

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

18 U.S.C. § 2516

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

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_____ Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 286-287: Pages 2-3 of a 3 page classified internal e-mail chain dated between October 4-5, 2010. E-mail chain page 1 was determined to be outside the scope of plaintiff's FOIA request. These pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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Section 552

Section 552a

- (b)(1)
(b)(2)
(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
(k)(3)
(k)(4)
(k)(5)
(k)(6)
(k)(7)

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 288: Page 1 of a 4 page classified internal e-mail chain dated between June 14-15, 2010. E-mail chain pages 2-4 were determined to be outside the scope of plaintiff's FOIA request. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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(b)(1)

(b)(2)

(b)(3)

18 U.S.C § 2516

(b)(4)

(b)(5)

(b)(6)

(b)(7)(A)

(b)(7)(B)

(b)(7)(C)

(b)(7)(D)

(b)(7)(E)

(b)(7)(F)

(b)(8)

(b)(9)

(d)(5)

(j)(2)

(k)(1)

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(k)(5)

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Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 289: Page 1 of a 2 page internal e-mail chain dated February 1, 2010. E-mail chain page 2 was determined to be outside the scope of plaintiff's FOIA request. E-mail discusses investigative techniques to be used during an on-going pending investigation.

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FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

*Office of
Congressional
Affairs Response
Part 1 of 2*

Serial Description ~ Unrecorded Serial

	<u>Bates Page</u>
Total Deleted Page(s) ~ 23	
Page 2 ~ b5, b7E	290
Page 3 ~ b5, b6, b7C, b7E	291
Page 4 ~ b5, b6, b7C	292
Page 5 ~ b5, b7E	293
Page 6 ~ b5, b6, b7C, b7E	294
Page 7 ~ b5, b6, b7C	295
Page 8 ~ b5, b7E	296
Page 9 ~ b5, b7E	297
Page 10 ~ b5, b7E	298
Page 11 ~ b5, b7E	299
Page 12 ~ b5, b7E	300
Page 13 ~ b5, b7E	301
Page 14 ~ b5, b7E	305
Page 17 ~ b5, b7E	311
Page 19 ~ b5, b6, b7C, b7E	328
Page 20 ~ b5, b7E	329
Page 21 ~ b5, b7E	330
Page 22 ~ b5, b7E	331
Page 24 ~ b5, b6, b7C, b7E	341
Page 28 ~ Referral/Direct	363
Page 29 ~ Referral/Direct	364
Page 30 ~ Referral/Direct	365
Page 31 ~ Referral/Direct	366

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FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

*Office of
Congressional
Affairs Response
Part 2 of 2
Duplicate of Bates Page*

Serial Description ~ Unrecorded Serial

Serial Description ~ Unrecorded Serial	Bates Pages	
Total Deleted Page(s) ~ 47		
Page 30 ~ b5, b7E	302	
Page 31 ~ b5, b7E	303	
Page 32 ~ b2, b5, b6, b7C, b7E	304	
Page 34 ~ b5, b7E	306	
Page 49 ~ b5, b6, b7C	308	
Page 52 ~ b5, b7E	310	
Page 54 ~ b5, b7E	312	
Page 56 ~ Referral/Direct	314	
Page 57 ~ Referral/Direct	315	
Page 58 ~ Referral/Direct	316	
Page 59 ~ Referral/Direct	317	
Page 60 ~ Referral/Direct	318	
Page 61 ~ Referral/Direct	319	
Page 62 ~ Referral/Direct	320	
Page 63 ~ Referral/Direct	321	
Page 64 ~ Referral/Direct	322	
Page 65 ~ Referral/Direct	323	
Page 66 ~ Referral/Direct	324	
Page 67 ~ Referral/Direct	325	
Page 68 ~ Referral/Direct	326	
Page 69 ~ Referral/Direct	327	
Page 165 ~ Duplicate	333	290
Page 166 ~ Duplicate	334	291
Page 187 ~ b5, b6, b7C	335	
Page 188 ~ b5, b6, b7C	336	
Page 189 ~ b5, b6, b7C	337	
Page 190 ~ b5, b6, b7C	338	
Page 192 ~ b5	339	
Page 193 ~ b5	340	
Page 214 ~ Duplicate	343	296
Page 215 ~ Duplicate	344	297
Page 218 ~ b5, b7E	347	
Page 219 ~ b1, b5, b7E	348	
Page 220 ~ b5, b7E	349	
Page 221 ~ b1, b5, b7E	350	
Page 222 ~ b1, b5, b7E	351	
Page 223 ~ b1, b5, b7E	352	
Page 224 ~ b1, b5, b7E	353	
Page 225 ~ b1, b5, b7E	354	
Page 226 ~ b1, b5, b7E	355	
Page 227 ~ b1, b5, b7E	356	
Page 228 ~ b1, b5, b7E	357	
Page 229 ~ b5, b7E	358	
Page 230 ~ b5, b7E	359	

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	<u>Bates Page</u>	<u>Duplicate of Bates Page</u>
Page 231 ~ b5	360	296
Page 246 ~ Duplicate	361	297
Page 247 ~ Duplicate	362	

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Section 552

Section 552a

- Exemption options under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption options under Section 552a: (b)(7)(A-F), (b)(8), (b)(9)

- Exemption options under Section 552a: (d)(5), (j)(2), (k)(1-7)

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- The following number is to be used for reference regarding this page:

EFF/Lynch 290: Page 1 of a 2 page draft presentation dated September 15, 2010 titled, "Going Dark." Draft presentation defines 'Going Dark' and shows examples of how the FBI's ELSUR capabilities need enhancement.

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Section 552a

- (b)(1)
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(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
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(k)(3)
(k)(4)
(k)(5)
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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 291: Page 2 of a 2 page draft presentation dated September 15, 2010 titled, "Going Dark." Draft presentation defines 'Going Dark' and shows examples of how the FBI's ELSUR capabilities need enhancement.

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(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
(k)(3)
(k)(4)
(k)(5)
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- The following number is to be used for reference regarding this page:

EFF/Lynch 292: 1 page draft presentation dated July 22, 2010 titled, "ECPA Reform." Draft presentation lists reforms that members of private industry and the privacy community are proposing concerning the Electronic Communications Privacy Act of 1986 (ECPA).

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(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
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(b)(7)(E)
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(k)(4)
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- The following number is to be used for reference regarding this page:

EFF/Lynch 293: Page 1 of a 2 page draft presentation dated July 21, 2010, titled, "Going Dark." Draft presentation defines 'Going Dark' and shows examples of how the FBI's ELSUR capabilities need enhancement.

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- (b)(3) _____
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- (b)(7)(A)
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- (b)(7)(D)
- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

- (d)(5)
- (j)(2)
- (k)(1)
- (k)(2)
- (k)(3)
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The following number is to be used for reference regarding this page:

EFF/Lynch 294: Page 2 of a 2 draft page presentation dated July 21, 2010, titled, "Going Dark." Draft presentation defines 'Going Dark' and shows examples of how the FBI's ELSUR capabilities need enhancement.

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- (b)(4)
- (b)(5)
- (b)(6)

- (b)(7)(A)
- (b)(7)(B)
- (b)(7)(C)
- (b)(7)(D)
- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

- (d)(5)
- (j)(2)
- (k)(1)
- (k)(2)
- (k)(3)
- (k)(4)
- (k)(5)
- (k)(6)
- (k)(7)

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_____ Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 295: 1 page draft presentation dated August 10, 2010, titled, "Going Dark." Draft presentation defines 'Going Dark' and why it has become a problem.

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Section 552a

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|--|---|---------------------------------|
| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(3) _____ | <input type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| _____ | <input type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| _____ | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| _____ | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input checked="" type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 296-297: 2 page draft presentation dated May 2009, titled, "Going Dark." Draft presentation defines 'Going Dark' and shows specific problems the FBI and the rest of law enforcement are facing.

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Section 552

Section 552a

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| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(3) _____ | <input type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| _____ | <input type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| _____ | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
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| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
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_____ Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 298-301: 4 page draft presentation dated September 2009, titled, "Going Dark." Draft presentation defines 'Going Dark,' and shows specific problems the FBI and the rest of law enforcement are facing, and proposals on how to resolve the problems.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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(k)(4)
(k)(5)
(k)(6)
(k)(7)

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 302-303: Pages 1-2 of a 3 page internal briefing prepared March 12, 2007, by the FBI's Directors Research Group, titled, "Communications Assistance for Law Enforcement Act (CALEA). The briefing reviews the Federal Communication Council (FCC) orders of August 9, 2004, September 23, 2005, and May 12, 2006, which resolved some limitations of CALEA. The briefing also discusses possible proposals to amend CALEA through the legislative process to enhance ELSUR capabilities.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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_____ Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 304: Page 3 of a 3 page internal briefing prepared March 12, 2007, by the FBI's Directors Research Group, titled, "Communications Assistance for Law Enforcement Act (CALEA). The briefing reviews the Federal Communication Council (FCC) orders of August 9, 2004, September 23, 2005, and May 12, 2006 which resolved some limitations of CALEA. The briefing also discusses possible proposals to amend CALEA through the legislative process to enhance ELSUR capabilities. See Bates pages 302-303 for briefing pages 1-2.

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Section 552

Section 552a

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_____ Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 305-306: 2 page undated internal briefing concerning CALEA limitations. CALEA does not provide all the tools necessary for the FBI to execute its law enforcement mandate, and the briefing discusses proposed changes to CALEA to resolve these issues.

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DATE 04-07-2011 BY 65179/DMH/BAW/STP/bls



Congressional Affairs Office Congressional Contacts

Classification Level: _____

Date Entered: Proactive Reactive

Briefing Hearing SAC CV HQ CV FOC Other # of SAC CV Visits: _____

Event Date: Entered By: Unit: _____

Subject: Division: _____

OCA Contact Person:

DOJ Notification: _____ Date: Attended:

FBI Participants:

b6
b7C

Other Participants: _____

Committees /Subcommittees

Members/Staff:

Outside the Scope

Summary of Event:

_____ and Advanced Electronic Surveillance - EAD Grever discussed the success with CALEA and future gaps we must overcome in these areas.

b7E

Follow Up Action:

Outside the Scope

EFF/Lynch-307

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
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| _____ | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
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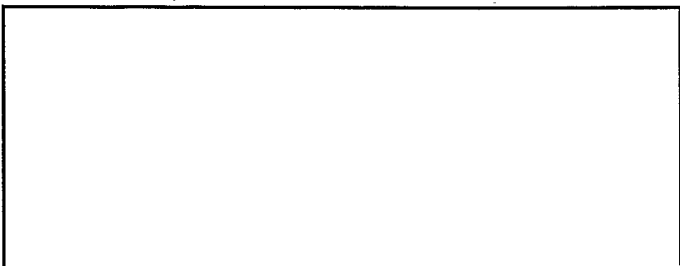
_____ Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 308: Internal congressional contact briefing summary, prepared by the FBI OCA, which summarizes a July 28, 2006 meeting with a Senate Judiciary staff member where the need to update CALEA was discussed.

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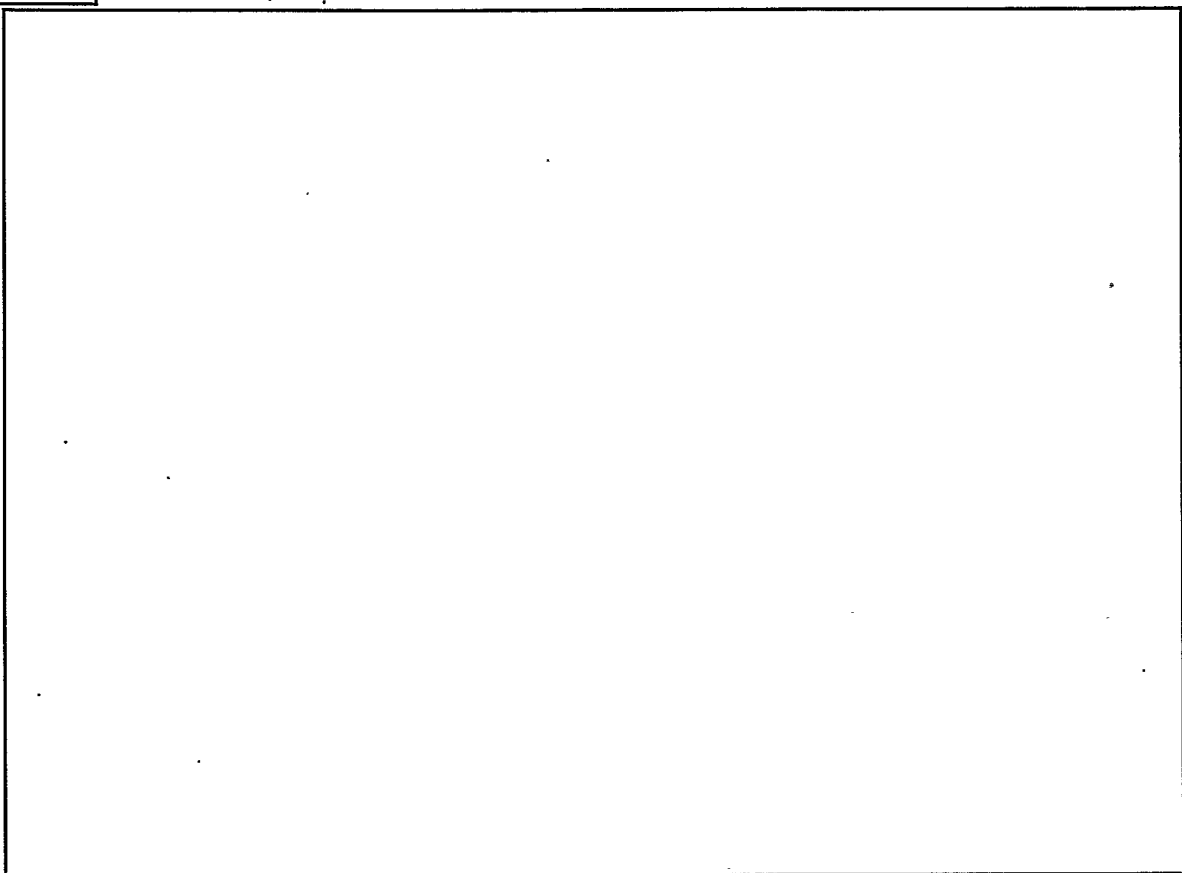
Outside the Scope

From: [Redacted]
Sent: Tuesday, September 28, 2010 1:04 PM
To: [Redacted]
Cc: [Redacted]
Subject: [Redacted]
Importance: High

[Redacted]
[Redacted] I believe they give you a good overview of the situation.

Thanks
[Redacted]

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b7C
b7E



EFF/Lynch-309

OPCA-20 (12-3-96)

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 310-312: Pages 2-4 of a 4 page internal e-mail dated September 28, 2010. See Bates page 309 for e-mail page 1. The e-mail discusses CALEA limitations, and possible changes needed to CALEA that will enhance ELSUR capabilities.

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DATE 04-07-2011 BY 65179 DMH/BAW/STP/bjs

[Redacted]

Outside the Scope

From: [Redacted]
Sent: Tuesday, September 28, 2010 1:08 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: [Redacted]
Importance: High

[Redacted]

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But again, a good view of the issue.

EFF/Lynch-313

OPCA-20 (12-3-96)

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14 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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Section 552a

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 314-327: These pages are referred to on Bates page 313 as congressional testimony approved by DOJ in April 2010, titled, "Going Dark: Final Report to Congress." This 14 page report was prepared by the DOJ, and the FBI referred this report to the DOJ on May 31, 2011, for review and direct response to the plaintiff.

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_____ Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 328: 1 page e-mail dated September 21, 2010, that describes a 3 page attachment withheld in full at Bates pages 329-331. The attachment is a copy from an internal 'portal' that presents definitions on topic's such as "Going Dark," and the "Degradation of Domestic Electronic Surveillance Capability."

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OPCA-20 (12-3-96)

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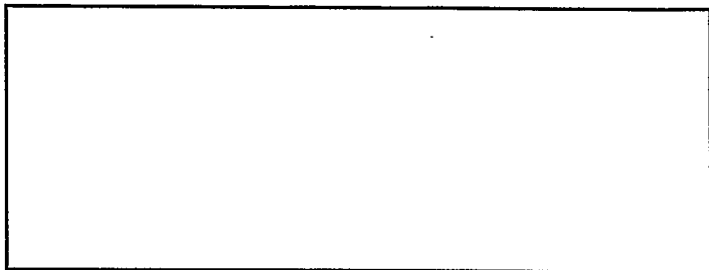
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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 329-331: 3 page attachment referred to on Bates page 328. The attachment is a copy from an internal 'portal' that presents definitions on topic's such as "Going Dark," and the "Degradation of Domestic Electronic Surveillance Capability."

