacted]

b6
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From: [redacted] @abc.com>
To: [redacted]
Sent: Fri May 08 17:44:55 2009
Subject: "Going Dark" Program

[redacted]

[redacted]
I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[redacted]
ABC News
[redacted]

[redacted]
b6
b7C

From: [redacted]
Sent: Friday, May 08, 2009 6:53 PM
To: Thomas, Marcus C.
Subject: Re: "Going Dark" Program

Thank you!

From: Thomas, Marcus C.
To: [redacted]
Cc: Kortan, Michael P.; [redacted]
Sent: Fri May 08 18:46:07 2009
Subject: Re: "Going Dark" Program

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It is overseen by Marcus C. Thomas, Assistant Director, OTD.

From: [redacted]
To: Thomas, Marcus C.
Cc: Kortan, Michael P.; [redacted]
Sent: Fri May 08 18:13:19 2009
Subject: Fw: "Going Dark" Program

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Thanks!

[redacted]
FBI National Press Office
[redacted]

From: [redacted] @abc.com>
To: [redacted]
Sent: Fri May 08 17:44:55 2009
Subject: "Going Dark" Program

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I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

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If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

ABC News

b6
b7C

From: [REDACTED]
Sent: Friday, May 08, 2009 6:51 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Fw: "Going Dark" Program

Mike - double checking you're ok for this to go out as a copy/paste as is to [REDACTED].

From: Thomas, Marcus C.
To: [REDACTED]
Cc: Kortan, Michael P.; [REDACTED]
Sent: Fri May 08 18:46:07 2009
Subject: Re: "Going Dark" Program

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The term applies to the research and development of new tools, technical support and training initiatives.

It os overseen by Marcus C. Thomas, Assistant Director, OTD.

From: [REDACTED]
To: Thomas, Marcus C.
Cc: Kortan, Michael P.; [REDACTED]
Sent: Fri May 08 18:13:19 2009
Subject: Fw: "Going Dark" Program

Mr. Thomas,

Would you be able to help us with answers for these questions from ABC (if they are ok to be released to media)? The reporter pushed the story so it is not expected to be published on abc.com until tomorrow.

Thanks!

[REDACTED]
FBI National Press Office
[REDACTED]

From: [REDACTED]@abc.com>
To: [REDACTED]
Sent: Fri May 08 17:44:55 2009
Subject: "Going Dark" Program

[REDACTED]
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b7C

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[Redacted]
ABC News
[Redacted]

[redacted] b6
[redacted] b7C

From: [redacted]
Sent: Friday, May 08, 2009 6:20 PM
To: [redacted]@abc.com
Subject: Re: "Going Dark" Program

Hi - hoping to get answers soon - will get back asap

From: [redacted]@abc.com>
To: [redacted]
Sent: Fri May 08 17:44:55 2009
Subject: "Going Dark" Program

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Sincerely,

[redacted]
ABC News
[redacted]

[REDACTED] b6
b7C

From: [REDACTED]
Sent: Friday, May 08, 2009 6:13 PM
To: Thomas, Marcus C.
Cc: Kortan, Michael P.; [REDACTED]
Subject: Fw: "Going Dark" Program

Mr. Thomas,

Would you be able to help us with answers for these questions from ABC (if they are ok to be released to media)? The reporter pushed the story so it is not expected to be published on abc.com until tomorrow.

Thanks!

[REDACTED] b2
b6
b7C

FBI National Press Office
[REDACTED]

From: [REDACTED]@abc.com>
To: [REDACTED]
Sent: Fri May 08 17:44:55 2009
Subject: "Going Dark" Program

b6
b7C

[REDACTED]
I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[REDACTED] b6
b7C

ABC News
[REDACTED]

From: [REDACTED]
Sent: Friday, May 08, 2009 3:57 PM
To: [REDACTED]
Subject: RE: ? On two CJIS programs

Interesting. Yes, he's the one we were working with late yesterday on the Dark program and he said he would email us if he pushed his story to today and had more questions. He's probably asking you because of the PowerPoint. I had not verified that the PP was CJIS' because he had not called back today. And we did not say it was a CJIS program – he's probably getting that again, because of the PP.

Re the new biometrics center, he asked about that last night and yes, we referred that to you....

From: [REDACTED]
Sent: Friday, May 08, 2009 3:11 PM
To: [REDACTED]
Subject: Fw: ? On two CJIS programs

[REDACTED] - did you speak with [REDACTED]?

From: [REDACTED]@abc.com>
To: [REDACTED]
Sent: Fri May 08 14:46:55 2009
Subject: ? On two CJIS programs

Dear [REDACTED]

I had a couple of questions about an item in the FBI's budget which I believe are overseen by CJIS. This is about the "Going Dark Program". Is this an R&D program or is this something that is currently deployed and used in field investigations? When was it established, and is it meant to intercept VOIP or other internet connections? Any additional background would also be useful.

