

## **Cardozo FOIA 1131078 Request**

**Exemptions Were Repositioned Beside  
Redactions on Identified Pages Where  
Exemptions Were “Clustered” to Give Plaintiff  
Full Clarity of Exemptions Asserted**

**(Continue to Rely on Deleted Page Inserts for Pages Withheld in Full)**

---

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

b6  
b7C

thanks for that

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

thanks

[redacted]

[redacted]

b6  
b7C

POLITICO

[redacted]

[redacted]@politico.com

EFF/Cardozo-2

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

b6  
b7C

[redacted] per your request:

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

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

**Background:**

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

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

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

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

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

EFF/Cardozo-4

b6  
b7C

To: [redacted]  
Subject: fbi going dark

b6  
b7C

thanks for that

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

thanks

[redacted]

[redacted]

POLITICO

[redacted]

[redacted]@politico.com

b6  
b7C

EFF/Cardozo-5

---

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

b6  
b7C

thanks for that

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

thanks

[redacted]

[redacted]

POLITICO

[redacted]

[redacted]@politico.com

b6  
b7C

EFF/Cardozo-7

[Redacted]

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

Please use Marcus Thomas' name - thanks

---

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

b6  
b7C

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

---

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

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

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

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

---

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

b6  
b7C

Thank you.

---

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

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

---

EFF/Cardozo-8

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

b6  
b7C

[REDACTED]

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

When was it established and who oversees it.

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

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

Sincerely,

[REDACTED]  
ABC News  
[REDACTED]

b6  
b7C

EFF/Cardozo-9

[REDACTED]

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

b6  
b7C

Thanks

---

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

Marcus

b6  
b7C

SSA [REDACTED] FBI  
[REDACTED]

---

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

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

---

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

b6  
b7C

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

---

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

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

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

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

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EFF/Cardozo-10



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

Thank you.

b6  
b7C

---

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

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

---

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

b6  
b7C

[redacted]

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

When was it established and who oversees it.

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

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

Sincerely,

[redacted]  
ABC News  
[redacted]

b6  
b7C

EFF/Cardozo-11

[Redacted]

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

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

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

b6  
b7C

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

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

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

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

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

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

Thank you.

b6  
b7C

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

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

EFF/Cardozo-12

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

b6  
b7C

[REDACTED]

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

When was it established and who oversees it.

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

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

Sincerely,

b6  
b7C

[REDACTED]  
ABC News  
[REDACTED]

EFF/Cardozo-13

[REDACTED]

---

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

b6  
b7C

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

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

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

---

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

b6  
b7C

Thank you.

---

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

b6  
b7C

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

---

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

b6  
b7C

[REDACTED]

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

When was it established and who oversees it.

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

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

Sincerely,

[REDACTED]

EFF/Cardozo-14

b6  
b7C

[redacted]  

---

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

b6  
b7C

Thank you

---

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

Yes--Tx

---

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

b6  
b7C

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

---

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

b6  
b7C

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

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

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

---

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

b6  
b7C

Mr. Thomas,

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

EP/Caro020-16

Thanks!

[redacted]  
FBI National Press Office  
[redacted]

---

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

b6  
b7C

[redacted]

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

When was it established and who oversees it.

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

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

Sincerely,

[redacted]  
ABC News  
[redacted]

b6  
b7C

EFF/Cardozo-17

[REDACTED]

---

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

Thank you!

b6  
b7C

---

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

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

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

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

---

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

b6  
b7C

Mr. Thomas,

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

Thanks!

[REDACTED]  
FBI National Press Office  
[REDACTED]

---

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

b6  
b7C

[REDACTED]

I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.  
When was it established and who oversees it.

EFF/Cardozo-18

[redacted]  

---

**From:** [redacted]  
**Sent:** Friday, May 08, 2009 6:51 PM  
**To:** Kortan, Michael P.  
**Cc:** [redacted]  
**Subject:** Fw: "Going Dark" Program

b6  
b7C

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

---

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

b6  
b7C

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

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

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

---

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

b6  
b7C

Mr. Thomas,

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

Thanks!

[redacted]  
FBI National Press Office  
[redacted]

---

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

b6  
b7C

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

EFF/Cardezo-20



[Redacted]

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

b6  
b7C

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

---

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

b6  
b7C

[Redacted]

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

When was it established and who oversees it.

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

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

Sincerely,

[Redacted]

ABC News

[Redacted]

b6  
b7C

EFF/Cardozo-22

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

b6  
b7C

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

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

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

b6  
b7C

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

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

b6  
b7C

Dear [redacted]

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

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

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

I can be contacted at the numbers below.

Sincerely,

[redacted]  
ABC News

b6  
b7C

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

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

b6  
b7C

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

Thanks a bunch!

[redacted]

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

b6  
b7C

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

[redacted]

b6  
b7C

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

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

Thanks!

[redacted]

b6  
b7C

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

EFF/Cardozo-26

[REDACTED]

---

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

Thank you both very much.

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

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

b6  
b7C

I like it!

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

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

I would only make the following suggested edits as noted:

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

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

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

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

What do you think,  
Louis

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

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

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

b6  
b7C

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

EFF/Cardozo-28



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

b6  
b7C

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

---

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

[redacted] can boil it down

b6  
b7C

---

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

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

---

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

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

b6  
b7C

---

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

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

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

[redacted]  

---

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

b6  
b7C

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

---

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

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

b6  
b7C

---

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

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

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

---

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

b6  
b7C

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

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

EFF/Cardozo-33

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

b6  
b7C

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

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

---

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

b6  
b7C

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

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

EFF/Cardozo-34



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

b2

b6  
b7C

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

b2  
b6  
b7C

b6  
b7C

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

b6  
b7C

2

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

b6  
b7C

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

b6  
b7C

Thanks!

[redacted]

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

b6  
b7C

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

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

EFF/Cardozo-38

[redacted]

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

b6  
b7C

---

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

b6  
b7C

[redacted]

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

(p131)

[redacted]

b6  
b7C

EFF/Cardozo-44

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

b6  
b7C

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

b6  
b7C

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

(p131)

[redacted]  
b6  
b7C

EFF/Cardozo-45

[redacted]  

---

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

b6  
b7C

[redacted] can boil it down

b6  
b7C

---

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

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

---

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

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

b6  
b7C

---

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

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

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

---

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

b6  
b7C

EFF/Cardozo-51

[REDACTED]

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

b6  
b7C

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

---

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

b6  
b7C

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

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

---

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

b6  
b7C

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

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

EFF/Cardozo-53

[REDACTED]

---

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

b6  
b7C

Thank you.

---

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

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

---

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

b6  
b7C

[REDACTED]

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

When was it established and who oversees it.

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

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

Sincerely,

[REDACTED]  
ABC News  
[REDACTED]

b6  
b7C

EFF/Cardozo-56

---

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

b6  
b7C

thanks for that

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

thanks

[redacted]

[redacted]

POLITICO

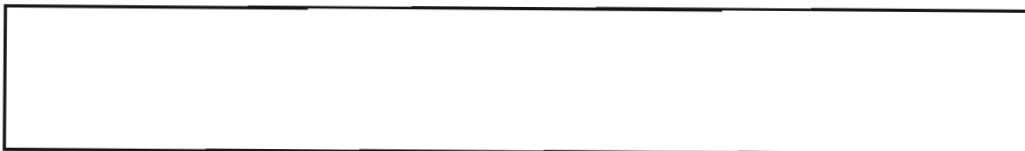
b6  
b7C

[redacted]

[redacted]@politico.com

EFF/Cardozo-66



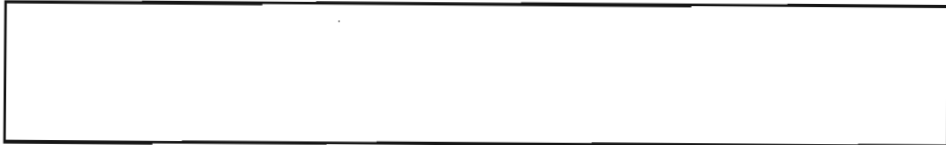
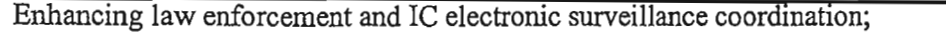
- 

b7E

**How does the FBI propose to solve this problem?**

**Response:**

- The FBI has developed a national Electronic Surveillance Strategy to preserve vitally important law enforcement and IC electronic surveillance capabilities. The Strategy is composed of five unique, yet complimentary, components:

- 
- 
- Enhancing law enforcement and IC electronic surveillance coordination;
- Enhancing electronic surveillance cooperation between industry, law enforcement and IC agencies; and
- Increasing law enforcement and IC electronic surveillance technical and financial resources.

b7E

**Why should the FBI's strategy be pursued on behalf of law enforcement and the IC?**

**Response:**

- The FBI is well suited to gain consensus regarding all aspects of advanced methods of electronic surveillance and to ensure comprehensive understanding of the technical and/or operational challenges faced by law enforcement and IC agencies and help devise and implement solutions. The FBI has an established, robust liaison with all aspects of the communications industry and has routinely been required to work with the industry to develop intercept capabilities for the law enforcement community that are leveraged for intelligence cases as well as capabilities utilized solely by the IC. As a result, the communications industry is comfortable working with the FBI under domestic authority to develop tools that are narrowly tailored to comply with these authorities. In addition, although typically ad hoc and tactical in nature, the FBI has long assisted other Federal, state, and local law enforcement effect criminal and Cyber-based electronic surveillance. And, as a key IC member, the FBI provides vital daily support to IC agencies by effecting national security intelligence, counter-intelligence, and counterterrorism intercepts.

Information provided/approved by: AD Marcus Thomas  
Date: 01/14/2009

EFF/Cardozo-68



## GOING DARK

What is "Going Dark"?

Response:

- "Going Dark" refers to law enforcement's limited capability to comprehensively and lawfully collect data and information, conduct electronic surveillance and analyze the raw data due to the rapid evolution of telecommunications and data collection technology and services.

- [REDACTED]

- [REDACTED]

b7E

Didn't Congress already solve this problem when it passed the Communications Assistance for Law Enforcement Act (CALEA) in 1994?

Response:

- No, CALEA applied to telecommunications carriers and to services that replace a substantial portion of the local exchange service.
- CALEA excludes a wide range of other services which travel over wire and electronic communications transmission networks and are interwoven in network traffic.

What are some of the specific problems the FBI and the rest of the law enforcement are facing?

Response:

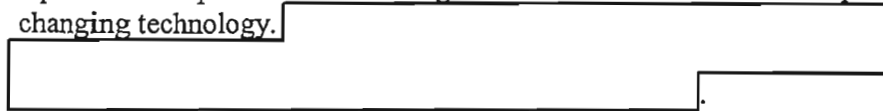
- [REDACTED]

b7E

**FBI LEGISLATIVE AND POLICY PROPOSALS**

1. Going Dark

Proposal: Update and improve certain existing ELSUR laws to allow for catch up to changing technology.



b7E

2. Data Retention

Proposal: Require Electronic Communication Service Providers to retain for two years records showing the origination and termination of communications.

3. Extension of certain Human Resource authorities

Proposal: Amend 2005 Consolidated Appropriation Act to eliminate expiration date of December 31, 2009, on authority to grant retention and relocation bonuses.

4. Mass Killings

Proposal: Amend Title 28 to give the FBI statutory authority to assist in investigation of mass killings or attempted mass killings in schools, colleges, universities, non-federal office buildings, malls, and other public places.

5. Infrastructure/Facilities

Proposal: Eliminate requirement for GSA review and approval of long-terms leases. Institute DOJ review and approval procedures.

### The Going Dark Initiative

Lawfully-authorized electronic surveillance (ELSUR) is critical to enforcing the law, protecting our citizens, and maintaining our nation's security. Preserving and enhancing the capabilities used to intercept specific communications content and communication-identifying information is essential to this effort. In recent years, the variety and complexity of communications services and technologies introduced to the marketplace have increased dramatically.

[REDACTED]

[REDACTED] As a result, United States law enforcement is faced with an ever-increasing gap in ELSUR capabilities. Gaps in ELSUR capabilities, however, are not in and of themselves the only difficulties confronting law enforcement. As technology and communications services advance, LEAs also face greater challenges in carrying out the fundamental aspects of their investigative mission.

b7E

In an effort to remedy interception and ELSUR-related gaps, and provide LEAs with the tools they need to accomplish their mission, the FBI has developed a national strategy known as the "Going Dark Initiative." The Going Dark Initiative includes several significant elements, one of which is the attached catalog of ELSUR and ELSUR-related legislative proposals designed to update and improve existing Federal ELSUR laws and assistance mandates and to enact new ELSUR and ELSUR-related laws to support LEAs' investigative efforts. As the events of September 11, 2001 show, law enforcement cannot *connect* the intelligence and evidentiary dots unless it first *collects* those dots. Absent needed legislation, LEAs increasingly will encounter outages, which will ultimately result in LEAs going dark with regard to the collection of essential evidence and intelligence information.

The specific legislative proposals and the rationale for each are set forth in Attachments 1 and 2 below.

FY 2010 Legislative Call  
Office of the General Counsel

**PROPOSAL**

In an effort to remedy interception and ELSUR-related gaps, and provide LEAs with the tools they need to accomplish their mission, the FBI has developed a national strategy known as the "Going Dark Initiative." The Going Dark Initiative includes several significant elements, one of which is the attached catalog of ELSUR and ELSUR-related legislative proposals designed to update and improve existing Federal ELSUR laws and assistance mandates and to enact new ELSUR and ELSUR-related laws to support LEAs' investigative efforts. As the events of September 11, 2001 show, law enforcement cannot *connect* the intelligence and evidentiary dots unless it first *collects* those dots. Absent needed legislation, LEAs increasingly will encounter outages, which will ultimately result in LEAs going dark with regard to the collection of essential evidence and intelligence information.

**JUSTIFICATION**

Lawfully-authorized electronic surveillance (ELSUR) is critical to enforcing the law, protecting our citizens, and maintaining our nation's security. Preserving and enhancing the capabilities used to intercept specific communications content and communication-identifying information is essential to this effort. In recent years, the variety and complexity of communications services and technologies introduced to the marketplace have increased dramatically.

[REDACTED] As a result, United States law enforcement is faced with an ever-increasing gap in ELSUR capabilities. Gaps in ELSUR capabilities, however, are not in and of themselves the only difficulties confronting law enforcement. As technology and communications services advance, LEAs also face greater challenges in carrying out the fundamental aspects of their investigative mission.

b7E

**HISTORY**

Various CALEA issues have been discussed for many years, some on a regulatory front and some on a legislative front. The attached information details what is needed and in some instances, what has been addressed in part or is pending before the FCC.

**COST IMPACT**

Unknown

**ADMINISTRATIVE NOTE**

Proposal was prepared, approved, and submitted by OGC

EFF/Cardozo-127



## GOING DARK

What is "Going Dark"?

Response:

- The term "Going Dark," is used to refer to the very real constriction of our ability to perform lawfully authorized technical collections (e.g., electronic surveillance, search and seizure of data, access to transactional records). [REDACTED] have increased dramatically in recent years and is expected to continue unabated for the foreseeable future.
- The FBI, as the lead domestic intelligence agency, has devoted resources to develop technical collection capabilities; however, these expenditures have only enabled the FBI to barely keep up with the pace of change. Members of the intelligence community (IC) and law enforcement community are experiencing significantly reduced collection capabilities. These circumstances reflect an emerging "capability gap" for the FBI, other IC agencies, and law enforcement.

b7E

Didn't Congress already solve this problem when it passed the Communications Assistance for Law Enforcement Act (CALEA) in 1994?

Response:

- No, CALEA applied to telecommunications carriers and to services that replace a substantial portion of the local exchange service. CALEA excluded, and still excludes, a wide range of other services which today travel over wire and electronic communications transmission networks and are interwoven in network traffic. [REDACTED]

b7E

What are some of the specific problems the FBI and the rest of the law enforcement and intelligence communities are facing?

Response:

- [REDACTED]

b7E





## Congressional Affairs Office Congressional Contacts

|   |                       |   |  |
|---|-----------------------|---|--|
| Date Entered:                                   | 05/15/2009            | <input checked="" type="radio"/> Briefing <input type="radio"/> Hearing <input type="radio"/> Other <input type="radio"/> FOC |  |
| 2009-134  | Event Date: 5/14/2009 | Entered By: [redacted]  |  |
| Subject: FBI Budget Brief to Rep Ruppertsberger |                       |   |  |
| CAO Contact Person: [redacted]                  |                       |   |  |
| DOJ Notification: [redacted]                    |                       | DOJ Date/Time: [redacted]   |  |
| FBI Participants: AD Rich Haley, [redacted]     |                       |   |  |
| Other Participants: [redacted]                  |                       |   |  |
| Committees /Subcommittees: HPSCI                |                       |   |  |
| Members/Staff: Rep Ruppertsberger, [redacted]   |                       |   |  |

b6  
b7C

### Details of Briefing:

#### TO COVER:

1. FBI FY 2010 Budget
2. Enhancements to the FBI Budget and needs of the Bureau

#### AD Haley Opening

AD Haley explained the change in the FBI budget and funding process since becoming a member of the IC and transforming to an intelligence agency. He explained that the rest of the IC uses a 5 year budget projection and that the FBI must use a 1 year.

The FBI has written a 5 year program that is used internally so that they can track the IC community in a more consistent manner with the IC.

In 2002, the FBI budget was approximately 3 billion

In 2009, the FBI budget was well over 7 billion

01.5 billion of this budget is for rent, utilities and other overhead

#### Personnel

The average employee at the FBI costs approximately \$[redacted] per year including benefits (increased significantly)

Funds received in recent years have gone to enhancing positions such as:

olas - which were previously GS-7 job and no college degree, now require a college degree and are being hired as GS-14.

□ This has impacted the FBI personnel costs

b7E

Rupp - was not in agreement with the way the FBI NSB was set up with traditional agents who were not trained or experienced in NS.

Rupp - How are you doing with the communications/computer technology systems?

Why have they not been modeled after CIA and other NS agencies?

Haley explained the current state of Sentinel to include next steps (Sentinel on the TS system)

There are 82 different technology products

[redacted]

oCORE - FBI forms

b7E

Rupp - asked if Ias have the ability to access the necessary systems to do their job?

Yes in all field office but some of the Ras are a little slower.

#### Funding - NIP

Haley explained that the NIP is scored through the DNI

Rupp - How many positions in the FBI are scored through the NIP? [redacted] roughly half

b7E

#### Drugs

Rupp - one of his biggest concerns and issues are drugs. How is the FBI addressing this problem?

Haley explained that due to the transformation and the shift in resources to NSB, the drug violations have been affected but are still a concern of the FBI.

[redacted] - resources and current states of the [redacted] program as well as describing each division were provided

Rupp - asked why [redacted] do not carry guns

EFF/Cardozo-130

Explained that they are [redacted]

Provided the number of [redacted] staff and that this should be doubled

Rupp - what are you doing to address the [redacted] shortage?

b7E



## Congressional Affairs Office Congressional Contacts

Haley stated that we continue to request more funding and do not always receive it. Identified the funding requests from prior years.

Rupp - WANTS TO GET WITH HAC CJS TO ADDRESS FUNDING MATTERS FOR THE FBI - [REDACTED]

Counterintelligence and Russia

Rupp - stated that the Russia threat is increasing and really heating back up --Big Concern

b7E

Going Dark Problem

Haley explained that [REDACTED]

Rupp - asked if we were [REDACTED]

Haley explained that [REDACTED]

Other Topics Addressed

National Cyber Security Initiative

National Security Branch

Mortgage Fraud

All funding for the FBI goes through the HAC CJS and the Intel Authorization Bill authorizes the use of the Intel money.

GET BACK - WANTS A MEETING WITH [REDACTED] TO ADDRESS FUDNING AND SHORTAGES.

When it comes to funding, if you need it, let me know. If you justify it, I will work to get it. Tell me either on or off the record.

b6  
b7C

[REDACTED] cont

Discussed funding for the FBI Academy improvements and the additional funding for the NA.

Cyber Security Initiative - What is the role of the FBI?

Training of Cyber Agents was discussed and the specialized background and career path they have to possess.

WMD coordinators are over stretched in the field

o Is there going to be funding available that will alleviate this issue

BMTC - Clarksburg facility and the future of the technology to create a national standard for all LE.

o NGI will be housed here

LANGUAGE INCENTIVE PAY - explained by the last slide in the packet

o Confirm that language designated positions get the bonus but doe they receive a maintenance bonus when not assigned to a job that requires their language.

GET-BACK - WHAT IS THE EXACT NUMBER OF SURVEILLANCE AGENTS?

Follow Up Action:

EFF/Cardozo-131



## INDEX

### National Lawful Interception Strategy/ "Going Dark" Strategy Matters for Legislative Consideration

1. Modernizing Lawful Interception Laws and Related Authorities (BAH, Fall 2008)
2. Proposed Amendments to CALEA (DOJ/FBI approved [REDACTED], Spring 2006)
3. Explanatory Text re Proposed Amendments to CALEA (DOJ/FBI [REDACTED], Spring 2006)
4. CALEA Amendment / FCC Decisions Comparison Table [REDACTED], Late Spring 2006)
5. High-level Overview of Proposed CALEA Amendments (BAH, Spring 2006)
6. High-level Explanation of 2006 CALEA Amendment Package [REDACTED], 9/11/2008)
7. Chart by Topic Showing CALEA vs. Non-CALEA Provisions (BAH, Fall 2008)
8. Thoughts Regarding Concept for Additional Appropriations Fund (BAH, Fall 2008)
9. Potential Language for No cause Against Service Providers, Protecting Techniques (BAH, Spring 2006)
10. Encryption: Countering the Threat; Potential Lines of Legislative Action (BAH, Fall 2008)

b6  
b7C

# (U) National Lawful Intercept Strategy

## From Bureaupedia

(U) **National Lawful Intercept Strategy** is a comprehensive five-step process devised by key law enforcement and industry representatives to reverse the growing number of threats to lawful interception.

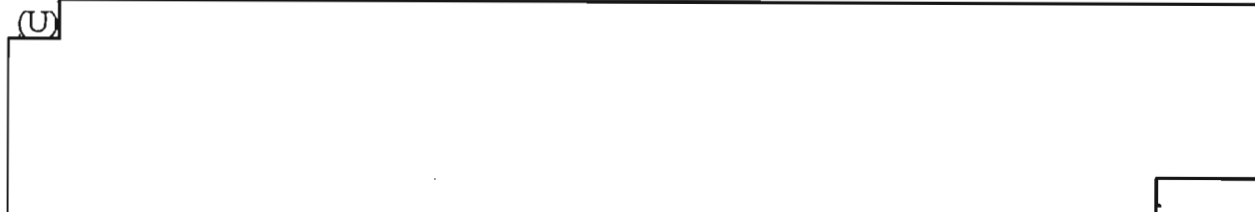
## Contents

- 1 (U) Issue
- 2 (U) Proposed solution
- 3 (U) Budget
- 4 (U) Recommendations / Actions

### (U) Issue

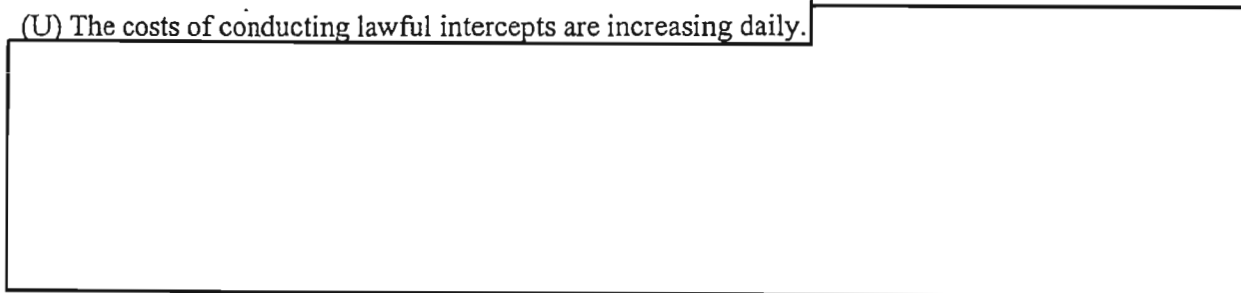
(U) The convergence of communications and the increased variety and complexity of advanced services and technologies has resulted in impediments to lawful intercept capabilities and created an increasingly evident "lawful intercept capabilities gap." In the face of more diverse and complex communications services and technologies, including the rapid growth in diverse protocols, proprietary compression techniques, encryption, and other technological factors, law enforcement is now faced with several especially daunting lawful interception challenges.

(U)



b7E

(U) The costs of conducting lawful intercepts are increasing daily.



b7E

### (U) Proposed solution

(U) The National Lawful Intercept Strategy proposes the following solution:

1. Modernize Lawful Intercept Laws: Existing lawful intercept laws (e.g., Title III of the Omnibus Crime Control and Safe Streets Act, Electronic Communications Privacy Act [ECPA], and the Communications Assistance for Law Enforcement Act [CALEA]) require modernization as a

FBI &gt; In Brief &gt; DOJ Budget Details High-Tech Crime Fighting Tools

 |  | 

## In Brief: DOJ Budget Details High-Tech Crime Fighting Tools

Alert Me

**Title**

DOJ Budget Details High-Tech Crime Fighting Tools

**Description**

New Surveillance Programs Look Ahead As FBI Seeks To Overcome Past Criticism

ABCNews.go.com

By Jason Ryan

May 9, 2009

WASHINGTON, DC -- The release of the 2010 budget request has shed more light on some FBI surveillance programs the bureau is currently developing and testing.

While the FBI has been criticized at times for its slow reforms after the 9/11 attacks, which revealed the FBI did not have adequate computer resources, some of the new programs sound like something out of a high-tech cloak and dagger film. The budget request shows that the FBI is currently developing a new "Advanced Electronic Surveillance" program which is being funded at \$233.9 million for 2010. The program has 133 employees, 15 of whom are agents.

According to the budget documents released Thursday, the program, otherwise known as "Going Dark," supports the FBI's electronic surveillance intelligence collection and evidence gathering capabilities, as well as those of the greater Intelligence Community. "The term 'Going Dark' does not refer to a specific capability, but is a program name for the part of the FBI, Operational Technology Division's (OTD) lawful interception program which is shared with other law enforcement agencies," an FBI spokesman said. "The term applies to the research and development of new tools, technical support and training initiatives."

**Attachment 1**

News article

**Attachment 2****Attachment 3****Start Date**

5/11/2009

**End Date**

5/12/2009

**Sequence****Approval Status**

Approved

Content Type: FBI In Brief

Created at 5/11/2009 6:55 AM by [redacted] (OPA) (FBI)

Last modified at 5/12/2009 6:53 AM by [redacted] (OPA) (FBI)

b6  
b7C

EFF/Cardozo-239

[REDACTED] (OTD) (FBI)

From: [REDACTED] (OTD) (FBI)  
Sent: Monday, November 24, 2008 3:46 PM  
To: [REDACTED] (OTD) (FBI)  
Subject: RE: SMS Initiatives

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Have a good Thanksgiving!