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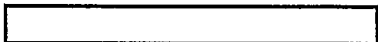


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DATE 04-08-2011 BY 65179 DMH/BAW/STP/bjs

Outside the Scope

From: [redacted] (OCA) (FBI)
Sent: Tuesday, September 28, 2010 1:45 PM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: FW: [redacted] Background Info

UNCLASSIFIED
NON-RECORD



Unit Chief
FBIHQ, Office of Congressional Affairs
[redacted]

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From: [redacted] (OCA) (FBI)
Sent: Monday, September 27, 2010 10:43 AM
To: [redacted] (OCA) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: [redacted] Background Info

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Following up on [redacted]
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EFF/Lynch-332

OPCA-20 (12-3-96)

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EFF/Lynch 333-334: These pages are duplicates of Bates pages 290-291.

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 335-338: 4 page internal e-mail chain dated between January 14 - 21, 2009, which discusses the production of a revised Operational Technology Division (OTD) statement of opposition to certain provisions of the COPS Improvement Act-S167.

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 339-340: 2 page attachment referred to on Bates page 335 titled, "COPS Improvement Act-S167-Comments-200901201700.doc."

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

1 Page withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- (b)(1)
(b)(2)
(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
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(k)(2)
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(k)(6)
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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 341: 1 page internal e-mail dated March 16, 2010, that announces an upcoming hearing on the DOJ/Intel programs and budget.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-08-2011 BY 65179/DMH/BAW/STP/bjs

[Redacted]

From: [Redacted] (DO) (FBI)
Sent: Tuesday, January 26, 2010 5:54 PM
To: [Redacted] (OGC) (FBI); [Redacted] (DO)(OGA); [Redacted] (OGC)
Cc: [Redacted] (DO) (FBI)
Subject: [Redacted]
Importance: High
Attachments: [Redacted]

b5
b6
b7C

UNCLASSIFIED
NON-RECORD

[Redacted]

I have a hard deadline of tomorrow COB - which for the people this goes back to, is 5pm.

Would appreciate your thoughts, if you have a moment to share them.

[Redacted]
FBI OCA
[Redacted]



[Redacted]

UNCLASSIFIED

EFF/Lynch-342

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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Section 552

Section 552a

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(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
(k)(3)
(k)(4)
(k)(5)
(k)(6)
(k)(7)

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X Page(s) were not considered for release as they are duplicates of other released pages.

Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 343-344: These pages are duplicates of Bates pages 296-297, and are also the attachment titled, "OTD-Going Dark Doc 52909.doc," referred to on Bates page 342.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-08-2011 BY 65179/DMH/BAW/STP/VB/S

[Redacted]

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, January 27, 2010 9:41 AM
To: [Redacted] (DO) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Subject: (DO)(OGA); THOMAS, MARCUS C. (OTD) (FBI); [Redacted] (OGC) (FBI)
RE: [Redacted]

b5
b6
b7C

UNCLASSIFIED
NON-RECORD

[Redacted]

Marcus - have you looked at this since Friday's meeting?

From: [Redacted] (DO) (FBI)
Sent: Tuesday, January 26, 2010 5:54 PM
To: [Redacted] (OGC) (FBI); [Redacted] (DO)(OGA); [Redacted] (OGC) (FBI)
Cc: [Redacted] (DO) (FBI)
Subject: [Redacted]
Importance: High

UNCLASSIFIED
NON-RECORD

[Redacted]

I have a hard deadline of tomorrow COB - which for the people this goes back to, is 5pm.

Would appreciate your thoughts, if you have a moment to share them.

[Redacted]
FBI/OGA
[Redacted]

<< File: [Redacted]

UNCLASSIFIED

UNCLASSIFIED

EFF/Lynch-345

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-08-2011 BY 65179/DMH/BAW/STP/bls

[Redacted]
From: [Redacted] (DO) (FBI)
Sent: Tuesday, January 26, 2010 5:56 PM
To: [Redacted] (SF) (FBI)
Cc: [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)
Subject: RE: [Redacted]

b5
b6
b7C

UNCLASSIFIED
NON-RECORD

[Redacted]

I will do my very best to get it back to you by COB Wed. I'm on the Hill much of the day, but will work as fast as I can.

[Redacted]

But I'll see what I can get you all.

Thanks
[Redacted]

From: [Redacted] (DO) (FBI)
Sent: Tuesday, January 26, 2010 2:51 PM
To: [Redacted] (DO) (FBI)
Subject: [Redacted]
Importance: High

UNCLASSIFIED
NON-RECORD

Hello again,

[Redacted]

tomorrow (Wednesday, January 27th)? Could you update and send it back our way by COB

<< File [Redacted] >>

THANKS!

[Redacted]

[Redacted]

Legislative Affairs Specialist
Office of Congressional Affairs

[Redacted]

UNCLASSIFIED

UNCLASSIFIED

EFF/Lynch-346

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
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X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- (b)(1)
- (b)(2)
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- (b)(4)
- (b)(5)
- (b)(6)

- (b)(7)(A)
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- (b)(7)(C)
- (b)(7)(D)
- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

- (d)(5)
- (j)(2)
- (k)(1)
- (k)(2)
- (k)(3)
- (k)(4)
- (k)(5)
- (k)(6)
- (k)(7)

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_____ Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 347, 349, and 358-359: Pages 1, 3, and 12-13 of a 14 page partly classified transcript dated April 22, 2010, titled, "Testimony of Robert Mueller, Director, Federal Bureau of Investigation, Before the Senate Committee on Intelligence." See Bates pages 348, 350-357, and 360 for transcript pages 2, 4-11, and 14. Mueller's testimony was concerning the Fiscal Year 2011 National Intelligence Program budget request and the FBI's efforts to enhance intelligence capabilities.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

9 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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Section 552

Section 552a

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- (b)(3) _____
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- (b)(5)
- (b)(6)

- (b)(7)(A)
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- (b)(7)(E)
- (b)(7)(F)
- (b)(8)
- (b)(9)

- (d)(5)
- (j)(2)
- (k)(1)
- (k)(2)
- (k)(3)
- (k)(4)
- (k)(5)
- (k)(6)
- (k)(7)

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_____ Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 348, and 350-357: Pages 2, and 4-11 of a 14 page partly classified transcript dated April 22, 2010, titled, "Testimony of Robert Mueller, Director, Federal Bureau of Investigation, Before the Senate Committee on Intelligence." Mueller's testimony was concerning the Fiscal Year 2011 National Intelligence Program budget request and the FBI's efforts to enhance intelligence capabilities. See Bates pages 347, 349, and 358-360 for transcript pages 1, 3, and 12-14. A portion of these 9 pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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OPCA-20 (12-3-96)

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FOIA/PA DELETED PAGE INFORMATION SHEET

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Section 552

Section 552a

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| _____ | <input type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| <input checked="" type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input type="checkbox"/> (b)(6) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| | | <input type="checkbox"/> (k)(7) |

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_____ Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 360: Page 14 of a 14 page partly classified transcript dated April 22, 2010, titled, "Testimony of Robert Mueller, Director, Federal Bureau of Investigation, Before the Senate Committee on Intelligence." Mueller's testimony was concerning the Fiscal Year 2011 National Intelligence Program budget request and the FBI's efforts to enhance intelligence capabilities. See Bates pages 347-359 for transcript pages 1-13.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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Section 552

Section 552a

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- (b)(7)(A)
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(b)(9)

- (d)(5)
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(k)(6)
(k)(7)

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 361-362: These pages are duplicates of Bates pages 296-297.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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Section 552

Section 552a

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(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 363-366: This 4 page report was prepared by the DOJ December 8, 2009, and the FBI referred this report to the DOJ on May 31, 2011, for review and direct response to the plaintiff.

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FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

*Director's Office
Unclassified CD
Response*

Serial Description ~ Unrecorded Serial

Total Deleted	Page(s) ~	421	<u>Bates Page</u>
Page 2 ~	b5		367
Page 3 ~	b5		368
Page 4 ~	b5		369
Page 5 ~	b5		370
Page 6 ~	b5		371
Page 7 ~	b5, b7E		372
Page 8 ~	b5		373
Page 9 ~	b5		374
Page 10 ~	b5		375
Page 11 ~	b5		376
Page 12 ~	b5		377
Page 13 ~	b5		378
Page 14 ~	b5		379
Page 16 ~	b5		380
Page 17 ~	b5		381
Page 18 ~	b5		382
Page 19 ~	b5		383
Page 20 ~	b5, b7E		384
Page 21 ~	b5, b7E		385
Page 22 ~	b5		386
Page 23 ~	b5		387
Page 24 ~	b5, b7E		388
Page 25 ~	b5		389
Page 26 ~	b5		390
Page 27 ~	b5		391
Page 28 ~	b5		392
Page 30 ~	b5		393
Page 31 ~	b5		394
Page 32 ~	b5		395
Page 33 ~	b5		396
Page 34 ~	b5, b7E		397
Page 35 ~	b5, b7E		398
Page 36 ~	b5		399
Page 37 ~	b5		400
Page 38 ~	b5, b7E		401
Page 39 ~	b5		402
Page 40 ~	b5		403
Page 41 ~	b5		404
Page 42 ~	b5		405
Page 44 ~	b5		406
Page 45 ~	b5		407
Page 46 ~	b5		408
Page 47 ~	b5		409
Page 48 ~	b5, b7E		410

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Bates Page

Page 49 ~	b5, b7E	411
Page 50 ~	b5	412
Page 51 ~	b5	413
Page 52 ~	b5, b7E	414
Page 53 ~	b5	415
Page 54 ~	b5	416
Page 55 ~	b5	417
Page 56 ~	b5, b7E	418
Page 58 ~	b5	419
Page 59 ~	b5	420
Page 61 ~	b5	421
Page 62 ~	b5	422
Page 63 ~	b5, b7E	423
Page 64 ~	b5	424
Page 65 ~	b5	425
Page 66 ~	b5, b7E	426
Page 67 ~	b5	427
Page 68 ~	b5	428
Page 70 ~	b5	429
Page 71 ~	b5	430
Page 72 ~	b5, b7E	431
Page 73 ~	b5, b7E	432
Page 74 ~	b5, b7E	433
Page 75 ~	b5, b7E	434
Page 76 ~	b5	435
Page 77 ~	b5, b7E	436
Page 78 ~	b5	437
Page 79 ~	b5, b7E	438
Page 80 ~	b5, b7E	439
Page 81 ~	b5, b7E	440
Page 82 ~	b5	441
Page 83 ~	b5, b7E	442
Page 84 ~	b5	443
Page 85 ~	b5	444
Page 86 ~	b5	445
Page 87 ~	b5, b7E	446
Page 88 ~	b5	447
Page 89 ~	b5	448
Page 91 ~	b5	449
Page 92 ~	b5	450
Page 93 ~	b5	451
Page 94 ~	b5	452
Page 95 ~	b5, b7E	453
Page 96 ~	b5	454

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		<u>Bates Page</u>
Page 97 ~	b5, b7E	455
Page 98 ~	b5	456
Page 99 ~	b5	457
Page 100 ~	b5, b7E	458
Page 102 ~	b5	459
Page 103 ~	b5	460
Page 104 ~	b5	461
Page 105 ~	b5	462
Page 106 ~	b5, b7E	463
Page 107 ~	b5	464
Page 108 ~	b5, b7E	465
Page 109 ~	b5	466
Page 110 ~	b5	467
Page 111 ~	b5, b7E	468
Page 113 ~	b5	469
Page 114 ~	b5	470
Page 115 ~	b5	471
Page 116 ~	b5	472
Page 117 ~	b5, b7E	473
Page 118 ~	b5	474
Page 119 ~	b5, b7E	475
Page 120 ~	b5	476
Page 121 ~	b5	477
Page 122 ~	b5, b7E	478
Page 124 ~	b5	479
Page 125 ~	b5	480
Page 126 ~	b5	481
Page 127 ~	b5	482
Page 128 ~	b5, b7E	483
Page 130 ~	b5, b7E	484
Page 131 ~	b5	485
Page 132 ~	b5	486
Page 133 ~	b5, b7E	487
Page 135 ~	b5	488
Page 136 ~	b5	489
Page 137 ~	b5	490
Page 138 ~	b5	491
Page 139 ~	b5, b7E	492
Page 140 ~	b5	493
Page 141 ~	b5, b7E	494
Page 142 ~	b5	495
Page 143 ~	b5	496
Page 144 ~	b5, b7E	497
Page 145 ~	b5	498

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Bates Page

Page 146	~	b5	499
Page 147	~	b5, b7E	500
Page 148	~	b5	501
Page 150	~	b5	502
Page 151	~	b5	503
Page 152	~	b5	504
Page 153	~	b5	505
Page 154	~	b5, b7E	506
Page 155	~	b5	507
Page 156	~	b5, b7E	508
Page 157	~	b5	509
Page 158	~	b5	510
Page 159	~	b5, b7E	511
Page 160	~	b5	512
Page 161	~	b5	513
Page 162	~	b5, b7E	514
Page 163	~	b5	515
Page 165	~	b5	516
Page 166	~	b5	517
Page 167	~	b5	518
Page 168	~	b5	519
Page 169	~	b5, b7E	520
Page 170	~	b5	521
Page 171	~	b5, b7E	522
Page 172	~	b5	523
Page 173	~	b5	524
Page 174	~	b5, b7E	525
Page 175	~	b5	526
Page 176	~	b5	527
Page 177	~	b5, b7E	528
Page 178	~	b5	529
Page 180	~	b5	530
Page 181	~	b5	531
Page 182	~	b5	532
Page 183	~	b5	533
Page 184	~	b5, b7E	534
Page 186	~	b5, b7E	535
Page 187	~	b5	536
Page 188	~	b5	537
Page 189	~	b5, b7E	538
Page 190	~	b5, b7E	539
Page 191	~	b5	540
Page 192	~	b5, b7E	541
Page 193	~	b5	542

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Bates Page

Page 195 ~ b5 543
 Page 196 ~ b5 544
 Page 197 ~ b5 545
 Page 198 ~ b5 546
 Page 199 ~ b5, b7E 547
 Page 200 ~ b5 548
 Page 201 ~ b5 549
 Page 202 ~ b5 550
 Page 203 ~ b5 551
 Page 204 ~ b5, b7E 552
 Page 205 ~ b5 553
 Page 206 ~ b5 554
 Page 207 ~ b5 555
 Page 208 ~ b5 556
 Page 210 ~ b5 557
 Page 211 ~ b5 558
 Page 212 ~ b5 559
 Page 213 ~ b5, b7E 560
 Page 215 ~ b5 561
 Page 216 ~ b5 562
 Page 217 ~ b5, b7E 563
 Page 218 ~ b5 564
 Page 219 ~ b5 565
 Page 220 ~ b5 566
 Page 222 ~ b5 567
 Page 223 ~ b5 568
 Page 224 ~ b5 569
 Page 225 ~ b5 570
 Page 226 ~ b5, b7E 571
 Page 227 ~ b5 572
 Page 228 ~ b5, b7E 573
 Page 229 ~ b5 574
 Page 230 ~ b5 575
 Page 231 ~ b5, b7E 576
 Page 232 ~ b5 577
 Page 233 ~ b5 578
 Page 234 ~ b5, b7E 579
 Page 235 ~ b5 580
 Page 237 ~ b5, b7E 581
 Page 238 ~ b5, b7E 582
 Page 239 ~ b5, b7E 583
 Page 240 ~ b5, b7E 584
 Page 241 ~ b5, b7E 585
 Page 242 ~ b5, b7E 586

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			<u>Revised Page</u>
Page 244	~	b5	587
Page 246	~	b5	588
Page 248	~	b5	589
Page 250	~	b5	590
Page 252	~	b5	591
Page 254	~	b5	592
Page 256	~	b5	593
Page 258	~	b5	594
Page 259	~	b5	595
Page 260	~	b5	596
Page 261	~	b5, b7E	597
Page 262	~	b5	598
Page 263	~	b5, b7E	599
Page 264	~	b5, b7E	600
Page 265	~	b5, b7E	601
Page 266	~	b5, b7E	602
Page 268	~	b5, b7E	603
Page 270	~	b5	604
Page 271	~	b5	605
Page 272	~	b5, b7E	606
Page 273	~	b5, b7E	607
Page 274	~	b5, b7E	608
Page 275	~	b5, b7E	609
Page 276	~	b5, b7E	610
Page 278	~	b5, b7E	611
Page 279	~	b5	612
Page 280	~	b5	613
Page 281	~	b5, b7E	614
Page 283	~	b5	615
Page 284	~	b5	616
Page 285	~	b5	617
Page 286	~	b5	618
Page 289	~	b5	619
Page 290	~	b5, b7E	620
Page 291	~	b5	621
Page 292	~	b5, b7E	622
Page 293	~	b5	623
Page 294	~	b5	624
Page 295	~	b5, b7E	625
Page 297	~	b5	626
Page 298	~	b5	627
Page 300	~	b5	628
Page 301	~	b5	629
Page 302	~	b5	630