Also I had a question about NGI and biometrics. Will the new Bio-metrics center be stood up at CJIS and will it be doing the research and providing the backbone and structure for NGI?

The item from the budget on the "going dark program" is below.

I can be contacted at the numbers below.

Sincerely,

[REDACTED]
ABC News
[REDACTED]

<http://www.justice.gov/jmd/2010summary/pdf/fbi-bud-summary.pdf> <<http://www.justice.gov/jmd/2010summary/pdf/fbi-bud-summary.pdf>>

FY 2010 Program Changes (cont.):

SURVEILLANCE

Advanced Electronic Surveillance: \$9 million for Advanced Electronic Surveillance, otherwise known as the FBI's Going Dark Program. The program supports the FBI's electronic surveillance (ELSUR), intelligence collection and evidence gathering capabilities, as well as those of the greater Intelligence Community. FY 2010 current services for this program are 133 positions (15 agents) and \$233.9 million

b6
b7c

From: [REDACTED]
Sent: Friday, May 08, 2009 9:39 AM
To: [REDACTED]
Subject: RE: "Going Dark" ?

Great – yes, was just checking on the authenticity of the PP...I talked w/Marcus Thomas in OTD about the actual program.

Thanks a bunch!

From: [REDACTED]
Sent: Friday, May 08, 2009 9:34 AM
To: [REDACTED]
Subject: Re: "Going Dark" ?

- the PP is authentic. However the "Going Dark" initiative is not CJIS, but rather, OTD.

From: [REDACTED]
To: [REDACTED]
Sent: Thu May 07 17:29:04 2009
Subject: FW: "Going Dark" ?

[redacted] - our ABC Justice reporter is looking for some educational info on the program referenced below, for a story about the 2010 budget (DOJ had an announcement today). He evidently found the powerpoint on the web so I'm confirming authenticity...I see [redacted] name but wanted to double check with you. ??

Thanks!

From: [REDACTED] [mailto: [REDACTED]@abc.com]
Sent: Thursday, May 07, 2009 5:21 PM
To: [REDACTED]
Subject: "Going Dark" ?

[redacted] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program. b6
b7C

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

From: [redacted]
Sent: Thursday, May 07, 2009 5:50 PM
To: Thomas, Marcus C.; Grever, Louis E.
Subject: RE: ? On Budget Program

Thank you both very much.

—Original Message—

From: Thomas, Marcus C.
Sent: Thursday, May 07, 2009 5:49 PM
To: Grever, Louis E.; [redacted]
Subject: Re: ? On Budget Program

I like it!

— Original Message —

From: Grever, Louis E.
To: Thomas, Marcus C.; [redacted]
Sent: Thu May 07 17:30:49 2009
Subject: Re: ? On Budget Program

I would only make the following suggested edits as noted:

"One purpose of the Communications Assistance for Law Enforcement Act (CALEA) when passed in 1994 was to make clear the duty incumbent on telecommunication carriers to cooperate with law enforcement in the interception of communications when lawfully authorized. Among the original reasons the FBI advocated strongly for CALEA was our fear that the emergence of digital telephone exchange switch technology was and would make the lawful intercept of telephone based communications extremely difficult if not impossible for US law enforcement.

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However, in recent years and despite the success of CALEA, it has become clear that US law enforcement lacks the resources, flexibility, and agility to respond adequately to rapidly-evolving and constantly changing Internet based communications technology.

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities."

What do you think,
Louis

Louis E. Grever,
Exec Asst Dir.,
Sci & Tech Branch,
Fed Bureau of Inv,
Washington, DC
202-324-0805

— Original Message —

From: Thomas, Marcus C.
To: [redacted]; Grever, Louis E.
Sent: Thu May 07 16:57:38 2009
Subject: RE: ? On Budget Program

[redacted] see below language. Mr. Grever is on the copy count and may want to weigh in.

Marcus

DRAFT Begins>>>>>>>>>>>>

End of DRAFT <<<<<<<<<<

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Marcus C. Thomas
Assistant Director, Operational Technology Federal Bureau of Investigation [redacted]

b2

From: [redacted]
Sent: Thursday, May 07, 2009 4:34 PM
To: Thomas, Marcus C.
Cc: [redacted]
Subject: FW: ? On Budget Program

b6
b7C

Mr. Thomas,

Per our conversation, if you could please let us know how you would like for us to respond. I expect this story might be aired tonight, as it relates to DOJ's output to media re the budget today.