From: [REDACTED] (OTD) (FBI)  
Sent: Monday, November 24, 2008 3:44 PM  
To: [REDACTED] (OTD) (FBI)  
Subject: RE: SMS Initiatives

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Thanks.

[REDACTED]  
b2  
b6  
b7C

From: MORROW, DAWN E. (OTD) (FBI)  
Sent: Monday, November 24, 2008 3:40 PM  
To: [REDACTED] (OTD) (FBI)  
Subject: SMS Initiatives

UNCLASSIFIED  
NON-RECORD

b6  
b7C

Hi [REDACTED]

The Top 4 initiatives are below. I've also included brief 2-3 sentence explanations of them. If they need to be shorter, you can cut out the italicized part. Let me know if you need more.

Going Dark: A five-prong strategic approach to address the lawful "intercept capability gap," *(the eroding of lawful intercept (LI) due to the proliferation of communications methods)* in support of the community of ELSUR stakeholders to include 1) modernization /amendment of existing laws, 2) enhancing authorities to protect industry proprietary and LE sensitive lawful intercept information, equipment and techniques , 3) enhancing LE agencies' coordination leveraging technical expertise of FBI with other LE entities, 4) enhancing lawful intercept cooperation between the communications industry and LEAs with a "One Voice" approach, and 5) seeking new federal funding to bolster lawful intercept capabilities.

[REDACTED]  
b7E

[REDACTED]  
EFF/Cardozo-255

b7E

[Redacted]

b7E

[Redacted]

b7E

[Redacted]

Special Advisor

[Redacted]

Desk  
Blackberry  
@ic.fbi.gov

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EFF/Cardozo-256

[REDACTED] (OTD) (FBI)

From: [REDACTED] (OTD) (FBI)  
 Sent: Monday, November 24, 2008 3:27 PM  
 To: [REDACTED] (OTD) (FBI)  
 Cc: [REDACTED] (OTD) (CON); MOTTA, THOMAS GREGORY (OTD) (FBI)  
 Subject: RE: OTD Significant Activity Report for November 2008 - DEADLINE NOON, WEDNESDAY, DECEMBER 3, 2008 - New Reporting Category for Going Dark Initiative

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NON-RECORD

10-4; we are on it.

Gregg,  
 I will have the draft for the section NLT December 1.

From: [REDACTED] (OTD) (FBI)  
 Sent: Monday, November 24, 2008 1:28 PM  
 To: COOK, PATRICK B. (OTD) (FBI); [REDACTED] (OTD) (OGA); PRICE, J CLAY (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); MOTTA, THOMAS GREGORY (OTD) (FBI); [REDACTED] (OTD) (FBI);  
 Cc: [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (CON); [REDACTED] (OTD) (CON); [REDACTED] (OTD) (CON); [REDACTED] (OTD) (CON); [REDACTED] (OTD) (CON); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI);  
 Subject: OTD Significant Activity Report for November 2008 - DEADLINE NOON, WEDNESDAY, DECEMBER 3, 2008 - New Reporting Category for Going Dark Initiative

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NON-RECORD

Good afternoon,

Please provide me with a consolidated Section-level approved monthly Significant Activity Report which contains your Section's top three (3) most significant activities for November 2008 by **Noon, Wednesday, December 3, 2008**. I would appreciate receiving one report for each Section that is inclusive of your unit-level activities. SRU and TMSU please submit significant unit level activities, if any, to me.

**Reminder - "Going Dark" Initiative Added to Template:**

OTD is actively pursuing the National Electronic Surveillance Strategy, commonly known as the 'Going Dark' initiative in an effort to maintain and advance electronic surveillance capabilities. The front office would like to collect all accomplishments made in connection with the Going Dark Initiative five prongs listed below. Past accomplishments will be compiled by A/UC, CIU, [REDACTED]. Current and future accomplishments will be solicited along with your significant accomplishments on a monthly basis.

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The strategy consists of five prongs:

- 1) Modernization of Lawful Intercept (LI) Laws - Updating LI legislation, regulation, and assistance mandates
- 2) LI Authorities Enactment - Removing impediments to the FBI's ability to protect and share LI technical equipment and expertise
- 3) Enhanced LEA Coordination - Enhancing greater LEA LI mutual coordination/assistance
- 4) Greater Industry/LEA Cooperation - Expanding industry cooperation among LEAs on new and emerging technology issues/solutions
- 5) New Federal Resources - Seeking new Federal funding to bolster domestic LI capabilities

Some ideas for accomplishments would include:

EFF/Cardozo-309



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1



[REDACTED] (OTD) (FBI)

From: [REDACTED] (OTD) (FBI)  
Sent: Wednesday, February 25, 2009 8:23 AM  
To: COOK, PATRICK B. (OTD) (FBI); [REDACTED] (OTD) (OGA); PRICE, J CLAY (OTD) (FBI); [REDACTED] (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); MOTTA, THOMAS GREGORY (OTD) (FBI); [REDACTED] (OTD) (FBI);

Cc:

[redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD)  
[redacted] (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI);  
[redacted] (OTD) (FBI); [redacted] (OTD) (CON); [redacted] (OTD) (CON);  
[redacted] (OTD) (CON); [redacted] (OTD) (CON); [redacted] (OTD) (FBI);  
[redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (CON)

**Subject:** OTD Significant Activity Report for February 2009 - DEADLINE NOON, WEDNESDAY, MARCH 4, 2009

Follow Up Flag: Follow up  
Due By: Wednesday, March 04, 2009 12:00 PM  
Flag Status: Flagged

**Attachments:** Template Significant Accomplishments OTD Feb 09.wpd

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Good morning,

Please provide me with a consolidated Section-level approved monthly Significant Activity Report which contains your Section's top three (3) most significant activities for February 2009 by **Noon, Wednesday, March 4, 2009**. I would appreciate receiving one report for each Section that is inclusive of your unit-level activities. SRU and TMSU please submit significant unit level activities, if any, to me.

**Reminder - "Going Dark" Initiative Added to Template:**

OTD is actively pursuing the National Electronic Surveillance Strategy, commonly known as the 'Going Dark' initiative in an effort to maintain and advance electronic surveillance capabilities. The front office would like to collect all accomplishments made in connection with the Going Dark Initiative five prongs listed below. Past accomplishments will be compiled by A/UC, CIU, [REDACTED]. Current and future accomplishments will be solicited along with your significant accomplishments on a monthly basis. b6

The strategy consists of five prongs:

- 1) Modernization of Lawful Intercept (LI) Laws - Updating LI legislation, regulation, and assistance mandates
- 2) LI Authorities Enactment - Removing impediments to the FBI's ability to protect and share LI technical equipment and expertise
- 3) Enhanced LEA Coordination - Enhancing greater LEA LI mutual coordination/assistance
- 4) Greater Industry/LEA Cooperation - Expanding industry cooperation among LEAs on new and emerging technology issues/solutions
- 5) New Federal Resources - Seeking new Federal funding to bolster domestic LI capabilities

Some ideas for accomplishments would include:

- Training of State and local law enforcement
- Sharing of techniques and/or equipment with other agencies
- Liaison with industry concerning new and emerging services and technologies

For your convenience, I have attached a template for you to use which showcases Field support, Headquarters support, Training, Liaison, Going Dark and Other. Be sure to use Word Perfect, Times New Roman, 12 pt. font and include portion markings. Please keep each individual significant activity to one paragraph or less if possible (3-4 sentences).

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, May 13, 2009 2:31 PM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark Bulletin

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[redacted]

Have you spoken to [redacted] about the state and local article?

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, May 13, 2009 1:53 PM  
To: THOMAS, MARCUS C. (OTD) (FBI)  
Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: Going Dark Bulletin

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Marcus;

Is there any specific material, whitepapersm presentations etc. on the Going Dark topic that you would like to get into the Going Dark Bulletin?

I would be happy to work with [redacted] to prepare any of the materials you have developed so we can publish them.

[redacted]

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EFF/Cardozo-334

(OTD) (FBI)

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**From:** [REDACTED] (OTD) (FBI)  
**Sent:** Wednesday, October 29, 2008 9:12 AM  
**To:** [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI);  
[REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI);  
[REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI)

**Cc:** [REDACTED] (OTD) (CON)  
**Subject:** FW: OTD Significant Activity Report for October 2008 - DEADLINE NOON, MONDAY, NOVEMBER 3, 2008 - New Reporting Category for Going Dark Initiative

**Attachments:** Template Significant Accomplishments OTD Oct 08.wpd

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Guys,

If you have something for the report can you send it to [REDACTED] and I so we can put it together. Is anybody doing anything for the "Going Dark" initiative?

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From: [REDACTED] (OTD) (FBI)  
Sent: Wednesday, October 29, 2008 8:31 AM  
To: [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI)  
Cc: [REDACTED] (OTD) (CON); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI)  
Subject: FW: OTD Significant Activity Report for October 2008 - DEADLINE NOON, MONDAY, NOVEMBER 3, 2008 - New Reporting Category for Going Dark Initiative

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NON-RECORD

Hello All,

See the below e-mail regarding the OTD Significant Activity Report for October 2008. This report now requires the unit to include **"Going Dark" Initiatives** on a **monthly basis**. If we can have each program to bring forth two to three initiatives from the start, then we will only need to update each on a monthly basis. The information below provides direction and format.

I would like for [redacted] to work with [redacted] to put this SAP together after all programs have responded. Let's not forget NAWG, Outreach Platform, coordination with state and local law enforcement.

Give me a call if you have questions. Again, please note the deadline.

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**From:** [REDACTED] (OTD) (CON)  
**Sent:** Wednesday, October 29, 2008 8:14 AM  
**To:** [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI);  
**Cc:** DICLEMANTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (CON); [REDACTED] (OTD) (CON); [REDACTED] (OTD) (CON); [REDACTED] (OTD) (CON); [REDACTED] (OTD) (CON); [REDACTED] (OTD) (FBI)  
**Subject:** OTD Significant Activity Report for October 2008 - DEADLINE NOON, MONDAY, NOVEMBER 3, 2008 - New Reporting Category for Going Dark Initiative

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EFF/Cardozo-340

[REDACTED] (OTD) (FBI)

From: [REDACTED] (CQ) (CON)  
 Sent: Monday, April 20, 2009 10:15 AM  
 To: [REDACTED] (OTD) (FBI)  
 Subject: RE: P10

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NON-RECORD

You're correct.

How do you see the split? 60/40? Or do we not put in percentages?

From: [REDACTED] (OTD) (FBI)  
 Sent: Monday, April 20, 2009 10:13 AM  
 To: [REDACTED] (CQ) (CON)  
 Subject: RE: P10

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NON-RECORD

The RAND contract didn't end until 3/31. Isn't this for last Qtr

From: [REDACTED] (CQ) (CON)  
 Sent: Monday, April 20, 2009 10:11 AM  
 To: [REDACTED] (OTD) (FBI)  
 Subject: RE: P10

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NON-RECORD

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[REDACTED]

I was under the impression that those percentages were going to be removed and so I didn't fill them in. We didn't fill them in last quarter either.

If we need to, I suggest the following:

% Improving: 60% (based on the continuing number of briefings with industry and the law enforcement community [e.g., LEEF, LETF], there seems to be a continuing impetus on pushing the message forward).

% No progress: 20% (based on a lack of involvement with the new Administration - political appointees at Justice not being confirmed and no substantive decision-making authority with those in the positions of interest).

% Lagging: 20% (based on the RAND situation and no movement on the independent third party study).

If you agree, I'll forward these to [REDACTED]. If you think differently, let me know and we'll go from there.

Thanks,

[REDACTED]

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From: [REDACTED] (OTD) (FBI)  
 Sent: Monday, April 20, 2009 9:17 AM

EFF/Cardozo-353

[redacted] (OTD) (FBI)

From: [redacted] (CQ) (CON)  
 Sent: Wednesday, April 01, 2009 8:56 AM  
 To: [redacted] (OTD) (FBI)  
 Subject: RE: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

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I have the following questions:

- Estimated \$\$ Spent

What should this include? - RAND, [redacted] time, my time, anything else? If so, do you have those costs? I can estimate my costs, but I don't have insight into anyone else. Was there travel involved - since there were a number of meetings, can I assume those costs were tracked separately (probably not?)

- Estimated FTE Devoted

Same question here - with the number of people involved: Marcus, Pat, Tony, [redacted] you, [redacted] etc. this could really add up. Any idea of how much time was spent? Or perhaps starting with a percentage: Marcus, Pat, Tony, [redacted] at 10% (?); you at 25% (?); we can get a number of hours... 10 people averaging 10% of there time would result in 1 FTE.

- Stoplight Status (R/Y/G) on your initiative where R equals "off-track" and Y equals "a trend towards on-track" and G equals "on-track."

My guess would be "Y" - but that is subject to interpretation...

Thanks,

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From: [redacted] (OTD) (FBI)  
 Sent: Tuesday, March 31, 2009 4:00 PM  
 To: [redacted] (CQ) (CON)  
 Subject: FW: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

From: [redacted] (OTD) (FBI)  
 Sent: Friday, March 27, 2009 2:35 PM  
 To: [redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI)  
 Cc: [redacted] (OTD) (CON); THOMAS, MARCUS C. (OTD) (FBI); [redacted] (OTD) (FBI)  
 Subject: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

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You have been designated as the POC for the following SMS initiative:

- Going Dark

EFF/Cardozo-358

**From:** [REDACTED] (OTD) (FBI)  
**Sent:** Tuesday, March 10, 2009 4:18 PM  
**To:** THOMAS, MARCUS C. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI);  
**Cc:** [REDACTED] (CQ) (CON); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI)  
**Subject:** FW: Advisory Board Files

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NON-RECORD

On March 18, OTD will be hosting a meeting for members of the Director's Advisory Board regarding Going Dark. I have attached an agenda for the meeting. Those on the To: line are being asked to do a 15 minute presentation as indicated in the enclosed agenda. I have also attached a template for the presentation. On Monday March 16th at 10AM in the AD's conference room, we will have a review of the presentations.

☐ I know you will not be able to attend the meeting. Marcus or Pat will present but can you fill in the template?

will put together the ppt for Law Enforcement Outreach. Can you give him input from your side so he can fill in the template?

☐ Can you do the ppt for Tony?

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Thanks,

\_\_\_\_\_

<< File: DRAFT Going Dark DAB 20090310.ppt >> << File: Director's Advisory Board Agenda.doc >>

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EFF/Cardozo-361



[redacted] (OTD) (FBI)

From: [redacted] (CQ) (CON)  
Sent: Friday, March 13, 2009 3:01 PM  
To: [redacted] (OTD) (FBI)  
Subject: FW: Advisory Board Files

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NON-RECORD

[redacted]

See [redacted] assumption below that you'll take the lead in the discussion on Wednesday...

Thanks,  
[redacted]

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From: [redacted] (OTD) (FBI)  
Sent: Friday, March 13, 2009 2:46 PM  
To: [redacted] (CQ) (CON)  
Subject: RE: Advisory Board Files

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[redacted]

This looks really good. I assume [redacted] will take the lead during the discussion. I'll compile some details/stats about what we have done/doing to assist the law enforcement community to add color to the conversation if it is necessary at game time.

[redacted]

From: [redacted] (CQ) (CON)  
Sent: Friday, March 13, 2009 2:30 PM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Advisory Board Files

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NON-RECORD

[redacted]

See attached.

Thanks,  
[redacted]

<< File: DRAFT Going Dark DAB 20090313 LE Coord.ppt >>

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From: [redacted] (CQ) (CON)  
Sent: Friday, March 13, 2009 2:05 PM  
To: [redacted] (OTD) (FBI)  
Subject: FW: Advisory Board Files

UNCLASSIFIED  
NON-RECORD

EFF/Cardozo-362

[REDACTED] (OTD) (FBI)

---

From: [REDACTED] (CQ) (CON)  
Sent: Tuesday, March 10, 2009 3:53 PM  
To: [REDACTED] (OTD) (FBI)  
Subject: Advisory Board Files

Attachments: Director's Advisory Board Agenda.doc; DRAFT Going Dark DAB 20090310.ppt

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[REDACTED]

Here are the Agenda and Template files:



Director's Advisory  
Board Agen...

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DRAFT Going Dark  
DAB 20090310....

Thanks,

[REDACTED]

UNCLASSIFIED

EFF/Cardozo-364



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[REDACTED] (OTD) (FBI)

From: [REDACTED] (OTD) (FBI)  
Sent: Wednesday, October 08, 2008 2:31 PM  
To: [REDACTED] (OTD) (FBI)  
Cc: [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED]  
Subject: Going Dark Solicitation for Input  
Attachments: Going-Dark-September Accomplishment.wpd

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[REDACTED]

I know we are late (12:00 PM deadline), but I just received word from ASC [REDACTED] to submit version 1 of the 2 write-ups I prepared for the Going Dark initiative. Attached is the document I drafted which contains both versions. Please let me know if you have any questions...

[REDACTED]



Going-Dark-Septem  
ber Accomplis...

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EFF/Cardozo-379

[REDACTED]

The attached document provides the answers to [REDACTED] questions for his survey. Please advise if I need to change anything. If not please forward this to him.

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Thanks,

[REDACTED]



Completed Unit  
ELSUR Technolog...

From: [REDACTED] (OTD) (FBI)  
Sent: Tuesday, May 26, 2009 8:32 AM  
To: [REDACTED] (OTD)(FBI)  
Subject: FW: S&T Branch Going Dark Initiative - data call due 5/29

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[REDACTED]

Let's discuss at the program manager's meeting.

[REDACTED]

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From: [REDACTED] (OTD) (FBI)  
Sent: Friday, May 22, 2009 3:01 PM  
To: [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI)  
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (OGA); MOTTA, THOMAS GREGORY (OTD) (FBI)  
Subject: S&T Branch Going Dark Initiative - data call due 5/29

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OTD Executive Management is considering a plan to expand the sharing of our ELSUR capabilities to other LEAs (Federal, State, and Local) in support of the S&T Branch Going Dark Initiative. This plan is in the formulation stage and information is needed from your units to (1) baseline the level/type of support already provided to LEAs, (2) identify capabilities that could be shared with LEAs and (3) list unfulfilled requests from LEAs for assistance.

The information you provide will be crucial in creating realistic cost estimates and timelines for what it will take to extend selected OTD capabilities to the greater Law Enforcement community.

Responses to the following questions are requested from the CEAU, DITU, TICTU, and TTU and should be provided to the ETMU no later than COB 29 May 2009.

1. What equipment/system, capability (i.e., software/application), service (i.e., training) does your unit loan/provide to other LEAs to support their ELSUR needs?

EFF/Cardozo-388

2. For each of the categories identified in response to question 1, provide information relative to the

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, April 23, 2008 10:48 AM  
To: [redacted] (OTD) (FBI)  
Subject: FW: Going Dark Initiative

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Attachments: Going Dark Talking Points 20080118.doc

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[redacted]  
Here is the Q & A for the Director that I told you about yesterday. It gives you the concept of Going Dark, DCAC, and the 5 Prong strategy in a nutshell.  
Mb

From: [redacted] (CQ) (CON)  
Sent: Friday, January 18, 2008 1:45 PM  
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI)  
Subject: Going Dark Initiative

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Tony,

See attached for draft Q&A discussed on Wednesday.

Let me know if there is anything else you need.

Thanks,

[redacted]



Going Dark Talking  
Points 2008...

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EFF/Cardozo-408

[redacted] (OTD) (FBI)

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From: [redacted] (OTD) (FBI)  
Sent: Wednesday, November 05, 2008 5:13 PM  
To: SMITH, CHARLES BARRY (OTD) (FBI)  
Subject: FW: OTD SMS Initiative #16: Going Dark (Milestone Update Request)

Attachments: Going Dark SMS update 20081105.doc

SENSITIVE BUT UNCLASSIFIED  
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Barry,

[redacted] worked on this while I was in the meetings since it had a deadline of this afternoon. I reviewed it and it looks good. It is consistent with everything else.

Mb

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From: [redacted] (CQ) (CON)  
Sent: Wednesday, November 05, 2008 3:21 PM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (CON); [redacted] (OTD) (FBI)  
Subject: RE: OTD SMS Initiative #16: Going Dark (Milestone Update Request)

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All,

Please see attached for requested info.

[redacted]

[redacted] has not had the opportunity to review this as she has been tied up with other things.

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Thanks,

[redacted]



Going Dark SMS  
update 20081105...

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, November 05, 2008 1:26 PM  
To: [redacted] (CQ) (CON)  
Subject: FW: OTD SMS Initiative #16: Going Dark (Milestone Update Request)  
Importance: High

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SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

EFF/Cardozo-418

[REDACTED] (OTD) (FBI)

From: [REDACTED] (OTD) (FBI)  
Sent: Thursday, October 23, 2008 4:57 PM  
To: [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (CON)  
Subject: FW: Presentation

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Attachments: Going Dark\_ARM\_10-23-08.ppt

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

[REDACTED]  
Here's the presentation for the ODNI.

[REDACTED]  
The supersedes Going Dark ARM 6-03-08 ppt. I'll send it to you on the low side.

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Mb

From: [REDACTED] (OTD) (CON)  
Sent: Thursday, October 23, 2008 4:45 PM  
To: [REDACTED] (OTD) (FBI)  
Subject: Presentation

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD



Going  
\_ARM\_10-23-08.ppt

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

EFF/Cardozo-421

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)  
 Sent: Tuesday, November 25, 2008 10:38 AM  
 To: [redacted] (OTD) (FBI)  
 Subject: RE: [redacted]

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NON-RECORD

Thanks

From: [redacted] (OTD) (FBI)  
 Sent: Tuesday, November 25, 2008 10:37 AM  
 To: [redacted] (OTD) (FBI)  
 Subject: FW: [redacted]

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 b7C

UNCLASSIFIED  
NON-RECORD

It's a done deal.....

From: [redacted] (OTD) (FBI)  
 Sent: Tuesday, November 25, 2008 9:58 AM  
 To: [redacted] (OTD) (FBI)  
 Subject: RE: [redacted]

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UNCLASSIFIED  
NON-RECORD

[redacted]  
 Yes, its alright to have [redacted] charge to for this if needed.

[redacted]

b6  
 b7C

From: [redacted] (OTD) (FBI)  
 Sent: Tuesday, November 25, 2008 9:29 AM  
 To: [redacted] (OTD) (FBI)  
 Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI)  
 Subject: [redacted]

UNCLASSIFIED  
NON-RECORD

[redacted]

The next edition of the ETR Bulletin is planned as a SPECIAL EDITION: Going Dark. Since I am not responsible for managing this program, and want to be consistent with the message being developed by the FO, I would like to use [redacted] as a 'bridge' to the Going Dark work in progress. I need this to be assured that the Bulletin content is on message with the work already done.

b6  
 b7C

I know [redacted] is under a BAH contract that you manage. I would expect to use him about 3 - 4 hours per month, just as a sounding board so we don't go astray.

EFF/Cardozo-422

Is this acceptable to you to utilize his time in this manner?

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)  
 Sent: Thursday, January 15, 2009 4:22 PM  
 To: [redacted] (DO) (FBI)  
 Subject: RE: Draft Update

b6  
b7C

UNCLASSIFIED  
NON-RECORD

That's just fine. I have to coordinate it with our ADs schedule anyway so just let me know when we can look at calendars.

Thanks

From: [redacted] (DO) (FBI)  
 Sent: Thursday, January 15, 2009 1:50 PM  
 To: [redacted] (OTD) (FBI); [redacted] (DO) (FBI)  
 Subject: RE: Draft Update

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Thanks [redacted], this looks good but of course I'm not the final word on this. Officially, [redacted] will report on the Feb. 9. But his schedule is really not set yet so no plans for any briefings have not been done. I have a list of things to go over with him upon his arrival and I will definitely let him know about you wanting to meet with him. That is the best I can do for now. Hope that helps.  
 Thanks again.

b6  
b7C

From: [redacted] (OTD) (FBI)  
 Sent: Thursday, January 15, 2009 10:56 AM  
 To: [redacted] (DO) (FBI)  
 Cc: [redacted] (DO) (FBI)  
 Subject: FW: Draft Update

UNCLASSIFIED  
NON-RECORD

[redacted]

Here is the CALEA update you requested. I also included the Going Dark Initiative as this is a big concern for state and locals. They should be bringing it up with the D.

b6  
b7C

[redacted]

P.S. Can you advise me when AD Ruecker will be reporting? It will probably be good if we set up a meeting so we can give him the Going Dark presentation as we did with AD Quijas.

<< File: Director's CALEA and GD Update 20090114[1].doc >>

EFF/Cardozo-429

[REDACTED] (OTD) (FBI)

From: [REDACTED] (OTD) (FBI)  
Sent: Thursday, January 15, 2009 4:26 PM  
To: [REDACTED] (OTD) (FBI)  
Subject: FW: Draft Update

b6  
b7C

Attachments: Director's CALEA and GD Update 20090114[1].doc

UNCLASSIFIED  
NON-RECORD

[REDACTED]

Here is what I sent over to the DO. It was approved by Pat.

From: [REDACTED] (OTD) (FBI)  
Sent: Thursday, January 15, 2009 10:56 AM  
To: [REDACTED] (DO) (FBI)  
Cc: [REDACTED] (DO) (FBI)  
Subject: FW: Draft Update

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[REDACTED]

Here is the CALEA update you requested. I also included the Going Dark Initiative as this is a big concern for state and locals. They should be bringing it up with the D.

b6  
b7C

[REDACTED]

P.S. Can you advise me when AD Ruecker will be reporting? It will probably be good if we set up a meeting so we can give him the Going Dark presentation as we did with AD Quijas.



Director's CALEA  
and GD Update...

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-430



[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)  
 Sent: Friday, January 23, 2009 8:50 AM  
 To: [redacted] (OTD) (FBI)  
 Subject: RE: ETR - Going Dark Bulletin

b6  
 b7C

UNCLASSIFIED  
NON-RECORD

Definitely! Call me when your available. FYI It's going to take more than 5 mins.

From: [redacted] (OTD) (FBI)  
 Sent: Thursday, January 22, 2009 5:46 PM  
 To: [redacted] (OTD) (FBI)  
 Subject: RE: ETR - Going Dark Bulletin

b6  
 b7C

UNCLASSIFIED  
NON-RECORD

Tomorrow?

From: [redacted] (OTD) (FBI)  
 Sent: Thursday, January 22, 2009 8:36 AM  
 To: [redacted] (OTD) (FBI)  
 Subject: FW: ETR - Going Dark Bulletin

b6  
 b7C

UNCLASSIFIED  
NON-RECORD

When you get a chance, we should talk about this.