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Bates Page

Duplicate of Bates Page

Page 303 ~ b5, b7E 631
Page 305 ~ b5 632
Page 306 ~ b5 633
Page 307 ~ b5 634
Page 308 ~ b5 635
Page 309 ~ b5 636
Page 310 ~ b5, b7E 637
Page 311 ~ b5 638
Page 313 ~ b5 639
Page 314 ~ b5 640
Page 316 ~ b5 641
Page 317 ~ b5 642
Page 318 ~ b5 643
Page 319 ~ b5, b7E 644
Page 320 ~ b5 645
Page 321 ~ b5 646
Page 323 ~ b5, b7E 647
Page 324 ~ b5, b7D, b7E 648
Page 328 ~ Referral/Direct 650
Page 329 ~ Referral/Direct 651
Page 330 ~ Referral/Direct 652
Page 331 ~ Referral/Direct 653
Page 332 ~ Referral/Direct 654
Page 333 ~ Referral/Direct 655
Page 334 ~ Referral/Direct 656
Page 335 ~ Referral/Direct 657
Page 336 ~ Referral/Direct 658
Page 337 ~ Referral/Direct 659
Page 338 ~ Referral/Direct 660
Page 339 ~ Referral/Direct 661
Page 343 ~ Duplicate 663
Page 344 ~ Duplicate 664
Page 349 ~ Referral/Direct 667
Page 350 ~ Referral/Direct 668
Page 355 ~ b5 672
Page 356 ~ b5, b7E 673
Page 357 ~ b5, b7E 674
Page 359 ~ b5 675
Page 360 ~ b5, b7E 676
Page 361 ~ b5, b7E 677
Page 362 ~ b5 678
Page 364 ~ b5, b7E 679
Page 365 ~ b5, b7E 680
Page 366 ~ b5 681

129
130

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Bates Page

Page 367 ~ b5 682
 Page 369 ~ b5, b7E 683
 Page 370 ~ b5 684
 Page 371 ~ b5, b7E 685
 Page 372 ~ b5 686
 Page 374 ~ b5, b7E 687
 Page 375 ~ b5 688
 Page 376 ~ b5, b7E 689
 Page 377 ~ b5, b7E 690
 Page 379 ~ b5, b7E 691
 Page 380 ~ b5 692
 Page 381 ~ b5, b7E 693
 Page 382 ~ b5, b7E 694
 Page 383 ~ b5 695
 Page 385 ~ b5, b7E 696
 Page 386 ~ b5 697
 Page 387 ~ b5, b7E 698
 Page 388 ~ b5, b7E 699
 Page 389 ~ b5 700
 Page 391 ~ b5, b7E 701
 Page 392 ~ b5 702
 Page 393 ~ b5, b7E 703
 Page 394 ~ b5, b7E 704
 Page 396 ~ b5, b7E 705
 Page 397 ~ b5 706
 Page 398 ~ b5, b7E 707
 Page 399 ~ b5, b7E 708
 Page 401 ~ b5, b7E 709
 Page 402 ~ b5 710
 Page 403 ~ b5, b7E 711
 Page 404 ~ b5, b7E 712
 Page 406 ~ b5, b7E 713
 Page 407 ~ b5 714
 Page 408 ~ b5, b7E 715
 Page 409 ~ b5, b7E 716
 Page 410 ~ b5 717
 Page 412 ~ b5, b7E 718
 Page 413 ~ b5 719
 Page 414 ~ b5, b7E 720
 Page 415 ~ b5 721
 Page 416 ~ b5 722
 Page 418 ~ b5, b7E 723
 Page 419 ~ b5 724
 Page 420 ~ b5, b7E 725

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		<u>Bates Page</u>
Page 421 ~	b5	726
Page 423 ~	Referral/Direct	727
Page 424 ~	Referral/Direct	728
Page 425 ~	Referral/Direct	729
Page 426 ~	Referral/Direct	730
Page 427 ~	Referral/Direct	731
Page 428 ~	Referral/Direct	732
Page 429 ~	Referral/Direct	733
Page 430 ~	Referral/Direct	734
Page 431 ~	Referral/Direct	735
Page 432 ~	Referral/Direct	736
Page 433 ~	Referral/Direct	737
Page 434 ~	Referral/Direct	738
Page 435 ~	Referral/Direct	739
Page 436 ~	Referral/Direct	740
Page 437 ~	Referral/Direct	741
Page 438 ~	Referral/Direct	742
Page 439 ~	Referral/Direct	743
Page 440 ~	b5	744
Page 441 ~	b5	745
Page 442 ~	b5	746
Page 443 ~	b5	747
Page 444 ~	b5	748
Page 445 ~	b5, b7E	749
Page 446 ~	b5, b7E	750
Page 447 ~	b5, b7E	751
Page 448 ~	b5, b7E	752
Page 449 ~	b5, b7E	753
Page 450 ~	b5, b7E	754
Page 454 ~	Referral/Direct	756
Page 455 ~	Referral/Direct	757
Page 456 ~	Referral/Direct	758
Page 457 ~	Referral/Direct	759
Page 458 ~	Referral/Direct	760
Page 470 ~	b5	768
Page 471 ~	b5	769
Page 472 ~	b5, b7E	770
Page 473 ~	b5	771
Page 474 ~	b5	772
Page 475 ~	b5	773
Page 476 ~	b5	774
Page 477 ~	b5, b7E	775
Page 478 ~	b5, b7E	776
Page 479 ~	b5, b7E	777

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Page 480	~	b5, b7E	778
Page 481	~	b5, b7E	779
Page 482	~	b5	780
Page 483	~	b5	781
Page 484	~	b5	782
Page 485	~	b5	783
Page 486	~	b5	784
Page 487	~	b5	785
Page 488	~	b5	786
Page 489	~	b5, b7E	787
Page 490	~	b5	788
Page 491	~	b5	789
Page 492	~	b5	790
Page 493	~	b5	791
Page 494	~	b5	792
Page 495	~	b5, b7E	793
Page 496	~	b5, b7E	794
Page 497	~	b5, b7E	795
Page 498	~	b5, b7E	796
Page 499	~	b5	797
Page 500	~	b5	798
Page 501	~	b5	799
Page 502	~	b5	800
Page 503	~	b5	801
Page 504	~	b5	802

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Section 552

Section 552a

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| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
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| | | <input type="checkbox"/> (k)(7) |

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EFF/Lynch 367-371 and 373-379: Pages 1-5, and 7-13 of a 13 page December 2009, draft Going Dark presentation titled, "Law Enforcement's Need to Preserve Lawful Intercept Capabilities." See Bates page 372 for presentation page 6.

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Section 552

Section 552a

- Exemption options under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption options under Section 552a: (b)(7)(A-F), (b)(8), (b)(9)

- Exemption options under Section 552a: (d)(5), (j)(2), (k)(1-7)

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Section 552

Section 552a

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- (d)(5)
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EFF/Lynch 380-383, 386-387, and 389-392: Pages 1-4, 7-8, and 10-13 of a 13 page December 15, 2009, draft Going Dark presentation titled, "Law Enforcement's Need to Preserve Lawful Intercept Capabilities." See Bates pages 384-385, and 388 for presentation pages 5-6, and 9.

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Section 552

Section 552a

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Section 552

Section 552a

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Section 552

Section 552a

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(b)(7)(B)
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(b)(9)

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Section 552

Section 552a

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Section 552

Section 552a

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- (b)(3) _____
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- (b)(4)
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- (b)(7)(A)
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Section 552

Section 552a

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EFF/Lynch 419-422, 424-425, and 427-428: Pages 1-2, 4-5, 7-8, and 10-11 of a 11 page December 16, 2009, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." Page 3 of presentation determined to be outside the scope of plaintiff's FOIA request. See Bates pages 423, and 426 for presentation pages 6, and 9.

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Section 552

Section 552a

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Section 552

Section 552a

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EFF/Lynch 429-430, 435, 437, 441, 443-445, and 447-448: Pages 1-2, 7, 9, 13, 15-17, and 19-20 of a 20 page December 14, 2009, draft discussion paper titled, "Going Dark: Problems and Proposals." This discussion paper outlines the fact that the FBI is "Going Dark" due to Lawful Intercept capability gaps, and outlines proposals to correct these problems. See Bates pages 431-434, 436, 438-440, 442, and 446 for presentation pages 3-6, 8, 10-12, 14, and 18.

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Section 552

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EFF/Lynch 449-452, 454, and 456-457: Pages 1-4, 6, and 8-9 of a 10 page January 2010 (mislabeled 2009) draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 453, 455, and 458 for presentation pages 5, 7, and 10.

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EFF/Lynch 459-462, 464, and 466-467: Pages 1-4, 6, and 8-9 of a 10 page December 2009, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 463, 465, and 468 for presentation pages 5, 7, and 10.

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EFF/Lynch 469-472, 474, and 476-477: Pages 1-4, 6, and 8-9 of a 10 page January 2010 (mis-labeled 2009), draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 473, 475, and 478 for presentation pages 5, 7, and 10.

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EFF/Lynch 479-482 and 485-486: Pages 1-4, and 8-9 of a 10 page January 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." Presentation page 6 was determined to be outside the scope of the plaintiff's FOIA request. See Bates pages 483-484, and 487 for presentation pages 5, 7, and 10.

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EFF/Lynch 488-491, 493, 495-496, 498-499, and 501: Pages 1-4, 6, 8-9; 11-12, and 14 of a 14 page December 2009, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 492, 494, 497, and 500 for presentation pages 5, 7, 10, and 13.

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OPCA-20 (12-3-96)

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FOIA/PA DELETED PAGE INFORMATION SHEET

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Section 552

Section 552a

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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EFF/Lynch 502-505, 507, 509-510, 512-513, and 515: Pages 1-4, 6, 8-9, 11-12, and 14 of a 14 page December 2009, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 506, 508, 511, and 514 for presentation pages 5, 7, 10, and 13.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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EFF/Lynch 506, 508, 511, and 514: Pages 5, 7, 10, and 13 of a 14 page December 2009 draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 502-505, 507, 509-510, 512-513, and 515 for presentation pages 1-4, 6, 8-9, 11-12, and 14.

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Section 552

Section 552a

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 516-519, 521, 523-524, 526-527, and 529: Pages 1-4, 6, 8-9, 11-12, and 14 of a 14 page December 2009, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 520, 522, 525, and 528 for presentation pages 5, 7, 10, and 13.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 520, 522, 525, and 528: Pages 5, 7, 10, and 13 of a 14 page December 2009 draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 516-519, 521, 523-524, 526-527, and 529 for presentation pages 1-4, 6, 8-9, 11-12, and 14.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 530-533, 536-537, 540, and 542: Pages 1-4, 8-9, 12 and 14 of a 14 page January 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." Presentation page 6 was determined to be outside the scope of the plaintiff's FOIA request. See Bates pages 534-535, 538-539, and 541 for presentation pages 5, 7, 10-11, and 13.

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Section 552

Section 552a

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 534-535, 538-539, and 541: Pages 5, 7, 10-11, and 13 of a 14 page January 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 530-533, 536-537, 540, and 542 for presentation pages 1-4, 8-9, 12, and 14. Presentation page 6 was determined to be outside the scope of plaintiff's FOIA request.

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OPCA-20 (12-3-96)

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12 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 543-546, 548-551, and 553-556: Pages 1-4, 6-9, and 11-14 of a 14 page May 7, 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 547, and 552 for presentation pages 5, and 10.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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EFF/Lynch 547 and 552: Pages 5, and 10 of a 14 page May 7, 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 543-546, 548-551, and 553-556 for presentation pages 1-4, 6-9, and 11-14.

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 557-559, 561-562, and 564-566: Pages 1-3, 6-7, and 9-11 of a 11 page May 7, 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." Presentation page 5 determined to be outside the scope of plaintiff's request. See Bates page 560, and 563 for presentation pages 4, and 8.

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Section 552

Section 552a

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EFF/Lynch 560 and 563: Pages 4, and 8 of a 11 page May 7, 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 557-559, 561-562, and 564-566 for presentation pages 1-3, 6-7, and 9-11. Presentation page 5 determined to be outside the scope of plaintiff's request.

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Section 552

Section 552a

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EFF/Lynch 567-570, 572, 574-575, 577-578, and 580: Pages 1-4, 6, 8-9, 11-12 and 14 of a 14 page April 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 571, 573, 576, and 579 for presentation pages 5, 7, 10, and 13.

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Section 552

Section 552a

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EFF/Lynch 571, 573, 576, and 579: Pages 5, 7, 10, and 13 of a 14 page April 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 567-570, 572, 574-575, 577-578, and 580 for presentation pages 1-4, 6, 8-9, 11-12, and 14.

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Section 552

Section 552a

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 581-586: Pages 1-6 of 13 pages of draft Going Dark presentation slides that are not dated or part of a titled presentation. The slides detail challenges and potential solutions to help preserve lawful intercept capabilities.

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Section 552

Section 552a

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EFF/Lynch 587-593: Pages 7-13 of 13 pages of draft Going Dark presentation slides that are not dated or part of a titled presentation. The slides detail challenges and potential solutions to help preserve lawful intercept capabilities.

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Section 552

Section 552a

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 594-596, and 598: Pages 1-3, and 5 of a 9 page June 2010, "template" created for potential future audiences. This Going Dark presentation is titled, "Closing the National Security ELSUR Gap." See Bates pages 597, and 599-602 for template pages 4, and 6-9.

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Section 552

Section 552a

- Exemption options for Section 552 (b)(1)-(6) and Section 552a (d)(5), (j)(2), (k)(1)-(7).

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 597 and 599-602: Pages 4, and 6-9 of a 9 page June 2010 "template" created for potential future audiences. This Going Dark presentation is titled, "Closing the National Security ELSUR Gap." See Bates pages 594-596, and 598 for template pages 1-3, and 5.

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Section 552

Section 552a

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The following number is to be used for reference regarding this page:

EFF/Lynch 603: Undated draft definition statement defining "Going Dark," which outlines changes to CALEA that are needed to close the ELSUR security gap.

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 604-605 and 612-613: Pages 1-2, and 9-10 of a 11 page May 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 606-611, and 614 for presentation pages 3-8, and 11.

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Section 552

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EFF/Lynch 606-611, and 614: Pages 3-8, and 11 of a 11 page May 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 604-605, and 612-613 for presentation pages 1-2, and 9-10.

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Section 552

Section 552a

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 615-619, 621, and 623-624: Pages 1-4, 7, 9, and 11-12 of a 13 page January 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." Presentation pages 5-6 were determined to be outside the scope of plaintiff's FOIA request. See Bates pages 620, 622, and 625 for presentation pages 8, 10, and 13.

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 620, 622, and 625: Pages 8, 10, and 13 of a 13 page January 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." Presentation pages 5-6 were determined to be outside the scope of plaintiff's FOIA request. See Bates pages 615-619, 621, and 623-624 for presentation pages 1-4, 7, 9, and 11-12.

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EFF/Lynch 626-630: Pages 1-2, and 4-6 of a 7 page January 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." Presentation page 3 was determined to be outside the scope of plaintiff's FOIA request. See Bates page 631 for presentation page 7.

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The following number is to be used for reference regarding this page:

EFF/Lynch 631: Page 7 of a 7 page January 2010 draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." Presentation page 3 was determined to be outside the scope of plaintiff's FOIA request. See Bates pages 626-630 for presentation pages 1-2, and 4-6.

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EFF/Lynch 632-636, and 638: Pages 1-5, and 7 of a 7 page January 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates page 637 for presentation page 6.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

- Exemption options for Section 552 and 552a including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7).

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The following number is to be used for reference regarding this page:

EFF/Lynch 637: Page 6 of a 7 page January 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 632-636, and 638 for presentation pages 1-5, and 7.

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7 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 639-643, and 645-646: Pages 1-2, 4-6, and 8-9 of a 9 page January 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." Presentation page 3 determined to be outside the scope of plaintiff's FOIA request. See Bates page 644 for presentation page 7.

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Section 552

Section 552a

- Exemption options under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption options under Section 552a: (b)(7)(A-F), (b)(8), (b)(9)

- Exemption options under Section 552a: (d)(5), (j)(2), (k)(1-7)

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EFF/Lynch 644: Page 7 of a 9 page January 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." Presentation page 3 determined to be outside the scope of plaintiff's FOIA request. See Bates pages 639-643, and 645-646 for presentation pages 1-2, 4-6, and 8-9.

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Section 552

Section 552a

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The following number is to be used for reference regarding this page:

EFF/Lynch 647: Page 1 of a 2 page undated draft talking points document titled, "Going Dark." Draft talking points document defines 'Going Dark,' and shows examples of how the FBI's ELSUR capabilities need enhancement. Bates page 649 refers to this talking points document as an attachment titled, "Going Dark Tps.doc." See Bates page 648 for talking points page 2.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 648: Page 2 of a 2 page undated draft talking points document titled, "Going Dark." Draft talking points document defines 'Going Dark,' and shows examples of how the FBI's ELSUR capabilities need enhancement. Bates page 649 refers to this talking point document as an attachment titled, "Going Dark Tps.doc." See Bates page 647 for talking points page 1.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-13-2011 BY 65179/DMH/BAW/STP/bls

From: Kelly, Stephen
Sent: Tuesday, September 21, 2010 2:30 PM
To: [redacted] (SMO)
Cc: Kortan, Michael P.; Beers, Elizabeth R.; Sabol, Sherry E.; DiClemente, Anthony P.; [redacted] (SMO); Caproni, Valerie E.; [redacted] (SMO); [redacted] (SMO)
Subject: NY Times Story - [redacted]

Attachments: Going Dark TPs.doc
[redacted]

It appears that the NY Times story related to Going Dark may run as early as the weekend, or even Friday. As we've discussed, [redacted]

[redacted]

Please advise promptly if you want to take this forward; alternatively, I'm happy to do it, but that's really your call. We will need to get this set up by Friday, in case the story runs over the weekend. The TPs are attached.