Thank you,

[redacted]
FBI National Press Office
[redacted]

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b7C

From: [redacted] [mailto: [redacted]@abc.com]
Sent: Thursday, May 07, 2009 3:43 PM
To: [redacted]
Subject: ? On Budget Program

b6
b7C

[redacted]
I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)



b6
b7c

[redacted] b6
[redacted] b7C

From: [redacted]
Sent: Thursday, May 07, 2009 5:41 PM
To: [redacted] Kortan, Michael P.
Subject: RE: "Going Dark" ?

Ok, so send the longer version EAD Grever just sent...with the CALEA background?

From: Kortan, Michael P.
Sent: Thursday, May 07, 2009 5:41 PM
To: [redacted]
Subject: Re: "Going Dark" ?

[redacted] can boil it down

From: [redacted]
To: Kortan, Michael P.
Sent: Thu May 07 17:39:53 2009
Subject: RE: "Going Dark" ?

I think he's looking for something short but EAD Grever and AD Thomas are sending longer versions...

From: Kortan, Michael P.
Sent: Thursday, May 07, 2009 5:39 PM
To: [redacted]
Subject: RE: "Going Dark" ?

OK, but you can still give him something if you want.

From: [redacted]
Sent: Thursday, May 07, 2009 5:37 PM
To: Kortan, Michael P.
Subject: FW: "Going Dark" ?

Our explanation may be moot — [redacted] just sent this link – check Page 5 / Tab 11 (I tried copy/paste, doesn't work here)

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

b6
b7C

From: [redacted] [mailto:[redacted]@abc.com]
Sent: Thursday, May 07, 2009 5:21 PM
To: [redacted]
Subject: "Going Dark" ?

[redacted] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

[redacted]
b6
b7c

From: [redacted]
Sent: Thursday, May 07, 2009 5:40 PM
To: Kortan, Michael P.
Subject: RE: "Going Dark" ?

I think he's looking for something short but EAD Grever and AD Thomas are sending longer versions...

From: Kortan, Michael P.
Sent: Thursday, May 07, 2009 5:39 PM
To: [redacted]
Subject: RE: "Going Dark" ?

OK, but you can still give him something if you want.

From: [redacted]
Sent: Thursday, May 07, 2009 5:37 PM
To: Kortan, Michael P.
Subject: FW: "Going Dark" ?

Our explanation may be moot - [redacted] just sent this link - check Page 5./ Tab 11 (I tried copy/paste, doesn't work here)

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

From: [redacted] [mailto: [redacted]@abc.com]
Sent: Thursday, May 07, 2009 5:21 PM
To: [redacted]
Subject: "Going Dark" ?

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<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

[redacted]
b6
b7C

From: [redacted]
Sent: Thursday, May 07, 2009 5:37 PM
To: Kortan, Michael P.
Subject: FW: "Going Dark" ?

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<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

From: [redacted] [mailto: [redacted]@abc.com]
Sent: Thursday, May 07, 2009 5:21 PM
To: [redacted]
Subject: "Going Dark" ?

[redacted] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

[REDACTED]

From: [REDACTED]
Sent: Thursday, May 07, 2009 5:33 PM
To: Kortan, Michael P.; [REDACTED]
Subject: FW: ? On Budget Program

b6
b7C

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

From: Grever, Louis E.
Sent: Thursday, May 07, 2009 5:31 PM
To: Thomas, Marcus C.; [REDACTED]
Subject: Re: ? On Budget Program

I would only make the following suggested edits as noted:

"One purpose of the Communications Assistance for Law Enforcement Act (CALEA) when passed in 1994 was to make clear the duty incumbent on telecommunication carriers to cooperate with law enforcement in the interception of communications when lawfully authorized. Among the original reasons the FBI advocated strongly for CALEA was our fear that the emergence of digital telephone exchange switch technology was and would make the lawful intercept of telephone based communications extremely difficult if not impossible for US law enforcement.

In the years since CALEA was passed, US law enforcement has successfully leveraged CALEA to maintain a capability to intercept with appropriate authority the telephonic communications of criminals.

However, in recent years and despite the success of CALEA, it has become clear that US law enforcement lacks the resources, flexibility, and agility to respond adequately to rapidly-evolving and constantly changing Internet based communications technology.

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities."

What do you think,
Louis

Louis E. Grever,
Exec Asst Dir.,
Sci & Tech Branch,
Fed Bureau of Inv,
Washington, DC
[REDACTED]

b2

----- Original Message -----
From: Thomas, Marcus C.
To: [REDACTED] Grever, Louis E.
Sent: Thu May 07 16:57:38 2009
Subject: RE: ? On Budget Program

b6
b7C

[REDACTED] see below language. Mr. Grever is on the copy count and may want to weigh in.