From: [redacted] (OTD) (FBI)  
 Sent: Wednesday, January 21, 2009 3:55 PM  
 To: [redacted] (OTD) (FBI)  
 Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (CON)  
 Subject: ETR - Going Dark Bulletin

b6  
 b7C

UNCLASSIFIED  
NON-RECORD

[redacted]  
 Tony asked (me) e.g. [redacted] to set up a meeting with you, me, Tony, Pat and [redacted] to come to an agreement how we will support the next Bulletin. I have some idea of my Fellowship commitment, but I may be taking on more of [redacted]  
 [redacted] I'd like to reach an understanding soon because we only have about 3 1/2 months.

I'll have [redacted] set this up for us.

b6  
 b7C

UNCLASSIFIED

EFF/Cardozo-431

[REDACTED] (OTD) (FBI)

**From:** [REDACTED] (OTD) (FBI)  
**Sent:** Wednesday, January 28, 2009 2:34 PM  
**To:** THOMAS, MARCUS C. (OTD) (FBI)  
**Subject:** RE: Director's Presentation with Talking Points

b6  
b7C

UNCLASSIFIED  
NON-RECORD

I sent it to both you and Lou.

**From:** THOMAS, MARCUS C. (OTD) (FBI)  
**Sent:** Wednesday, January 28, 2009 2:33 PM  
**To:** [REDACTED] (OTD) (FBI)  
**Subject:** RE: Director's Presentation with Talking Points

UNCLASSIFIED  
NON-RECORD

b6  
b7C

sure

**From:** [REDACTED] (OTD) (FBI)  
**Sent:** Wednesday, January 28, 2009 12:53 PM  
**To:** THOMAS, MARCUS C. (OTD) (FBI)  
**Subject:** RE: Director's Presentation with Talking Points

UNCLASSIFIED  
NON-RECORD

I'm sorry Marcus. I didn't realize you already forwarded this on. I thought you and Pat were still looking at it internally. Until we get it fixed here do you want me to sent it over ic.

**From:** THOMAS, MARCUS C. (OTD) (FBI)  
**Sent:** Wednesday, January 28, 2009 12:50 PM  
**To:** GREVER, LOUIS E. (DO) (FBI)  
**Cc:** [REDACTED] (OTD) (FBI)  
**Subject:** RE: Director's Presentation with Talking Points

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Yep, we are working on it.

mct

**From:** GREVER, LOUIS E. (DO) (FBI)  
**Sent:** Wednesday, January 28, 2009 12:02 PM  
**To:** THOMAS, MARCUS C. (OTD) (FBI)  
**Subject:** RE: Director's Presentation with Talking Points

UNCLASSIFIED  
NON-RECORD

EFF/Cardozo-433

Can you have some check the last slide (Five Prong Strategy)? That slide is not presenting correctly.

b7E

- TECHNOLOGY

- LE:
- ELSUR Technology is not developed (keeping pace with rapid industry changes)
- Economic and human resource shortfalls; people, training, solutions analysis and development

- [REDACTED]
- [REDACTED]

b7E

- [REDACTED]:

- [REDACTED]:

b7E

- [REDACTED]
- [REDACTED]
- [REDACTED]

- LE: Difficult and/or impossible to develop effective solutions using current operations model
- Too costly to operate, store information, process and analyze
- Time delay in developing state of the art solutions
- Ever increasing resources required to cover growing technologies and providers
- Human resources must remain current with technology training at great expense and impact on work requirements

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-436

**From:** [REDACTED] (OTD) (FBI)  
**Sent:** Tuesday, March 10, 2009 4:18 PM  
**To:** THOMAS, MARCUS C. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI)  
**Cc:** [REDACTED] (CQ) (CON); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI)  
**Subject:** FW: Advisory Board Files

b6  
b7C

UNCLASSIFIED  
NON-RECORD

On March 18, OTD will be hosting a meeting for members of the Director's Advisory Board regarding Going Dark. I have attached an agenda for the meeting. Those on the To: line are being asked to do a 15 minute presentation as indicated in the enclosed agenda. I have also attached a template for the presentation. On Monday March 16th at 10AM in the AD's conference room, we will have a review of the presentations.

☐ I know you will not be able to attend the meeting. Marcus or Pat will present but can you fill in the template?

  will put together the ppt for Law Enforcement Outreach. Can you give him input from your side so he can fill in the template?

b6  
b7C

☐ Can you do the ppt for Tony?

Thanks,

<< File: DRAFT Going Dark DAB 20090310.ppt >> << File: Director's Advisory Board Agenda.doc >>

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-446

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)  
Sent: Tuesday, April 28, 2009 5:54 PM  
To: [redacted] (DO) (FBI)  
Subject: RE: Going Dark update

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Marcus reviewed this and believes Louis will probably call him.

From: [redacted] (DO) (FBI)  
Sent: Tuesday, April 28, 2009 5:52 PM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark update

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Thanks for the quick turnaround [redacted]. This update definitely has more detail.

You might want to let Marcus and Pat know about the presentation in the event Louis calls over with additional questions tomorrow.

Again, I appreciate the help with this.

[redacted]

b6  
b7C

From: [redacted] (OTD) (FBI)  
Sent: Tuesday, April 28, 2009 5:08 PM  
To: [redacted] (DO) (FBI)  
Subject: RE: Going Dark update

UNCLASSIFIED  
NON-RECORD

Here is an updated version. Let me know if I need to make any other changes.

<< File: Goingdark 04 28 v3.ppt >>

From: [redacted] (DO) (FBI)  
Sent: Tuesday, April 28, 2009 2:26 PM  
To: [redacted] (OTD) (FBI)  
Subject: Going Dark update

UNCLASSIFIED  
NON-RECORD

b6  
b7C

[redacted]

I highlighted some of the comments received and would ask that if possible, you provide a little more detail. I don't think it will take too much more effort to fill in the holes. I know I said we were trying to get it finalized today but let me know if that is a problem. I can buy a little more time if you need it. Thanks again.

[redacted]

EFF/Cardozo-452

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)  
Sent: Tuesday, April 07, 2009 9:10 AM  
To: [redacted] (OTD) (FBI)  
Subject: RE: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Yellow status is based on new Administration personnel not being in place for briefings and the expiration of the RAND contract prior to completion of the study.

From: [redacted] (OTD) (FBI)  
Sent: Tuesday, April 07, 2009 9:02 AM  
To: [redacted] (OTD) (FBI)  
Subject: RE: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Could you give me a sentence as to why we are Yellow and not green ?

From: [redacted] (OTD) (FBI)  
Sent: Tuesday, April 07, 2009 8:43 AM  
To: [redacted] (OTD) (FBI)  
Subject: RE: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

\$0  
FTE 107  
Stoplight- yellow

From: [redacted] (OTD) (FBI)  
Sent: Tuesday, April 07, 2009 8:11 AM  
To: [redacted] (OTD) (FBI)  
Subject: FW: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

From: [redacted] (OTD) (FBI)  
Sent: Monday, April 06, 2009 9:13 AM  
To: [redacted] (OTD) (FBI)  
Subject: FW: SMS Initiative Update for Spend Plan - Deadline COB Friday April 3rd

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

I need an answer on this one.

EFF/Cardozo-454

[redacted] (OTD) (FBI)

From: [redacted] (CQ) (CON)  
Sent: Thursday, April 23, 2009 11:17 AM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Update on "Going Dark" Initiative

b6  
b7C

Attachments: Going Dark updated 20090423.ppt

UNCLASSIFIED  
NON-RECORD

[redacted]  
See attached.

b6  
b7C

Thanks,

[redacted]



Going Dark updated  
20090423.pp...

From: [redacted] (OTD) (FBI)  
Sent: Thursday, April 23, 2009 9:46 AM  
To: [redacted] (CQ) (CON)  
Subject: FW: Update on "Going Dark" Initiative

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Any ETA?

From: [redacted] (OTD) (FBI)  
Sent: Thursday, April 23, 2009 8:36 AM  
To: [redacted] (OTD) (FBI)  
Subject: FW: Update on "Going Dark" Initiative

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[redacted]  
I am getting pushed for this report update. Any progress?

b6  
b7C

From: [redacted] (DO) (FBI)  
Sent: Wednesday, April 22, 2009 6:05 PM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (DO) (FBI)  
Subject: FW: Update on "Going Dark" Initiative

UNCLASSIFIED  
NON-RECORD

EFF/Cardozo-465



Sensitive Law Enforcement Information

### "Going Dark"

#### Law Enforcement's Need to Preserve Lawful Intercept Capabilities

- I. **Issue:** Court-authorized lawful interception is a critically important governmental technique utilized in all types of investigations to enforce the Nation's laws, ensure the safety of its citizens, and maintain the Nation's security. [REDACTED]

[REDACTED] Practically speaking, failing to maintain lawful intercept technical capabilities effectively repeals the lawful authority created by the Congress to conduct lawful interception. Lawful interception capabilities must be maintained.

b7E

- A. [REDACTED] and evidence in criminal and

- [REDACTED]
- [REDACTED]

b7E

- B. The convergence of communications and the increased variety and complexity of advanced services and technologies has resulted in impediments to lawful intercept capabilities and created an increasingly evident "lawful intercept capabilities gap." In the face of more diverse and complex communications services and technologies, including the rapid growth in diverse protocols, proprietary compression techniques, encryption, and other technological factors, law enforcement is now faced with several especially daunting lawful interception challenges.

- [REDACTED]
- [REDACTED]
- [REDACTED]

b7E

- The costs of conducting lawful intercepts are increasing daily. State and locale law enforcement agencies are being shut out; and the FBI is barely keeping its head above water. All law enforcement agencies are in imminent danger of "Going Dark."
- Working with industry to ensure effective service provider lawful intercept target identifiers and [REDACTED] exist is

b7E



becoming more difficult as the industry expands to include new entrants never before responsible for facilitating any form of lawful interception.

- Finding the substantial technical resources, personnel, and funding required to field and operate complex and costly systems to “collect,” “process,” “decrypt,” “view,” “analyze,” and “share” lawful intercept information.

- II. **Background:** Key law enforcement and industry representatives have devised a comprehensive five-pronged National Lawful Intercept Strategy to meet the serious threats to lawful intercept. While self-help has always been a first instinct for law enforcement agencies, we are at a point where additional funding and continued, enhanced, outside help is required. The five prongs of the National Lawful Intercept Strategy include:

A.

B.

- C. **Law Enforcement Coordination:** To increase efficiency and cost-effectiveness, integrated leadership and support within law enforcement must be increased and coordinated. Examples of law enforcement coordination include: research and development; distribution of analysis, processing, and presentation tools and applications; strategic and tactical technical and operational assistance; sharing of technical best practices; and outreach and liaison with entities within the communications industry.
- D. **Industry Cooperation:** To institute greater and broader industry liaison, particularly with IP-based communications service providers and manufacturers and emerging trusted third-party lawful intercept solution providers. This effort will focus on obtaining greater information and insight into emerging technologies, services, applications to ensure that law enforcement can field more timely, cost-effective technical solutions and identify less expensive commercial lawful intercept solutions.
- E. **Resources:** To accomplish the above four prongs of the National Lawful Intercept Strategy, additional resources are required.

- III. **Legal Authorities:** The legal authorities under which lawful intercept takes place include, but are not limited to Title III of the Omnibus Crime Control and Safe Streets Act, the Electronic Communications Privacy Act (ECPA), and the Foreign Intelligence Surveillance Act (FISA). Further, much of the interaction between law enforcement and the communications industry, particularly the mandate for telecommunications carriers to design into their networks capabilities to perform

b7E

lawful intercept, is based on the Communications Assistance for Law Enforcement Act [CALEA]).

IV. **Budget:** There is no current budget allocated for the Going Dark Initiative. The

[REDACTED] would support the expansion of capacity of certain critical lawful intercept collection tools.

b7E

V. **Recommendations / Actions:** The FBI will continue to pursue the development and implementation of the National Lawful Intercept Strategy to ensure the future viability of this effective, useful, and indispensable investigative tool for the entire law enforcement community.

- A. Seek continued input from law enforcement leadership (e.g., IACP, Major Cities Chiefs, Major County Sheriffs' Association) and industry regarding the development and implementation of the five-pronged National Lawful Intercept Strategy. The FBI will finalize the five-pronged National Lawful Intercept Strategy based on the above described continuing dialog.
- B. Vet the Strategy with key Administration officials (e.g., Office of Management and Budget [OMB], Office of the Director of National Intelligence [ODNI]; Department of Justice [DOJ]) to ensure approval and commitment from necessary components.
- C. Socialize the Strategy with key Congressional members and staff (e.g., Judiciary, Intelligence, Appropriations) as appropriate.
- D. Explore potential for early Strategy implementation, resource allocation, and funding and secure the five-pronged Strategy package: legislative and full-scale resource and funding enhancements.

VI. **Point(s) of Contact:**

- A. Marcus Thomas, Assistant Director, OTD  
[REDACTED]
- B. Patrick Cook, Deputy Assistant Director, OTD  
[REDACTED]
- C. Barry Smith, Chief, Technical Programs Section (TPS), OTD  
[REDACTED]
- D. [REDACTED] Acting Chief, CALEA Implementation Unit (CIU), OTD  
[REDACTED]@askcalea.net

b6  
b7C

Information provided by: Section Chief Barry Smith  
Information Approved by: AD Marcus Thomas  
Dated: 07/30/2008

*McJ*



## GOING DARK

What is "Going Dark"?

**Response:**

- The term "Going Dark," is used to refer to constriction of the law enforcement's ability to comprehensively and lawfully collect data and information, conduct electronic surveillance and analyze the raw data [REDACTED] b7E
- The challenge is due to two factors:
  - the rapid evolution of telecommunications and data collection technology and services; and,
  - Law enforcement's inability to quickly develop and deploy robust surveillance, intercept/collection, and analytical capabilities.

- These circumstances reflect an emerging "capability gap" for the FBI and other law enforcement. [REDACTED] b7E

Didn't Congress already solve this problem when it passed the Communications Assistance for Law Enforcement Act (CALEA) in 1994?

**Response:**

- No, CALEA applied to telecommunications carriers and to services that replace a substantial portion of the local exchange service.
- CALEA excluded, and still excludes, a wide range of other services which today travel over wire and electronic communications transmission networks and are interwoven in network traffic.
- I will be happy to work further on this matter with you and the Committee.

What are some of the specific problems the FBI and the rest of the law enforcement are facing?

**Response:**

[REDACTED]

b7E

EFF/Cardozo-472

b7E

b7E

**How does the FBI propose to solve this problem?**

**Response:**

- To meet this challenge, key law enforcement and industry representatives have collaborated with the FBI to form a comprehensive, five-pronged National Lawful Intercept Strategy. Key points include:
  - modernizing lawful intercept laws;
  - updating lawful intercept authorities;
  - increasing law enforcement coordination;
  - establishing broader industry liaison, and
  - seeking increased funding for these efforts.

**Why should the FBI's strategy be pursued on behalf of law enforcement?**

**Response:**

- The FBI is well suited to gain consensus regarding advanced methods of electronic surveillance and to ensure comprehensive understanding of the challenges faced by law enforcement and help devise and implement solutions. The FBI routinely works with the communications industry to develop intercept capabilities for the law enforcement community, as industry is comfortable working with the FBI under its domestic authority. In addition, the FBI has long assisted other federal, state, and local law enforcement effect criminal and Cyber-based electronic surveillance and provides vital support in national security matters.

Information provided/approved by: AD Marcus Thomas, OTD  
Date:

EFF/Cardozo-473



## GOING DARK

What is "Going Dark"?

Response:

- The term "Going Dark," is used to refer to the very real constriction of our ability to perform lawfully authorized technical collections (e.g., electronic surveillance, search and seizure of data, access to transactional records).

[REDACTED] have increased dramatically in recent years and is expected to continue unabated for the foreseeable future.

b7E

- The FBI, as the lead domestic intelligence agency, has devoted resources to develop technical collection capabilities; however,

[REDACTED] law enforcement community are experiencing significantly reduced collection capabilities.

b7E

Did not Congress already solve this problem when it passed the Communications Assistance for Law Enforcement Act (CALEA) in 1994?

Response:

- No, CALEA applied to telecommunications carriers and to services that replace a substantial portion of the local exchange service. CALEA excluded, and still excludes, a wide range of other services which today travel over wire and electronic communications transmission networks and are interwoven in network traffic.

b7E

What are some of the specific problems the FBI and the rest of the law enforcement and intelligence communities are facing?

Response:

[REDACTED]

b7E

[REDACTED] (OGC) (FBI)

From: [REDACTED] (OTD) (FBI)  
Sent: Tuesday, January 13, 2009 10:04 AM  
To: [REDACTED] (OGC) (FBI)  
Subject: FW: CALEA 2004 Audit

b6  
b7C

Attachments: Lawful InterceptStrategyWhitepaper 20081028.doc

UNCLASSIFIED  
NON-RECORD

From: [REDACTED] (OTD) (FBI)  
Sent: Wednesday, December 17, 2008 4:04 PM  
To: [REDACTED] (INSD) (FBI)  
Subject: RE: CALEA 2004 Audit

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Here is the National Lawful Intercept Strategy Whitepaper. It is law enforcement sensitive.



Lawful  
InterceptStrategyWhite

From: [REDACTED] (INSD) (FBI)  
Sent: Wednesday, December 17, 2008 11:18 AM  
To: [REDACTED] (OTD) (FBI)  
Cc: [REDACTED] (INSD) (FBI)  
Subject: CALEA 2004 Audit

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Good Morning,

It has been a while since I've communicated with you and I was wondering if the living "draft" for the above audit has become a "final" version.

Thank you,

[REDACTED]

b6  
b7C

EFF/Cardozo-498

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED



Re: "Going Dark" white paper

Page 2 of 6

[REDACTED]

b5

[REDACTED]

b5

But I think you get the point of my comment...

On Page 4, under [REDACTED] in the second sentence of the paragraph that follows the block quote, it says [REDACTED]

[REDACTED] I'm wonder what they mean by [REDACTED] and thinking it might be better to [REDACTED] which I do not think there is here.

b5

On Page 4, under [REDACTED] the second and third sentence read [REDACTED]

[REDACTED] I think that the third sentence is not only an over- and or inaccurate statement, but is also kind of shoots us in the foot.

b5

[REDACTED] I'd suggest rewording the third sentence to say something like this: EFF/Cardozo-519

[REDACTED]

b5

On Page 5, I would change the last sentence in footnote 10 to say:

Subject: "Going Dark" white paper  
Date: Wed, 6 Aug 2008 16:29:03 -0400

>A few thoughts on the white paper:

>  
>  
>

>High-level thoughts:

>  
>  
>

>I sometimes got a feeling that the paper was missing the forest for the trees.  
>I agree that there are several problems that are all contributing to relative  
>darkness now, greater darkness in the near future, and near-total darkness in a  
>few years, but doesn't the near-total darkness in a few years kind of dwarf the  
>rest? And the near-total darkness, as far as I can tell, comes from

b5

>There are other problems that are causing difficulties now.

b5

>but aren't they pretty much overshadowed by the really big problems I've  
>described above?

>To me,

b5

>in here, but sometimes it seems buried. Maybe it just didn't speak to me.

>More-specific comments:

>On page 2,

EFF/Cardozo-528

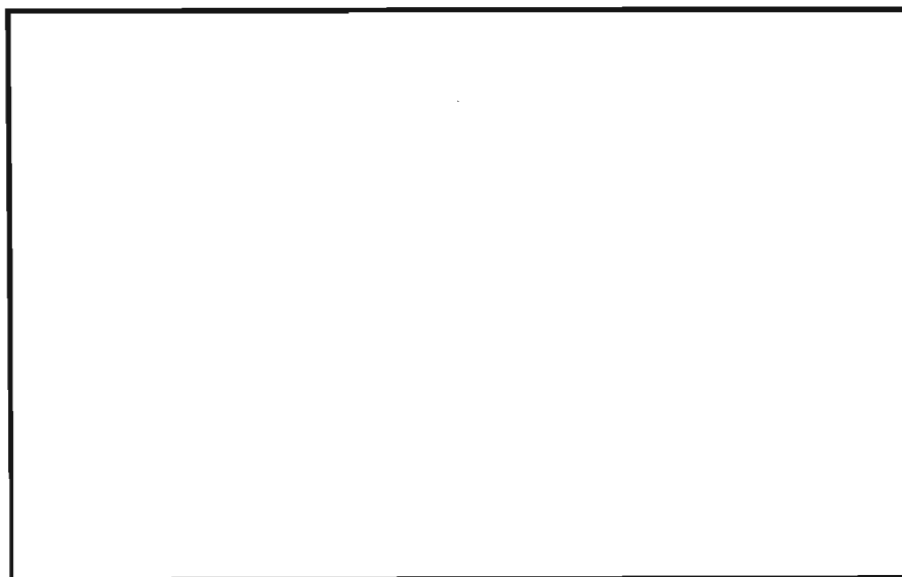
b5

Maybe

>I haven't been watching enough Law and Order.

9/22/2009

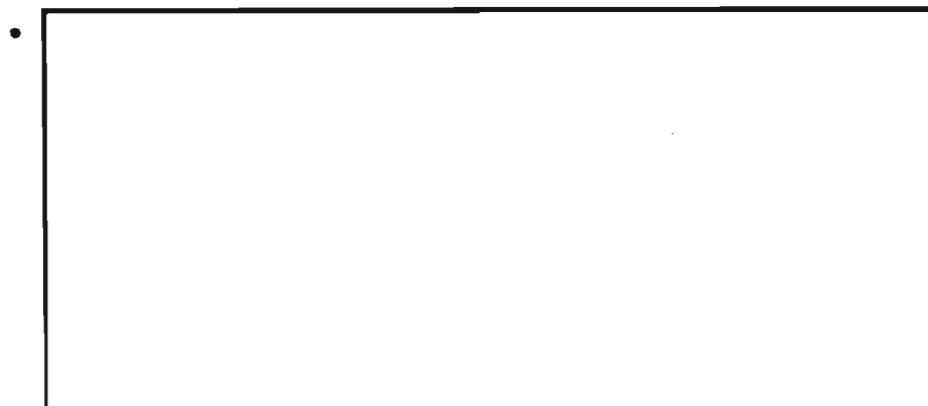




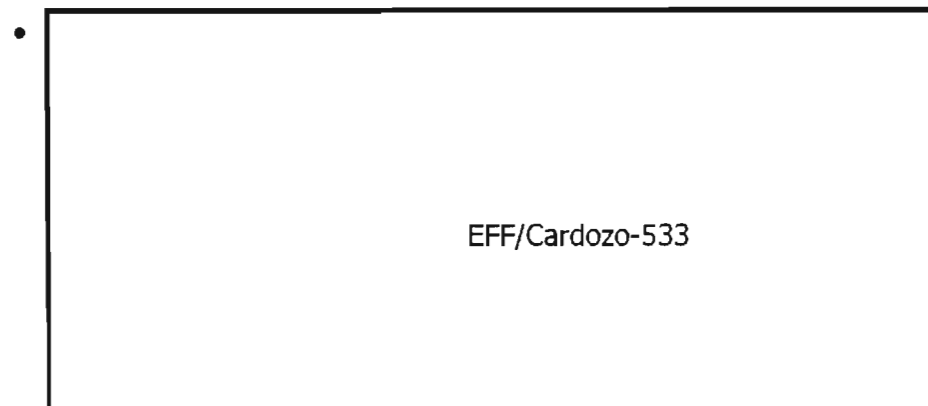
b5



b5



b5



b5

EFF/Cardozo-533

[REDACTED]

b5

Page 2:

Under [REDACTED] the paper says that [REDACTED]

b5

[REDACTED] - we wonder whether that is an overstatement.

Page 3:

In the section regarding [REDACTED], we are unclear about why this section references [REDACTED] when the paper is supposed to be emphasizing lawful interception. The reference to [REDACTED] is fine, but we suggest deleting the reference to [REDACTED] since it does not really have anything to do with lawful interception and may confuse the matter or make it seem as though we are overstating the importance.

b5

Page 3:

We have the same concern in the section regarding [REDACTED] regarding the reference to [REDACTED]. The reference to [REDACTED] is fine, but we suggest deleting the reference to [REDACTED] since it does not really have anything to do with lawful interception and may confuse the matter or make it seem as though we are overstating the importance.

b5

Page 4:

Under [REDACTED] in the second sentence of the paragraph that follows the block quote, it says [REDACTED]

[REDACTED] We are curious as to what is meant by [REDACTED] and think it might be better to [REDACTED]

b5

[REDACTED] which we do not think there is here.

Page 4:

Under [REDACTED] the second and third sentence read [REDACTED]

[REDACTED] We think that the third sentence is not only an overstatement and/or an inaccurate statement, but also kind of shoots us in the foot. [REDACTED]

b5

EFF/Cardozo-534

[REDACTED] We suggest rewording the third sentence as follows (choose from one of the two bracketed phrases):

[REDACTED]

b6

Page 5:

We think there is a stronger legal point that could be made in the last sentence of footnote 10, and suggest changing that sentence to read as follows:

[REDACTED]

b5

[REDACTED]  
[REDACTED] The reworded sentence helps [REDACTED]  
[REDACTED]

b5

Page 5:

In the second paragraph under [REDACTED] we think the sentence that reads [REDACTED]

[REDACTED] is overstated. As currently written, this sentence makes it sound like [REDACTED]

b5

[REDACTED] We suggest the following replacement text:

[REDACTED]

b5

Page 5:

We suggest rewording the sentence in footnote 11 to read as follows:

[REDACTED]  
  
EFF/Cardozo-535

b5

[REDACTED]

b5

We suggest rewording the sentence to read as follows, because we think this is really what we are trying to say here:

[REDACTED]

b5

Page 9: We think it might be helpful to

[REDACTED]

b5

Page 12: The second bulleted sentence under

[REDACTED]

b5

Page 12: The fourth bulleted sentence under

[REDACTED]

concerning the

b5

EFF/Cardozo-537

[REDACTED]

b5

Page 12:

The sixth bulleted sentence under [REDACTED]

[REDACTED] concerning [REDACTED]

is also somewhat confusing.

[REDACTED]

b5

Part of the solution may be [REDACTED]

[REDACTED]

In terms of statutory fixes, the goal would be [REDACTED]

[REDACTED] The easiest-to-understand proposal would be to [REDACTED]

b5

[REDACTED]

– but

our preference is really for [REDACTED]

[REDACTED]

Page 12:

We think that some of the bulleted thoughts under EFF/Cardozo 538 [REDACTED]

[REDACTED] are not

b5

worded as well as they could be and could benefit from some rewording.

We suggest the following changes.