Thanks.
- Stephen

Stephen D. Kelly
Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation
[redacted]

EFF/Lynch-649

file://D:\Going Dark [redacted] NY Times Story - [redacted]

5/6/2011

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Section 552

Section 552a

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 650-661: This 12 page report titled, "Electronic Surveillance Capability Assessment Results" was prepared by the Department of Homeland Security, and the FBI referred this report to the Privacy Office, Department of Homeland Security, on May 31, 2011, for review and direct response to the plaintiff.

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From: Kortan, Michael P.
Sent: Friday, September 24, 2010 6:02 PM
To: [REDACTED]
Subject: Fw: NY Times information

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-13-2011 BY 65179/DMH/BAW/STP/bls

From: Sabol, Sherry E.
To: Kortan, Michael P.
Cc: Caproni, Valerie E.; [REDACTED] Thomas, Marcus C.; DiClemente, Anthony P.; Grever, Louis E.
Sent: Fri Sep 24 17:56:10 2010
Subject: FW: NY Times information

Mike – the following bullets were cleared by OGC and OTD for release to [REDACTED]

From late 2008-2009 a major telecommunications carrier currently subject to CALEA was unable to implement lawful electronic surveillance pursuant to more than 100 court orders. An initial outage during which law enforcement received no information lasted for 8 months. A second outage lasted 9 days. FBI dedicated significant engineering resources to assist the company in development of an effective solution.

A second major telecommunications carrier currently subject to CALEA was unable to implement court authorized electronic surveillance pursuant to 14 court orders for periods ranging from 9 days to 1 ½ month. Through 2010 the FBI continued to work with this carrier to effect surveillance on numerous court orders. While the carrier has a CALEA solution in place, the solution works sporadically and typically fails [REDACTED]

[REDACTED] Each time its solution fails, FBI engineers contact the company to inquire as to the nature of the problem and provide assistance when necessary.

The FBI has been working with an internet communications service provider for more than three years to develop a capability to conduct lawfully authorized electronic surveillance. To date, the FBI has been unable to fully implement lawful surveillance on more than 150 occasions. The provider is not subject to CALEA and had no lawful intercept capability in place until contacted by law enforcement. To the extent the FBI has been able to effect any level of surveillance, the surveillance has been sporadic and has provided the FBI with only a portion of information the FBI is authorized to collect in accordance with the relevant legal authority. The FBI has dedicated significant engineering resources to assist this internet communications service provider in development of an effective solution.

EFF/Lynch-662

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 663-664: These pages are duplicates of Bates pages EFF/Lynch 129-130.

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X No Duplication Fee X
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From: [REDACTED]
 Sent: Monday, September 27, 2010 3:16 PM
 To: Thomas, Marcus C.; DiClemente, Anthony P.; Kortan, Michael P.; Grever, Louis E.; [REDACTED]
 Subject: Fw: WP article on G.D.
 Peter Modafferi was interviewed today by Ellen Nakashima, Washington Post, NBC Nightly News, CNN, and National Public Radio.

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 HEREIN IS UNCLASSIFIED
 DATE 05-13-2011 BY 65179/DMH/BAW/STP/bls

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From: [REDACTED]
 To: Sabol, Sherry E.; [REDACTED]
 Sent: Mon Sep 27 14:49:44 2010
 Subject: WP article on G.D.

The Washington Post has its own piece now on plans to amend CALEA. Refreshingly, the Post's Ellen Nakashima did some of her own reporting rather than just parroting the NYT's article (which the AP article did). This one is more accurate regarding the status of the proposal within the government, saying that it is "still in the discussion stages among federal bodies" and that "no draft language or clear timeline exists." She is also more accurate than Savage in describing what is not subject to CALEA (specifying Facebook and Twitter rather than "communication service providers," a term that any layperson would think includes phone companies, broadband providers, and interconnected VoIP services, which are in fact subject to CALEA). There's also a quote from an unnamed "federal law enforcement official", so she apparently conducted at least some of her own background interviews today.

<http://www.washingtonpost.com/wp-dyn/content/article/2010/09/27/AR2010092703244.html>

Administration seeks ways to monitor Internet communications

By Ellen Nakashima
 Washington Post Staff Writer
 Monday, September 27, 2010; 1:41 PM

Federal officials are planning to seek legislation that would require social networking companies and voice-over-Internet service providers to adapt their technology so law enforcement agents can monitor users' communications to catch suspected terrorists and other criminals.

The proposal arises out of concern that technology and social customs have outpaced the law and that law enforcement authorities lack the means to monitor new methods of communication, administration officials said. But the initiative has also revived the debate over the proper balance between national security and personal privacy as well as what industry can be reasonably asked to do without stifling innovation.

"This is about lawfully authorized intercepts," said Valerie E. Caproni, FBI general counsel. "This is not about expanding authority, but about preserving the ability to carry out existing authorities in order to protect the national security and public safety."

The idea, which has been percolating for at least two years, is still in the discussion stages among federal bodies, including the FBI, the Justice Department and the National Security Council. Congressional and administration officials said no draft language or clear timeline exists. The administration's plans were first reported by the New York Times.

At issue is a 1994 telecommunications law called the Communications Assistance to Law Enforcement Act, which requires phone and broadband companies to build interception capabilities into their

EFF/Lynch-665

networks for law enforcement. An agent must have a court order based on probable cause to gain access to a provider's network.

Social networking companies such as Facebook and Twitter are not covered under CALEA. Their technologies were not built to provide law enforcement with real-time access to content.

Law enforcement would also like firms that offer encrypted communications to be able to provide them decrypted "clear text," as well as design a service to allow interception of peer-to-peer communications, such as Skype.

"If you're in an ongoing situation, where we had hostages and the suspects are communicating with one another calling out their plan or next move, you'd want real-time access," said one federal law enforcement official, noting that the issue concerns state and local police, too.

Greg Nojeim, senior counsel at the Center for Democracy and Technology, said that government already has enormous electronic surveillance powers, and that the proposal could impede the creation of new products. "The whole power of the Internet grows out of the fact that anyone in a garage can innovate and develop a new service," he said. "[Under the proposal], you wouldn't be able to build some products unless you complied with the government mandate. We could lose our competitive edge if the government gets into the design process."

Michael A. Sussmann, a former Justice Department lawyer who advises social networking and communications services providers, said that the proposal to expand CALEA "could be extremely difficult" from a technical point of view. "In some cases networks would need to be re-engineered," he said. "Where even possible, that can require a lot of time and huge costs."

EFF/Lynch-666

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Section 552

Section 552a

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Information originated with another Government agency. These documents were referred to that agency for review and direct response to you.

2 Additional page(s) contain information furnished by another Government agency, and is imbedded in an FBI document. The FBI processed all FBI information, and released the information in full or in part, but referred the imbedded information to the other Government agency for direct response to you.

Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

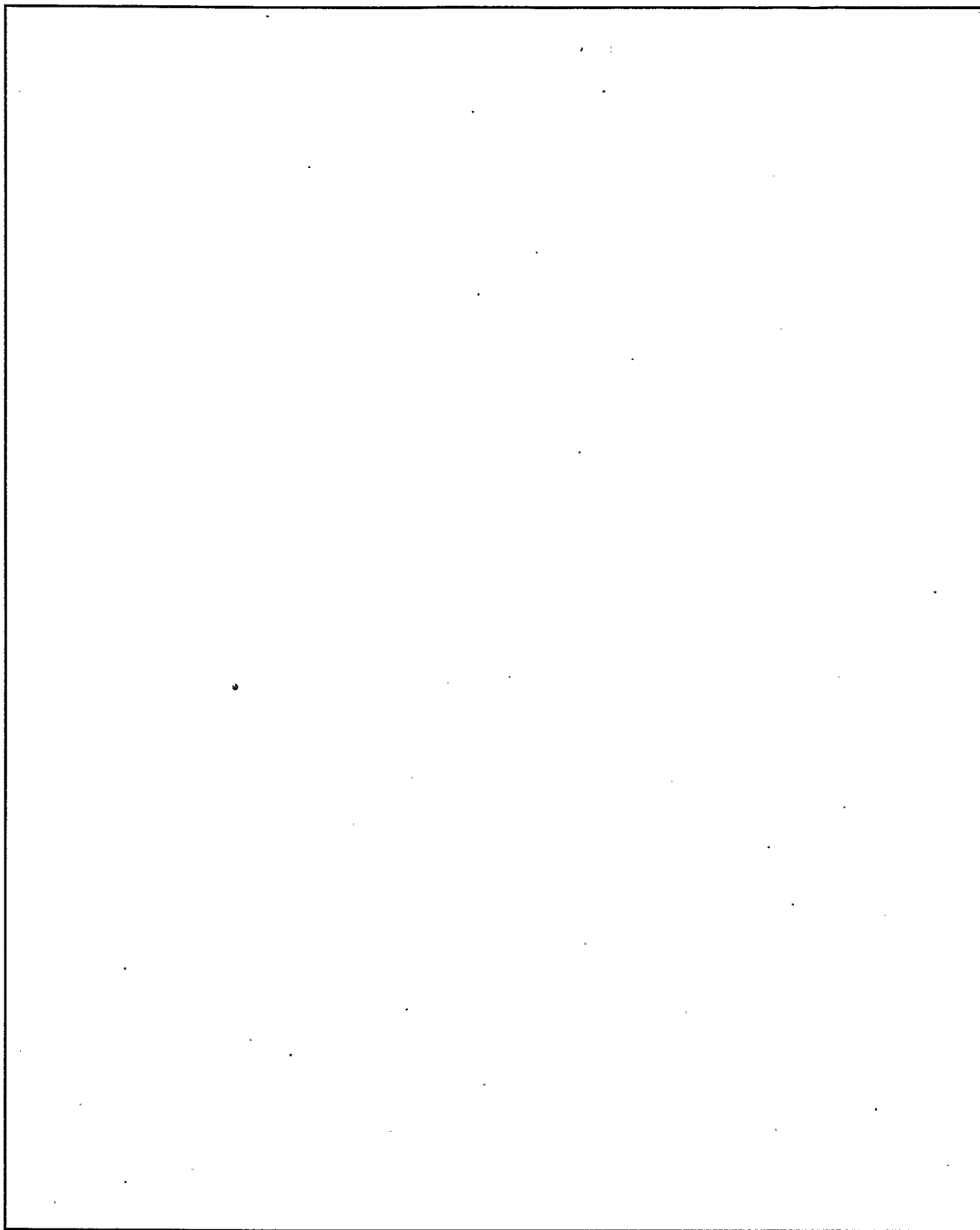
Page(s) was/were not considered for release as it (is) /they (are) (a) duplicate(s) of (an) other released page(s).

Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 667-668: These 2 pages are part of a 4 page e-mail chain, dated between September 21-27, 2010, which contained information e-mailed from the DOJ. The FBI referred Bates pages 667-668 (in-full), and Bates pages 669-670 (in-part), to the DOJ on May 31, 2011, for review and direct response to the plaintiff.

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From: Kelly, Stephen (FBI)

Sent: Wednesday, September 22, 2010 10:27 PM

EFF/Lynch-669

file://D:\Going Dark\Media\NY Times U.S. Is Working to Ease Wiretaps on the Internet (S... 5/9/2011

To: [redacted] (SMO)
 Cc: Kortan, Michael P. (FBI); Beers, Elizabeth R. (FBI); Sabol, Sherry E. (FBI); DiClemente, Anthony P. (FBI); [redacted] (FBI); [redacted] (SMO); Caproni, Valerie E. (FBI); [redacted] (SMO); [redacted] (SMO); [redacted] (SMO); [redacted] (OLA); [redacted] (SMO); [redacted] (OLP); [redacted] (SMO); [redacted] (ODAG); [redacted] (OLP); [redacted] (SMO)

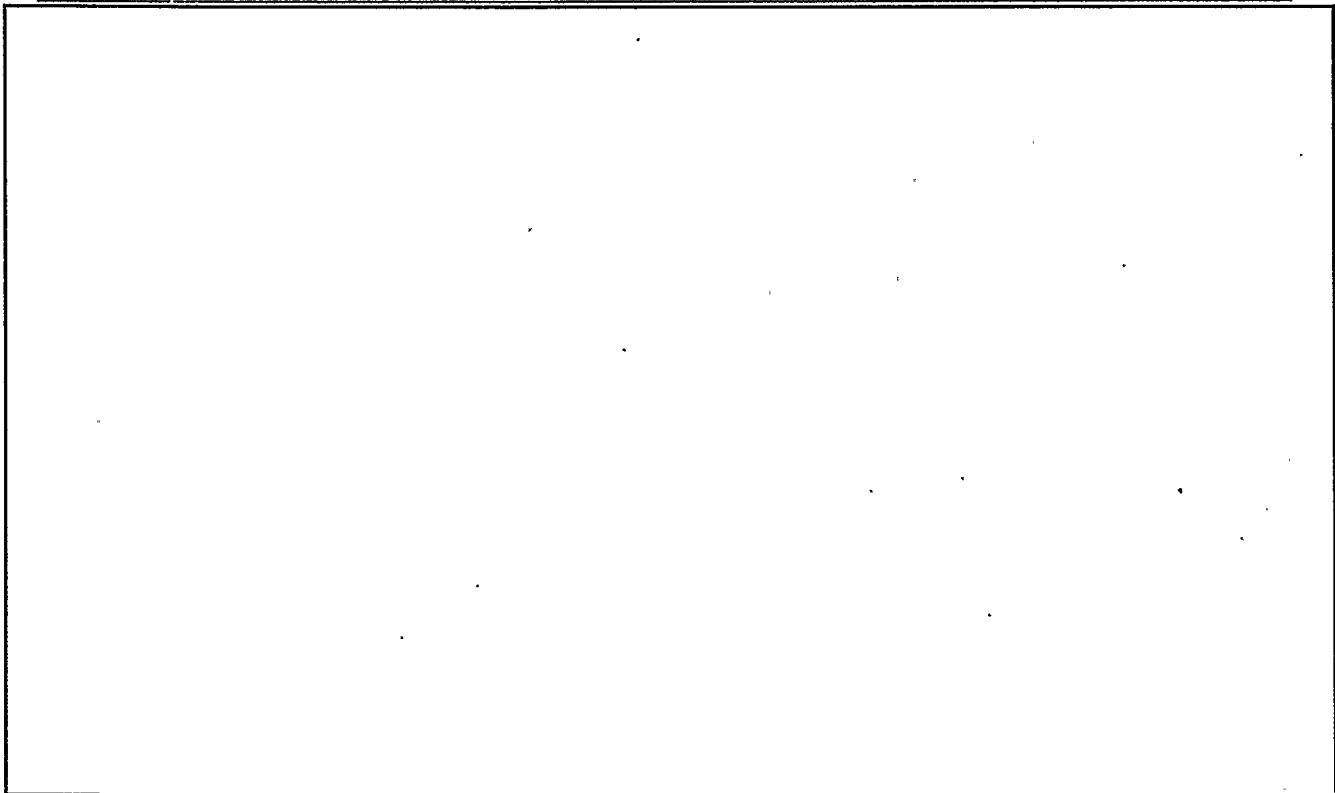
Subject: Re: NY Times Story - Plan to Brief the Hill

Agreed on all counts.

We'll report in after the call with NYTM

- Stephen

Referral/Direct



From: Kelly, Stephen (FBI)
 Sent: Tuesday, September 21, 2010 2:30 PM
 To: [redacted] (SMO)
 Cc: Kortan, Michael P. (FBI); Beers, Elizabeth R. (FBI); Sabol, Sherry E. (FBI); DiClemente, Anthony P. (FBI); [redacted] (FBI); [redacted] (SMO); Caproni, Valerie E. (FBI); [redacted] (SMO); [redacted] (SMO)
 Subject: NY Times Story - Plan to Brief the Hill

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It appears that the NY Times story related to Going Dark may run as early as the weekend, or even Friday. As we've discussed [redacted]



EFF/Lynch-670

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[REDACTED]

Please advise promptly if you want to take this forward; alternatively, I'm happy to do it, but that's really your call. We will need to get this set up by Friday, in case the story runs over the weekend. The TPs are attached.

Thanks.

- Stephen

Stephen D. Kelly
Assistant Director
Office of Congressional Affairs
Federal Bureau of Investigation

[REDACTED]

EFF/Lynch-671

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EFF/Lynch 672, 675, 678, 681-682, 684, 686, 688, 692, 695, 697, 700, 702, 706, 710, 714, 717, 719, 721-722, 724 and 726: These undated draft talking points documents are from 3-5 pages long depending on the redline version, and are titled, "Going Dark: Talking Points." All versions detail four sections: 1). Overview of Going Dark. 2). CALEA: Past and Present. 3). Challenges Facing Law Enforcement. 4). Conclusion/Solutions.