Marcus

DRAFT Begins>>>>>>>>>>>

[Redacted Box]

End of DRAFT <<<<<<<<<<<<<<<<

b2
b5
b7E

Marcus C. Thomas
Assistant Director, Operational Technology, Federal Bureau of Investigation [Redacted]

b2

From: [Redacted]
Sent: Thursday, May 07, 2009 4:34 PM
To: Thomas, Marcus C.
Cc: [Redacted]
Subject: FW: ? On Budget Program

b6
b7C

Mr. Thomas,

Per our conversation, if you could please let us know how you would like for us to respond. I expect this story might be aired tonight, as it relates to DOJ's output to media re the budget today.

Thank you,

[Redacted]
FBI National Press Office
[Redacted]

b2
b6
b7C

From: [Redacted] [mailto: [Redacted]@abc.com]
Sent: Thursday, May 07, 2009 3:43 PM
To: [Redacted]
Subject: ? On Budget Program

b6
b7C

[Redacted]

I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[Redacted]

b6
b7C

[redacted]
b6
b7C [redacted]

From: [redacted]
Sent: Thursday, May 07, 2009 5:31 PM
To: [redacted]
Subject: RE: "Going Dark" ?

Just sent to CJIS to check....

From: [redacted] [mailto: [redacted]@abc.com]
Sent: Thursday, May 07, 2009 5:21 PM
To: [redacted]
Subject: "Going Dark" ?

[redacted] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

b6
b7c

From: [REDACTED]
Sent: Thursday, May 07, 2009 5:29 PM
To: [REDACTED]
Subject: FW: "Going Dark" ?

[redacted] our ABC Justice reporter is looking for some educational info on the program referenced below, for a story about the 2010 budget (DOJ had an announcement today). He evidently found the powerpoint on the web so I'm confirming authenticity...I see [redacted] name but wanted to double check with you. ??

Thanks!

From: [mailto:] @abc.com]
Sent: Thursday, May 07, 2009 5:21 PM
To: [redacted]
Subject: "Going Dark" ?

I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

[REDACTED]
[REDACTED]
From: [REDACTED]
Sent: Thursday, May 07, 2009 5:14 PM
To: Thomas, Marcus C.
Subject: RE: ? On Budget Program

Thank you

b6
b7C

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

From: Thomas, Marcus C.
Sent: Thursday, May 07, 2009 4:58 PM
To: [REDACTED] Grever, Louis E.
Subject: RE: ? On Budget Program

[REDACTED] see below language. Mr. Grever is on the copy count and may want to weigh in.

Marcus

DRAFT Begins>>>>>>>>>>>

[REDACTED]

End of DRAFT <<<<<<<<<<<<

b2
b5
b7E

Marcus C. Thomas
Assistant Director, Operational Technology Federal Bureau of Investigation [REDACTED]

b2

From: [REDACTED]
Sent: Thursday, May 07, 2009 4:34 PM
To: Thomas, Marcus C.
Cc: [REDACTED]
Subject: FW: ? On Budget Program

b6
b7C

Mr. Thomas,

Per our conversation, if you could please let us know how you would like for us to respond. I expect this story might be aired tonight, as it relates to DOJ's output to media re the budget today.

Thank you,

[redacted]
FBI National Press Office

b2
b6
b7C

From: [redacted] [mailto:[redacted]@abc.com]
Sent: Thursday, May 07, 2009 3:43 PM
To: [redacted]
Subject: ? On Budget Program

b6
b7C

[redacted]
I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[redacted]
b6
b7C

From: [REDACTED]
Sent: [REDACTED] Thursday, May 07, 2009 5:11 PM
To: [REDACTED] Kortan, Michael P.; [REDACTED]
Subject: FW: ? On Budget Program

b6
b7C

Re ABC [REDACTED] request for info re "Going Dark" - Mr. Thomas suggested we review this and pull relevant portions.

What about this:

[REDACTED]
b2
b5
b7E

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

From: Thomas, Marcus C.
Sent: Thursday, May 07, 2009 4:58 PM
To: [REDACTED] Grever, Louis E.
Subject: RE: ? On Budget Program

b6
b7C

[REDACTED] see below language. Mr. Grever is on the copy count and may want to weigh in.

Marcus

DRAFT Begins>>>>>>>>>>

[REDACTED]
b2
b5
b7E

End of DRAFT <<<<<<<<<<<<<

b2

Marcus C. Thomas
Assistant Director, Operational Technology Federal Bureau of Investigation [REDACTED]

From: [redacted]
Sent: Thursday, May 07, 2009 4:34 PM
To: Thomas, Marcus C.
Cc: [redacted]
Subject: FW: ? On Budget Program

b6
b7C

Mr. Thomas,

Per our conversation, if you could please let us know how you would like for us to respond. I expect this story might be aired tonight, as it relates to DOJ's output to media re the budget today.