- Split the first bulleted thought into two separate bulleted thoughts that read as follows:

- [REDACTED] b5

- [REDACTED] b5

- Replace [REDACTED] in the third bullet so that it reads as follows:

- [REDACTED] b5

- Replace the text in the seventh bullet with one of the following sentences:

- [REDACTED] b5

or

- [REDACTED] b5

Page 12:

We think it would be helpful to have a separate bullet on [REDACTED] b5

[REDACTED] that discusses [REDACTED]  
[REDACTED] We suggest adding an additional bullet that says:

- [REDACTED] b5





Page 12:

We think it would be helpful to have a bullet that talks about [REDACTED] b5

[REDACTED] We suggest adding an additional bullet to the list that reads something like:

EFF/Cardozo-539

- [REDACTED] b5

- 
- 
- 
- 

b5  
b7E

b5  
b7E

EFF/Cardozo-542

[redacted]  
 From: [redacted]@ic.fbi.gov  
 Sent: Friday, August 08, 2008 10:21 PM  
 To: [redacted] Sabol, Sherry E.; [redacted]  
 Subject: RE: White House briefing and CALEA

b6  
 b7C

Just a few thoughts (from the luddite in the group):

1. It is unclear from the title/beginning exactly who is the proponent of this paper. The FBI? LE as a whole? Federal LE?

2. Page 2 - [redacted] - the first sentence of that paragraph appears to be an overstatement  
 [redacted] The next sentence says that [redacted]

b5  
 b7E

3. Page 3 - [redacted] - not sure why it cites to [redacted] when this paper is supposed to emphasize LI. Maybe remove the reference to [redacted] Same concern for the [redacted] section when it mentions [redacted]. The latter halves of these examples have nothing to do with LI so they may only confuse the matter, or make it look like we are overstating the importance once again. Also, what is [redacted] and how recent a case is it? I like the real world examples, but the language is off.

4. Page 4 - [redacted] - the final paragraph mentions [redacted] and indicates that it will be discussed below. I was unable to figure out exactly where. Maybe a more clear reference to a page will do that, otherwise it should be clarified/defined.

b5  
 b7E

5. Page 4 - [redacted] - the third sentence indicated that [redacted]  
 We may want to clarify this or tone it down because I believe that there are still a few issues here.

6. Page 5 - [redacted] - can we really call [redacted]?

7. Page 6 - Do we need to clarify what is in the Wiretap Report? all wiretaps nationwide? only Federal? FBI?

8. Page 7 - [redacted] - Not sure what [redacted] will face, but they may be worth spelling out (e.g. [redacted]). Also, might want to beef up [redacted] that is cited.

b5  
 b7E

EFF/Cardozo-546

9. Page 8 - [redacted] examples are merely referenced, with no explanation of those unique problems or any proposed solutions for that. In such a comprehensive document, why mention this and then propose no answers? Also, under [redacted] aren't [redacted]  
 [redacted]? If so, we should emphasize that and point out deficiencies and potential results.

b5  
 b7E



b5  
b7E

b5  
b7E

But I think you get the point of my comment...

On Page 4, under [REDACTED] in the second sentence of the paragraph that follows the block quote, it says [REDACTED]

I'm wonder what they mean by [REDACTED]

, and thinking it might be better to [REDACTED]

which I do not think there is here.

b5  
b7E

On Page 4, under [REDACTED] the second and third sentence read [REDACTED]

[REDACTED] I think that the third sentence is not only an over- and or inaccurate statement, but is also kind of shoots us in the foot. [REDACTED]

[REDACTED] I'd suggest rewording the third sentence to say something like this:

b5  
b7E

On Page 5, I would change the last sentence in footnote 10 to say:

b5  
b7E

On Page 5, in footnote 11, consider rewording the sentence to say:

Subject: "Going Dark" white paper  
Date: Wed, 6 Aug 2008 16:29:03 -0400

>A few thoughts on the white paper:

>  
>  
>

>High-level thoughts:

>  
>  
>

>I sometimes got a feeling that the paper was missing the forest for the trees.  
>I agree that there are several problems that are all contributing to  
>relative darkness now, greater darkness in the near future, and  
>near-total darkness in a few years, but doesn't the near-total darkness  
>in a few years kind of dwarf the rest? And the near-total darkness, as  
>far as I can tell, comes from

b5  
b7E

>There are other problems that are causing difficulties now,

b5  
b7E

, but aren't they pretty much overshadowed by the  
>really big problems I've described above?

>To me,

b5  
b7E

All of that is included in here, but sometimes  
it seems buried. Maybe it just didn't speak to me.

>More-specific comments:

>On page 2,

b5  
b7E

Maybe I haven't been watching enough Law and Order.

>On page 5, second ¶ under this sentence is overstated:

b5  
b7E

[redacted] b6  
b7C

From: [redacted]  
Sent: Friday, August 08, 2008 10:21 PM  
To: [redacted] Sabol, Sherry E.; [redacted]  
Subject: RE: White House briefing and CALEA

Just a few thoughts (from the luddite in the group):

1. It is unclear from the title/beginning exactly who is the proponent of this paper. The FBI? LE as a whole? Federal LE?

2. Page 2 - [redacted] - the first sentence of that paragraph appears to be an [redacted]  
[redacted] The next sentence says that [redacted]

b5  
b7E

3. Page 3 - [redacted] section - not sure why it cites to [redacted] when this paper is supposed to emphasize LI. Maybe remove the reference to [redacted] Same concern for the [redacted] section when it mentions [redacted]. The latter halves of these examples have nothing to do with LI so they may only confuse the matter, or make it look like we are overstating the importance once again. Also, what is [redacted] and how recent a case is it? I like the real world examples, but the language is off.

4. Page 4 - [redacted] - the final paragraph mentions [redacted] and indicates that it will be discussed below. I was unable to figure out exactly where. Maybe a more clear reference to a page will do that, otherwise it should be clarified/defined.

b5  
b7E

5. Page 4 - [redacted] - the third sentence indicated that [redacted]  
[redacted] We may want to clarify this or tone it down because I believe that there are still a few issues here.

6. Page 5 - [redacted] - can we really call [redacted]  
[redacted]?

7. Page 6 - Do we need to clarify what is in the Wiretap Report? all wiretaps nationwide? only Federal? FBI?

8. Page 7 - [redacted] - Not sure what [redacted]  
[redacted] will face, but they may be worth spelling out (e.g. [redacted]). Also, might want to beef up [redacted]  
[redacted] that is cited.

b5  
b7E

9. Page 8 - [redacted] examples are merely referenced, with no explanation of those unique problems or any proposed solutions for that. In such a comprehensive document, why mention this and then propose no answers? Also, under [redacted], aren't [redacted]? If so, we should emphasize that and point out deficiencies and potential results.

Otherwise, I concur with [redacted] and [redacted] comments.

b6  
b7C

From: [redacted]@askcalea.net [redacted]@askcalea.net]  
Sent: Thursday, August 07, 2008 6:13 PM  
To: [redacted]; Sabol, Sherry E.; [redacted]@askcalea.net'  
Cc: [redacted]

b5  
b7E

>  
>  
>  
>Come to think of it, I guess I would like to add one more suggestion to  
>my comments on the white paper:

b5  
b7E

>  
>  
>  
>So here are my thoughts on some general bullets that could go under the  
>category of [REDACTED] based in part on taking the white  
>paper's word for what OTD has found are important problems:

b5  
b7E

>1) [REDACTED]  
>  
>2) [REDACTED] As mentioned on page 12 of the white  
[REDACTED]

>3) [REDACTED]: I'm not sure we can [REDACTED]  
[REDACTED]  
[REDACTED] And we might

b5  
b7E

>also try to ensure that [REDACTED]

>4) [REDACTED]  
[REDACTED]  
>5) [REDACTED] Some ideas:  
[REDACTED]

b5  
b7E

>6) [REDACTED]  
[REDACTED]

b5  
b7E

RE: "Going Dark" white paper

Page 2 of 7

that [REDACTED]

Another one I know of is [REDACTED]

b5  
b7E

[REDACTED] But I think you get the point of my comment...

On Page 4, under [REDACTED] in the second sentence of the paragraph that follows the block quote, it says [REDACTED]

[REDACTED] I'm  
wonder what they mean by [REDACTED] and thinking it might  
be better to [REDACTED]

b5  
b7E

[REDACTED] which I do not  
think there is here.

On Page 4, under [REDACTED] the second and third sentence read [REDACTED]

[REDACTED] I think that the third sentence is not only an over- and or  
inaccurate statement, but is also kind of shoots us in the foot. [REDACTED]

b5  
b7E

EFF/Cardozo-564

RE: "Going Dark" white paper

Page 5 of 7

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

From: [REDACTED]@ic.fbi.gov  
To: "Sabol, Sherry E." <Sherry.Sabol@ic.fbi.gov>, "[REDACTED]@askcalea.net", [REDACTED]@askcalea.net, [REDACTED]@ic.fbi.gov  
Subject: "Going Dark" white paper  
Date: Wed, 6 Aug 2008 16:29:03 -0400

b6  
b7C

&gt;A few thoughts on the white paper:

>  
>  
>  
>  
>

&gt;High-level thoughts:

>  
>  
>

>I sometimes got a feeling that the paper was missing the forest for the trees.  
>I agree that there are several problems that are all contributing to relative  
>darkness now, greater darkness in the near future, and near-total darkness in a  
>few years, but doesn't the near-total darkness in a few years kind of dwarf the  
>rest? And the near-total darkness, as far as I can tell, comes from [REDACTED]

[REDACTED]

b5  
b7E>  
>

&gt;There are other problems that are causing difficulties now, like [REDACTED]

>but aren't they pretty much overshadowed by the really big problems I've  
>described above?

>  
>  
>

&gt;To me, [REDACTED]

[REDACTED]

[REDACTED] All of that is included  
>in here, but sometimes it seems buried. Maybe it just didn't speak to me.

>  
>  
>b5  
b7E

&gt;More-specific comments:

>  
>  
>

&gt;On page 2, [REDACTED]

[REDACTED]

&gt;

EFF/Cardozo-567

RE: "Going Dark" white paper

Page 6 of 7

[REDACTED] Maybe  
>I haven't been watching enough Law and Order.

>  
>

>On page 5, second ¶ under [REDACTED] this sentence is overstated:

>

[REDACTED]

b5  
b7E

>This sentence makes it sound like this has happened often. [REDACTED]

[REDACTED] Recommended replacement:

>

[REDACTED]

>

>

>

>On page 8, the ¶ before [REDACTED] I like the topic of the paragraph -

[REDACTED]

b5  
b7E

>

>

>

>On page 12, the bullets under item 1:

>

>

>

>

>The second bullet says we need to [REDACTED]

[REDACTED]

[REDACTED]

b5  
b7E

>

>

>

>The third bullet says [REDACTED]

[REDACTED]

>

>-- I suggest replacing [REDACTED]

[REDACTED]

>

>

>

>

>

>

>

>

>

>PRIVILEGED INTERNAL DELIBERATIVE DOCUMENT - ATTORNEY WORK PRODUCT

>

EFF/Cardozo-568

[REDACTED]

From: [REDACTED]  
Sent: Friday, August 08, 2008 3:29 PM  
To: [REDACTED]@askcalea.net; Sabol, Sherry E.; [REDACTED]  
Subject: RE: "Going Dark" white paper

Below, I respond in blue to a couple of points where [REDACTED] directed questions to me (and one where she didn't). - DAK

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

From: [REDACTED]@askcalea.net [mailto:[REDACTED]@askcalea.net] b6  
Sent: Friday, August 08, 2008 2:43 PM b7C  
To: [REDACTED]; Sabol, Sherry E.; [REDACTED]@askcalea.net'; [REDACTED]  
Subject: Re: "Going Dark" white paper

Sherry:

As I mentioned briefly when we spoke last night, I agree with [REDACTED] high-level comments on the Going Dark paper, and had the same reaction about missing the forest for the trees - the White Paper seems to be taking an "everything but the kitchen sink" approach rather than the more focused effort I think we were expecting to see.

In addition to the editorial/line edit type stuff I mentioned to you (which I can redline in if we end up getting a soft copy of the document), I had a few substantive comments/suggestions on some of the text:

In footnote 1, which describes [REDACTED], I think the description they have is confusing and somewhat inaccurate. It makes it sound like [REDACTED]

[REDACTED] I'd recommend replacing it with this sentence:

On Page 2, where the paper talks about [REDACTED]

[REDACTED] it might be helpful to drop a footnote off of that statement that lists a couple of examples for support/emphasis.

One that I know of is [REDACTED]

Another one I know of is [REDACTED]



b5  
b7E

b5  
b7E

. But I think you get the point of my comment...

On Page 4, under [REDACTED] in the second sentence of the paragraph that follows the block quote, it says [REDACTED]

b5  
b7E

[REDACTED] I'm wonder what they mean by [REDACTED] and thinking it might be better to [REDACTED] which I do not think there is here.

On Page 4, under [REDACTED] the second and third sentence read [REDACTED]

b5  
b7E

[REDACTED] I think that the third sentence is not only an over- and or inaccurate statement, but is also kind of shoots us in the foot. [REDACTED]

[REDACTED] I'd suggest rewording the third sentence to say something like this:

b5  
b7E

On Page 5, I would change the last sentence in footnote 10 to say:

b5  
b7E

> [REDACTED]  
>  
>  
> There are other problems that are causing difficulties now, [REDACTED]  
> but aren't they pretty much overshadowed by the really big problems I've  
> described above?  
>  
>

b5  
b7E

> To me, [REDACTED]  
> [REDACTED]  
> [REDACTED] All of that is included  
> in here, but sometimes it seems buried. Maybe it just didn't speak to me.  
>  
>

> More-specific comments:  
>  
>  
>

b5  
b7E

> On page 2, [REDACTED]  
> [REDACTED]  
> [REDACTED] Maybe  
> I haven't been watching enough Law and Order.  
>  
>

> On page 5, second ¶ under [REDACTED], this sentence is overstated:  
>  
> [REDACTED]

b5  
b7E

> This sentence makes it sound like [REDACTED]  
> [REDACTED] Recommended replacement:  
>  
> [REDACTED]  
>  
>

> On page 8, the ¶ before [REDACTED] I like the topic of the paragraph -  
> [REDACTED]  
> [REDACTED] but two of the examples are not good:  
> [REDACTED]  
>  
>  
>

b5  
b7E

### The Going Dark Initiative

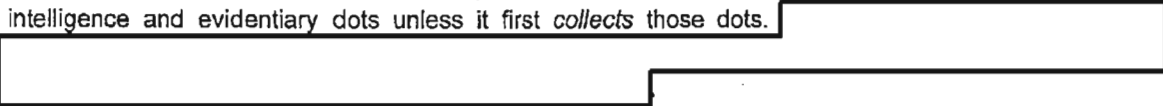
Lawfully-authorized electronic surveillance (ELSUR) is critical to enforcing the law, protecting our citizens, and maintaining our nation's security. Preserving and enhancing the capabilities used to intercept specific communications content and communication-identifying information is essential to this effort. In recent years, the variety and complexity of communications services and technologies introduced to the marketplace have increased dramatically.



b7E

In an effort to remedy interception and ELSUR-related gaps, and provide LEAs with the tools they need to accomplish their mission, the FBI has developed a national strategy known as the "Going Dark Initiative." The Going Dark Initiative includes several significant elements, one of which is the attached catalog of ELSUR and ELSUR-related legislative proposals designed to update and improve existing Federal ELSUR laws and assistance mandates and to enact new ELSUR and ELSUR-related laws to support LEAs' investigative efforts. As the events of September 11, 2001 show, law enforcement cannot *connect* the intelligence and evidentiary dots unless it first *collects* those dots.

b7E

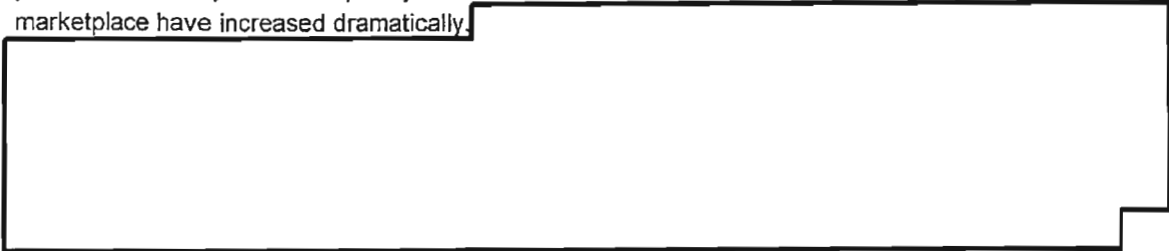


The specific legislative proposals and the rationale for each are set forth in Attachments 1 and 2 below.

EFF/Cardozo-617

### The Going Dark Initiative

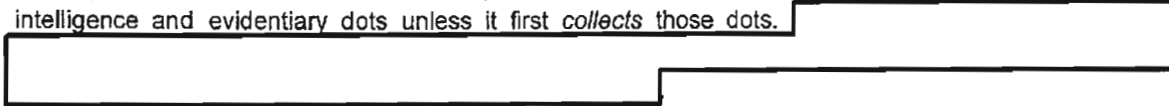
Lawfully-authorized electronic surveillance (ELSUR) is critical to enforcing the law, protecting our citizens, and maintaining our nation's security. Preserving and enhancing the capabilities used to intercept specific communications content and communication-identifying information is essential to this effort. In recent years, the variety and complexity of communications services and technologies introduced to the marketplace have increased dramatically.



b7E

In an effort to remedy interception and ELSUR-related gaps, and provide LEAs with the tools they need to accomplish their mission, the FBI has developed a national strategy known as the "Going Dark Initiative." The Going Dark Initiative includes several significant elements, one of which is the attached catalog of ELSUR and ELSUR-related legislative proposals designed to update and improve existing Federal ELSUR laws and assistance mandates and to enact new ELSUR and ELSUR-related laws to support LEAs' investigative efforts. As the events of September 11, 2001 show, law enforcement cannot *connect* the intelligence and evidentiary dots unless it first *collects* those dots.

b7E



The specific legislative proposals and the rationale for each are set forth in Attachments 1 and 2 below.

**Director's Advisory Board  
March 18, 2009 Meeting  
Going Dark Initiative  
Agenda**

- 10:00 am: *Overview of the National Lawful Intercept Strategy* – Marcus Thomas,  
Assistant Director – Operational Technology Division  
(15-minute presentation followed by 15 minute Q&A)
- 10:30 am: *Operational Obstacles* – [REDACTED]  
Data Acquisition and Intercept Section (DAIS)  
(15-minute presentation followed by 15 minute Q&A)
- 11:00 am *Research and Development* – [REDACTED]  
[REDACTED] – DAIS  
(15-minute presentation followed by 15 minute Q&A)
- 11:30 am Break
- 11:45 am *CALEA / New Legislative Efforts* – [REDACTED] Acting Section Chief,  
Technical Programs Section (TPS)  
(15-minute presentation followed by 15 minute Q&A)
- 12:15 pm *New Lawful Intercept Authorities* – Tony DiClemente, Section Chief, DAIS  
(15-minute presentation followed by 15 minute Q&A)
- 12:45 pm Break
- 1:00 pm *Law Enforcement Outreach* – [REDACTED] / [REDACTED]  
[REDACTED] – DAIS  
(15-minute presentation followed by 15 minute Q&A)
- 1:30 pm *Industry Outreach* – [REDACTED] Technical Liaison Unit, TPS  
(15-minute presentation followed by 15 minute Q&A) EFF/Cardozo-709
- 2:00 pm Round Table: *The Future of Lawful Intercept* – All  
One-hour discussion
- 3:00 pm Close

b6  
b7C

b6  
b7C

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b7E

the FBI is barely keeping its head above water. All law enforcement agencies are in imminent danger of "Going Dark."

- Working with industry to ensure effective service provider lawful intercept target identifiers and [REDACTED] exist is becoming more difficult as the industry expands to include new entrants never before responsible for facilitating any form of lawful interception.
- Finding the substantial technical resources, personnel, and funding required to field and operate complex and costly systems to "collect," "process," "decrypt," "view," "analyze," and "share" lawful intercept information.

**Background:** Key law enforcement and industry representatives have devised a comprehensive five-pronged National Lawful Intercept Strategy to meet the serious threats to lawful intercept. While self-help has always been a first instinct for law enforcement agencies, we are at a point where additional funding and continued, enhanced, outside help is required. The five prongs of the National Lawful Intercept Strategy include:

A.

B.

b7E

- C. Law Enforcement Coordination: To increase efficiency and cost-effectiveness, integrated leadership and support within law enforcement must be increased and coordinated. Examples of law enforcement coordination include: research and development; distribution of analysis, processing, and presentation tools and applications; strategic and tactical technical and operational assistance; sharing of technical best practices; and outreach and liaison with entities within the communications industry.
- D. Industry Cooperation: To institute greater and broader industry ~~liaison~~ <sup>FFF/Cardozo-865</sup>, particularly with IP-based communications service providers and manufacturers and emerging trusted third-party lawful intercept solution providers. This effort will focus on obtaining greater information and insight into emerging technologies, services, applications to ensure that law enforcement can field more timely, cost-effective technical solutions and identify less expensive commercial lawful intercept solutions.
- E. Resources: To accomplish the above four prongs of the National Lawful Intercept Strategy, additional resources are required.

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## Operational Technology Division Going Dark

### Law Enforcement's Need to Preserve Lawful Intercept Capabilities

**Issue:** Court-authorized lawful interception is a critically important governmental technique utilized in all types of investigations to enforce the Nation's laws, ensure the safety of its citizens, and maintain the Nation's security. [REDACTED]

b7E

[REDACTED] Practically speaking, failing to maintain lawful intercept technical capabilities effectively repeals the lawful authority created by the Congress to conduct lawful interception. Lawful interception capabilities must be maintained.

A. [REDACTED] and evidence in criminal and

b7E

B. The convergence of communications and the increased variety and complexity of advanced services and technologies has resulted in impediments to lawful intercept capabilities and created an increasingly evident "lawful intercept capabilities gap." In the face of more diverse and complex communications services and technologies, including the rapid growth in diverse protocols, proprietary compression techniques, encryption, and other technological factors, law enforcement is now faced with several especially daunting lawful interception challenges.

EFF/Cardozo-867

b7E

- [REDACTED]
- [REDACTED]
- [REDACTED]
- The costs of conducting lawful intercepts are increasing daily. State and locale law enforcement agencies are being shut out; and

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**Director's Advisory Board  
March 18, 2009 Meeting  
Going Dark Initiative  
Agenda**

- 10:00 am: *Overview of the National Lawful Intercept Strategy* – Marcus Thomas, Assistant Director – Operational Technology Division  
(15-minute presentation followed by 15 minute Q&A)
- 10:30 am *Research and Development* – [REDACTED]  
[REDACTED] – Data Acquisition and Intercept Section (DAIS)  
(15-minute presentation followed by 15 minute Q&A)
- 11:00 am: *Operational Obstacles* – [REDACTED]  
DAIS  
(15-minute presentation followed by 15 minute Q&A)
- 11:30 am Break
- 11:45 am *CALEA / New Legislative Efforts* – [REDACTED] Acting Section Chief, Technical Programs Section (TPS)  
(15-minute presentation followed by 15 minute Q&A)
- 12:15 pm *New Lawful Intercept Authorities* – Tony DiClemente, Section Chief, DAIS  
(15-minute presentation followed by 15 minute Q&A)
- 12:45 pm Break
- 1:00 pm *Law Enforcement Outreach* – [REDACTED] / [REDACTED]  
[REDACTED] DAIS  
(15-minute presentation followed by 15 minute Q&A)
- 1:30 pm *Industry Outreach* – Marcus Thomas  
(15-minute presentation followed by 15 minute Q&A)
- 2:00 pm Round Table: *The Future of Lawful Intercept* – All  
One-hour discussion
- 3:00 pm Close

b6  
b7C

b6  
b7C

b6  
b7C

EFF/Cardozo-937



## **Lynch FOIA 1154593 Request**

**Exemptions Were Repositioned Beside  
Redactions on Identified Pages Where  
Exemptions Were “Clustered” to Give Plaintiff  
Full Clarity of Exemptions Asserted**

**(Continue to Rely on Deleted Page Inserts for Pages Withheld in Full)**

**DiClemente, Anthony P.**

**From:** [REDACTED]  
**Sent:** Friday, April 16, 2010 3:02 PM

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-11-2011 BY 65179/DMH/BAW/STP/bls

b6  
b7C

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

**Subject:** RE: Cable roaming agreements  
Thx. That's what I thought.

**From:** DiClemente, Anthony P.  
**Sent:** Friday, April 16, 2010 2:59 PM  
**To:** [REDACTED] Sabol, Sherry E.; [REDACTED]  
[REDACTED]

b6  
b7C

**Subject:** Re: Cable roaming agreements

b7E

Anthony DiClemente  
Chief, Data Acquisition/Intercept Section  
Operational Technology Division  
Federal Bureau of Investigation  
[REDACTED] Office b2  
[REDACTED] Mobile b6  
[REDACTED] b7C

**From:** [REDACTED]  
**To:** Sabol, Sherry E.; DiClemente, Anthony P.; [REDACTED]  
[REDACTED]  
**Sent:** Fri Apr 16 14:12:43 2010  
**Subject:** FW: Cable roaming agreements

b6  
b7C

What does this mean for Going Dark? [REDACTED]

b7E

**From:** [REDACTED]  
**Sent:** Friday, April 16, 2010 9:40 AM  
**To:** [REDACTED] (OLP) (SMO); [REDACTED] (CRM); [REDACTED] (SMO); [REDACTED]  
[REDACTED] (ATF); [REDACTED] (ATF); [REDACTED] (SMO); DiClemente, Anthony P.;  
[REDACTED] (CRM); [REDACTED] (CRM); [REDACTED] (CRM);  
[REDACTED] (CRM); [REDACTED] (USACAN); [REDACTED] (DEA-US);  
[REDACTED] (NSD) (SMO); [REDACTED] (DEA-US); [REDACTED] (SMO);  
[REDACTED] (DEA-US); [REDACTED] (ODAG) (SMO); [REDACTED] (USMS); [REDACTED]  
[REDACTED] (CRM); [REDACTED] (DEA-US); [REDACTED] (USAE0); Sabol, Sherry E.;  
[REDACTED] (SMO); [REDACTED] (CRM); [REDACTED] (SMO); [REDACTED]  
[REDACTED] (SMO); [REDACTED] (JMD); [REDACTED] (SMO); [REDACTED] (OLP) (SMO); [REDACTED]  
[REDACTED] (ATF)

b6  
b7C

**Subject:** Cable roaming agreements

All,  
Below is an interesting piece of news from Communication Daily:

New York area Comcast, Time Warner Cable and Cablevision broadband subscribers will be able to use each company's public Wi-Fi service when traveling, the companies said. "Cable

4/19/2010

EFF/Lynch-1

b6  
b7C

(OTD) (FBI)

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
 Sent: Friday, September 10, 2010 4:23 PM  
 To: (OTD) (FBI)  
 Subject: RE: Update--Due COB 9/8/10

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UNCLASSIFIED  
NON-RECORD

Thx.