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Section 552

Section 552a

- Exemption options under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption options under Section 552a: (b)(7)(A-F), (b)(8), (b)(9)

- Exemption options under Section 552a: (d)(5), (j)(2), (k)(1-7)

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EFF/Lynch 673-674, 676-677, 679-680, 683, 685, 687, 689-691, 693-694, 696, 698-699, 701, 703-705, 707-709, 711-713, 715-716, 718, 720, 723, and 725: These undated draft talking points documents are from 3-5 pages long depending on the redline version, and are titled, "Going Dark: Talking Points." All versions detail four sections: 1). Overview of Going Dark. 2). CALEA: Past and Present. 3). Challenges Facing Law Enforcement. 4). Conclusion/Solutions.

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Section 552

Section 552a

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| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(3) _____ | <input type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| _____ | <input type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| _____ | <input type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
| _____ | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 727-743: This 17 page undated report was prepared by the DOJ for presentation before the Committee on Appropriations, Subcommittees on Commerce, Justice, Science and Related Agencies, and is titled, "Law Enforcement's Electronic Surveillance Capabilities." The FBI referred this report to the DOJ on May 31, 2011, for review and direct response to the plaintiff.

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Section 552

Section 552a

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(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
(k)(3)
(k)(4)
(k)(5)
(k)(6)
(k)(7)

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 744-748: Pages 1-5 of a 11 page June 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 749-754 for presentation pages 6-11.

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Section 552a

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- Exemption options under Section 552: (b)(7)(A), (b)(7)(B), (b)(7)(C), (b)(7)(D), (b)(7)(E), (b)(7)(F), (b)(8), (b)(9)

- Exemption options under Section 552a: (d)(5), (j)(2), (k)(1), (k)(2), (k)(3), (k)(4), (k)(5), (k)(6), (k)(7)

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 749-754: Pages 6-11 of a 11 page June 2010, draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 744-748 for presentation pages 1-5.

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 05-13-2011 BY 65179/DMH/BAW/STP/bls

From: [redacted]
Sent: Tuesday, August 31, 2010 1:55 PM

To: Sabol, Sherry E.; [redacted] DiClemente, Anthony P.; [redacted]

M. [redacted]

Subject: [redacted]

b6
b7C
b7E

That, my friends, is Darkness. Anyone want to approach the company and ask that they require buyers to show some form of ID before getting an account?

PRIVILEGED INTERNAL DELIBERATIVE DOCUMENT - ATTORNEY WORK PRODUCT
[redacted] FBI Science & Technology Law Unit (OGC)

Voice: [redacted]
Unclass: [redacted]
SIPRNet: [redacted]
JWICS: [redacted]

EFF/Lynch-755

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Section 552

Section 552a

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(b)(8)
(b)(9)

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(k)(4)
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5 Additional page(s) contain information furnished by another Government agency, and is imbedded in an FBI document. The FBI processed all FBI information, and released the information in full or in part, but referred the imbedded information to the other Government agency for direct response to you.

Page(s) withheld inasmuch as a final release determination has not been made. You will be advised as to the disposition at a later date.

Page(s) was/were not considered for release as it (is) /they (are) (a) duplicate(s) of (an)other released page(s).

Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 756-760: This 5 page talking points/discussion paper titled, "DEA Going Dark Case Examples," was prepared by the DEA. The FBI referred this talking point document to the DEA on May 31, 2011, for review and direct response to the plaintiff. Bates 761-762 is a 2 page e-mail chain that contained information from the DEA, and only that part of the e-mail was referred to the DEA on May 31, 2011, for review and direct response to the plaintiff. Also, Bates pages 765-767 is a 3 page e-mail chain that contained information from the DEA, and only that part of the e-mail was referred to the DEA on May 31, 2011, for review and direct response to the plaintiff.

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[Redacted]

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HEREIN IS UNCLASSIFIED
DATE 05-13-2011 BY 65179/DMH/BAW/STP/bls

From: DiClemente, Anthony P.
Sent: Friday, June 04, 2010 5:29 PM
To: [Redacted] Sabol, Sherry E. [Redacted] (DEA-US)
Subject: Fw: [Redacted]

Sensitivity: ~~Confidential~~
Below is the example [Redacted] forwarded today. I received several case examples from [Redacted] last week. Those examples were forwarded to [Redacted] last week.

b6
b7C
b7E

Anthony DiClemente
Chief, Data Acquisition/Intercept Section
Operational Technology Division
Federal Bureau of Investigation
[Redacted] Office
[Redacted] Mobile

From: DiClemente, Anthony P.
To: [Redacted] (DEA-US)
Sent: Fri Jun 04 13:08:36 2010
Subject: Re: [Redacted]

Thanks [Redacted] I'll forward it to [Redacted] as another great case example.

b6
b7C
b7E

Regards,

Anthony DiClemente
Chief, Data Acquisition/Intercept Section
Operational Technology Division
Federal Bureau of Investigation
[Redacted] Office
[Redacted] Mobile

Referral/Direct

[Large Redacted Area]

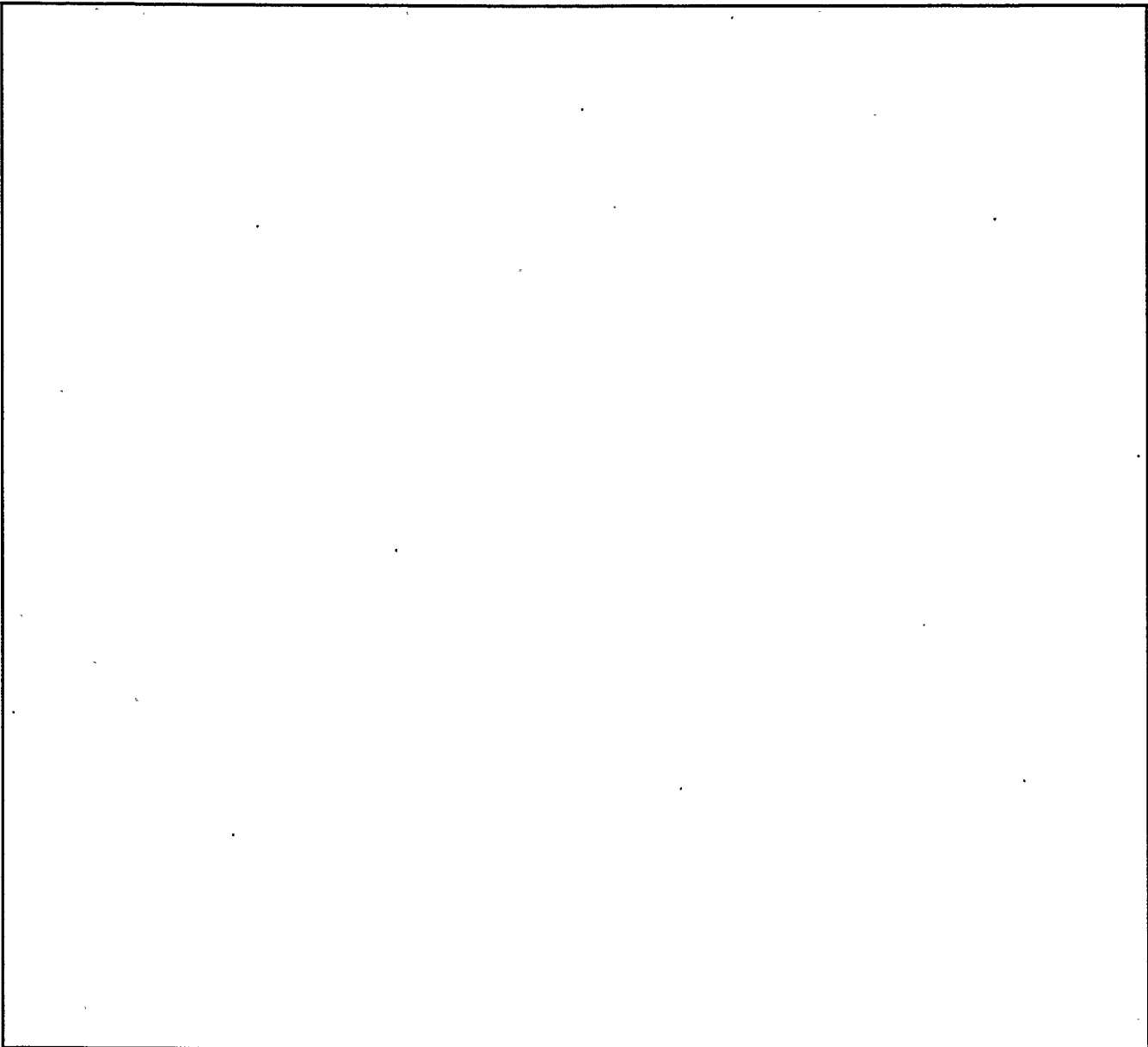
[Redacted]

EFF/Lynch-761

[Redacted]

b7E

Page 2 of 2



Referral/Direct

EFF/Lynch-762

[Redacted]

b7E

5/9/2011

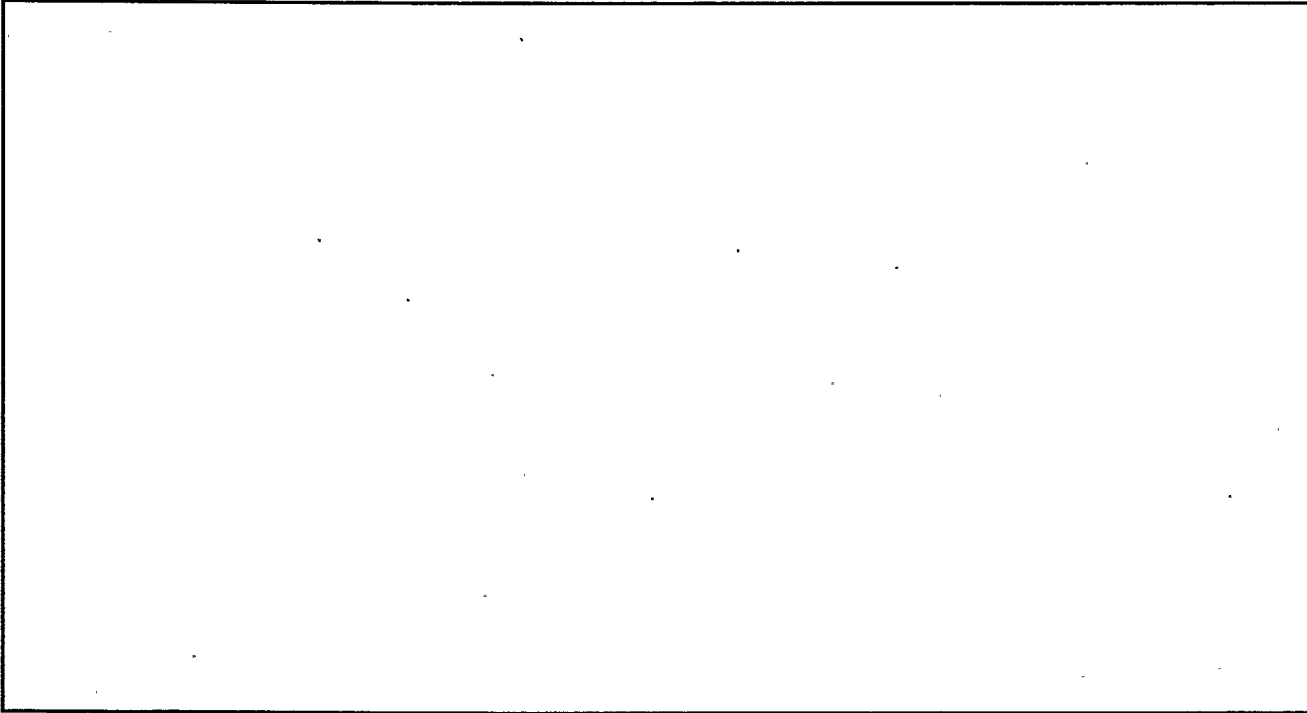
From: [redacted]
Sent: Friday, January 15, 2010 5:39 PM
To: [redacted]
Cc: DiClemente, Anthony P.
Subject: Fw: [redacted] Director's concerns
Here's input re [redacted]
[redacted]
Supervisory Special Agent
Unit Chief, CALEA Implementation Unit
Operational Technology Division
Federal Bureau of Investigation
[redacted]

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DATE 05-13-2011 BY 65179/DMH/BAW/STP/bls

b5
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b7C
b7E

From: [redacted]
To: [redacted]
Cc: [redacted]
Sent: Fri Jan 15 17:35:54 2010
Subject: RE: [redacted] Director's concerns

Here is what I was able to pull together based on [redacted] input:



[redacted]
Tridea Works, LLC
[redacted]

From: [redacted]
Sent: Friday, January 15, 2010 2:58 PM
To: [redacted]
Subject: Re: [redacted] Director's concerns EFF/Lynch-763

Also ask if its a problem for state and locals

[redacted]
Supervisory Special Agent
Unit Chief, CALEA Implementation Unit
Operational Technology Division
Federal Bureau of Investigation
[redacted]

b6
b7C

From: [redacted]
To: [redacted]
Sent: Fri Jan 15 14:50:46 2010
Subject: Fw [redacted] Director's concerns

My phone is dying. There may be issues on the criminal side.

b6
b7C
b7E

[redacted]
Supervisory Special Agent
Unit Chief, CALEA Implementation Unit
Operational Technology Division
Federal Bureau of Investigation
[redacted]

From: [redacted]
To: [redacted]
Sent: Fri Jan 15 14:30:40 2010
Subject: Fw [redacted] Director's concerns

Per Tony,
Can you get with DITU and write smthng up about this?

b6
b7C
b7E

[redacted]
Supervisory Special Agent
Unit Chief, CALEA Implementation Unit
Operational Technology Division
Federal Bureau of Investigation
[redacted]

From: [redacted]
To: Sabol, Sherry E.; DiClemente, Anthony P.; [redacted]
Cc: Grever, Louis E.; Thomas, Marcus C.
Sent: Fri Jan 15 14:27:50 2010
Subject: [redacted] Director's concerns

b5
b6
b7C
b7E

[redacted] asked me to prepare a two-page memo [redacted] Can you please send me or give me background info on the problems we are having [redacted] it can be very rough. I'm just going to incorporate it into the memo. If at all possible, I need this today, so I can write the memo tonight or over the weekend. Thanks.

FYI I am looking for time on the Director's schedule after the Jan 20th hearing to present [redacted] Will let you know when I've got some dates.

[redacted]

EFF/Lynch-764

[Redacted]

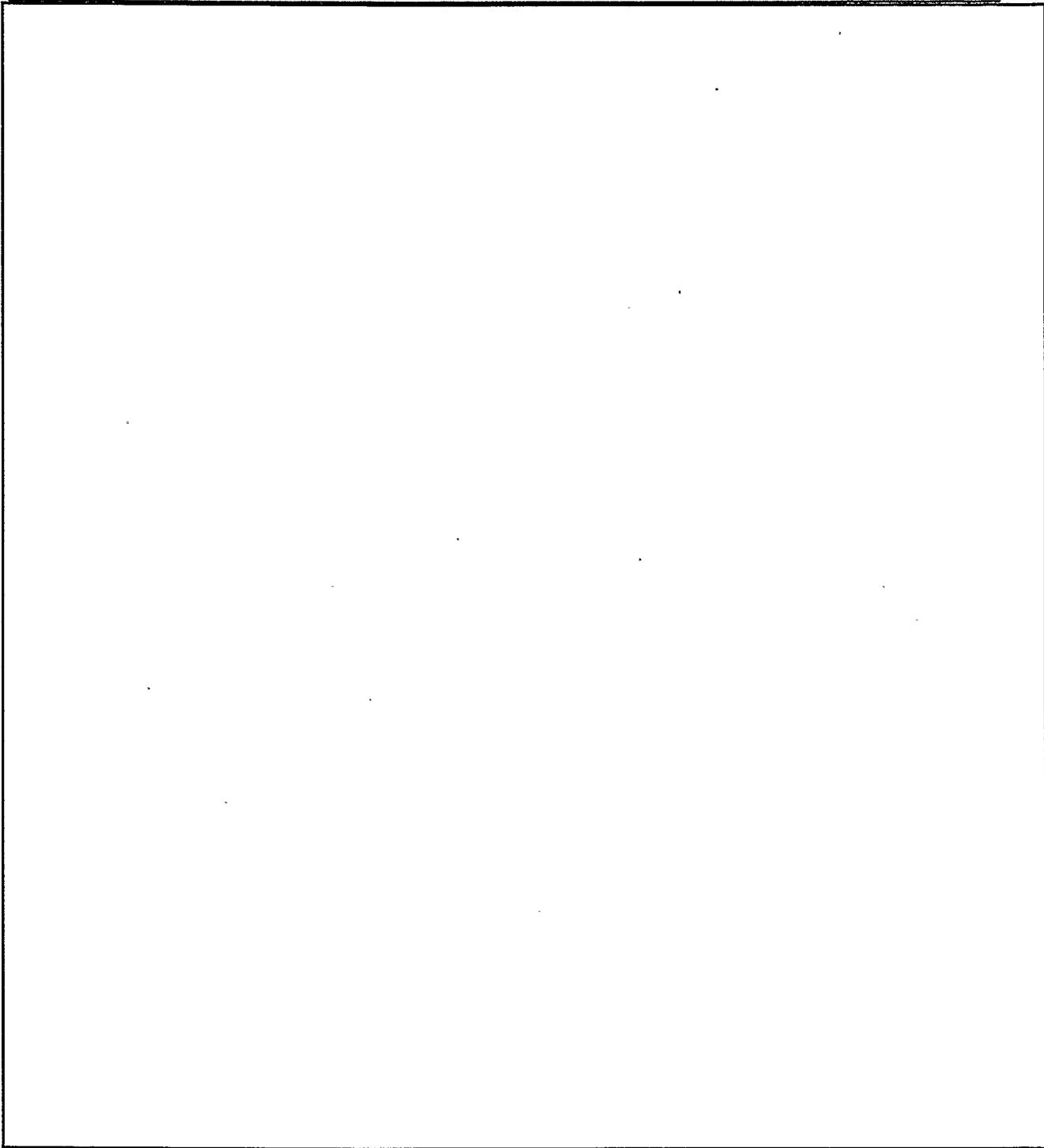
From: Sabol, Sherry E.
Sent: Monday, June 07, 2010 7:56 PM
To: [Redacted]
Cc: [Redacted]
Subject: Fw [Redacted] Case Example [Redacted]