Thank you,

[redacted]
FBI National Press Office
[redacted]

b2
b6
b7C

From: [redacted] [mailto: [redacted]@abc.com]
Sent: Thursday, May 07, 2009 3:43 PM
To: [redacted]
Subject: ? On Budget Program

b6
b7C

[redacted]
I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[redacted]
b6
b7C

[REDACTED]

From: [REDACTED]
Sent: Thursday, May 07, 2009 4:34 PM
To: Thomas, Marcus C.
Cc: [REDACTED]
Subject: FW: ? On Budget Program

b6
b7C

Mr. Thomas,

Per our conversation, if you could please let us know how you would like for us to respond. I expect this story might be aired tonight, as it relates to DOJ's output to media re the budget today.

Thank you,

[REDACTED]
FBI National Press Office
[REDACTED]

b2
b6
b7C

From: [REDACTED] [mailto: [REDACTED]@abc.com]
Sent: Thursday, May 07, 2009 3:43 PM
To: [REDACTED]
Subject: ? On Budget Program

b6
b7C

[REDACTED]
I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[REDACTED]
b6
b7C

From: [redacted]
Sent: Thursday, May 07, 2009 4:23 PM
To: [redacted]
Subject: FW: ? On Budget Program

From: [redacted] [mailto:[redacted]@abc.com]
Sent: Thursday, May 07, 2009 3:43 PM
To: [redacted]
Subject: ? On Budget Program

[redacted]
I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[REDACTED]
b6
b7C

From: [REDACTED]
Sent: Thursday, May 07, 2009 4:07 PM
To: Kortan, Michael P.
Cc: [REDACTED]
Subject: Fw: ? On Budget Program

From: [REDACTED]@abc.com>
To: [REDACTED]
Sent: Thu May 07 15:43:14 2009
Subject: ? On Budget Program

[REDACTED]
I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[REDACTED] b6
[REDACTED] b7C
From: [REDACTED]
Sent: Thursday, May 07, 2009 5:46 PM
To: [REDACTED]
Subject: RE: "Going Dark" ?

I think so but let me verify for certain.....

[REDACTED] b2
[REDACTED] b6
[REDACTED] b7C
FBI - CJIS Division
[REDACTED]

From: [REDACTED] b6
Sent: Thursday, May 07, 2009 5:29 PM
To: [REDACTED] b7C
Subject: FW: "Going Dark" ?

[REDACTED] our ABC Justice reporter is looking for some educational info on the program referenced below, for a story about the 2010 budget (DOJ had an announcement today). He evidently found the powerpoint on the web so I'm confirming authenticity... I see [REDACTED] name but wanted to double check with you. ??

Thanks!

[REDACTED] b6
[REDACTED] b7C

From: [REDACTED] [mailto: [REDACTED]@abc.com]
Sent: Thursday, May 07, 2009 5:21 PM
To: [REDACTED]
Subject: "Going Dark" ?

[REDACTED] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

[redacted] b6
b7C

From: Grever, Louis E.
Sent: Thursday, May 07, 2009 5:31 PM
To: Thomas, Marcus C.; [redacted]
Subject: Re: ? On Budget Program

I would only make the following suggested edits as noted:

"One purpose of the Communications Assistance for Law Enforcement Act (CALEA) when passed in 1994 was to make clear the duty incumbent on telecommunication carriers to cooperate with law enforcement in the interception of communications when lawfully authorized. Among the original reasons the FBI advocated strongly for CALEA was our fear that the emergence of digital telephone exchange switch technology was and would make the lawful intercept of telephone based communications extremely difficult if not impossible for US law enforcement.

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However, in recent years and despite the success of CALEA, it has become clear that US law enforcement lacks the resources, flexibility, and agility to respond adequately to rapidly-evolving and constantly changing Internet based communications technology.

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities."

What do you think,
Louis

Louis E. Grever,
Exec Asst Dir.,
Sci & Tech Branch,
Fed Bureau of Inv,
Washington, DC

[redacted] b2

— Original Message —

From: Thomas, Marcus C.
To: [redacted]; Grever, Louis E.
Sent: Thu May 07 16:57:38 2009
Subject: RE: ? On Budget Program

[redacted] b6
b7C

[redacted] see below language. Mr. Grever is on the copy count and may want to weigh in.