Anthony P. DiClemente  
 Chief, Data Acquisition / Intercept Section  
 Operational Technology Division

b2  
b6  
b7Cb6  
b7C

From: (OTD) (FBI)  
 Sent: Thursday, September 09, 2010 1:27 PM  
 To: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
 Subject: RE: Update--Due COB 9/8/10

UNCLASSIFIED  
NON-RECORD

Here are the meetings

November 30, 2009

b5  
b6  
b7C  
b7E

May 18, 2010

b5  
b6  
b7C  
b7E

September 08, 2010

b5  
b7E

From: (OTD) (FBI)  
 Sent: Wednesday, September 08, 2010 5:35 PM  
 To: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
 Cc: (OTD) (CON)  
 Subject: RE: Update--Due COB 9/8/10

b6  
b7C

UNCLASSIFIED  
NON-RECORD

b5  
b7E

b7E

EFF/Lynch-3

[REDACTED] b7E

[REDACTED] b5  
b6  
b7C  
b7E

From: [REDACTED] (OTD) (CON)  
Sent: Wednesday, September 08, 2010 7:58 AM b6  
To: [REDACTED] (OTD) (FBI) b7C  
Cc: [REDACTED] (OTD) (FBI)  
Subject: Update--Due COB 9/8/10  
Importance: High

**UNCLASSIFIED**  
**NON-RECORD**

UC [REDACTED] b6  
b7C

Please provide a status update on this measurable result for SC DiClemente. Deadline COB today 9/8/10.

[REDACTED] b5  
b7E

Thanks,

[REDACTED] b2  
DAIS Executive Administrative Assistant b6  
Operational Technology Division b7C  
[REDACTED]

**UNCLASSIFIED**

**UNCLASSIFIED**

**UNCLASSIFIED**

**UNCLASSIFIED**

EFF/Lynch-4

b6  
b7C

(OTD) (FBI)

From: (OTD) (CON)  
 Sent: Monday, September 28, 2009 9:51 AM  
 To: (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI);  
 (OTD) (FBI); (OTD) (FBI)  
 Cc: (OTD) (FBI); (OTD) (CON);  
 (OTD) (FBI); (OTD) (FBI)  
 Subject: RE: Summary of 9/24/09 Conference Call

b6  
b7Cb3  
b7E

**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

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FYI - No data was received over the weekend.

Data Intercept Technology Unit

b2  
b6  
b7Cwork  
cell

From: (OTD) (FBI)  
 Sent: Friday, September 25, 2009 4:19 PM  
 To: DICLEMENTE, ANTHONY P. (OTD) (FBI); (OTD) (FBI); (OTD) (FBI)  
 Cc: (OTD) (FBI); (OTD) (CON); (OTD) (CON)  
 Subject: Summary of 9/24/09 Conference Call

b6  
b7Cb3  
b7E

**SENSITIVE BUT UNCLASSIFIED**  
**NON-RECORD**

and myself held a conference call

b3  
b6  
b7C  
b7Eb3  
b6  
b7C  
b7Eb3  
b6  
b7C  
b7Eb3  
b7E

If there is any significant development during the weekend, they will contact me on my blackberry  
 and I will forward to you.

EFF/Lynch-14

b6  
b7C

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 02-14-2011 BY 65179/DMH/BAW/STP/bls

[REDACTED] (OTD) (FBI)

b6  
b7C

From: DICLEMENTE, ANTHONY P. (OTD) (FBI) b6  
Sent: Thursday, September 24, 2009 12:22 PM b7C  
To: [REDACTED] (OTD) (FBI)  
Subject: RE: [REDACTED] solution - Update 09-24 b7E

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

Absolutely.

Anthony P. DiClemente  
Chief, Data Acquisition / Intercept Section  
Operational Technology Division

b2  
b6  
b7C

From: [REDACTED] (OTD) (FBI) b6  
Sent: Thursday, September 24, 2009 12:19 PM b7C  
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Subject: RE: [REDACTED] solution - Update 09-24 b7E

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

I think we're good. I see on the schedule they have nothing for the weekend. They'll need to explain that also.

From: DICLEMENTE, ANTHONY P. (OTD) (FBI) b6  
Sent: Thursday, September 24, 2009 12:17 PM b7C  
To: [REDACTED] (OTD) (FBI)  
Cc: [REDACTED] (OTD) (FBI)  
Subject: RE: [REDACTED] solution - Update 09-24 b7E

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

b6  
b7C

Let me know if you would like me to participate in the call.

Anthony P. DiClemente  
Chief, Data Acquisition / Intercept Section  
Operational Technology Division

b2  
b6  
b7C

From: [REDACTED] (OTD) (FBI) b6  
Sent: Thursday, September 24, 2009 11:44 AM b7C  
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Cc: [REDACTED] (OTD) (FBI)  
Subject: FW: [REDACTED] solution - Update 09-24 b7E

EFF/Lynch-15

b6  
-b7C  
b7E

**From:** [REDACTED] (OTD) (CON)  
**Sent:** Thursday, September 24, 2009 11:24 AM  
**To:** [REDACTED] (OTD) (CON); [REDACTED] (OTD) (FBI) b6  
**Cc:** [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (CON); [REDACTED] (OTD) (FBI) b7E  
**Subject:** [REDACTED] solution - Update 09-24 b7E

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

b7E

|                                |     |
|--------------------------------|-----|
| Data Intercept Technology Unit | b2  |
|                                | b6  |
| work                           | b7C |
| cell                           |     |

**From:** [REDACTED] (OTD) (CON)  
**Sent:** Monday, September 21, 2009 2:29 PM  
**To:** [REDACTED] (OTD) (CON); [REDACTED] (OTD) (FBI)  
**Cc:** [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI)  
**Subject:** [REDACTED] solution - Update b7E

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

b7E

b7E

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

EFF/Lynch-17



DECLASSIFIED BY 65179/DMH/BAW/STP/bls  
ON 02-11-2011

[redacted] (OTD) (FBI) b6  
b7C

From: [redacted] (OTD) (FBI) b6  
Sent: Friday, January 30, 2009 3:28 PM b7C  
To: [redacted] (OGC) (FBI)  
Subject: RE: [redacted] b7E

~~SECRET~~//NOFORN  
RECORD 415

[redacted] The list their Senior VP and General Counsel as b6  
[redacted] I'm not sure who the SC is calling but we might want b7C  
to pass this info on. b7E

From: [redacted] (OGC) (FBI) b6  
Sent: Friday, January 30, 2009 3:01 PM b7C  
To: [redacted] (OTD) (FBI)  
Subject: RE: [redacted] b7E

~~SECRET~~//NOFORN  
RECORD 415

Okay - it sounds from the e-mail you sent me on ASKCALEA that they are using [redacted] b7E

From: [redacted] (OTD) (FBI) b6  
Sent: Friday, January 30, 2009 3:00 PM b7C  
To: [redacted] (OGC) (FBI)  
Subject: RE: [redacted] b7E

~~SECRET~~//NOFORN  
RECORD 415

[redacted] Maybe that will tell us something. b7E

From: [redacted] (OGC) (FBI) b6  
Sent: Friday, January 30, 2009 2:34 PM b7C  
To: [redacted] (OTD) (FBI)  
Subject: RE: [redacted] b7E

~~SECRET~~//NOFORN  
RECORD 415

I don't know - but they are saying they are. Unless they come up with something better than this lame [redacted] they may be trying to hide the fact that they really don't have one in place - or b7E  
don't know how to use it - or it doesn't work. That's part of why I wanted NSLB to ask them point  
blank whether do and what standard they are following.

Part of that was to scope out CALEA compliance, but another reason was to give NSLB/DOJ ammo  
for their motion - they can say that these guys are just refusing to do the intercept, when it should be  
quite simple since they maintain that they are CALEA compliant.

EFF/Lynch-25

From: [REDACTED] (OTD) (FBI) b6  
 Sent: Friday, January 30, 2009 2:31 PM b7C  
 To: [REDACTED] (OGC) (FBI)  
 Subject: RE: [REDACTED] b7E

~~SECRET//NOFORN~~  
 RECORD 415

This is bizarre. Do you think they really have a CALEA solution?

From: [REDACTED] (OGC) (FBI) b6  
 Sent: Friday, January 30, 2009 2:28 PM b7C  
 To: [REDACTED] (OTD) (FBI)  
 Subject: RE: [REDACTED] b7E

~~SECRET//NOFORN~~  
 RECORD 415

I forgot to mention that [REDACTED] said that the reason that [REDACTED] said it wouldn't provision the order has something to do with [REDACTED] and that [REDACTED] was unduly burdensome (or something like that) - we apparently told them [REDACTED] but they didn't budge. I did not quite understand the 2 second issue, but maybe I'll know more once I talk to [REDACTED] SC).

b6  
 b7C  
 b7E

From: [REDACTED] (OTD) (FBI) b6  
 Sent: Friday, January 30, 2009 2:17 PM b7C  
 To: [REDACTED] (OGC) (FBI)  
 Subject: RE: [REDACTED] b7E

~~SECRET//NOFORN~~  
 RECORD 415

I have been ignoring the fact that no one seems to understand CALEA let alone safe harbor. And have been concentrating on getting to the right people to coordinate an effort. I think you are in the right place now. Thanks

From: [REDACTED] (OGC) (FBI) b6  
 Sent: Friday, January 30, 2009 2:12 PM b7C  
 To: [REDACTED] (OTD) (FBI)  
 Subject: RE: [REDACTED] b7E

~~SECRET//NOFORN~~  
 RECORD 415

I'm on a conference call right now, but I spoke to [REDACTED] a little while ago - I gave her a quick and dirty on CALEA, safe harbor, FCC enforcement and better explained some of [REDACTED] comments. From what I understand, [REDACTED] is just refusing to do the intercept AT ALL, so as far as I know right now, they are not really saying it has to do with whether they are or not CALEA compliant. [REDACTED] SC is supposedly going to call [REDACTED] one more time to see if he can get them to do the intercept - I told her to see if he could get anything out of them as to whether they have a CALEA solution in place [REDACTED] She said that she and her SC would reach out to me/us before they doing anything with DOJ in terms of filing a motion if they are planning raise CALEA.

b6  
 b7C  
 b7E

EFF/Lynch-26

BTW, it seems like [redacted] and those in this chain may be misunderstanding the terms "safe harbor" but we can address that later....

b7E

From: [redacted] (OTD) (FBI) b6  
 Sent: Friday, January 30, 2009 1:45 PM b7C  
 To: [redacted] (OGC) (FBI)  
 Subject: FW: [redacted] b7E

~~SECRET//NOFORN~~  
 RECORD 415

Here is another email trail. Could [redacted] be afraid to let us in to get this thing going because when we do we will find out they have no CALEA solution? Is that plausible?

b7E

From: [redacted] (OTD) (CON) b6  
 Sent: Friday, January 30, 2009 12:49 PM b7C  
 To: [redacted] (OTD) (FBI)  
 Subject: FW: [redacted] b7E

~~SECRET//NOFORN~~  
 RECORD 415

From: [redacted] (OTD) (CON) b6  
 Sent: Friday, January 30, 2009 10:49 AM b7C  
 To: [redacted] (OTD) (CON)  
 Subject: FW: [redacted] b7E

~~SECRET//NOFORN~~  
 RECORD 415

[redacted]  
 Data Intercept Technology Unit

b2  
 b6  
 b7C

[redacted] work  
 [redacted] cell

From: [redacted] (PX) (FBI) b6  
 Sent: Friday, January 30, 2009 10:29 AM b7C  
 To: [redacted] (OTD) (CON)  
 Subject: FW: [redacted] b7E

~~SECRET//NOFORN~~  
 RECORD 415

Wednesday 1/28/2009 11:05 PST

[redacted]  
 Telecommunications Specialist, Phoenix Division

b2  
 b6  
 b7C

[redacted] desk  
 [redacted] mobile

EFF/Lynch-27

From: [redacted] (PX) (FBI) b6  
Sent: Friday, January 30, 2009 8:26 AM b7C  
To: [redacted] (PX) (FBI)  
Subject: RE: [redacted] b7E

~~SECRET//NOFORN~~  
RECORD 415

Wednesday.

From: [redacted] (PX) (FBI) b6  
Sent: Friday, January 30, 2009 8:13 AM b7C  
To: [redacted] (PX) (FBI)  
Subject: RE: [redacted] b7E

~~SECRET//NOFORN~~  
RECORD 415

What day?

[redacted] b2  
Telecommunications Specialist, Phoenix Division b6  
[redacted] desk b7C  
[redacted] mobile  
[redacted]

From: [redacted] (PX) (FBI) b6  
Sent: Thursday, January 29, 2009 2:49 PM b7C  
To: [redacted] (PX) (FBI)  
Subject: FW: [redacted] b7E

~~SECRET//NOFORN~~  
RECORD 415

Here you go!

From: [redacted] (PX) (FBI) b6  
Sent: Thursday, January 29, 2009 2:45 PM b7C  
To: [redacted] (PX) (FBI)  
Subject: FW: [redacted] b7E

~~SECRET//NOFORN~~  
RECORD 415

From: [redacted] (PX) (FBI) b6  
Sent: Wednesday, January 28, 2009 3:14 PM b7C  
To: [redacted] (CTD) (FBI)  
Subject: RE: [redacted] b7E

~~SECRET//NOFORN~~  
RECORD 415

EFF/Lynch-28

b6  
b7C  
b7E

Warrant was served to [REDACTED] at 11:05 PST, by SA [REDACTED]

From: [REDACTED] (CTD) (FBI)  
 Sent: Wednesday, January 28, 2009 9:27 AM  
 To: [REDACTED] (PX) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)  
 Cc: [REDACTED] (PX) (FBI); [REDACTED] (CTD) (FBI)  
 Subject: RE: [REDACTED]

b6  
b7C

b7E

~~SECRET//NOFORN~~  
 RECORD 415

In order to claim safe harbor, aren't they required to provide us the data on their own, obviating the need for us to install our own equipment?

From: [REDACTED] (PX) (FBI)  
 Sent: Wednesday, January 28, 2009 11:18 AM  
 To: [REDACTED] (CTD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)  
 Cc: [REDACTED] (PX) (FBI); [REDACTED] (CTD) (FBI)  
 Subject: RE: [REDACTED]

b6  
b7C

b7E

~~SECRET//NOFORN~~  
 RECORD 415

I just verified with ERF that [REDACTED] has not complied with the request. According to ERF, [REDACTED] they are claiming "safe harbor" relative to the FBI installing our own equipment on [REDACTED] property.

b7E

From: [REDACTED] (CTD) (FBI)  
 Sent: Wednesday, January 28, 2009 8:42 AM  
 To: [REDACTED] (PX) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)  
 Cc: [REDACTED] (PX) (FBI); [REDACTED] (CTD) (FBI)  
 Subject: RE: [REDACTED]

b6  
b7C

b7E

~~SECRET//NOFORN~~  
 RECORD 415

The I guess the next step is to call, and then notify FCC and/or file a contempt motion. I think that part of the problem is that the time they have to comply provides some wiggle room, and they are taking advantage of that. [REDACTED] also said they were claiming safe harbor, but I don't see how that helps them in the end [REDACTED]

b6  
b7C  
b7E

From: [REDACTED] (PX) (FBI)  
 Sent: Wednesday, January 28, 2009 10:36 AM  
 To: [REDACTED] (CTD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)  
 Cc: [REDACTED] (PX) (FBI); [REDACTED] (CTD) (FBI)  
 Subject: RE: [REDACTED]

b6  
b7C

b7E

~~SECRET//NOFORN~~  
 RECORD 415

Two things first, they already have the EA comfort letter which was served last week, so compliance and data flow should already be moving if the technical capability exist. Second, the orders went out yesterday, so [REDACTED] should be serving the today at the latest. I guess I'm confused as to why we are allowing [REDACTED] to ignore an EA signed by the AG and then again allowing them more time to comply with a court order. If [REDACTED] they are CALEA compliant [REDACTED] then ERF should be able to get the data [REDACTED]

b7E

EFF/Lynch-29

From: [redacted] (CTD) (FBI)  
 Sent: Wednesday, January 28, 2009 8:16 AM  
 To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (PX) (FBI) b6  
 Cc: [redacted] (PX) (FBI); [redacted] (CTD) (FBI) b7C  
 Subject: [redacted] b7E

~~SECRET//NOFORN~~  
 RECORD 415

All,  
 I just spoke to [redacted] regarding [redacted] non-compliance with the EA. Apparently, [redacted] has said they are CALEA compliant [redacted] According to [redacted] they have had ample time to get up to speed [redacted]

b5  
 b6  
 b7C  
 b7E

[redacted] Let  
 me know how you want to proceed.  
 Thanks,

SSA [redacted]  
 CTD/ITOS 1/Team 1  
 [redacted] Office  
 [redacted] Blackberry  
 [redacted] Secure  
 LX1, 4S-104

b2  
 b6  
 b7C

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~  
~~DECLASSIFY ON: 20340128~~  
~~SECRET//NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~  
~~DECLASSIFY ON: 20340128~~  
~~SECRET//NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~  
~~DECLASSIFY ON: 20340128~~  
~~SECRET//NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~  
~~DECLASSIFY ON: 20340128~~  
~~SECRET//NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~  
~~DECLASSIFY ON: 20340128~~  
~~SECRET//NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~  
~~DECLASSIFY ON: 20340128~~  
~~SECRET//NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~  
~~DECLASSIFY ON: 20340128~~

EFF/Lynch-30

DECLASSIFIED BY 65179/DMH/BAW/STP/bls  
ON 02-14-2011

(OTD) (FBI)

b6  
b7C

From: [redacted] (OTD) (FBI)  
 Sent: Wednesday, December 09, 2009 1:51 PM  
 To: [redacted] (OTD) (FBI)  
 Subject: FW: Going Dark

b6  
b7C

Attachments: [redacted] (OTD) (FBI).vcf

b6  
b7C

UNCLASSIFIED  
NON-RECORD

b6  
b7C

Is this sufficient?



SSA [redacted] b2  
 Unit Chief b6  
 Data Intercept Technology Unit b7C



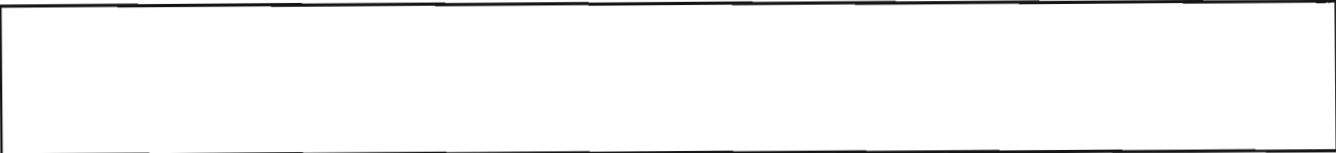
From: [redacted] (OTD) (FBI)  
 Sent: Wednesday, December 09, 2009 1:34 PM  
 To: [redacted] (OTD) (FBI)  
 Subject: RE: Going Dark

b6  
b7C

~~UNCLASSIFIED~~  
~~NON-RECORD~~

*Secret*  
*No For*

Case 1:

b3  
b7E

informed that the (DITU) solution could provide this data and DITU would be able to install their equipment as long as DITU was allowed access to the network. At that time [redacted] said they would have to speak with their legal for guidance and would be in touch. On the return call they stated that the only collection they could provide was [redacted] which would required additional paperwork for the [redacted] data and that the option of the DITU putting equipment in the [redacted] network was in fact not an option at all. At this point legal discussions took place between [redacted] and FBIHQ, and on 06/01/2009 [redacted] implemented their own solution and the data was then obtained. As a result, 26 days of pertinent data was not received.

Case 2:

This case was a FISA that was signed on [redacted] and served on the provider [redacted]. The provider had a CALEA solution but it did not work. The DITU offered to install it's collection equipment to effect the collection. The [redacted] legal department would not allow the FBI to install equipment on their premise. Before the legal issues were resolved, [redacted] was able to get their CALEA collection solution working. As a result, the FBI lost 60 days of collection data.

b3  
b7E

Case 3.

This was a criminal case that was instituted in 2008. The provider, [redacted] was server a PRTT and had a CALEA solution in place. Their solution did not provide [redacted] information that was requested in the order. After two months of not being able to resolve the issue [redacted] finally allowed the DITU to install their equipment to

b3  
b7E

EFF/Lynch-33



effect the collection. As a result two months of collection data was lost.

SSA [REDACTED]  
OTD/DITU  
Desk [REDACTED]  
Blackberry [REDACTED]  
STU [REDACTED]  
Help Desk [REDACTED]

b2  
b6  
b7C



[REDACTED]  
(OTD) (FBI).vcf (...)

b6  
b7C

**From:** [REDACTED] (OTD) (FBI)  
**Sent:** Wednesday, December 09, 2009 11:07 AM  
**To:** [REDACTED] (OTD) (FBI)  
**Subject:** FW: Going Dark

b6  
b7C

**UNCLASSIFIED**  
**NON-RECORD**

SSA [REDACTED]  
Unit Chief  
Data Intercept Technology Unit  
[REDACTED]

b2  
b6  
b7C

**From:** [REDACTED] (OTD) (FBI)  
**Sent:** Wednesday, December 09, 2009 11:06 AM  
**To:** [REDACTED] (OTD) (FBI)  
**Subject:** Going Dark

b6  
b7C

**UNCLASSIFIED**  
**NON-RECORD**

The Director's Office is preparing a presentation on Going Dark to DOJ next Weds. The DO has asked for examples on the following:

"provide details on instances in which providers resisted FBI going on the premises to monitor or put-in-place technology for intercepts, the number of days/weeks of lost collections, the outcome"

Can you provide me some examples today?

Thanks,

[REDACTED]

b6  
b7C

**UNCLASSIFIED**

**UNCLASSIFIED**

EFF/Lynch-34



DECLASSIFIED BY 65179/DMH/BAW/STP/bls  
ON 02-11-2011b6  
b7C

[REDACTED] (OTD) (FBI)

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
 Sent: Monday, May 04, 2009 11:50 AM  
 To: [REDACTED] (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OTD) (FBI)  
 Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OTD) (FBI)  
 Subject: RE: CALEA Enforcement - [REDACTED] Orders not being fully implemented b7E

b6  
b7C

Sherry,

Given the time that has lapsed and the current inability of [REDACTED] to implement a functional collection capability, I would like to know specifically what [REDACTED] is doing to address the current deficiency. To advise us to wait until "mid-june" at this point is insufficient.

b7E

The FBI needs to press [REDACTED] into identifying specifically what actions they are taking to ensure they will have a functional collection capability by "mid-june".

b7E

From: [REDACTED] (OTD) (FBI)  
 Sent: Monday, May 04, 2009 12:25 PM  
 To: SABOL, SHERRY E. (OGC) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI)  
 Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OTD) (FBI)  
 Subject: RE: CALEA Enforcement - [REDACTED] Orders not being fully implemented b7E

b6  
b7C

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 RECORD CALEA

Yes we are aware that they have told us for some time that a [REDACTED] solution is forthcoming. [REDACTED] So we were aware that they have been working towards a solution. However we have been working with them since early november and have had continued contact with them since that time. [REDACTED]

b5  
b7E

[REDACTED] Should we let yet another carrier get by without any substantial penalty for not having a capability it seems to only make the penalty for a provider not having a capability laughable. So based on the below I guess we will stand by until June and see what they come up with.

b2  
b6  
b7Cw  
c

From: SABOL, SHERRY E. (OGC) (FBI)  
 Sent: Thursday, April 30, 2009 3:49 PM  
 To: [REDACTED] (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI)  
 Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)  
 Subject: FW: CALEA Enforcement - [REDACTED] Orders not being fully implemented b7E

b6  
b7C

~~SECRET~~  
 RECORD CALEA

b5  
b6  
b7C  
b7E

Thoughts on this? [REDACTED] are you aware of this solution [REDACTED]

From: [REDACTED] (OGC) (FBI)  
 Sent: Thursday, April 30, 2009 3:27 PM  
 To: SABOL, SHERRY E. (OGC) (FBI)

b6  
b7C

EFF/Lynch-36

Subject: FW: CALEA Enforcement [redacted] Orders not being fully implemented

b7E

~~SECRET~~  
RECORD CALEA

DOJ has a promise from [redacted] counsel that a solution will be fashioned no later than mid-June. I'll make sure that DOJ checks in three weeks on their progress.

b7E

[redacted]  
HQ: [redacted]  
LX: [redacted]  
Pgr: [redacted]

b2  
b6  
b7C

From: [redacted] (OGC) (OGA)  
Sent: Tuesday, April 28, 2009 6:23 PM  
To: [redacted] (OGC) (FBI); [redacted] (OGC) (OGA)  
Subject: RE: CALEA Enforcement [redacted] Orders not being fully implemented

b6  
b7E  
b7E

~~SECRET~~  
RECORD CALEA

After discussing with [redacted] outside counsel today, he called back to report that they have a working solution [redacted] which should close the collection gap. They estimate that process may be completed as early as the end of May, probably no later than mid-June.

b5  
b7E

From: [redacted] (OGC) (FBI)  
Sent: Tuesday, April 21, 2009 6:26 PM  
To: [redacted] (OGC) (OGA); [redacted] (OGC) (OGA)  
Subject: RE: CALEA Enforcement [redacted] Orders not being fully implemented

b6  
b7C  
b7E

~~SECRET~~  
RECORD CALEA

I'll confirm with OTD.