ALL INFORMATION CONTAINED
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DATE 05-13-2011 BY 65179/DMH/BAW/STP/bls

b6
b7C
b7E

Sensitivity: ~~Confidential~~

Referral/Direct



EFF/Lynch-765

b7E

Page 2 of 3

[Redacted]

[Redacted]

Referral/Direct

From: Sabol, Sherry E. [mailto:Sherry.Sabol@ic.fbi.gov]

Sent: Monday, June 07, 2010 2:33 PM

To: [Redacted]

b6

b7C

Cc: [Redacted]

b7E

Subject: RE: [Redacted] Case Example [Redacted]

Sensitivity: ~~Confidential~~

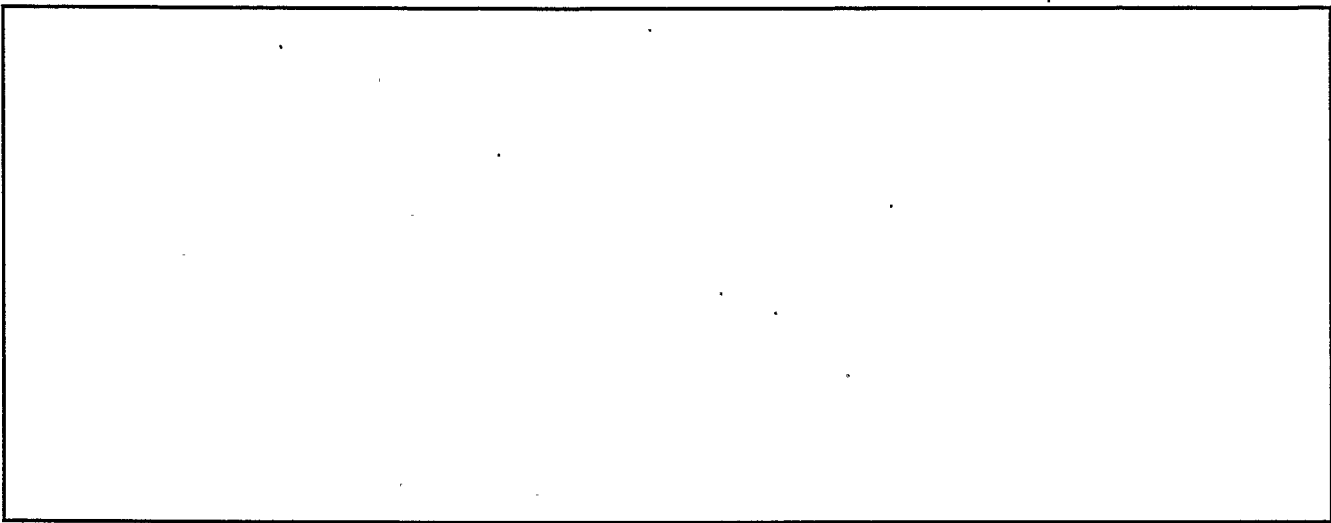
Thank you. We may need something on ELSUR if you have it. If not, we'll go with what we have.
Sherry.

Referral/Direct

[Large Redacted Area]

EFF/Lynch-766

b7E



Referral/Direct

EFF/Lynch-767

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Section 552

Section 552a

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(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
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EFF/Lynch 768-769, 771-774, and 780-784: Pages 1-2, 4-7, and 13-17 of a 17 page March 2009, draft discussion paper titled, "Going Dark: Law Enforcement's Need to Preserve Lawful Intercept Capabilities." See Bates pages 770, and 775-779 for discussion paper pages 3, and 8-12.

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OPCA-20 (12-3-96)

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- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
(k)(3)
(k)(4)
(k)(5)
(k)(6)
(k)(7)

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 785-786, 788-792, and 797-802: Pages 1-2, 4-8, and 13-18 of a 18 page March 2009, draft discussion paper titled, "Going Dark: Law Enforcement's Need to Preserve Lawful Intercept Capabilities." See Bates pages 787, and 793-796 for discussion paper pages 3, and 9-12.

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X Deleted Page(s) X
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EFF/Lynch 787, and 793-796: Pages 3, and 9-12 of a 18 page March 2009, draft discussion paper titled, "Going Dark: Law Enforcement's Need to Preserve Lawful Intercept Capabilities." See Bates pages 785-786, 788-792, and 797-802 for discussion paper pages 1-2, 4-8, and 13-18.

XXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this page X
XXXXXXXXXXXXXXXXXXXXX

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FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ Unrecorded Serial

	<u>Bates Page</u>
Total Deleted Page(s) ~ 429	
Page 2 ~ b5	803
Page 3 ~ b5	804
Page 4 ~ b5	805
Page 5 ~ b5	806
Page 6 ~ b1, b5, b6, b7C, b7E	807
Page 7 ~ b5, b7D, b7E	808
Page 9 ~ b5	809
Page 10 ~ b1, b5, b7E	810
Page 11 ~ b5	811
Page 13 ~ b5	812
Page 14 ~ b5	813
Page 15 ~ b5, b7A, b7E	814
Page 16 ~ b5	815
Page 17 ~ b1, b5, b6, b7A, b7C, b7E	816
Page 18 ~ b1, b5, b7A, b7E	817
Page 19 ~ b1, b5, b7A, b7E	818
Page 20 ~ b5, b7D, b7E	819
Page 28 ~ b5	820
Page 29 ~ b5, b7E	821
Page 30 ~ b5	822
Page 31 ~ b5, b7E	823
Page 32 ~ b5, b7E	824
Page 33 ~ b5, b7E	825
Page 34 ~ b5, b7E	826
Page 35 ~ b5, b7E	827
Page 37 ~ b5	828
Page 38 ~ b5	829
Page 39 ~ b5, b7A, b7E	830
Page 40 ~ b5	831
Page 41 ~ b5, b7A, b7E	832
Page 42 ~ b5, b6, b7A, b7C, b7E	833
Page 43 ~ b1, b5, b7A, b7E	834
Page 44 ~ b1, b5, b7A, b7D, b7E	835
Page 45 ~ b5, b7A, b7E	836
Page 46 ~ b1, b5, b7A, b7E	837
Page 48 ~ b5	838
Page 49 ~ b5	839
Page 50 ~ b5, b7E	840
Page 52 ~ b5	841
Page 53 ~ b1, b5, b7E	842
Page 54 ~ b1, b5, b7E	843
Page 55 ~ b1, b5, b7E	844
Page 57 ~ b5	845
Page 58 ~ b5	846

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

	<u>Bates Page</u>
Page 59 ~ b1, b5, b7A, b7E	847
Page 60 ~ b5	848
Page 61 ~ b5, b7A, b7E	849
Page 62 ~ b5, b6, b7A, b7C, b7E	850
Page 63 ~ b1, b5, b7A, b7E	851
Page 64 ~ b1, b5, b7A, b7D, b7E	852
Page 65 ~ b5, b7A, b7E	853
Page 66 ~ b1, b5, b7A	854
Page 67 ~ b1, b5, b7A, b7E	855
Page 69 ~ b5	856
Page 70 ~ b5	857
Page 71 ~ b1, b5, b7A, b7E	858
Page 72 ~ b5	859
Page 73 ~ b5, b7A, b7E	860
Page 74 ~ b1, b5, b6, b7A, b7C, b7E	861
Page 75 ~ b1, b5, b7A, b7E	862
Page 76 ~ b1, b5, b7A, b7D, b7E	863
Page 77 ~ b5, b7A, b7E	864
Page 78 ~ b1, b5, b7A, b7E	865
Page 79 ~ b1, b5, b7A, b7E	866
Page 81 ~ b5	867
Page 82 ~ b5, b7E	868
Page 83 ~ b1, b5, b7A, b7E	869
Page 84 ~ b5	870
Page 85 ~ b5, b7A, b7E	871
Page 86 ~ b1, b5, b6, b7A, b7C, b7E	872
Page 87 ~ b1, b5, b7A, b7E	873
Page 88 ~ b1, b5, b7A, b7D, b7E	874
Page 89 ~ b5, b7A, b7E	875
Page 90 ~ b5, b7A, b7E	876
Page 91 ~ b1, b5, b7A, b7E	877
Page 93 ~ b5	878
Page 94 ~ b5	879
Page 95 ~ b1, b5, b7A, b7E	880
Page 96 ~ b5	881
Page 97 ~ b5, b7A, b7E	882
Page 98 ~ b5, b6, b7A, b7C, b7E	883
Page 99 ~ b1, b5, b7A, b7E	884
Page 100 ~ b1, b5, b7A, b7D, b7E	885
Page 101 ~ b5, b7A, b7E	886
Page 102 ~ b1, b5, b7A, b7E	887
Page 103 ~ b1, b5, b7A, b7E	888
Page 105 ~ b5	889
Page 106 ~ b5	890

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Bates Page

Page 107 ~ b5, b7A, b7E	891
Page 108 ~ b5	892
Page 109 ~ b5, b7A, b7E	893
Page 110 ~ b5, b6, b7A, b7C, b7E	894
Page 111 ~ b1, b5, b7A, b7E	895
Page 112 ~ b1, b5, b7A, b7D, b7E	896
Page 113 ~ b5, b7A, b7E	897
Page 114 ~ b1, b5, b7A, b7E	898
Page 117 ~ b5	899
Page 118 ~ b5, b7E	900
Page 119 ~ b5	901
Page 120 ~ b5	902
Page 121 ~ b5, b7E	903
Page 122 ~ b5, b6, b7A, b7C, b7D, b7E	904
Page 123 ~ b5, b7E	905
Page 125 ~ b5	906
Page 126 ~ b5, b7E	907
Page 127 ~ b5	908
Page 128 ~ b5	909
Page 129 ~ b5, b7E	910
Page 130 ~ b5, b6, b7A, b7C, b7D, b7E	911
Page 131 ~ b5, b7E	912
Page 133 ~ b5	913
Page 134 ~ b5, b7E	914
Page 135 ~ b5	915
Page 136 ~ b5	916
Page 137 ~ b5, b7E	917
Page 138 ~ b5, b6, b7A, b7C, b7D, b7E	918
Page 139 ~ b5, b7E	919
Page 141 ~ b5	920
Page 142 ~ b5, b7A, b7E	921
Page 143 ~ b5	922
Page 144 ~ b5, b6, b7A, b7C, b7E	923
Page 145 ~ b5, b7A, b7E	924
Page 146 ~ b5, b6, b7A, b7C, b7E	925
Page 147 ~ b5, b7E	926
Page 149 ~ b5	927
Page 150 ~ b5, b7A, b7E	928
Page 151 ~ b5	929
Page 152 ~ b5, b6, b7A, b7C, b7E	930
Page 153 ~ b5, b7A, b7E	931
Page 154 ~ b5, b7A, b7E	932
Page 155 ~ b5, b7E	933
Page 157 ~ b5	934

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Bates Page

Page 158 ~ b5, b7A, b7E	935
Page 159 ~ b5	936
Page 160 ~ b1, b5, b6, b7A, b7C, b7E	937
Page 161 ~ b1, b5, b7A, b7E	938
Page 162 ~ b1, b5, b7A, b7E	939
Page 163 ~ b5, b7E	940
Page 165 ~ b5	941
Page 166 ~ b5, b7E	942
Page 167 ~ b5, b7A, b7E	943
Page 168 ~ b5	944
Page 169 ~ b1, b5, b6, b7A, b7C, b7E	945
Page 170 ~ b1, b5, b7A, b7E	946
Page 171 ~ b1, b5, b7A, b7E	947
Page 172 ~ b5, b7E	948
Page 174 ~ b5	949
Page 175 ~ b5, b7E	950
Page 176 ~ b5, b7A, b7E	951
Page 177 ~ b5	952
Page 178 ~ b1, b5, b6, b7A, b7C, b7E	953
Page 179 ~ b1, b5, b7A, b7E	954
Page 180 ~ b1, b5, b7A, b7E	955
Page 181 ~ b5, b7E	956
Page 183 ~ b5	957
Page 184 ~ b5, b7E	958
Page 185 ~ b5, b7A, b7E	959
Page 186 ~ b5	960
Page 187 ~ b1, b5, b6, b7A, b7C, b7E	961
Page 188 ~ b1, b5, b7A, b7E	962
Page 189 ~ b1, b5, b7A, b7E	963
Page 190 ~ b5, b7E	964
Page 192 ~ b5	965
Page 193 ~ b5, b7E	966
Page 194 ~ b5, b7A, b7E	967
Page 195 ~ b5	968
Page 196 ~ b1, b5, b6, b7A, b7C, b7E	969
Page 197 ~ b1, b5, b7A, b7E	970
Page 198 ~ b1, b5, b7A, b7E	971
Page 199 ~ b5, b7E	972
Page 201 ~ b5	973
Page 202 ~ b5, b7E	974
Page 203 ~ b5, b7A, b7E	975
Page 204 ~ b5	976
Page 205 ~ b1, b5, b6, b7A, b7C, b7E	977
Page 206 ~ b1, b5, b7A, b7E	978

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Bates Page

Page 207 ~ b1, b5, b7A, b7E	979
Page 208 ~ b5, b7E	980
Page 210 ~ b5	981
Page 211 ~ b5, b7E	982
Page 212 ~ b5, b7A, b7E	983
Page 213 ~ b5, b7E	984
Page 214 ~ b1, b5, b6, b7A, b7C, b7E	985
Page 215 ~ b1, b5, b7A, b7E	986
Page 216 ~ b1, b5, b7A, b7E	987
Page 217 ~ b5, b7D, b7E	988
Page 219 ~ b7E	989
Page 220 ~ b7E	990
Page 221 ~ b7E	991
Page 222 ~ b7E	992
Page 225 ~ b5, b6, b7C, b7E	993
Page 227 ~ b5, b6, b7A, b7C, b7E	994
Page 228 ~ b5, b7A, b7E	995
Page 229 ~ b5, b6, b7A, b7C, b7E	996
Page 230 ~ b5, b7A, b7E	997
Page 232 ~ b5, b6, b7A, b7C, b7E	998
Page 234 ~ b7E	999
Page 235 ~ b7E	1000
Page 236 ~ b7E	1001
Page 237 ~ b7E	1002
Page 238 ~ b7E	1003
Page 239 ~ b7E	1004
Page 240 ~ b7E	1005
Page 241 ~ b7E	1006
Page 243 ~ b1, b7E	1007
Page 244 ~ b7E	1008
Page 245 ~ b7E	1009
Page 247 ~ b5, b6, b7A, b7C, b7E	1010
Page 248 ~ b5, b6, b7A, b7C, b7E	1011
Page 251 ~ b5, b7E	1013
Page 252 ~ b5, b6, b7C, b7E	1014
Page 256 ~ b1, b5, b6, b7A, b7C, b7E	1016
Page 257 ~ b1, b5, b6, b7A, b7C, b7E	1017
Page 259 ~ b1, b5, b6, b7C, b7E	1018
Page 262 ~ b5, b6, b7C, b7E	1019
Page 263 ~ b5, b6, b7C, b7E	1020
Page 266 ~ b1, b5, b6, b7C, b7E	1021
Page 267 ~ b1, b5, b6, b7C, b7E	1022
Page 270 ~ b1, b5, b6, b7C, b7E	1023
Page 271 ~ b1, b5, b6, b7C, b7E	1024