Marcus

DRAFT Begins>>>>>>>>>>

[redacted]
b2
b5
b7E

End of DRAFT <<<<<<<<<<<<

Marcus C. Thomas
Assistant Director, Operational Technology Federal Bureau of Investigation [redacted]

b2

From: [redacted]
Sent: Thursday, May 07, 2009 4:34 PM
To: Thomas, Marcus C.
Cc: [redacted]
Subject: FW: ? On Budget Program

b6
b7C

Mr. Thomas,

Per our conversation, if you could please let us know how you would like for us to respond. I expect this story might be aired tonight, as it relates to DOJ's output to media re the budget today.

Thank you,

[redacted]
FBI National Press Office
[redacted]

b2
b6
b7C

From: [redacted] [mailto: [redacted]@abc.com]
Sent: Thursday, May 07, 2009 3:43 PM
To: [redacted]
Subject: ? On Budget Program

b6
b7C

[redacted]
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(p131)

[redacted]
b6
b7C

[redacted]
b6
b7C

From: Kortan, Michael P.
Sent: Friday, May 08, 2009 6:54 PM
To: [redacted]
Subject: Re: "Going Dark" Program

Yes-Tx

From: [redacted]
To: Kortan, Michael P.
Cc: [redacted]
Sent: Fri May 08 18:51:27 2009
Subject: Fw: "Going Dark" Program

Mike - double checking you're ok for this to go out as a copy/paste as is to [redacted]..

b6
b7C

From: Thomas, Marcus C.
To: [redacted]
Cc: Kortan, Michael P.; [redacted]
Sent: Fri May 08 18:46:07 2009
Subject: Re: "Going Dark" Program

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

From: [redacted]
To: Thomas, Marcus C.
Cc: Kortan, Michael P.; [redacted]
Sent: Fri May 08 18:13:19 2009
Subject: Fw: "Going Dark" Program

b6
b7C

Mr. Thomas,

Would you be able to help us with answers for these questions from ABC (if they are ok to be released to media)? The reporter pushed the story so it is not expected to be published on abc.com until tomorrow.

Thanks!

[redacted]
FBI National Press Office
[redacted]

b2
b6
b7C

From: [redacted]@abc.com>
To: [redacted]

b6
b7C

Sent: Fri May 08 17:44:55 2009
Subject: "Going Dark" Program

b6
b7C

[redacted]
I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[redacted]
ABC News
[redacted]

From: Kortan, Michael P.
Sent: Thursday, May 07, 2009 5:41 PM
To: [redacted]
Subject: Re: "Going Dark"?

[redacted] can boil it down

From: [redacted]
To: Kortan, Michael P.
Sent: Thu May 07 17:39:53 2009
Subject: RE: "Going Dark"?

I think he's looking for something short but EAD Grever and AD Thomas are sending longer versions...

From: Kortan, Michael P.
Sent: Thursday, May 07, 2009 5:39 PM
To: [redacted]
Subject: RE: "Going Dark"?

OK, but you can still give him something if you want.

From: [redacted]
Sent: Thursday, May 07, 2009 5:37 PM
To: Kortan, Michael P.
Subject: FW: "Going Dark"?

Our explanation may be moot - [redacted] just sent this link - check Page 5 / Tab 11 (I tried copy/paste, doesn't work here)

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

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Sent: Thursday, May 07, 2009 5:21 PM
To: [redacted]
Subject: "Going Dark"?

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<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

b6
b7C

[redacted] b6
b7C

From: Kortan, Michael P.
Sent: Thursday, May 07, 2009 5:39 PM
To: [redacted]
Subject: RE: "Going Dark" ?

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From: [redacted]
Sent: Thursday, May 07, 2009 5:37 PM
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Subject: FW: "Going Dark" ?

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Subject: "Going Dark" ?

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<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

[REDACTED] b6
b7C

From: Kortan, Michael P.
Sent: Thursday, May 07, 2009 5:33 PM
To: [REDACTED]
Subject: RE: ? On Budget Program

That's fine. How about "communications technologies..."

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

From: [REDACTED]
Sent: Thursday, May 07, 2009 5:11 PM
To: Kortan, Michael P.; [REDACTED]
Subject: FW: ? On Budget Program

b6
b7C

Re ABC [REDACTED] request for info re "Going Dark" - Mr. Thomas suggested we review this and pull relevant portions.

What about this:

[REDACTED]

b2
b5
b7E

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

From: Thomas, Marcus C.
Sent: Thursday, May 07, 2009 4:58 PM
To: [REDACTED]; Grever, Louis E.
Subject: RE: ? On Budget Program

b6
b7C

[REDACTED] see below language. Mr. Grever is on the copy count and may want to weigh in.