[redacted]  
HQ: [redacted]  
LX: [redacted]  
Pgr: [redacted]

b2  
b6  
b7C

From: [redacted] (OGC) (OGA)  
Sent: Tuesday, April 21, 2009 1:16 PM  
To: [redacted] (OGC) (OGA); [redacted] (OGC) (FBI)  
Subject: RE: CALEA Enforcement [redacted] Orders not being fully implemented

b6  
b7C  
b7E

~~SECRET~~  
RECORD CALEA

We met with them fairly recently [redacted] joined us for the meeting) and I don't believe the issue came up. It's hard to tell from the information provided below, but just to be clear about what the scope of the problem is, it looks like the issue is with [redacted] right?

b5  
b7E

EFF/Lynch-37

From: [redacted] (OGC) (OGA)

b6  
b7C

Sent: Monday, April 20, 2009 9:49 PM  
 To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (OGA)  
 Subject: RE: CALEA Enforcement - [REDACTED] Orders not being fully implemented

b6  
 b7C  
 b7E

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 RECORD CALEA

[REDACTED] please let me know if this has come up in any of your discussions with [REDACTED] counsel.  
 [REDACTED] happy to discuss tomorrow.

b6  
 b7C  
 b7E

From: [REDACTED] (OGC) (FBI)  
 Sent: Monday, April 20, 2009 3:24 PM  
 To: [REDACTED] (OGC) (OGA); [REDACTED] (OGC) (OGA)  
 Subject: FW: CALEA Enforcement - [REDACTED] Orders not being fully implemented

b6  
 b7C  
 b7E

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 RECORD CALEA

The attached document is a list of FISA orders for [REDACTED] that apparently they have not been able to fully implement. It is apparently a persistent problem. Our own attempts to assist have resulted in only partial coverage. Pursuant to CALEA legislation, they are supposed to maintain a means of executing these orders which they apparently cannot do. We are going to need to come up with a plan to address this shortcoming including some type of court action. Take a look at the list, we can talk about it tomorrow.

b7E

[REDACTED]  
 HQ: [REDACTED]  
 LX: [REDACTED]  
 Pgr: [REDACTED]

b2  
 b6  
 b7C

From: SABOL, SHERRY E. (OGC) (FBI)  
 Sent: Monday, April 13, 2009 11:47 AM  
 To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)  
 Cc: [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, MARCUS C. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CD) (FBI); [REDACTED] (CD) (FBI); [REDACTED] (CD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)  
 Subject: CALEA Enforcement - [REDACTED] Orders not being fully implemented

b6  
 b7C

~~SECRET~~  
 RECORD CALEA

b6  
 b7C

DITU has compiled a list of FISA dockets with orders for [REDACTED] that the FBI has been unable to fully implement. All of these targets are using [REDACTED] for which [REDACTED] does not have a functioning CALEA solution. OTD has been working with the company, but OTD's solution will only capture a portion of the data to which we are entitled, depending on what browser the target is using.

b7E

We have several options for enforcement [REDACTED]

b5  
 b7E

Please let me know how NSLB and NSB would like to proceed regarding FBI attempts to implement these [REDACTED] orders.

b7E

EFF/Lynch-38

Thank you.

b6  
b7C

<< File: Problems with [redacted] mplementation.doc >>

b7E

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EFF/Lynch-39

b6  
b7CDECLASSIFIED BY 65179/DMH/BAW/STP/b1s  
ON 02-11-2011

(OTD) (FBI)

**From:** [redacted] (OTD) (FBI)  
**Sent:** Thursday, April 30, 2009 4:47 PM  
**To:** SABOL, SHERRY E. (OGC) (FBI); [redacted] (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI)  
**Cc:** [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Subject:** RE: CALEA Enforcment - [redacted] Orders not being fully implemented b7E

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 RECORD CALEA

Sherry,

I put this together with DITU's input to answer your question regarding [redacted] earlier email and I think it answers your question posed to [redacted] b6  
b7C  
b7E

[redacted] b5  
b7E[redacted] b5  
b7E[redacted] b5  
b7E

Furthermore, we are getting data on [redacted] b3  
 [redacted] targets that we have b7E  
 collected data on, it appears that we have gotten all the the target data, but it is difficult to tell with certainty because [redacted]  
 [redacted]  
 devices that we have not received data [redacted] As of today, it  
 appears we are not collecting data on [redacted] reported data usage.

It is interesting that [redacted] counsel is telling DOJ that they should have a solution by end of May to mid-June. This is the last of a series of idol promises. We have already been promised end of March, mid-April, and end of April. b7E

**From:** SABOL, SHERRY E. (OGC) (FBI)  
**Sent:** Thursday, April 30, 2009 3:49 PM  
**To:** [redacted] (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI)  
**Cc:** [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
**Subject:** FW: CALEA Enforcment - [redacted] Orders not being fully implemented b7E

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 RECORD CALEA

Thoughts on this? [redacted]

b5  
b6  
b7C  
b7E

EFF/Lynch-40

From: [REDACTED] (OGC) (FBI) b6  
 Sent: Thursday, April 30, 2009 3:27 PM b7C  
 To: SABOL, SHERRY E. (OGC) (FBI)  
 Subject: FW: CALEA Enforcement - [REDACTED] Orders not being fully implemented b7E

~~SECRET~~  
 RECORD CALEA

DOJ has a promise from [REDACTED] counsel that a solution will be fashioned no later than mid-June. I'll make sure that DOJ checks in three weeks on their progress. b7E

HQ: [REDACTED] b2  
 LX: [REDACTED] b6  
 Pgr: [REDACTED] b7C

From: [REDACTED] (OGC) (OGA) b6  
 Sent: Tuesday, April 28, 2009 6:23 PM b7C  
 To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (OGA)  
 Subject: RE: CALEA Enforcement - [REDACTED] Orders not being fully implemented b7E

~~SECRET~~  
 RECORD CALEA

After discussing with [REDACTED] outside counsel today, he called back to report that they have a working solution [REDACTED] which should close the collection gap. They estimate that process may be completed as early as [REDACTED] b7E

From: [REDACTED] (OGC) (FBI) b6  
 Sent: Tuesday, April 21, 2009 6:26 PM b7C  
 To: [REDACTED] (OGC) (OGA); [REDACTED] (OGC) (OGA)  
 Subject: RE: CALEA Enforcement - [REDACTED] Orders not being fully implemented b7E

~~SECRET~~  
 RECORD CALEA

I'll confirm with OTD.

HQ: [REDACTED] b2  
 LX: [REDACTED] b6  
 Pgr: [REDACTED] b7C

From: [REDACTED] (OGC) (OGA) b6  
 Sent: Tuesday, April 21, 2009 1:16 PM b7C  
 To: [REDACTED] (OGC) (OGA); [REDACTED] (OGC) (FBI)  
 Subject: RE: CALEA Enforcement - [REDACTED] Orders not being fully implemented b7E

~~SECRET~~  
 RECORD CALEA

We met with them fairly recently [REDACTED] joined us for the meeting) and I don't believe the issue came up. It's hard to tell from the information provided below, but just to be clear about what the scope of the problem is, it looks like the issue is with [REDACTED] right? b6  
 b7C  
 b7E

EFF/Lynch-41

From: [redacted] (OGC) (OGA)  
 Sent: Monday, April 20, 2009 9:49 PM  
 To: [redacted] (OGC) (FBI); [redacted] (OGC) (OGA)  
 Subject: RE: CALEA Enforcement - [redacted] Orders not being fully implemented

b6  
 b7C

b7E

~~SECRET~~  
RECORD CALEA

[redacted] please let me know if this has come up in any of your discussions with [redacted] counsel.

b6  
 b7C  
 b7E

[redacted] happy to discuss tomorrow.

From: [redacted] (OGC) (FBI)  
 Sent: Monday, April 20, 2009 3:24 PM  
 To: [redacted] (OGC) (OGA); [redacted] (OGC) (OGA)  
 Subject: FW: CALEA Enforcement - [redacted] Orders not being fully implemented

b6  
 b7C

b7E

~~SECRET~~  
RECORD CALEA

The attached document is a list of FISA orders for [redacted] that apparently they have not been able to fully implement. It is apparently a persistent problem. Our own attempts to assist have resulted in only partial coverage. Pursuant to CALEA legislation, they are supposed to maintain a means of executing these orders which they apparently cannot do. We are going to need to come up with a plan to address this shortcoming including some type of court action. Take a look at the list, we can talk about it tomorrow.

b6

HQ: [redacted]

LX: [redacted]

Pgr: [redacted]

b2  
 b6  
 b7C

From: SABOL, SHERRY E. (OGC) (FBI)  
 Sent: Monday, April 13, 2009 11:47 AM  
 To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
 Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, MARCUS C. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CD) (FBI); [redacted] (CD) (FBI); [redacted] (CD) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
 Subject: CALEA Enforcement - [redacted] Orders not being fully implemented

b6  
 b7C

b7E

~~SECRET~~  
RECORD CALEA

b6  
 b7C

DITU has compiled a list of FISA dockets with orders for [redacted] that the FBI has been unable to fully implement. All of these targets are using [redacted] for which [redacted] does not have a functioning CALEA solution. OTD has been working with the company, but OTD's solution will only capture a portion of the data to which we are entitled, depending on what browser the target is using.

b7E

b5  
 b7E

EFF/Lynch-42



[REDACTED] b7E

Please let me know how NSLB and NSB would like to proceed regarding FBI attempts to implement these [REDACTED] orders.

b7E

Thank you.  
Sherry.

<< File: Problems with [REDACTED] implementation.doc >>

b7E

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DECLASSIFY ON: 20340403  
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EFF/Lynch-43



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ON 02-14-2011

(OTD) (FBI)

b6  
b7C

**From:** THOMAS, MARCUS C. (OTD) (FBI)  
**Sent:** Thursday, June 24, 2010 3:16 PM  
**To:** [REDACTED] (OGC) (FBI); [REDACTED] (DO)(OGA); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)  
**Cc:** [REDACTED] (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CD)(FBI); [REDACTED] (DI)(FBI); [REDACTED] (OGC) (FBI)  
**Subject:** RE: Dft [REDACTED] Roundtable on Going Dark b7D  
b7E

b6  
b7C~~SECRET//NOFORN~~  
RECORD 415b6  
b7Cb5  
b7D  
b7E

Marcus C. Thomas  
 Assistant Director b2  
 Operational Technology Division b6  
 [REDACTED] b7C

**From:** [REDACTED] (OGC) (FBI)  
**Sent:** Thursday, June 24, 2010 2:25 PM  
**To:** [REDACTED] (DO)(OGA); THOMAS, MARCUS C. (OTD) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)  
**Cc:** [REDACTED] (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); PAGLINO, MARYBETH (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CD)(FBI); [REDACTED] (DI)(FBI); [REDACTED] (OGC) (FBI)  
**Subject:** RE: Dft [REDACTED] Roundtable on Going Dark b7D  
b7E

b6  
b7C~~SECRET//NOFORN~~  
RECORD 415b5  
b7E

Thanks.

**From:** [REDACTED] (DO)(OGA)  
**Sent:** Thursday, June 24, 2010 2:24 PM  
**To:** [REDACTED] (OGC) (FBI); THOMAS, MARCUS C. (OTD) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)  
**Cc:** [REDACTED] (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CD)(FBI); [REDACTED] (DI)(FBI); [REDACTED] (OGC) (FBI)  
**Subject:** RE: Dft [REDACTED] Roundtable on Going Dark b7D  
b7E

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b7C~~SECRET//NOFORN~~  
RECORD 415

EFF/Lynch-44

Thanks.

b5  
b7E

**From:** [REDACTED] (OGC) (FBI)  
**Sent:** Thursday, June 24, 2010 2:18 PM  
**To:** [REDACTED] (DO)(OGA); THOMAS, MARCUS C. (OTD) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)  
**Cc:** [REDACTED] (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CD)(FBI); [REDACTED] (DI)(FBI); [REDACTED] (OGC) (FBI)  
**Subject:** RE: Dft [REDACTED] Roundtable on Going Dark b7D  
b7E

~~SECRET//NOFORN~~  
RECORD 415

b5  
b7E

**From:** [REDACTED] (DO)(OGA)  
**Sent:** Thursday, June 24, 2010 2:05 PM  
**To:** THOMAS, MARCUS C. (OTD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)  
**Cc:** [REDACTED] (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CD)(FBI); [REDACTED] (DI)(FBI); [REDACTED] (OGC) (FBI)  
**Subject:** RE: Dft [REDACTED] Roundtable on Going Dark b7D  
b7E

~~SECRET//NOFORN~~  
RECORD 415

b5  
b7E

Thanks.

b6  
b7C

<< File: Going Dark TPs 062410.doc >>

**From:** THOMAS, MARCUS C. (OTD) (FBI)  
**Sent:** Thursday, June 24, 2010 11:15 AM  
**To:** [REDACTED] (OGC) (FBI); [REDACTED] (DO)(OGA); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)  
**Cc:** [REDACTED] (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CD)(FBI); [REDACTED] (DI)(FBI); [REDACTED] (OGC) (FBI)  
**Subject:** RE: Dft [REDACTED] Roundtable on Going Dark b7D  
b7E

EFF/Lynch-45

~~SECRET//NOFORN~~  
RECORD 415

b6  
b7C.

b5  
b7D  
b7E

Marcus

Marcus C. Thomas  
Assistant Director  
Operational Technology Division

b2  
b6  
b7C

**From:** [redacted] (OGC) (FBI)  
**Sent:** Thursday, June 24, 2010 10:46 AM  
**To:** [redacted] (DO)(OGA); THOMAS, MARCUS C. (OTD) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI)  
**Cc:** [redacted] (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CD)(FBI); [redacted] (DI)(FBI); [redacted] (OGC) (FBI)  
**Subject:** RE: Dft [redacted] Roundtable on Going Dark b7D  
b7E

~~SECRET//NOFORN~~  
RECORD 415

b5  
b7D  
b7E

**From:** [redacted] (DO)(OGA)  
**Sent:** Tuesday, June 22, 2010 5:32 PM  
**To:** THOMAS, MARCUS C. (OTD) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI)  
**Cc:** [redacted] (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (CTD) (FBI); [redacted] (CTD) (FBI); [redacted] (CD)(FBI); [redacted] (DI)(FBI); [redacted] (OGC) (FBI)  
**Subject:** RE: Dft [redacted] Roundtable on Going Dark b7D  
b7E

~~SECRET//NOFORN~~  
RECORD 415

b5  
b6  
b7C  
b7D  
b7E

b6  
b7C

EFF/Lynch-46

**From:** THOMAS, MARCUS C. (OTD) (FBI)  
**Sent:** Tuesday, June 22, 2010 4:42 PM  
**To:** [REDACTED] (DO) (OGA); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)  
**Cc:** [REDACTED] (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CD) (FBI); [REDACTED] (DI) (FBI)  
**Subject:** RE: Dft [REDACTED] Roundtable on Going Dark b7D  
b7E

~~SECRET//NOFORN~~  
**RECORD 415**

b6  
b7C

b5  
b6  
b7C  
b7D  
b7E

Marcus

Marcus C. Thomas b2  
Assistant Director b6  
Operational Technology Division b7C  
[REDACTED]

**From:** [REDACTED] (DO) (OGA)  
**Sent:** Tuesday, June 22, 2010 3:49 PM  
**To:** [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)  
**Cc:** [REDACTED] (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CTD) (FBI); [REDACTED] (CD) (FBI); [REDACTED] (DI) (FBI)  
**Subject:** Dft [REDACTED] Roundtable on Going Dark b7D  
b7E

~~SECRET//NOFORN~~  
**RECORD 415**

b6  
b7C

b5  
b7D  
b7E

Thanks.

b6  
b7C

<< File: Going Dark TPs 062210.doc >>

**DERIVED FROM: Multiple Sources**  
**DECLASSIFY ON: 20350622**  
~~SECRET//NOFORN~~

**DERIVED FROM: Multiple Sources**  
**DECLASSIFY ON: 20350622**  
~~SECRET//NOFORN~~

**DERIVED FROM: Multiple Sources**  
**DECLASSIFY ON: 20350622**

EFF/Lynch-47

DECLASSIFIED BY 65179/DMH/BAW/STP/bls  
ON 02-11-2011b6  
b7C

(OTD) (FBI)

**From:** [REDACTED] (OGC) (FBI)  
**Sent:** Wednesday, September 15, 2010 10:57 AM  
**To:** DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (DO)(OGA); [REDACTED] (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)  
**Cc:** [REDACTED] (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI)  
**Subject:** RE: [REDACTED] b7E

b6  
b7C

~~SECRET//NOFORN~~  
RECORD GD

(U) I have a few questions about these discussions of our capabilities:

(U) [REDACTED]

(U) [REDACTED]

(U) [REDACTED]

b5  
b7E

**From:** DICLEMENTE, ANTHONY P. (OTD) (FBI)  
**Sent:** Tuesday, September 07, 2010 8:42 AM  
**To:** [REDACTED] (DO)(OGA); [REDACTED] (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)  
**Cc:** [REDACTED] (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI)  
**Subject:** RE: [REDACTED] b7E

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Pls see the attached initial response.

Anthony P. DiClemente  
 Chief, Data Acquisition / Intercept Section  
 Operational Technology Division

b2  
b6  
b7Cb6  
b7C

**From:** [REDACTED] (DO)(OGA)  
**Sent:** Wednesday, September 01, 2010 2:51 PM  
**To:** DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED]

EFF/Lynch-62

Cc: (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
Subject: [redacted] (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI)  
[redacted] b7E

b6  
b7C

UNCLASSIFIED  
NON-RECORD



b5  
b7E

It would be good to have these answers by our GD standing meeting next Tuesday. Thanks.



b7E

UNCLASSIFIED

UNCLASSIFIED

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~  
~~DECLASSIFY ON: 20350915~~  
~~SECRET//NOFORN~~

EFF/Lynch-63

DECLASSIFIED BY 65179/DMH/BAW/STP/bls  
ON 02-17-2011

Outside the Scope

**From:** [REDACTED] (CTD) (FBI)  
**Sent:** Wednesday, June 03, 2009 3:53 PM  
**To:** [REDACTED] (WF) (FBI); [REDACTED] (SU) (FBI); [REDACTED] (SU) (FBI)  
**Cc:** [REDACTED] (CTD) (FBI); [REDACTED] (CTD)(OGA); [REDACTED] (CTD) (FBI); [REDACTED] (OGC) (FBI)  
**Subject:** RE: [REDACTED] b7E

~~SECRET~~  
RECORD 415

Not sure who is the source, but it may be. I wouldn't be surprised to find that it is all a ruse to cover the fact that they are not CALEA compliant!

**From:** [REDACTED] (WF) (FBI)  
**Sent:** Wednesday, June 03, 2009 1:21 PM  
**To:** [REDACTED] (CTD) (FBI); [REDACTED] (SU) (FBI); [REDACTED] (SU) (FBI)  
**Cc:** [REDACTED] (CTD) (FBI); [REDACTED] (CTD)(OGA); [REDACTED] (CTD) (FBI); [REDACTED] (OGC) (FBI)  
**Subject:** RE: [REDACTED] b7E

~~SECRET~~  
RECORD 415

Wow. That's all I can say, wow. Not that it will help much, but would you like me to reach out to [REDACTED] legal counsel? Or is this subpoena nonsense coming from her?

[REDACTED]  
Investigative Operations Analyst b2  
Northern VA RA Squad A-2 b6  
[REDACTED] Desk b7C  
[REDACTED] Blackberry  
[REDACTED]

**From:** [REDACTED] (CTD) (FBI)  
**Sent:** Wednesday, June 03, 2009 9:28 AM  
**To:** [REDACTED] (SU) (FBI); [REDACTED] (SU) (FBI)  
**Cc:** [REDACTED] (CTD) (FBI); [REDACTED] (CTD)(OGA); [REDACTED] (CTD) (FBI); [REDACTED] (OGC)

b6  
b7C

Subject:

(FBI) [REDACTED] (WF) (FBI)

b7E

~~SECRET~~

RECORD 415

All,

I just got a call from [REDACTED] at DITU. He advised that they are still working on [REDACTED] [REDACTED] claims they need a subpoena to set that up (per DITU that is not true). DITU is reaching out to them again today, and [REDACTED] will call me back with the results. My feeling is that if they still aren't compliant by today, we should go ahead with a motion to comply and/or for contempt because this is ludicrous (legal term). We need to make them comply, and more importantly, make it clear to all providers that failure to comply has consequences. Are we mice or men?

b6  
b7C  
b7E~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~~~DECLASSIFY ON: 20340603~~~~SECRET~~~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~~~DECLASSIFY ON: 20340603~~~~SECRET~~~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~~~DECLASSIFY ON: 20340603~~~~SECRET~~

EFF/Lynch-169



[REDACTED] Outside the Scope

DECLASSIFIED BY 65179/DMH/BAW/STP/bls  
ON 02-17-2011

From: [REDACTED] (CTD)(FBI)  
 Sent: Wednesday, September 22, 2010 3:25 PM  
 To: HQ-DIV13-CONUS 5  
 Subject: FW: New Information: NSL / V&P (from [REDACTED] Presentation 09.17)

b6  
b7C

Attachments:

SFFISA.SEPTEMBER.2010.pptx; faq.update

Outside the Scope

~~SECRET//NOFORN~~  
~~RECORD 415~~

Here are the PowerPoint slides from the presentation (if you're interested); I have the full copy of the briefing book from Friday if you see there's something else you need.

Outside the Scope



SFFISA.SEPTEMBERfaq.update (25 KB)  
 .2010.pptx (20...

[REDACTED] mentioned that although [REDACTED] are not responding to NSLs, other companies (i.e. [REDACTED]) are still honoring and producing decent results.

b6  
b7C  
b7E

[REDACTED]  
 Staff Operations Specialist  
 Counterterrorism Division  
 ITOS I / CONUS V / Team 2

b2  
b6  
b7C

Internal: [REDACTED]  
 Office: [REDACTED]

From: [REDACTED] (CTD)(FBI)  
 Sent: Tuesday, September 21, 2010 1:09 PM  
 To: HQ-DIV13-CONUS 5  
 Subject: New Information: NSL / V&P (from [REDACTED] Presentation 09.17)

b6  
b7C~~SECRET//NOFORN~~  
~~RECORD 415~~

Good afternoon!!

Here is some of the information from the Friday presentation by SIOA [REDACTED] (San Francisco Division) regarding obtaining information from Internet Service Providers and social networking sites. I will send out an electronic copy of the powerpoint slides as soon as I receive one!

b6  
b7C

EFF/Lynch-170

b7E

Let me know if you would like more information about the presentation or clarification of anything I've included here. (I'll keep you posted if I hear of any more NSL updates!)

[redacted]

[redacted]

Staff Operations Specialist  
Counterterrorism Division  
ITOS I / CONUS V / Team 2

b2  
b6  
b7C

[redacted]

Internal [redacted]  
Office: [redacted]

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~  
~~DECLASSIFY ON: 20350921~~

b6  
b7C

DECLASSIFIED BY 65179/DMH/BAW/STP/bls  
ON 02-17-2011

From: [REDACTED] (CTD)(FBI)  
Sent: Tuesday, September 21, 2010 1:09 PM  
To: HQ-DIV13-CONUS 5  
Subject: New Information: NSL / V&P (from [REDACTED] Presentation 09.17)

b6  
b7C

~~SECRET//NOFORN~~  
RECORD 415

Good afternoon!!

Here is some of the information from the Friday presentation by SIOA [REDACTED] (San Francisco Division) regarding obtaining information from Internet Service Providers and social networking sites. I will send out an electronic copy of the powerpoint slides as soon as I receive one!

b6  
b7C

b7E

b6  
b7CDECLASSIFIED BY 65179/DMH/BAW/STP/bls  
ON 02-17-2011

From: [REDACTED] (CTD)(FBI)  
 Sent: Wednesday, September 22, 2010 3:08 PM  
 To: [REDACTED] (SF) (FBI)  
 Subject: RE: Questions Regarding LX-1 09/17 Presentation

b6  
b7C~~SECRET~~  
RECORD 415

Thanks, [REDACTED]

b6  
b7C

Have a wonderful rest of the week,

[REDACTED]  
 Staff Operations Specialist  
 Counterterrorism Division  
 ITOS I / CONUS V / Team 2  
 LX-1, 4s-112  
 Internal: [REDACTED]  
 Office: [REDACTED]

b2  
b6  
b7C

From: [REDACTED] (SF) (FBI)  
 Sent: Wednesday, September 22, 2010 2:24 PM  
 To: [REDACTED] (CTD)(FBI)  
 Subject: RE: Questions Regarding LX-1 09/17 Presentation

b6  
b7C~~SECRET~~  
RECORD 415b6  
b7C

Yes, everyone else stills honors and produces decent results in response to NSLs.

SFFISA.SEPTEMBER.2010.pptx &gt;&gt; &lt;&lt; File: faq.update &gt;&gt;

Outside the Scope

This is not everything, as you can tell by the table of contents, but it is the lion's portion.

SIOA [REDACTED]  
 Supervisor, Squad IS-6  
 San Francisco Division/San Jose RA  
 [REDACTED] (office)  
 [REDACTED] (STE)  
 [REDACTED] (Blackberry)

b2  
b6  
b7C

EFF/Lynch-182

From: [redacted] (CTD)(FBI)  
Sent: Tuesday, September 21, 2010 9:01 AM  
To: [redacted] (SF) (FBI)  
Subject: Questions Regarding LX-1 09/17 Presentation

b6  
b7C

~~SECRET~~  
RECORD 415

b6  
b7C

[redacted]  
Thank you for all your help during your very informative presentation on Friday at LX-1! As I did not arrive in time to obtain a briefing book, I was wondering if you could send me the powerpoint slides or any additional information you handed out at the auditorium.

I forgot to ask before [redacted]

b7E

I truly appreciate your help and clarification!