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Bates Page

Page 274 ~ b5, b6, b7C, b7E	1025
Page 277 ~ b5, b6, b7C, b7E	1026
Page 279 ~ b5, b6, b7C, b7E	1027
Page 281 ~ b5, b6, b7C, b7E	1028
Page 282 ~ b5, b7E	1029
Page 284 ~ b1, b5, b7E	1030
Page 285 ~ b1, b5, b7E	1031
Page 287 ~ b1, b5, b7E	1032
Page 288 ~ b1, b5, b6, b7A, b7C, b7E	1033
Page 289 ~ b1, b5, b6, b7A, b7C, b7E	1034
Page 290 ~ b1, b5, b6, b7A, b7C, b7E	1035
Page 291 ~ b1, b5, b6, b7A, b7C, b7E	1036
Page 293 ~ b1, b5, b6, b7A, b7C, b7E	1037
Page 294 ~ b1, b5, b6, b7A, b7C, b7E	1038
Page 295 ~ b1, b5, b6, b7A, b7C, b7E	1039
Page 297 ~ b5, b6, b7A, b7C, b7E	1040
Page 299 ~ b5, b7A, b7E	1041
Page 300 ~ b5, b7A, b7E	1042
Page 302 ~ b5, b7E	1043
Page 303 ~ b5, b7E	1044
Page 304 ~ b5, b7E	1045
Page 305 ~ b5, b7E	1046
Page 306 ~ b1, b5, b7E	1047
Page 307 ~ b5, b7E	1048
Page 308 ~ b1, b3, b5, b7E	1049
Page 309 ~ b1, b3, b5, b7A, b7E	1050
Page 310 ~ b1, b5, b7E	1051
Page 311 ~ b1, b5, b7E	1052
Page 312 ~ b1, b3, b5, b7E	1053
Page 313 ~ b5	1054
Page 315 ~ b5, b6, b7A, b7C, b7E	1055
Page 317 ~ b5, b6, b7A, b7C, b7E	1056
Page 318 ~ b5, b7A, b7E	1057
Page 320 ~ b5, b6, b7A, b7C, b7E	1058
Page 325 ~ b5, b6, b7A, b7C, b7E	1059
Page 326 ~ b5, b7E	1060
Page 328 ~ b5, b6, b7C, b7E	1061
Page 334 ~ b5	1062
Page 335 ~ b1, b5, b6, b7A, b7C, b7E	1063
Page 336 ~ b1, b5, b7A, b7D, b7E	1064
Page 337 ~ b5, b7E	1065
Page 338 ~ b5	1066
Page 340 ~ b1, b5, b6, b7A, b7C	1067
Page 341 ~ b1, b5, b6, b7A, b7C, b7E	1068

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Bates Page

Page 342 ~ b1, b5, b7A, b7D, b7E	1069
Page 343 ~ b5, b7E	1070
Page 345 ~ b1, b5, b6, b7A, b7C	1071
Page 346 ~ b1, b5, b6, b7A, b7C, b7E	1072
Page 347 ~ b1, b5, b7A, b7D, b7E	1073
Page 348 ~ b5, b7E	1074
Page 350 ~ b1, b5, b6, b7A, b7C, b7E	1075
Page 351 ~ b1, b5, b6, b7A, b7C, b7E	1076
Page 352 ~ b1, b5, b7A, b7E	1077
Page 353 ~ b5, b7D, b7E	1078
Page 354 ~ b5	1079
Page 356 ~ b1, b5, b6, b7A, b7C, b7E	1080
Page 357 ~ b1, b5, b7E	1081
Page 358 ~ b5, b7D, b7E	1082
Page 359 ~ b5	1083
Page 361 ~ b5, b7E	1084
Page 362 ~ b1, b5, b6, b7A, b7C, b7E	1085
Page 363 ~ b1, b5, b6, b7A, b7C, b7E	1086
Page 364 ~ b1, b5, b7D, b7E	1087
Page 365 ~ b5, b7E	1088
Page 367 ~ b5, b7E	1089
Page 368 ~ b1, b5, b6, b7A, b7C, b7E	1090
Page 369 ~ b1, b5, b7E	1091
Page 370 ~ b5, b7D, b7E	1092
Page 371 ~ b5	1093
Page 373 ~ b5, b7E	1094
Page 374 ~ b1, b5, b6, b7A, b7C, b7E	1095
Page 375 ~ b1, b5, b7E	1096
Page 376 ~ b5, b7D, b7E	1097
Page 377 ~ b5	1098
Page 379 ~ b5, b7E	1099
Page 380 ~ b1, b5, b6, b7A, b7C, b7E	1100
Page 381 ~ b1, b5, b7E	1101
Page 382 ~ b5, b7D, b7E	1102
Page 383 ~ b5	1103
Page 390 ~ b5	1107
Page 391 ~ b5	1108
Page 392 ~ b5	1109
Page 393 ~ b5	1110
Page 394 ~ b5	1111
Page 395 ~ b5	1112
Page 396 ~ b5	1113
Page 397 ~ b5	1114
Page 398 ~ b5, b7E	1115

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Bates Page

Page 399 ~ b5	1116
Page 400 ~ b5, b7E	1117
Page 401 ~ b5, b7E	1118
Page 402 ~ b5	1119
Page 404 ~ b5	1120
Page 405 ~ b5	1121
Page 406 ~ b5, b7E	1122
Page 407 ~ b5, b7E	1123
Page 409 ~ b1, b3, b5, b7E	1124
Page 410 ~ b1, b3, b5, b7E	1125
Page 411 ~ b1, b3, b5, b7E	1126
Page 412 ~ b5, b7E	1127
Page 414 ~ b1, b3, b5, b7E	1128
Page 415 ~ b1, b3, b5, b7E	1129
Page 416 ~ b1, b3, b5, b7E	1130
Page 417 ~ b5, b7E	1131
Page 419 ~ b1, b3, b7A, b7E	1132
Page 420 ~ b1, b3, b7A, b7E	1133
Page 421 ~ b1, b3, b7A, b7E	1134
Page 422 ~ b1, b3, b7A, b7E	1135
Page 423 ~ b3, b7A, b7E	1136
Page 424 ~ b1, b3, b7A, b7E	1137
Page 436 ~ b5	1142
Page 437 ~ b5, b7E	1143
Page 438 ~ b5	1144
Page 440 ~ b5	1145
Page 441 ~ b5	1146
Page 443 ~ b1, b5, b7E	1147
Page 444 ~ b5	1148
Page 446 ~ b5, b7E	1149
Page 447 ~ b5	1150
Page 448 ~ b5	1151
Page 449 ~ b5	1152
Page 450 ~ b5	1153
Page 451 ~ b5	1154
Page 452 ~ b5, b7E	1155
Page 454 ~ b5, b7E	1156
Page 455 ~ b5, b7E	1157
Page 456 ~ b5, b7E	1158
Page 458 ~ b5, b6, b7C, b7E	1159
Page 459 ~ b5, b7E	1160
Page 460 ~ b5	1161
Page 461 ~ b5	1162
Page 462 ~ b5	1163

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Bates Page

Page 464 ~ b5, b7E	1164
Page 465 ~ b5	1165
Page 472 ~ b5	1166
Page 473 ~ b5	1167
Page 474 ~ b5	1168
Page 475 ~ b5	1169
Page 481 ~ b7E	1170
Page 482 ~ b7E	1171
Page 483 ~ b7E	1172
Page 484 ~ b7E	1173
Page 486 ~ b7E	1174
Page 487 ~ b7E	1175
Page 489 ~ b5	1176
Page 490 ~ b5, b7E	1177
Page 491 ~ b5, b7E	1178
Page 492 ~ b5, b7E	1179
Page 493 ~ b5	1180
Page 495 ~ b5	1181
Page 496 ~ b5, b7E	1182
Page 497 ~ b5, b7E	1183
Page 498 ~ b5, b7E	1184
Page 499 ~ b5	1185
Page 502 ~ b5, b7E	1186
Page 503 ~ b5, b7E	1187
Page 504 ~ b5, b7E	1188
Page 506 ~ b5, b6, b7C, b7E	1189
Page 507 ~ b5, b6, b7C, b7E	1190
Page 508 ~ b5, b6, b7C, b7E	1191
Page 511 ~ b5, b7E	1192
Page 512 ~ b5, b7E	1193
Page 513 ~ b5, b7E	1194
Page 514 ~ b5, b7E	1195
Page 515 ~ b5, b7E	1196
Page 516 ~ b5, b7E	1197
Page 517 ~ b5, b7E	1198
Page 519 ~ b5, b6, b7C, b7E	1199
Page 520 ~ b5, b6, b7C, b7E	1200
Page 521 ~ b5, b6, b7C, b7E	1201
Page 522 ~ b5, b6, b7C, b7E	1202
Page 525 ~ b5, b7E	1203
Page 526 ~ b5, b7E	1204
Page 527 ~ b5, b7E	1205
Page 529 ~ b5, b6, b7C, b7E	1206
Page 531 ~ b5	1207

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Bates Page

Page 533 ~ b5 1208
 Page 534 ~ b5, b7E 1209
 Page 536 ~ b5 1210
 Page 537 ~ b5 1211
 Page 538 ~ b5, b7E 1212
 Page 539 ~ b5, b7E 1213
 Page 540 ~ b5 1214
 Page 541 ~ b5, b7E 1215
 Page 542 ~ b5, b7E 1216
 Page 543 ~ b5, b7E 1217
 Page 544 ~ b5, b7E 1218
 Page 545 ~ b5, b7E 1219
 Page 546 ~ b5 1220
 Page 548 ~ b7E 1221
 Page 550 ~ b1, b5, b6, b7C, b7E 1222
 Page 552 ~ b1, b5, b6, b7C, b7E 1223
 Page 553 ~ b1, b5, b7E 1224
 Page 555 ~ b1, b5, b6, b7C, b7E 1225
 Page 556 ~ b1, b5, b7E 1226
 Page 557 ~ b1, b5, b7E 1227
 Page 559 ~ b1, b5, b6, b7C, b7E 1228
 Page 560 ~ b1, b5, b7E 1229
 Page 561 ~ b5, b7E 1230
 Page 563 ~ b5, b6, b7C, b7E 1231
 Page 564 ~ b5, b7D, b7E 1232
 Page 566 ~ b5, b7E 1233
 Page 568 ~ b5, b7E 1234
 Page 569 ~ b5, b7E 1235
 Page 570 ~ b5, b7E 1236
 Page 571 ~ b5, b7E 1237
 Page 572 ~ b5, b7E 1238
 Page 573 ~ b5, b7E 1239
 Page 574 ~ b5, b7E 1240

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
 X Deleted Page(s) X
 X No Duplication Fee X
 X for this Page X
 XXXXXXXXXXXXXXXXXXXXXXXXXXXX

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Section 552

Section 552a

- (b)(1)
(b)(2)
(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
(k)(3)
(k)(4)
(k)(5)
(k)(6)
(k)(7)

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EFF/Lynch 803-806, 809, and 811: Pages 1-4, 7, and 9 of a 9 page partly classified June 2010 draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 807-808, and 810 for presentation pages 5-6, and 8.

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Section 552

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EFF/Lynch 807: Page 5 of a 9 page partly classified June 2010, draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 803-806, 808-811 for presentation pages 1-4, and 6-9.

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EFF/Lynch 808: Page 6 of a 9 page partly classified June 2010, draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 803-807, 809-811 for presentation pages 1-5, and 7-9.

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EFF/Lynch 810: Page 8 of a 9 page partly classified June 2010, draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 803-809, and 811 for presentation pages 1-7, and 9.

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EFF/Lynch 812-813, and 815: Pages 1-2, and 4 of a 14 page partly classified June 2010, draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 814, 816-819 for presentation pages 3, and 5-8. Presentation pages 9-14 were determined to be outside the scope of plaintiff's FOIA request.

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EFF/Lynch 814: Page 3 of a 14 page partly classified June 2010, draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 812-813, and 815-819 for presentation pages 1-2, and 4-8. Presentation pages 9-14 were determined to be outside the scope of plaintiff's FOIA request.

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EFF/Lynch 816: Page 5 of a 14 page partly classified June 2010, draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 812-815, and 817-819 for presentation pages 1-4, and 6-8. Presentation pages 9-14 were determined to be outside the scope of plaintiff's FOIA request.

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Section 552

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EFF/Lynch 817-818: Page 6-7 of a 14 page partly classified June 2010, draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 812-816, and 819 for presentation pages 1-5, and 8. Presentation pages 9-14 were determined to be outside the scope of plaintiff's FOIA request.

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EFF/Lynch 819: Page 8 of a 14 page partly classified June 2010, draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 812-818 for presentation pages 1-7. Presentation pages 9-14 were determined to be outside the scope of plaintiff's FOIA request.

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EFF/Lynch 820 and 822: Pages 1, and 3 of a 8 page undated draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 821, and 823-827 for presentation pages 2, and 4-8.

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EFF/Lynch 821, and 823-827: Pages 2, and 4-8 of a 8 page undated draft Going Dark presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates pages 820, and 822 for presentation pages 1, and 3.

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EFF/Lynch 828-829 and 831: Pages 1-2, and 4 of a 10 page partly classified September 2010, draft presentation titled, "Going Dark Initiative: Minimizing the National Security ELSUR Gap." See Bates pages 830, 832-837 for presentation pages 3, and 5-10.

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EFF/Lynch 830, 832 and 836: Pages 3, 5, and 9 of a 10 page partly classified September 2010, draft presentation titled, "Going Dark Initiative: Minimizing the National Security ELSUR Gap." See Bates pages 828-829, 831, 833-835, and 837 for presentation pages 1-2, 4, 6-8, and 10.

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The following number is to be used for reference regarding this page:

EFF/Lynch 833: Page 6 of a 10 page partly classified September 2010, draft presentation titled, "Going Dark Initiative: Minimizing the National Security ELSUR Gap." See Bates pages 828-832, and 834-837 for presentation pages 1-5, and 7-10.

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Section 552

Section 552a

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EFF/Lynch 834 and 837: Pages 7, and 10 of a 10 page partly classified September 2010, draft presentation titled, "Going Dark Initiative: Minimizing the National Security ELSUR Gap." A portion of these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 828-833, and 835-836 for presentation pages 1-6, and 8-9.

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- The following number is to be used for reference regarding this page:

EFF/Lynch 835: Page 8 of a 10 page partly classified September 2010, draft presentation titled, "Going Dark Initiative: Minimizing the National Security ELSUR Gap." A portion of this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 828-834, and 836-837 for presentation pages 1-7, and 9-10.

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 838-839: 2 of 3 sample draft slides for a Going Dark presentation dated May 14, 2010, titled, "National Security Proposal for NSA." See Bates page 840 for the 3rd draft sample presentation slide.

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EFF/Lynch 840: 3rd sample draft slide for a Going Dark presentation dated May 14, 2010, titled, "National Security Proposal for NSA." See Bates pages 838-839 for the other 2 draft presentation slides.

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Section 552a

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Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 841: Page 1 of a 4 page mostly classified Going Dark draft presentation dated May 14, 2010, titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions. Background - Case Examples." See Bates pages 842-844 for presentation pages 2-4.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 842-844: Pages 2-4 of a 4 page mostly classified Going Dark draft presentation dated May 14, 2010, titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions. Background - Case Examples." Most of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates page 840 for presentation page 1.

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EFF/Lynch 845-846, and 848: Pages 1-2, and 4 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 847, and 849-855 for presentation pages 3, and 5-11.

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EFF/Lynch 847: Page 3 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 845-846, and 848-855 for presentation pages 1-2, and 4-11.

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Section 552

Section 552a

- Exemption options under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption options under Section 552a: (b)(7)(A-F), (b)(8), (b)(9)

- Exemption options under Section 552a: (d)(5), (j)(2), (k)(1-7)

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EFF/Lynch 849, and 853: Pages 5, and 9 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 845-848, 850-852, and 854-855 for presentation pages 1-4, 6-8, and 10-11.

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EFF/Lynch 850: Page 6 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 845-849, and 851-855 for presentation pages 1-5, and 7-11.

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EFF/Lynch 851, and 855: Pages 7, and 11 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 845-850, and 852-854 for presentation pages 1-6, and 8-10.

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EFF/Lynch 852: Page 8 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 845-851, and 853-855 for presentation pages 1-7, and 9-11.

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- The following number is to be used for reference regarding this page:

EFF/Lynch 854: Page 10 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 845-853, and 855 for presentation pages 1-9, and 11.

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Section 552

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 856-857, and 859: Pages 1-2, and 4 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 858, and 860-866 for presentation pages 3, and 5-11.

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EFF/Lynch 858, 862, and 865-866: Pages 3, 7, and 10-11 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 856-857, 859-861, and 863-864 for presentation pages 1-2, 4-6, and 8-9.

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 860, and 864: Pages 5, and 9 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 858-859, 861-863, and 865-866 for presentation pages 1-4, 6-8, and 10-11.

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EFF/Lynch 861: Page 6 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 856-860, and 862-866 for presentation pages 1-5, and 7-11.

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EFF/Lynch 863: Page 8 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 856-862, and 864-866 for presentation pages 1-7, and 9-11.

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EFF/Lynch 867, and 870: Pages 1, and 4 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 868-869, and 871-877 for presentation pages 2-3, and 5-11.

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EFF/Lynch 868: Page 2 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 867, and 869-877 for presentation pages 1, and 3-11.

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EFF/Lynch 869, 873, and 877: Pages 3, 7, and 11 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 867-868, 870-872, and 874-876 for presentation pages 1-2, 4-6, and 8-10.