Marcus

DRAFT Begins>>>>>>>>>>

[REDACTED]

b2
b5
b7E

End of DRAFT <<<<<<<<<<<<

Marcus C. Thomas
Assistant Director, Operational Technology Federal Bureau of Investigation [redacted]

b2

From: [redacted]
Sent: Thursday, May 07, 2009 4:34 PM
To: Thomas, Marcus C.
Cc: [redacted]
Subject: FW: ? On Budget Program

b6
b7C

Mr. Thomas,

Per our conversation, if you could please let us know how you would like for us to respond. I expect this story might be aired tonight, as it relates to DOJ's output to media re the budget today.

Thank you,

[redacted]
FBI National Press Office
[redacted]

b2
b6
b7C

From: [redacted] [mailto: [redacted]@abc.com]
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To: [redacted]
Subject: ? On Budget Program

b6
b7C

[redacted]
I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

b6
b7C

[REDACTED]

From: [REDACTED] @abc.com]
Sent: Friday, May 08, 2009 6:23 PM
To: [REDACTED]
Subject: Re: "Going Dark" Program

b6
b7C

Thank you.

From: [REDACTED] @ic.fbi.gov>
To: [REDACTED] @abc.com>
Sent: Fri May 08 18:19:58 2009
Subject: Re: "Going Dark" Program

Hi - hoping to get answers soon - will get back asap

From: [REDACTED] @abc.com>
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Sent: Fri May 08 17:44:55 2009
Subject: "Going Dark" Program

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Sincerely,

[REDACTED]
ABC News
[REDACTED]

[REDACTED]

From: [REDACTED]@abc.com
Sent: Friday, May 08, 2009 5:45 PM
To: [REDACTED]
Subject: "Going Dark" Program

b6
b7c

[REDACTED]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[REDACTED]
ABC News
[REDACTED]

[redacted] b6
[redacted] b7C

From: [redacted]@abc.com]
Sent: Thursday, May 07, 2009 5:21 PM
To: [redacted]
Subject: "Going Dark" ?

[redacted] I found some additional materials on the "Going Dark" program and wanted to verify that this CJIS powerpoint presentation is accurate and was produced by them. Tab 11 has information on the program.

<http://biometrics.org/bc2008/presentations/118.pdf> <<http://biometrics.org/bc2008/presentations/118.pdf>>

[REDACTED] b6
[REDACTED] b7C

From: [REDACTED] @abc.com]
Sent: Thursday, May 07, 2009 3:43 PM
To: [REDACTED]
Subject: ? On Budget Program

Follow Up Flag: Follow up
Flag Status: Red

[REDACTED]
I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[REDACTED]

From: Thomas, Marcus C.
Sent: Friday, May 08, 2009 6:46 PM
To: [redacted]
Cc: Kortan, Michael P.; [redacted]
Subject: Re: "Going Dark" Program

b6
b7C

The term "Going Dark" does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies.

The term applies to the research and development of new tools, technical support and training initiatives.

It is overseen by Marcus C. Thomas, Assistant Director, OTD.

From: [redacted]
To: Thomas, Marcus C.
Cc: Kortan, Michael P.; [redacted]
Sent: Fri May 08 18:13:19 2009
Subject: Fw: "Going Dark" Program

b6
b7C

Mr. Thomas,

Would you be able to help us with answers for these questions from ABC (if they are ok to be released to media)? The reporter pushed the story so it is not expected to be published on abc.com until tomorrow.

Thanks!

[redacted]
FBI National Press Office
[redacted]

b2
b6
b7C

From: [redacted]@abc.com>
To: [redacted]
Sent: Fri May 08 17:44:55 2009
Subject: "Going Dark" Program

b6
b7C

[redacted]
I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.

When was it established and who oversees it.

Is this an R&D program or is this something that is currently deployed and used in field investigations?

If it is currently used in the field are there any examples of when it was used that you can tell us?

Sincerely,

[redacted]
ABC News
[redacted]

b6
b7C

From: Thomas, Marcus C.
Sent: Thursday, May 07, 2009 5:49 PM
To: Grever, Louis E.
Subject: Re: ? On Budget Program

b6
b7C

I like it!

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

From: Grever, Louis E.
To: Thomas, Marcus C.
Sent: Thu May 07 17:30:49 2009
Subject: Re: ? On Budget Program

I would only make the following suggested edits as noted:

"One purpose of the Communications Assistance for Law Enforcement Act (CALEA) when passed in 1994 was to make clear the duty incumbent on telecommunication carriers to cooperate with law enforcement in the interception of communications when lawfully authorized. Among the original reasons the FBI advocated strongly for CALEA was our fear that the emergence of digital telephone exchange switch technology was and would make the lawful intercept of telephone based communications extremely difficult if not impossible for US law enforcement.

In the years since CALEA was passed, US law enforcement has successfully leveraged CALEA to maintain a capability to intercept with appropriate authority the telephonic communications of criminals.