Have a wonderful rest of the week,

[redacted]  
Staff Operations Specialist  
Counterterrorism Division  
ITOS I / CONUS V / Team 2  
LX-1, 4s-112  
Internal: [redacted]  
Office: [redacted]

b2  
b6  
b7C

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SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign Counterintelligence Investigations  
DECLASSIFY ON: 20350922  
SECRET~~

EFF/Lynch-183

~~SECRET~~

**From:** SABOL, SHERRY E. (OGC) (FBI)  
**Sent:** Tuesday, May 27, 2008 8:01 PM  
**To:** CAPRONI, VALERIE E. (OGC) (FBI)  
**Cc:** [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); b6  
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); b7C  
**Subject:** [REDACTED] b7E

**SECRET****RECORD OTD**

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 WHERE SHOWN OTHERWISE

DATE: 01-12-2011

CLASSIFIED BY 65179/DMH/BAW/STP/bls

REASON: 1.4 (d)

DECLASSIFY ON: 01-12-2036

Valerie,

I am seeking clarification from OTD [REDACTED]

b5  
b7E

Also, I was mistaken [REDACTED]

b5  
b7D  
b7E

(S)

b1  
b5  
b6  
b7C  
b7D  
b7E**Sherry E. Sabol**

Section Chief

Science and Technology Law Office

Office of the General Counsel

HQ: [REDACTED] b6

Chantilly: [REDACTED] b7C

bb [REDACTED]

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 WITHOUT PRIOR OGC APPROVAL

~~DERIVED FROM: Multiple Sources~~~~DECLASSIFY ON: 20330527~~~~SECRET~~

EFF/Lynch-184

~~SECRET~~

~~SECRET~~

From: SABOL, SHERRY E. (OGC) (FBI)  
 Sent: Wednesday, May 28, 2008 11:54 AM  
 To: CAPRONI, VALERIE E. (OGC) (FBI)  
 Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)

Subject: RE: [REDACTED]  
~~SECRET~~  
 RECORD OTD

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DATE: 01-12-2011  
 CLASSIFIED BY 65179/DMH/BAW/STP/b1s  
 REASON: 1.4 (d)  
 DECLASSIFY ON: 01-12-2036

I believe it does not speak to that issue.

b5  
 b6  
 b7C  
 b7E

[REDACTED] - I confirmed that what I have was inartfully drafted - [REDACTED]  
 [REDACTED]

**Sherry E. Sabol**

Section Chief  
 Science and Technology Law Office  
 Office of the General Counsel

HQ [REDACTED]  
 Chantilly [REDACTED]  
 bb [REDACTED]

PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI  
 WITHOUT PRIOR OGC APPROVAL

From: CAPRONI, VALERIE E. (OGC) (FBI)  
 Sent: Wednesday, May 28, 2008 10:28 AM  
 To: SABOL, SHERRY E. (OGC) (FBI)  
 Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)  
 Subject: [REDACTED]

~~SECRET~~  
 RECORD OTD

b5  
 b6  
 b7C  
 b7E

On the last piece: [REDACTED]  
 [REDACTED]

From: SABOL, SHERRY E. (OGC) (FBI)  
 Sent: Tuesday, May 27, 2008 8:01 PM  
 To: CAPRONI, VALERIE E. (OGC) (FBI)  
 Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)  
 Subject: [REDACTED]

~~SECRET~~  
 RECORD OTD

b5  
 b6  
 b7C  
 b7E

Valerie,

I am seeking clarification from OTD [REDACTED]

EFF/Lynch-185

~~SECRET~~

~~SECRET~~

[REDACTED]

b5  
b7E

Also, I was mistaken - [REDACTED]

b5  
b7D  
b7E

[REDACTED]

[REDACTED]

b1  
b5  
b6  
b7C  
b7D  
b7E

(S)

**Sherry E. Sabol**

Section Chief

Science and Technology Law Office

Office of the General Counsel

HQ [REDACTED]

b2  
b6  
b7C

Chantilly [REDACTED]

bb [REDACTED]

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~~SECRET~~

~~DERIVED FROM: Multiple Sources~~

~~DECLASSIFY ON: 20330527~~

~~SECRET~~

~~DERIVED FROM: Multiple Sources~~

~~DECLASSIFY ON: 20330527~~

~~SECRET~~

EFF/Lynch-186

~~SECRET~~



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DATE: 01-12-2011  
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REASON: 1.4 (c,d)  
DECLASSIFY ON: 01-12-2036

(S) [redacted] FW MEETING [redacted] txt b1  
From: SABOL, SHERRY E. (OGC) (FBI) b5  
Sent: Thursday, June 19, 2008 8:51 AM b6  
To: CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI); b7C  
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI) b7D  
(S) Subject: FW: MEETING [redacted] b7E

~~SECRET~~  
RECORD 315

Forwarded FYI from [redacted]

Per discussions with [redacted] b6  
[redacted] b7C  
[redacted] b7D  
[redacted] b7E

Sherry E. Sabol  
Section Chief  
Science and Technology Law Office  
Office of the General Counsel

HQ: [redacted] b2

Chantilly: [redacted]

bb: [redacted]

PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR  
OGC APPROVAL

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

(S) From: [redacted] (BL) (FBI) b1  
Sent: Thursday, June 19, 2008 6:38 AM b5  
To: [redacted] (LO) (FBI); [redacted] (OTD) (FBI); SABOL, SHERRY b6  
E. (OGC) (FBI) b7C  
Cc: [redacted] (OIO) (FBI); [redacted] (BL) (FBI); [redacted] b7D  
(BL) (FBI) b7E  
Subject: MEETING [redacted]

~~SECRET~~  
RECORD 315

Colleagues,

(S) On 06/19/08, [redacted] b1  
[redacted] b5  
[redacted] b6  
[redacted] b7C  
[redacted] b7D  
[redacted] b7E

(S) [redacted] and Sherry: Please let me know if you are aware of and can support this  
proposed date change. With your confirmation, we will make lodging arrangements and  
document Country Clearance (already verbally approved), and formalize this response  
with an EC. b6  
b7C

Let me know.

[redacted] b6  
[redacted] b7C

~~SECRET~~

~~SECRET~~

(S)

FW MEETING [REDACTED] txt  
DERIVED FROM: Multiple Sources  
DECLASSIFY ON: 20330619  
~~SECRET~~

b1  
b5  
b7D  
b7E

DERIVED FROM: Multiple Sources  
DECLASSIFY ON: 20330619  
~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 01-12-2011 BY 65179/DMH/BAW/STP/bls

**From:** CAPRONI, VALERIE E. (OGC) (FBI)  
**Sent:** Monday, June 23, 2008 3:54 PM  
**To:** SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI);  
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);  
[REDACTED] (OGC) (FBI)  
**Subject:** RE: [REDACTED] b5  
~~SENSITIVE BUT UNCLASSIFIED~~ b7E  
NON-RECORD

Yes -- we met with [REDACTED] and others about a year ago. [REDACTED] b5  
[REDACTED] b6  
[REDACTED] b7C  
[REDACTED] b7E  
Can you call [REDACTED] to discuss, please?

**From:** SABOL, SHERRY E. (OGC) (FBI)  
**Sent:** Monday, June 23, 2008 2:19 PM  
**To:** [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);  
[REDACTED] (OGC) (FBI)  
**Cc:** CAPRONI, VALERIE E. (OGC) (FBI) b5  
**Subject:** FW: [REDACTED] b7E  
~~SENSITIVE BUT UNCLASSIFIED~~  
NON-RECORD

I am not familiar with the discussion regarding [REDACTED] b5  
[REDACTED] b7E

**From:** [REDACTED] (OTD) (FBI)  
**Sent:** Monday, June 23, 2008 11:35 AM  
**To:** [REDACTED] (DL) (FBI) b6  
**Cc:** [REDACTED] (DL) (FBI); [REDACTED] (BL) (FBI); SABOL, SHERRY E. (OGC) (FBI);  
[REDACTED] (OTD) (FBI) b7C  
**Subject:** RE: [REDACTED] b5  
[REDACTED] b7E  
~~SENSITIVE BUT UNCLASSIFIED~~  
NON-RECORD

(FOUO) Sorry [REDACTED] but [REDACTED] was acting at my advice, and I'm in turn abiding by DOJ  
direction. [REDACTED] b5  
[REDACTED] b6  
[REDACTED] b7C  
[REDACTED] b7E

Please see your US Attorney's Office International Coordinator for the MLAT procedure and format.

I regret the impact this has on your case.  
[REDACTED] b6  
[REDACTED] b7C

**From:** [REDACTED] (DL) (FBI) b6  
**Sent:** Monday, June 23, 2008 10:42 AM b7C  
**To:** [REDACTED] (BL) (FBI); [REDACTED] (OTD) (FBI)  
**Cc:** [REDACTED] (DL) (FBI)  
**Subject:** [REDACTED] b5  
[REDACTED] b7E

EFF/Lynch-189

~~UNCLASSIFIED~~  
~~NON-RECORD~~

Sorry to bother you,

However, I have an investigation

b5  
b6  
b7C  
b7E

b5  
b6  
b7C  
b7E

b5  
b7E

Thank you for your time and assistance.

Dallas

desk)  
cell)

b2  
b6  
b7C

~~UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

EFF/Lynch-190

From: SABOL, SHERRY E. (OGC) (FBI) DECLASSIFIED BY 65179/DMH/BAW/STP/bls  
Sent: Tuesday, July 29, 2008 9:53 AM OM 01-12-2011 b6  
To: DICLEMENTE, ANTHONY P. (OTD) (FBI) [REDACTED] (OTD) (FBI) b7C  
Cc: [REDACTED] (OGC) (FBI)  
Subject: Special Project

Attachments: [REDACTED] b5  
[REDACTED] b7E  
~~SECRET//NOFORN~~  
~~RECORD DIAS,268-HQ~~

Tony [REDACTED] b6  
b7C

Following discussions with [REDACTED] b5  
[REDACTED] b6  
[REDACTED] b7C  
[REDACTED] b7E

[REDACTED] b5  
[REDACTED] b7E

Question: [REDACTED] b5  
[REDACTED] b7E

Thanx.

  
[REDACTED] b5  
b7E

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence  
Investigations  
DECLASSIFY ON: 20330616  
SECRET//NOFORN~~

EFF/Lynch-191

~~SECRET~~

(S)

~~(S)~~ This document describes

b1  
b5  
b7E

(S)

~~(S)~~

(S)

b1  
b5  
b7E

(S)

b1  
b5  
b7E

(S)

b1  
b5  
b7E

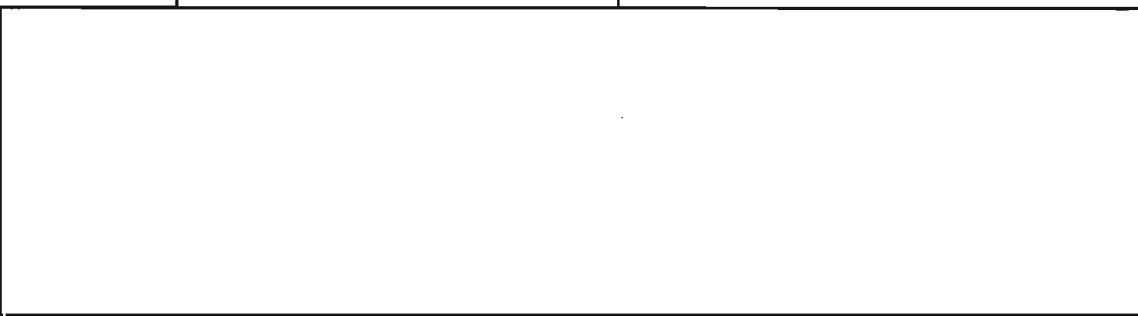
~~SECRET~~

EFF/Lynch-192

(S)

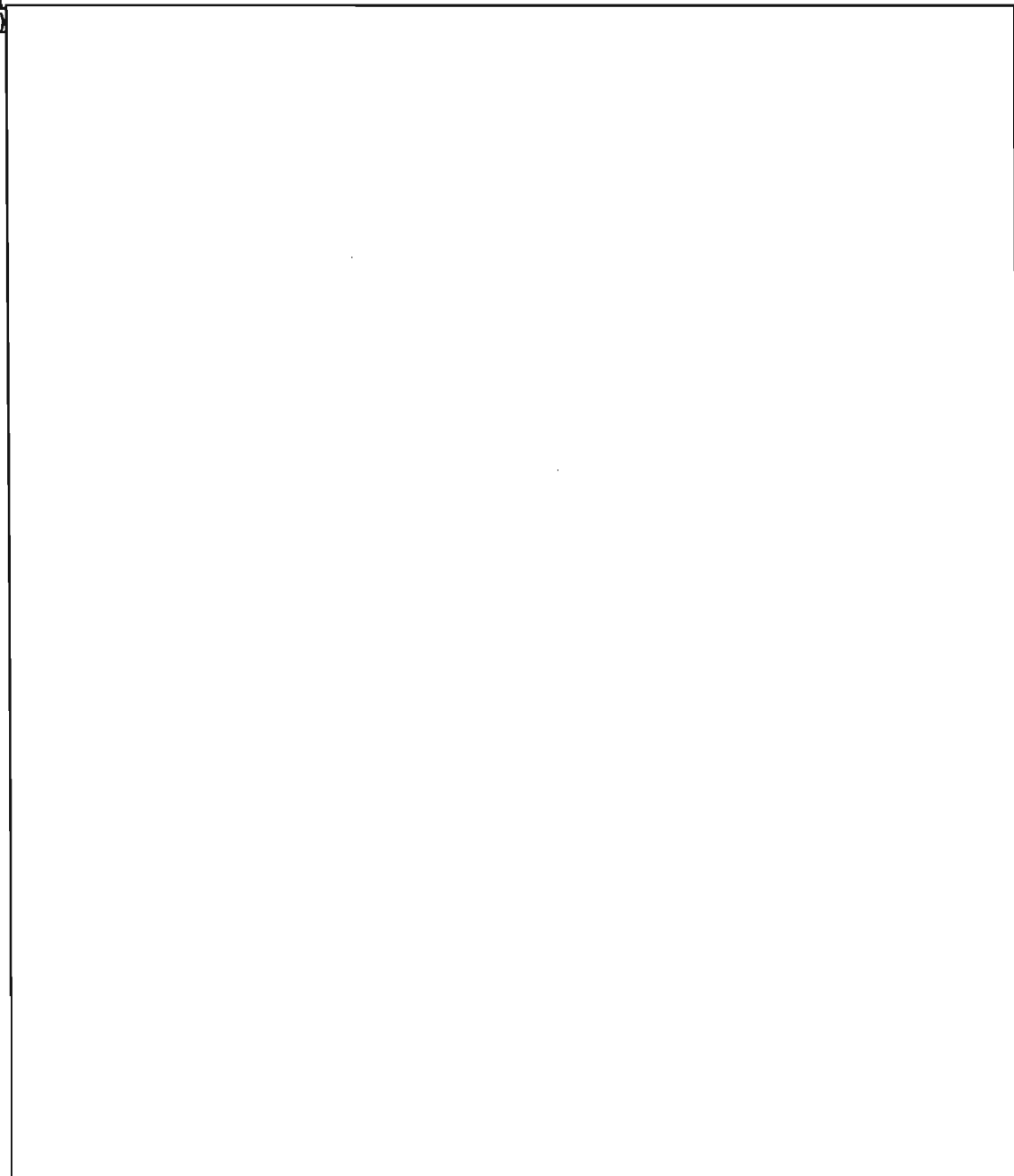
~~SECRET~~

(S)



b1  
b5  
b7E

(S)



b1  
b5  
b7E

~~SECRET~~

EFF/Lynch-193

DECLASSIFIED BY 65179/DMH/BAW/STP/bls  
ON 01-12-2011

**From:** DICLEMENTE, ANTHONY P. (OTD) (FBI)  
**Sent:** Monday, August 04, 2008 12:13 PM  
**To:** SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OTD) (FBI) b6  
**Cc:** [REDACTED] (OGC) (FBI) b7C  
**Subject:** RE: Special Project  
~~**SECRET//NOFORN**~~  
~~**RECORD DIALS, 268-HQ**~~

Sherry,

[REDACTED]

b5  
b6  
b7C  
b7E

Anthony P. DiClemente  
Chief, Data Acquisition / Intercept Section  
Operational Technology Division

[REDACTED]

b2  
b6  
b7C

**From:** SABOL, SHERRY E. (OGC) (FBI)  
**Sent:** Tuesday, July 29, 2008 9:53 AM  
**To:** DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI) b6  
**Cc:** [REDACTED] (OGC) (FBI) b7C  
**Subject:** Special Project

~~**SECRET//NOFORN**~~  
~~**RECORD DIALS, 268-HQ**~~

b6  
b7C

Tony [REDACTED]

Following discussions with [REDACTED]

[REDACTED]

b5  
b6  
b7C  
b7E

[REDACTED]

b5  
b7E

[REDACTED]

b5  
b7E

Thanx.

EFF/Lynch-196



DECLASSIFIED BY 65179/DMH/BAW/STP/bls  
ON 01-12-2011

From: SABOL, SHERRY E. (OGC) (FBI)  
 Sent: Wednesday, October 29, 2008 2:51 PM  
 To: [REDACTED] (OGC) (FBI)  
 Subject: FW: Special Project

b6  
b7C

~~SECRET//NOFORN~~  
~~RECORD DIAS,268-HQ~~

b6  
b7C

This appears to be the last communication I have [REDACTED]

b5  
b7E**Sherry E. Sabol**

Section Chief  
 Science and Technology Law Office  
 Office of the General Counsel

HQ: [REDACTED]

b2  
b6  
b7C

Chantilly: [REDACTED]

bb: [REDACTED]

PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI  
 WITHOUT PRIOR OGC APPROVAL

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
 Sent: Monday, August 04, 2008 12:13 PM  
 To: SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OTD) (FBI)  
 Cc: [REDACTED] (OGC) (FBI)  
 Subject: RE: Special Project

b6  
b7C

~~SECRET//NOFORN~~  
~~RECORD DIAS,268-HQ~~

Sherry,

b5  
b6  
b7C  
b7E

Anthony P. DiClemente  
 Chief, Data Acquisition / Intercept Section  
 Operational Technology Division

b2  
b6  
b7C

From: SABOL, SHERRY E. (OGC) (FBI)  
 Sent: Tuesday, July 29, 2008 9:53 AM  
 To: DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OTD) (FBI)  
 Cc: [REDACTED] (OGC) (FBI)  
 Subject: Special Project

b6  
b7C

~~SECRET//NOFORN~~

EFF/Lynch-198

~~RECORD DIAS,268-HQ~~

Tony  b6  
b7C

Following discussions with

b5  
b6  
b7C  
b7E

b5  
b7E

b5  
b7E

Thanx.

<< File  >>

b5  
b7E

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations  
DECLASSIFY ON: 20330616  
SECRET//NOFORN

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations  
DECLASSIFY ON: 20330616  
SECRET//NOFORN

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations  
DECLASSIFY ON: 20330616  
SECRET//NOFORN

EFF/Lynch-199

DATE: 01-12-2011

CLASSIFIED BY 65179/DMH/BAW/STP/bls

REASON: 1.4 (c,d)

DECLASSIFY ON: 01-12-2036

~~SECRET~~ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISEFrom: SABOL, SHERRY E. (OGC) (FBI)  
Sent: Wednesday, October 29, 2008 3:13 PM

To: [REDACTED] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)

Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)

Subject:

RE: [REDACTED]

b5

b7E

~~SECRET~~

RECORD FISA

b6

b7C

[REDACTED] and I have discussed this and [REDACTED] was here last week. [REDACTED]

b1  
b5  
b6  
b7C  
b7D  
b7E

(S)

Per [REDACTED]

[REDACTED]

b1  
b5  
b6  
b7C  
b7D  
b7E

(S)

[REDACTED] advised that [REDACTED]

b1  
b5  
b6  
b7C  
b7D  
b7E

(S)

[REDACTED] I mentioned to [REDACTED]

[REDACTED]

[REDACTED] spoke with Tony DiClemente about this today - I believe OTD will

reach out to [REDACTED]

(S)

(S)

[REDACTED]

(S)

(S)

[REDACTED]

b1  
b5  
b7D  
b7E

[REDACTED]

b5  
b6  
b7C  
b7E

[REDACTED]

b5  
b6  
b7C  
b7ESherry E. Sabol  
Section Chief

EFF/Lynch-200

~~SECRET~~

~~SECRET~~

Science and Technology Law Office

Office of the General Counsel

HQ: [REDACTED]

Chantilly: [REDACTED]

bb: [REDACTED]

b2

PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI  
WITHOUT PRIOR OGC APPROVAL

**From:** [REDACTED] (OGC) (FBI)  
**Sent:** Wednesday, October 29, 2008 1:07 PM  
**To:** [REDACTED] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)  
**Cc:** SABOL, SHERRY E. (OGC) (FBI)  
**Subject:** RE: [REDACTED]

b6  
b7C

b5  
b7D

**UNCLASSIFIED**  
**NON-RECORD**

We scheduled and then cancelled this brief. Valerie, you had asked a question of Sherry but she had not received a copy of the memo. May I suggest that we try to schedule a meeting for resolution of this matter the week after next?

b5  
b7D  
b7E

[REDACTED]  
 DGC, National Security Law Branch  
 Office of the General Counsel  
 Room [REDACTED]

b2  
b6  
b7C

**From:** [REDACTED] (OGC) (FBI)  
**Sent:** Tuesday, October 28, 2008 1:55 PM  
**To:** CAPRONI, VALERIE E. (OGC) (FBI); [REDACTED] (OGC) (FBI)  
**Subject:** FW: [REDACTED]

b6  
b7C

b5  
b7E

**UNCLASSIFIED**  
**NON-RECORD**

[REDACTED] I am getting dinged on this on a regular basis.

b5  
b7D  
b7E

My understanding this is still on hold.

[REDACTED]  
 Assistant General Counsel  
 National Security Law Branch  
 Office of General Counsel FBI

b2  
b6  
b7C

Voice  
 Pager  
 Secure Fax  
 Fax

**From:** [REDACTED] (OTD) (FBI)

b6  
b7C

EFF/Lynch-201

~~SECRET~~

~~SECRET~~

Sent: Tuesday, October 28, 2008 12:43 PM  
 To: [REDACTED] (NH) (FBI)  
 Cc: [REDACTED] (NH) (FBI); [REDACTED] (OTD) (FBI); [REDACTED] (OGC) (FBI)  
 Subject: RE: [REDACTED]

b6  
 b7C

b5  
 b7E

UNCLASSIFIED  
NON-RECORD

[REDACTED] I've copied AGC [REDACTED] herein as I know he has some knowledge of the issue.

b5  
 b6  
 b7C  
 b7D  
 b7E

From: [REDACTED] (NH) (FBI)  
 Sent: Tuesday, October 21, 2008 9:00 AM  
 To: [REDACTED] (OTD) (FBI)  
 Cc: [REDACTED] (NH) (FBI)  
 Subject: [REDACTED]

b6  
 b7C

b5  
 b7E

UNCLASSIFIED  
NON-RECORD

b6  
 b7C

[REDACTED]

[REDACTED]

b5  
 b7D  
 b7E

[REDACTED]  
 New Haven

b2  
 b6  
 b7C

~~UNCLASSIFIED~~~~UNCLASSIFIED~~~~UNCLASSIFIED~~~~UNCLASSIFIED~~

DERIVED FROM: Multiple Sources  
DECLASSIFY ON: 20331029  
SECRET

EFF/Lynch-202

~~SECRET~~

From: [REDACTED] (OGC) (OGA) b6  
 Sent: Tuesday, November 24, 2009 10:17 PM b7C  
 To: [REDACTED] (OGC) (FBI)  
 Subject: [REDACTED] b5

DECLASSIFIED BY 65179/DMH/BAW/STP/hls  
 ON 01-12-2011

~~SECRET//NOFORN~~  
 RECORD xx

I have been having trouble with my FBI net so sorry for the late response.

Thanks -- this is helpful. For what it is worth -- I think this went very well. [REDACTED] and [REDACTED] always do such a great job and the Court really responds to both of them. I really like getting them before the judges -- I think it is very good for the FBI because of the goodwill they always engender. Please pass along my thanks to them for always being so accomodating for the FISC meetings.

b6  
 b7C

Thanks -- [REDACTED] b6  
 b7C

From: [REDACTED] (OGC) (FBI) b6  
 Sent: Friday, November 13, 2009 6:16 AM b7C  
 To: [REDACTED] (OGC) (OGA)  
 Subject: [REDACTED] b5

~~SECRET//NOFORN~~  
 RECORD xx

This is what caused a bit of a stir.

b5  
 b7E

[REDACTED]  
 Deputy General Counsel b2  
 National Security Law Branch b6  
 Office of the General Counsel b7C  
 [REDACTED]

From: [REDACTED]  
 Sent: Tuesday, November 10, 2009 6:28 PM b6  
 To: SABOL, SHERRY E. (OGC) (FBI) b7C  
 Cc: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (OGA)  
 Subject: [REDACTED] b5

I might have missed you for the day.. [REDACTED]  
 [REDACTED] Will you forward to [REDACTED] and have him coordinate with [REDACTED] and [REDACTED] --I am  
 really hobbled not having access to my e-mail on FBINet.

b5  
 b6  
 b7C  
 b7E

As I have discussed with [REDACTED] and [REDACTED]

b5  
 b6  
 b7C  
 b7E

EFF/Lynch-203

file://\\Fbinet\\r30hssld-hq1\\Home1 [REDACTED] My%20Documents\\EFF%20Litigation\\RE... 12/14/2010

b6  
 b7C

b5  
b6  
b7C  
b7E

b5  
b7E

b5  
b7E

b5  
b7E

I know [ ] is out of the country so [ ] and I are working on scheduling a SVTC for a prep session on Monday. I would propose early afternoon, say noon or 1:00....

b6  
b7C

**From:** [ ]  
**Sent:** Tuesday, November 10, 2009 6:01 PM  
**To:** 'SABOL, SHERRY E. (OGC) (FBI)'; [ ] (OGC) (OGA)  
**Cc:** [ ] (FBI); [ ]  
**Subject:** [ ] b5

b6  
b7C

Sherry-my fbinet email is not working. will you call me at [ ]

b5  
b6  
b7C  
b7E

**From:** SABOL, SHERRY E. (OGC) (FBI) [ ]  
**Sent:** Tuesday, November 10, 2009 5:15 PM  
**To:** [ ] (OGC) (OGA)  
**Cc:** [ ] (OGC) (OGA); [ ] (FBI); [ ]  
**Subject:** [ ] b5

b6  
b7C

~~SECRET//NOFORN~~  
~~RECORD FISC~~

b5  
b7E

**From:** [ ] (OGC) (OGA)  
**Sent:** Tuesday, November 10, 2009 5:10 PM  
**To:** SABOL, SHERRY E. (OGC) (FBI)  
**Cc:** [ ] (OGC) (OGA); [ ] (OGC) (FBI); [ ]  
**Subject:** [ ] b5

b6  
b7C

~~SECRET//NOFORN~~  
~~RECORD FISC~~

Sherry,

b5  
b7E

EFF/Lynch-204

b6  
b7C

Thanks again,

[REDACTED]

[REDACTED]

National Security Division, Office of Intelligence  
United States Department of Justice

[REDACTED]  
[REDACTED]

(office)  
(pager)

b2  
b6  
b7C

**From:** SABOL, SHERRY E. (OGC) (FBI)  
**Sent:** Tuesday, November 10, 2009 3:44 PM  
**To:** [REDACTED] (OGC) (OGA)  
**Cc:** [REDACTED] (OGC) (OGA); SIEGEL, STEVEN N. (OGC) (FBI)  
**Subject:** [REDACTED]

b6  
b7C

b5

~~SECRET//NOFORN~~  
~~RECORD FISC~~

[REDACTED]

Please see the attached emails.

b6  
b7C

[REDACTED]

b5  
b7E

Sherry,

<< File:

[REDACTED]

b5  
b7E

**From:** [REDACTED] (OGC) (OGA)  
**Sent:** Tuesday, November 10, 2009 3:16 PM  
**To:** SABOL, SHERRY E. (OGC) (FBI)  
**Subject:** [REDACTED]

b6  
b7C

b5

~~SECRET//NOFORN~~  
~~RECORD FISC~~

Hi Sherry,

Hope all is well.

[REDACTED]  
[REDACTED] just wanted to make sure I planned accordingly.)