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EFF/Lynch 871, and 875-876: Pages 5, and 9-10 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 867-870, 872-874, and 877 for presentation pages 1-4, 6-8, and 11.

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EFF/Lynch 872: Page 6 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 867-871, and 873-877 for presentation pages 1-5, and 7-11.

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EFF/Lynch 874: Page 8 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 867-873, and 875-877 for presentation pages 1-7, and 9-11.

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EFF/Lynch 878-879, and 881: Pages 1-2, and 4 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 880, and 882-888 for presentation pages 3, and 5-11.

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 880, 884, and 887-888: Pages 3, 7, and 10-11 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 878-879, 881-883, and 885-886 for presentation pages 1-2, 4-6, and 8-9.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

- Exemption options under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption options under Section 552a: (b)(7)(A-F), (b)(8), (b)(9)

- Exemption options under Section 552a: (d)(5), (j)(2), (k)(1-7)

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 882, and 886: Pages 5, and 9 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 878-881, 883-885, and 887-888 for presentation pages 1-4, 6-8, and 10-11.

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Section 552

Section 552a

- Exemption options for Section 552 and Section 552a, including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7).

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- The following number is to be used for reference regarding this page:

EFF/Lynch 883: Page 6 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 878-882, and 884-888 for presentation pages 1-5, and 7-11.

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Section 552

Section 552a

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EFF/Lynch 885: Page 8 of a 11 page partly classified August 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 878-884, and 886-888 for presentation pages 1-7, and 9-11.

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Section 552

Section 552a

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EFF/Lynch 889-890, and 892: Pages 1-2, and 4 of a 11 page partly classified September 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 891, and 893-898 for presentation pages 3, and 5-10. Presentation page 11 was determined to be outside the scope of plaintiff's FOIA request.

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Section 552

Section 552a

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 891, 893, and 897: Pages 3, 5, and 9 of a 11 page partly classified September 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 889-890, 892, 894-896, and 898 for presentation pages 1-2, 4, 6-8, and 10. Presentation page 11 was determined to be outside the scope of plaintiff's FOIA request.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 894: Page 6 of a 11 page partly classified September 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 889-893, and 895-898 for presentation pages 1-5, and 7-10. Presentation page 11 was determined to be outside the scope of plaintiff's FOIA request.

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Section 552

Section 552a

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EFF/Lynch 895, and 898: Pages 7, and 10 of a 11 page partly classified September 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 889-894, and 896-897 for presentation pages 1-6, and 8-9. Presentation page 11 was determined to be outside the scope of plaintiff's FOIA request.

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Section 552

Section 552a

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EFF/Lynch 896: Page 8 of a 11 page partly classified September 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 889-895, and 897-898 for presentation pages 1-7, and 9-10. Presentation page 11 was determined to be outside the scope of plaintiff's FOIA request.

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Section 552

Section 552a

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The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 899, and 901-902: Pages 1, and 3-4 of a 7 page September 2010, Going Dark draft presentation titled, "Going Dark: Strengthening National Security by Minimizing the Electronic Surveillance Gap." See Bates pages 900, and 903-905 for presentation pages 2, and 5-7.

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Section 552

Section 552a

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EFF/Lynch 900, 903, and 905: Pages 2, 5, and 7 of a 7 page September 2010, Going Dark draft presentation titled, "Going Dark: Strengthening National Security by Minimizing the Electronic Surveillance Gap." See Bates pages 899, 901-902, and 904 for presentation pages 1, 3-4, and 6.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 904: Page 6 of a 7 page September 2010, Going Dark draft presentation titled, "Going Dark: Strengthening National Security by Minimizing the Electronic Surveillance Gap." See Bates pages 899-903, and 905 for presentation pages 1-5, and 7.

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EFF/Lynch 906, and 908-909: Pages 1, and 3-4 of a 7 page September 2010, Going Dark draft presentation titled, "Going Dark: Strengthening National Security by Minimizing the Electronic Surveillance Gap." See Bates pages 907, and 910-912 for presentation pages 2, and 5-7.

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Section 552

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 907, 910, and 912: Pages 2, 5, and 7 of a 7 page September 2010, Going Dark draft presentation titled, "Going Dark: Strengthening National Security by Minimizing the Electronic Surveillance Gap." See Bates pages 906, 908-909, and 911 for presentation pages 1, 3-4, and 6.

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Section 552

Section 552a

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| <input type="checkbox"/> (b)(1) | <input checked="" type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
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The following number is to be used for reference regarding this page:

EFF/Lynch 911: Page 6 of a 7 page September 2010, Going Dark draft presentation titled, "Going Dark: Strengthening National Security by Minimizing the Electronic Surveillance Gap." See Bates pages 906-910, and 912 for presentation pages 1-5, and 7.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 913, and 915-916: Pages 1, and 3-4 of a 7 page September 2010, Going Dark draft presentation titled, "Going Dark: Strengthening National Security by Minimizing the Electronic Surveillance Gap." See Bates pages 914, and 917-919 for presentation pages 2, and 5-7.

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Section 552

Section 552a

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EFF/Lynch 914, 917, and 919: Pages 2, 5, and 7 of a 7 page September 2010, Going Dark draft presentation titled, "Going Dark: Strengthening National Security by Minimizing the Electronic Surveillance Gap." See Bates pages 913, 915-916, and 918 for presentation pages 1, 3-4, and 6.

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Section 552

Section 552a

- Exemption codes under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption codes under Section 552: (b)(7)(A) through (b)(7)(F), (b)(8), (b)(9)

- Exemption codes under Section 552a: (d)(5), (j)(2), (k)(1) through (k)(7)

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 918: Page 6 of a 7 page September 2010, Going Dark draft presentation titled, "Going Dark: Strengthening National Security by Minimizing the Electronic Surveillance Gap." See Bates pages 913-917, and 919 for presentation pages 1-5, and 7.

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Section 552

Section 552a

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EFF/Lynch 920, and 922: Pages 1, and 3 of a 7 page May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 921, and 923-926 for presentation pages 2, and 4-7.

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Section 552

Section 552a

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EFF/Lynch 921, and 924: Pages 2, and 5 of a 7 page May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 920, 922-923, and 925-926 for presentation pages 1, 3-4, and 6-7.

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 923, and 925: Pages 4, and 6 of a 7 page May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 920-922, 924, and 926 for presentation pages 1-3, 5, and 7.

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Section 552

Section 552a

- Exemption codes under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption codes under Section 552: (b)(7)(A), (b)(7)(B), (b)(7)(C), (b)(7)(D), (b)(7)(E), (b)(7)(F), (b)(8), (b)(9)

- Exemption codes under Section 552a: (d)(5), (j)(2), (k)(1), (k)(2), (k)(3), (k)(4), (k)(5), (k)(6), (k)(7)

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 926: Page 7 of a 7 page May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 920-925 for presentation pages 1-6.

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Section 552

Section 552a

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EFF/Lynch 927, and 929: Pages 1, and 3 of a 7 page May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 928, and 930-933 for presentation pages 2, and 4-7.

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Section 552

Section 552a

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EFF/Lynch 928, and 931-932: Pages 2, and 5-6 of a 7 page May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 927, 929-930, and 933 for presentation pages 1, 3-4, and 7.

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- The following number is to be used for reference regarding this page:

EFF/Lynch 930: Page 4 of a 7 page May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 927-929 and 931-933 for presentation pages 1-3, and 5-7.

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- The following number is to be used for reference regarding this page:

EFF/Lynch 933: Page 7 of a 7 page May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 927-932 for presentation pages 1-6.

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Section 552

Section 552a

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EFF/Lynch 934, and 936: Pages 1, and 3 of a 7 page partly classified May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 935, and 937-940 for presentation pages 2, and 4-7.

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Section 552

Section 552a

- Exemption options for Section 552 and 552a including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7).

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- The following number is to be used for reference regarding this page:

EFF/Lynch 935: Page 2 of a 7 page partly classified May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 934, and 936-940 for presentation pages 1 and 3-7.

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Section 552

Section 552a

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- The following number is to be used for reference regarding this page:

EFF/Lynch 937: Page 4 of a 7 page partly classified May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 934-936, and 938-940 for presentation pages 1-3, and 5-7.

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 938-939: Pages 5-6 of a 7 page partly classified May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 934-937, and 940 for presentation pages 1-4, and 7.

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Section 552

Section 552a

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- The following number is to be used for reference regarding this page:

EFF/Lynch 940: Page 7 of a 7 page party classified May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 934-939 for presentation pages 1-6.

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 941, and 944: Pages 1, and 4 of a 8 page partly classified May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 942-943, and 945-948 for presentation pages 2-3, and 5-8.

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Section 552

Section 552a

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Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 942, and 948: Pages 2 and 8 of a 8 page party classified May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 941, and 943-947 for presentation pages 1, and 3-7.

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Section 552

Section 552a

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- The following number is to be used for reference regarding this page:

EFF/Lynch 943: Page 3 of a 8 page partly classified May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 941-942, and 944-948 for presentation pages 1-2 and 4-8.

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Section 552

Section 552a

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- The following number is to be used for reference regarding this page:

EFF/Lynch 945: Page 5 of a 8 page partly classified May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 941-944, and 946-948 for presentation pages 1-4, and 6-8.

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Section 552

Section 552a

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EFF/Lynch 946-947: Pages 6-7 of a 8 page partly classified May 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 941-945, and 948 for presentation pages 1-5, and 8.

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Section 552

Section 552a

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EFF/Lynch 949, and 952: Pages 1, and 4 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 950-951, and 953-956 for presentation pages 2-3, and 5-8.

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Section 552

Section 552a

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- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 950, and 956: Pages 2 and 8 of a 8 page party classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 949, and 951-955 for presentation pages 1, and 3-7.

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Section 552a

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- The following number is to be used for reference regarding this page:

EFF/Lynch 951: Page 3 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 949-950, and 952-956 for presentation pages 1-2 and 4-8.

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Section 552

Section 552a

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EFF/Lynch 953: Page 5 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 949-952, and 954-956 for presentation pages 1-4, and 6-8.

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Section 552

Section 552a

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EFF/Lynch 954-955: Pages 6-7 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 949-953, and 956 for presentation pages 1-5, and 8.

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EFF/Lynch 957, and 960: Pages 1, and 4 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 958-959, and 961-964 for presentation pages 2-3, and 5-8.

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EFF/Lynch 958, and 964: Pages 2 and 8 of a 8 page party classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 957, and 959-963 for presentation pages 1, and 3-7.

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EFF/Lynch 959: Page 3 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 957-958, and 960-964 for presentation pages 1-2 and 4-8.

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EFF/Lynch 961: Page 5 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 957-960, and 962-964 for presentation pages 1-4, and 6-8.

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EFF/Lynch 962-963: Pages 6-7 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 957-961, and 964 for presentation pages 1-5, and 8.

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EFF/Lynch 965, and 968: Pages 1, and 4 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 966-967, and 969-972 for presentation pages 2-3, and 5-8.

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EFF/Lynch 966, and 972: Pages 2 and 8 of a 8 page party classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 965, and 967-971 for presentation pages 1, and 3-7.

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EFF/Lynch 967: Page 3 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 965-966, and 968-972 for presentation pages 1-2 and 4-8.

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EFF/Lynch 969: Page 5 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 965-968, and 970-972 for presentation pages 1-4, and 6-8.

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EFF/Lynch 970-971: Pages 6-7 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 965-969, and 972 for presentation pages 1-5, and 8.

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EFF/Lynch 973, and 976: Pages 1, and 4 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 974-975, and 977-980 for presentation pages 2-3, and 5-8.

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 974, and 980: Pages 2 and 8 of a 8 page party classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 973, and 975-979 for presentation pages 1, and 3-7.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
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1 Page withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- Exemption options under Section 552: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption options under Section 552a: (b)(7)(A-F), (b)(8), (b)(9)

- Exemption options under Section 552a: (d)(5), (j)(2), (k)(1-7)

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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 975: Page 3 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 973-974, and 976-980 for presentation pages 1-2 and 4-8.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

- (b)(1)
(b)(2)
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(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
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(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
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(k)(2)
(k)(3)
(k)(4)
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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 977: Page 5 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 973-976, and 978-980 for presentation pages 1-4, and 6-8.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

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| <input checked="" type="checkbox"/> (b)(1) | <input checked="" type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
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| _____ | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
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| | | <input type="checkbox"/> (k)(7) |

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_____ Page(s) withheld for the following reason(s):

The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 978-979: Pages 6-7 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 973-977, and 980 for presentation pages 1-5, and 8.

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Section 552

Section 552a

- (b)(1)
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- (b)(7)(A)
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(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
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(k)(3)
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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 981: Page 1 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 982-988 for presentation pages 2-8.

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2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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Section 552

Section 552a

- (b)(1)
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- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 982, and 984: Pages 2 and 4 of a 8 page party classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 981, 983, and 985-988 for presentation pages 1, 3, and 5-8.

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Section 552

Section 552a

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| <input type="checkbox"/> (b)(1) | <input checked="" type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
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| _____ | <input type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
| _____ | <input checked="" type="checkbox"/> (b)(7)(E) | <input type="checkbox"/> (k)(3) |
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_____ Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 983: Page 3 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 981-982, and 984-988 for presentation pages 1-2 and 4-8.

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FEDERAL BUREAU OF INVESTIGATION
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Section 552

Section 552a

- (b)(1)
(b)(2)
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(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
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(k)(3)
(k)(4)
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(k)(6)
(k)(7)

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Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 985: Page 5 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 981-984, and 986-988 for presentation pages 1-4, and 6-8.

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2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- (b)(1)
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(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
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(k)(4)
(k)(5)
(k)(6)
(k)(7)

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 986-987: Pages 6-7 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." A portion of the information on these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 981-985, and 988 for presentation pages 1-5, and 8.

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X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- Exemption options for Section 552 and Section 552a, including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7).

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Page(s) withheld for the following reason(s):

The following number is to be used for reference regarding this page:

EFF/Lynch 988: Page 8 of a 8 page partly classified June 2010, Going Dark draft presentation titled, "The Going Dark Initiative: Closing the National Security ELSUR Gap." See Bates pages 981-987 for presentation pages 1-7.

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4 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

X Deletions were made pursuant to the exemptions indicated below with no segregable material available for release to you.

Section 552

Section 552a

- (b)(1)
(b)(2)
(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
(k)(3)
(k)(4)
(k)(5)
(k)(6)
(k)(7)

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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 989-992: 4 page talking point bulletin dated February 26, 2010, prepared by the FBI Cyber Division, Innocent Images Intelligence Unit, titled, "Federal Bureau of Investigation Intelligence Bulletin." The taking point bulletin discusses technical issues and impediments that allow child predators to openly discuss topics of interest without fear of being identified by law enforcement.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

- (b)(1)
(b)(2)
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- (b)(7)(A)
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(b)(7)(C)
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(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
(k)(3)
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Page(s) withheld for the following reason(s):

- The following number is to be used for reference regarding this page:

EFF/Lynch 993: Undated discussion paper that outlines technical issues and impediments faced during a specific FBI investigation.

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3 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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Section 552

Section 552a

- (b)(1)
(b)(2)
(b)(3)
(b)(4)
(b)(5)
(b)(6)

- (b)(7)(A)
(b)(7)(B)
(b)(7)(C)
(b)(7)(D)
(b)(7)(E)
(b)(7)(F)
(b)(8)
(b)(9)

- (d)(5)
(j)(2)
(k)(1)
(k)(2)
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Page(s) withheld for the following reason(s):

- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 994, 996, 998: 3 pages from 3 undated discussion papers that outline technical issues and impediments investigators are facing during 3 pending investigations. The first 2 discussion pages are 2 pages in length and the 3rd is 1 page. These Bates pages are all the 1st page of their respective reports.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
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Section 552

Section 552a

- Exemption checkboxes for Section 552 (b)(1)-(6) and Section 552a (d)(5), (j)(2), (k)(1)-(7).

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Page(s) withheld for the following reason(s):

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EFF/Lynch 995, and 997: These Bates pages are the 2nd page respectively from 2 undated 2 page long discussion papers that outline technical issues and impediments investigators are facing during 2 pending investigations. See Bates pages 994 and 996 for the respective 1st page of these discussion papers.

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Section 552

Section 552a

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EFF/Lynch 999-1006: 8 page talking point bulletin dated December 22, 2009, prepared by the FBI Cyber Division, Innocent Images Intelligence Unit, titled, "Federal Bureau of Investigation Intelligence Bulletin." The taking point bulletin discusses technical issues and impediments during an investigation into file sharing software utilized by child pornography producers and child sex offenders.

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Section 552

Section 552a

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EFF/Lynch 1007: Page 1 of a 3 page partly classified internal talking points report discussing capabilities and ELSUR gaps of certain internet service providers. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1008-1009 for report pages 3-4.

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Section 552

Section 552a

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EFF/Lynch 1008-1009: Pages 2-3 of a 3 page partly classified internal talking points report discussing capabilities and ELSUR gaps of certain internet service providers. A portion of the information on this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 1007 for report page 1.

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Section 552a

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EFF/Lynch 1010-1011: 2 page undated discussion paper that outlines technical issues and impediments investigators are facing during a certain pending investigation.

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