However, in recent years and despite the success of CALEA, it has become clear that US law enforcement lacks the resources, flexibility, and agility to respond adequately to rapidly-evolving and constantly changing Internet based communications technology.

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities."

What do you think,
Louis

Louis E. Grever,
Exec Asst Dir.,
Sci & Tech Branch,
Fed Bureau of Inv,
Washington, DC

b2

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

From: Thomas, Marcus C.
To: [REDACTED] Grever, Louis E.
Sent: Thu May 07 16:57:38 2009
Subject: RE: ? On Budget Program

b6
b7C

[REDACTED] see below language. Mr. Grever is on the copy count and may want to weigh in.

Marcus

DRAFT Begins>>>>>>>>>>

End of DRAFT <<<<<<<<<<<<<<<

b2
b5
b7E

Marcus C. Thomas
Assistant Director, Operational Technology Federal Bureau of Investigation 703-632-6100

From: [REDACTED]
Sent: Thursday, May 07, 2009 4:34 PM
To: Thomas, Marcus C.
Cc: [REDACTED]
Subject: FW: ? On Budget Program

b6
b7c

Mr. Thomas,

Per our conversation, if you could please let us know how you would like for us to respond. I expect this story might be aired tonight, as it relates to DOJ's output to media re the budget today.

Thank you.

b2
b6
b7c

FBI National Press Office

From: [REDACTED] [mailto: [REDACTED]] @abc.com]
Sent: Thursday, May 07, 2009 3:43 PM
To: [REDACTED]
Subject: ? On Budget Program

b6
b7c

I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

b6
b7c

From: Thomas, Marcus C.
Sent: Thursday, May 07, 2009 4:58 PM
To: [REDACTED] Grever, Louis E.
Subject: RE: ? On Budget Program

b6
b7C

[REDACTED] see below language. Mr. Grever is on the copy count and may want to weigh in.

Marcus

DRAFT Begins>>>>>>>>>>

[REDACTED]

b2
b5
b7E

Marcus C. Thomas
Assistant Director, Operational Technology Federal Bureau of Investigation 703-632-6100

From: [REDACTED]
Sent: Thursday, May 07, 2009 4:34 PM
To: Thomas, Marcus C.
Cc: [REDACTED]
Subject: FW: ? On Budget Program

b6
b7C

Mr. Thomas,

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Thank you,

[REDACTED]
FBI National Press Office
[REDACTED]

b2
b6
b7C

From: [REDACTED] [mailto: [REDACTED]@abc.com]

b6
b7C

Sent: Thursday, May 07, 2009 3:43 PM
To: [redacted]
Subject: ? On Budget Program

b6
b7C

[redacted]

I have questions about the FBI budget that was released today and what the "Advanced Electronic Surveillance" program is. The DOJ budget notes this is also called the "Going Dark Program". Would like some background on what this is, the budget book notes "The program supports the FBI electronic surveillance, intelligence collection and evidence gathering capabilities....133 position, 15 agents and \$233.9 million."

(p131)

[redacted]

[redacted] b6
b7C

From: [redacted]
Sent: Friday, July 24, 2009 3:48 PM
To: [redacted]
Subject: FW: fbi going dark

Original Message

From: [redacted]
Sent: Monday, May 11, 2009 4:03 PM
To: [redacted]
Subject: RE: fbi going dark

[redacted] - per your request:

On the record (if you need attribution: Marcus Thomas, Assistant Director, Operational Technology Division):

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities. The term applies to the research and development of new tools, technical support and training initiatives.

Background:

One purpose of the Communications Assistance for Law Enforcement Act (CALEA) when passed in 1994 was to make clear the duty incumbent on telecommunication carriers to cooperate with law enforcement in the interception of communications when lawfully authorized. Among the original reasons the FBI advocated strongly for CALEA was our fear that the emergence of digital telephone exchange switch technology was and would make the lawful intercept of telephone based communications extremely difficult if not impossible for US law enforcement.

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However, in recent years and despite the success of CALEA, it has become clear that US law enforcement lacks the resources, flexibility, and agility to respond adequately to rapidly-evolving and constantly changing Internet based communications technology.

'Going Dark' is the program name given to the FBI's efforts to utilize innovative technology; foster cooperation with industry; and assist our state, local, and tribal law enforcement partners in a collaborative effort to close the growing gap between lawful interception requirements and our capabilities.

From: [REDACTED] [mailto:[REDACTED]@politico.com]
Sent: Monday, May 11, 2009 10:41 AM
To: [REDACTED]
Subject: fbi going dark

b6
b7C

thanks for that

if you have a few lines you could send me i'd appreciate

thanks

[REDACTED]

[REDACTED]

POLITICO

[REDACTED]

[REDACTED]@politico.com