(I am on emergency duty this week and

b5  
b7E

Thanks so much,

[REDACTED]

[REDACTED]

National Security Division, Office of Intelligence  
United States Department of Justice

[REDACTED]  
[REDACTED]

(office)  
(pager)

b2  
b6  
b7C

**From:** SABOL, SHERRY E. (OGC) (FBI)  
**Sent:** Friday, October 30, 2009 2:50 PM  
**To:** [REDACTED] (OGC) (OGA); [REDACTED] (OGC) (OGA)  
**Cc:** [REDACTED] (OGC) (FBI)  
**Subject:** [REDACTED]

b6  
b7C

b5

~~SECRET//NOFORN~~

EFF/Lynch-205

b6  
b7C



~~SECRET~~

**From:** SABOL, SHERRY E. (OGC) (FBI)  
**Sent:** Monday, November 30, 2009 10:58 AM  
**To:** [REDACTED]

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED EXCEPT  
 WHERE SHOWN OTHERWISE

**Cc:** CAPRONI, VALERIE E. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)

b6  
 b7C

**Subject:** FW: [REDACTED]

b5  
 b7D  
 b7E

DATE: 01-12-2011  
 CLASSIFIED BY 65179/DMH/BAW/STP/bls  
 REASON: 1.4 (c,d)  
 DECLASSIFY ON: 01-12-2036

**Importance:** High

b1  
 b7D  
 b7E

(S) ~~SECRET//REL TO USA~~  
 RECORD [REDACTED]

All -please see the attached proposed agenda and list of attendees [REDACTED] which I just received.

b1  
 b5  
 b7D  
 b7E

(S)

Please advise how the Department would like to proceed.

Thank you.

Sherry.

Sherry,

I have included below a proposed agenda and list of attendees. The agenda is based on previous discussions that we have had regarding this issue. You can add/delete/change/refine those points as you see fit. I am going to forward this information to [REDACTED] so he can make the final arrangements for our visit by hopefully COB today?

b6  
 b7C

Agenda:

b5  
 b7E

b5  
 b7E

b5  
 b7E

b5  
 b7E

b5  
 b7E

(S)

(S)

(S)

b1  
 b5  
 b7D  
 b7E

~~SECRET~~

EFF/Lynch-207

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b6  
 b7C

12/14/2010

DECLASSIFIED BY 65179/DMH/BAW/STP/bls  
ON 01-12-2011

**From:** [redacted] (CyD) (FBI)  
**Sent:** Friday, November 12, 2010 11:10 AM  
**To:** [redacted] (DO) (FBI)  
**Cc:** [redacted] (CyD)(FBI)  
**Subject:** Upcoming Director's Meetings  
**Importance:** High

b6  
b7C

~~SECRET//NOFORN~~

[redacted]

b6  
b7C

Listed below are the response I received regarding talking points for the Director.

I hope this helps. Let me know if you need any additional information.

VR/

[redacted]

b6  
b7C

[redacted]

has been very supportive of criminal investigations in the following ways:

[redacted]

b5  
b7E

[redacted]

Final Revised version sent on 11/12/2010, at 6pm appears below):

b5  
b7E



20101111.Director's Meeting wi...

[redacted]

b5  
b7E



Issues for Director  
visit.wpd ...

~~SECRET//NOFORN~~

EFF/Lynch-212



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DATE 01-12-2011 BY 65179/DMH/BAW/STP/bls

**Director Mueller's Talking Points Request for [REDACTED]  
FBIHQ/Cyber/SOIS/IOU Input**

b5  
b7E

Topic: Relative to the effective and efficient cooperation and assistance received from

[REDACTED]

b5  
b7E

Issue 1:

[REDACTED]

b5  
b7E

- [REDACTED]
- [REDACTED]

b5  
b7E

Issue 2:

[REDACTED]

- [REDACTED]
- [REDACTED]

b3  
b5  
b7E

Issue 3:

[REDACTED]

- [REDACTED]
- [REDACTED]

b3  
b5  
b7E

Issue 4:

[REDACTED]

- [REDACTED]

b3  
b5  
b7E

EFF/Lynch-213

DATE: 01-12-2011  
CLASSIFIED BY 65179/DMH/EAM/STP/bls  
REASON: 1.4 (c)  
DECLASSIFY ON: 01-12-2036

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

~~SECRET/NOFORN~~

b5  
b7E

(S) San Francisco is assigned

(S)

b1  
b5  
b7E

(U) A major obstacle is

b1  
b7E

(U) At one time in the recent past,

b5  
b7E

(U) may have an issue with

b5  
b7E

(U)

b5  
b7E

b5  
b7E

~~SECRET/NOFORN~~

EFF/Lynch-215

DECLASSIFIED BY 65179/DMH/BAW/STP/bls  
ON 01-12-2011

**From:** [redacted] (CyD) (FBI)  
**Sent:** Monday, November 15, 2010 10:09 AM  
**To:** [redacted] (DO) (FBI); [redacted] (DO) (FBI)  
**Cc:** HQ-DIV16-EXECUTIVE-STAFF; [redacted] (CyD) (FBI); [redacted] (CyD) (FBI);  
[redacted] (CyD) (FBI); [redacted] (CyD) (FBI); [redacted] (CyD) (FBI);  
[redacted] (CyD) (FBI)  
**Subject:** FW: Upcoming Director's Meetings  
**Importance:** High

b6  
b7C

For All:

Here is the CyD response for the Director's Office from last week. I attached the most recent version of the [redacted] document provided by [redacted] Everything else remained unchanged.

b5  
b6  
b7C

VR/

[redacted]

b2  
b6  
b7C

SSA [redacted]  
Cyber Division, Executive Staff

[redacted]

---

**From:** [redacted] (CyD) (FBI)  
**Sent:** Friday, November 12, 2010 11:10 AM  
**To:** [redacted] (DO) (FBI)  
**Cc:** [redacted] (CyD) (FBI)  
**Subject:** Upcoming Director's Meetings  
**Importance:** High

b6  
b7C

~~SECRET//NOFORN~~

[redacted]

b6  
b7C

Listed below are the response I received regarding talking points for the Director.

I hope this helps. Let me know if you need any additional information.

VR/

[redacted]

b6  
b7C

Microsoft has been very supportive of criminal investigations in the following ways:

[redacted]

b5  
b7E

EFF/Lynch-217

~~SECRET~~~~SECRET~~//ORCON,NOFORN  
RECORD 220AALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From: [redacted] (NY) (FBI)  
 Sent: Friday, May 28, 2010 12:41 PM  
 To: [redacted] (NY) (FBI)  
 Cc: [redacted] (NY) (FBI)  
 Subject: RE: Review of [redacted]

b6  
b7C

DATE: 01-12-2011  
 CLASSIFIED BY 65179/DMH/BAW/STP/bls  
 REASON: 1.4 (c)  
 DECLASSIFY ON: 01-12-2036

b7E

~~SECRET~~//ORCON,NOFORN  
RECORD 220A

We'll do.

Thanks

[redacted]

[redacted]

*Supervisory Foreign Language Program Coordinator*  
*ID-22, Unit 4, Chelsea Building, New York*

b2  
b6  
b7C

[redacted]

(fax)

(STE)

[redacted]

(Cell)

[redacted]

From: [redacted] (NY) (FBI)  
 Sent: Friday, May 28, 2010 12:35 PM  
 To: [redacted] (NY) (FBI)  
 Cc: [redacted] (NY) (FBI)  
 Subject: Review of [redacted]  
 Importance: High

b6  
b7C

b7E

~~SECRET~~//ORCON,NOFORN  
RECORD 220Ab6  
b7C

[redacted]

Re: [redacted] b7E

As we discussed today, please remind [redacted]

[redacted]

b1  
b6  
b7C  
b7E

(S)

(S)

~~SECRET~~

EFF/Lynch-219

~~SECRET~~

From: [REDACTED] (CD) (FBI) b6  
 Sent: Friday, January 08, 2010 1:51 PM b7C  
 To: [REDACTED] (OGC) (OGA)  
 Subject: FW: [REDACTED] b7E

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED EXCEPT  
 WHERE SHOWN OTHERWISE

Attachments: ib-cyd-20061219-ufouo.pdf

~~SECRET~~//NOFORN  
 RECORD 220C

DATE: 01-12-2011  
 CLASSIFIED BY 65179/DMH/BAW/STP/bls  
 REASON: 1.4 (c)  
 DECLASSIFY ON: 01-12-2036

From: [REDACTED] (DI)(FBI) b6  
 Sent: Friday, January 08, 2010 10:30 AM b7C  
 To: [REDACTED] (CD) (FBI)  
 Cc: [REDACTED] (CTD) (FBI)  
 Subject: RE: [REDACTED] b7E

~~SECRET~~//NOFORN  
 RECORD 220C

[REDACTED]

b7E

[REDACTED] Is there any information you might be able to pass along to [REDACTED] Thanks. b6  
 b7C



ib-cyd-20061219-uf  
 ouo.pdf (76 ...)

From: [REDACTED] (CD) (FBI) b6  
 Sent: Friday, January 08, 2010 10:21 AM b7C  
 To: [REDACTED] (DI)(FBI)  
 Subject: FW: [REDACTED] b7E  
 Importance: High

~~SECRET~~//NOFORN  
 RECORD 220C

[REDACTED] have you seen anything on this? Thanks [REDACTED] b6  
 b7C

From: [REDACTED] (MM) (FBI) b6  
 Sent: Friday, January 08, 2010 10:00 AM b7C  
 To: [REDACTED] (CD) (FBI)  
 Cc: [REDACTED] (MM) (FBI)  
 Subject: [REDACTED]  
 Importance: High b7E

~~SECRET~~//NOFORN

EFF/Lynch-221

~~SECRET~~

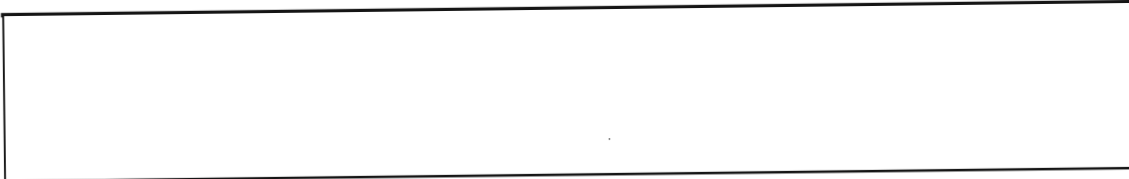
~~SECRET~~

RECORD 220C


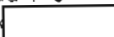

b6  
b7C



(S)



b1  
b5  
b7E

SA   
Miami Division  
Squad T-6  
Desk   
Cell: 

b2  
b6  
b7C

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Investigations  
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SECRET//NOFORN~~

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Investigations  
DECLASSIFICATION EXEMPTION 1  
SECRET//NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence  
Investigations  
DECLASSIFICATION EXEMPTION 1  
SECRET//NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence  
Investigations  
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SECRET//NOFORN~~

~~SECRET~~

EFF/Lynch-222



~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From: [redacted] (CD) (FBI)  
Sent: Friday, January 08, 2010 12:21 PM  
To: [redacted] (TP) (FBI); [redacted] (CD) (FBI);  
[redacted] (BS) (FBI); [redacted] (CD) (FBI);  
[redacted] (CD) (FBI); [redacted] (CD) (FBI); [redacted] (CD)  
(FBI); [redacted] (CD) (FBI); [redacted] (CD) (FBI);  
[redacted] (CD) (FBI); [redacted] (CD) (FBI);  
[redacted] (DI) (CON); [redacted] (DI) (FBI);  
[redacted] (PX) (FBI);  
Cc: [redacted] (CTD) (FBI)  
Subject: FW: [redacted] b7E  
~~SECRET~~//NOFORN  
RECORD 220C

DATE: 01-12-2011  
CLASSIFIED BY 65179/DMH/BAW/STP/b1s  
REASON: 1.4 (c)  
DECLASSIFY ON: 01-12-2036

☐ FYI on [redacted] Please contact [redacted] before forwarding. Thanks - ☐

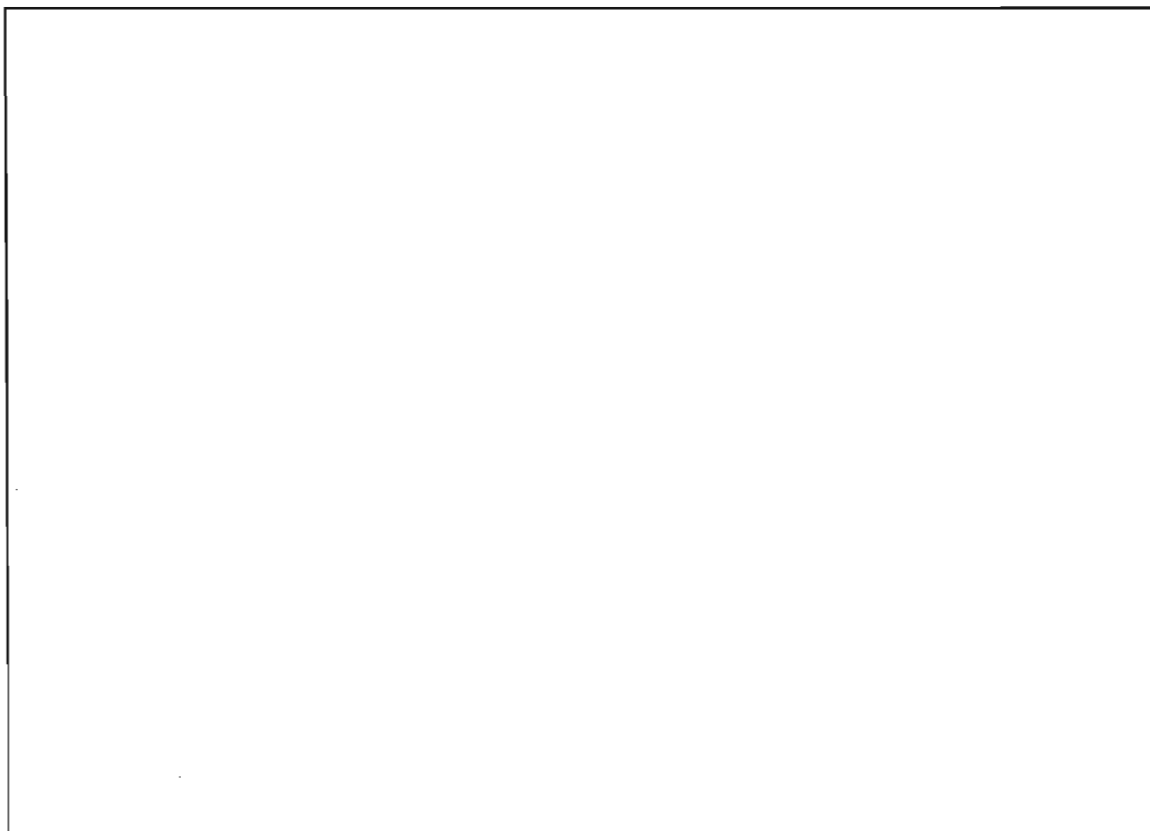
b6  
b7C  
b7E

From: [redacted] (CTD) (FBI)  
Sent: Friday, January 08, 2010 11:12 AM  
To: [redacted] (DI) (FBI); [redacted] (CD) (FBI)  
Subject: RE: [redacted] b7E

b6  
b7C

~~SECRET~~//NOFORN  
RECORD 220C

---



b1  
b5  
b7E

(S)

~~SECRET~~

EFF/Lynch-225

~~SECRET~~

(S)

b1  
b5  
b7E

I know that wasn't the answer you had hoped for, but I hope it helps none-the-less. Let me know if you have any more questions, or need anything else,

Cheers,

[REDACTED]

IA [REDACTED]

ECAU [REDACTED]

b2  
b6  
b7C

"If a man does not know to which port he is sailing, no wind is favorable."

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EFF/Lynch-226

~~SECRET~~

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~~SECRET~~

DATE: 01-12-2011  
CLASSIFIED BY 65179/DMH/BAW/STP/bls  
REASON: 1.4 (c)  
DECLASSIFY ON: 01-12-2036

[REDACTED]

Thanks for the email, good to hear from you again. That is an interesting question, and a tough one to answer, but here goes. I speak for the CTD side, because that is what I am most familiar with, but this all applies to CI as well:

b6  
b7C

[REDACTED]

b5  
b7E

I know that wasn't the answer you had hoped for, but I hope it helps none-the-less. Let me know if you have any more questions, or need anything else,

Cheers,

[REDACTED]

IA [REDACTED]

ECAU [REDACTED]

[REDACTED]

b2  
b6  
b7C

"If a man does not know to which port he is sailing, no wind is favorable."

From: [REDACTED] (DI)(FBI)  
Sent: Friday, January 08, 2010 10:30 AM  
To: [REDACTED] (CD) (FBI)  
Cc: [REDACTED] (CTD) (FBI)  
Subject: RE: Skype

b6  
b7C

EFF/Lynch-228

~~SECRET~~

~~SECRET~~~~SECRET//NOFORN~~  
RECORD 220C

[REDACTED]

b7E

☐ Is there any information you might be able to pass along to ☐ Thanks.b6  
b7C

&lt;&lt; File: ib-cyd-20061219-ufouo.pdf &gt;&gt;

From: [REDACTED] (CD) (FBI)  
 Sent: Friday, January 08, 2010 10:21 AM  
 To: [REDACTED] (DI)(FBI)  
 Subject: FW: [REDACTED]  
 Importance: High

b6  
b7C

b7E

~~SECRET//NOFORN~~  
RECORD 220C☐ have you seen anything on this? Thanks! ☐b6  
b7C

From: [REDACTED] (MM) (FBI)  
 Sent: Friday, January 08, 2010 10:00 AM  
 To: [REDACTED] (CD) (FBI)  
 Cc: [REDACTED] (MM) (FBI)  
 Subject: [REDACTED]  
 Importance: High

b6  
b7C

b7E

~~SECRET//NOFORN~~  
RECORD 220Cb6  
b7C☐

[REDACTED]

b1  
b5  
b7E

(S)

SA [REDACTED]  
 Miami Division  
 Squad T-6  
 Desk [REDACTED]  
 Cell: [REDACTED]

b2  
b6  
b7C

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EFF/Lynch-229

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From: [REDACTED] (CD) (FBI)  
Sent: Friday, January 08, 2010 11:55 AM  
To: [REDACTED] (MM) (FBI); [REDACTED] (MM) (FBI)  
Subject: FW: [REDACTED] b7E  
~~SECRET~~//NOFORN  
RECORD 220C

DATE: 01-12-2011  
CLASSIFIED BY 65179/DMH/BAW/STP/bls  
REASON: 1.4 (c)  
DECLASSIFY ON: 01-12-2036

From: [REDACTED] (DI) (FBI)  
Sent: Friday, January 08, 2010 11:17 AM  
To: [REDACTED] (CTD) (FBI); [REDACTED] (CD) (FBI)  
Subject: RE: [REDACTED] b7E

b6  
b7C

~~SECRET~~//NOFORN  
RECORD 220C

Great!

Good to hear from you as well. [REDACTED] Thanks for the detailed response - much appreciated!

b6  
b7C

Take care,  
[REDACTED] b6  
b7C

From: [REDACTED] (CTD) (FBI)  
Sent: Friday, January 08, 2010 11:12 AM  
To: [REDACTED] (DI) (FBI); [REDACTED] (CD) (FBI)  
Subject: RE: [REDACTED] b7E

b6  
b7C

~~SECRET~~//NOFORN  
RECORD 220C

b6  
b7C

[REDACTED]  
Thanks for the email, good to hear from you again. That is an interesting question, and a tough one to answer, but here goes. I speak for the CTD side, because that is what I am most familiar with, but this all applies to CI as well:

[REDACTED]

b1  
b5  
b7E

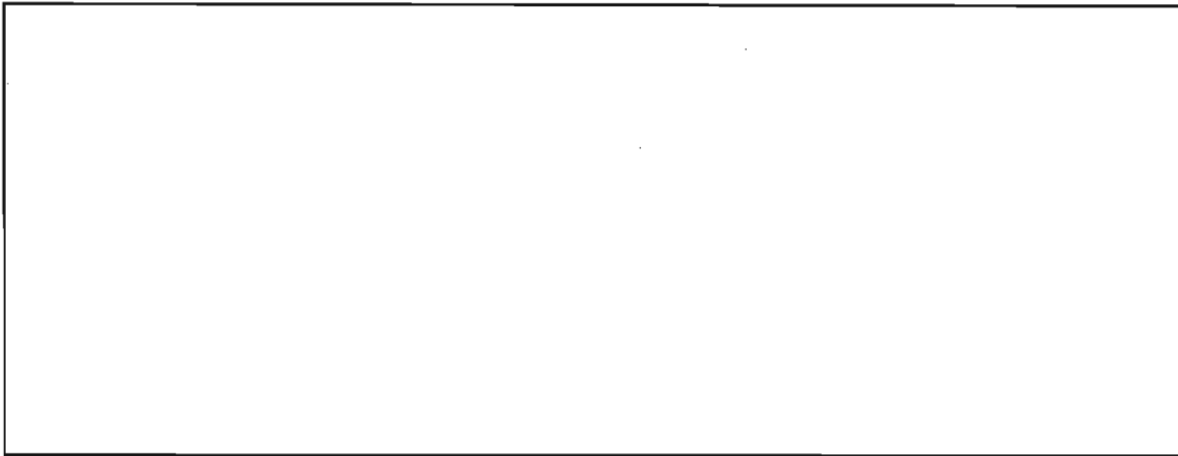
(S)

~~SECRET~~

EFF/Lynch-231

~~SECRET~~

(S)

b1  
b5  
b7E

I know that wasn't the answer you had hoped for, but I hope it helps none-the-less. Let me know if you have any more questions, or need anything else,

Cheers,

[Redacted]

IA [Redacted]

ECAU [Redacted]

[Redacted]

b2  
b6  
b7C

"If a man does not know to which port he is sailing, no wind is favorable."

From: [Redacted] (DI)(FBI)  
Sent: Friday, January 08, 2010 10:30 AM  
To: [Redacted] (CD) (FBI)  
Cc: [Redacted] (CTD) (FBI)  
Subject: RE: [Redacted]

b6  
b7C

b7E

~~SECRET~~//NOFORN  
RECORD 220C

b5  
b7E

[Redacted] - Is there any information you might be able to pass along to [Redacted] Thanks.

b6  
b7E

<< File: ib-cyd-20061219-ufouo.pdf >>

From: [Redacted] (CD) (FBI)  
Sent: Friday, January 08, 2010 10:21 AM  
To: [Redacted] (DI)(FBI)  
Subject: FW: [Redacted]  
Importance: High

b6  
b7C

b7E

~~SECRET~~//NOFORN

EFF/Lynch-232

~~SECRET~~

~~SECRET~~

RECORD 220C

☐ have you seen anything on this? Thanks! ☐b6  
b7C

From: [redacted] (MM) (FBI)  
 Sent: Friday, January 08, 2010 10:00 AM b6  
 To: [redacted] (CD) (FBI) b7C  
 Cc: [redacted] (MM) (FBI)  
 Subject: [redacted] b7E  
 Importance: High

~~SECRET//NOFORN~~  
 RECORD 220C

b6  
b7C☐

(S)

b1  
b5  
b7E

SA [redacted]  
 Miami Division  
 Squad T-6  
 Desk [redacted]  
 Cell: [redacted]

b2  
b6  
b7E

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 Investigations  
 DECLASSIFICATION EXEMPTION 1  
 SECRET//NOFORN~~

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 DECLASSIFICATION EXEMPTION 1  
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 DECLASSIFICATION EXEMPTION 1  
 SECRET//NOFORN~~

EFF/Lynch-233

~~SECRET~~

~~SECRET~~

DATE: 01-12-2011  
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 REASON: 1.4 (c)  
 DECLASSIFY ON: 01-12-2036

From: [REDACTED] (CD) (FBI)  
 Sent: Friday, January 08, 2010 11:55 AM  
 To: [REDACTED] (DI)(FBI); [REDACTED] (CTD) (FBI)  
 Subject: RE: [REDACTED] b7E  
SECRET//NOFORN  
RECORD 220C

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED EXCEPT  
 WHERE SHOWN OTHERWISE

Wow -- Thanks [REDACTED] b6  
 b7C

From: [REDACTED] (DI)(FBI)  
 Sent: Friday, January 08, 2010 11:17 AM  
 To: [REDACTED] (CTD) (FBI); [REDACTED] (CD) (FBI)  
 Subject: RE: [REDACTED] b7E

SECRET//NOFORN  
RECORD 220C

Great!

Good to hear from you as well [REDACTED] Thanks for the detailed response - much appreciated! b6  
 b7C

Take care [REDACTED] b6  
 b7C

From: [REDACTED] (CTD) (FBI)  
 Sent: Friday, January 08, 2010 11:12 AM  
 To: [REDACTED] (DI)(FBI); [REDACTED] (CD) (FBI)  
 Subject: RE: [REDACTED] b7E

SECRET//NOFORN  
RECORD 220C

[REDACTED] b6  
 b7C

Thanks for the email, good to hear from you again. That is an interesting question, and a tough one to answer, but here goes. I speak for the CTD side, because that is what I am most familiar with, but this all applies to CI as well:

[REDACTED]

b1  
 b5  
 b7E

(S) --

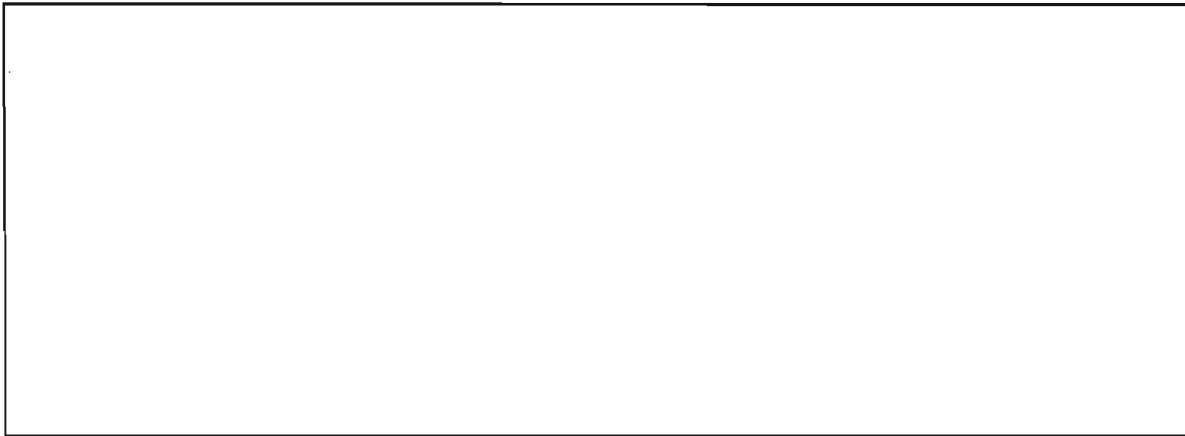
EFF/Lynch-235

~~SECRET~~



~~SECRET~~

(S)

b1  
b5  
b7E

I know that wasn't the answer you had hoped for, but I hope it helps none-the-less. Let me know if you have any more questions, or need anything else,

Cheers,

[Redacted]

IA [Redacted]

ECAU [Redacted]

[Redacted]

b2  
b6  
b7C

"If a man does not know to which port he is sailing, no wind is favorable."

From: [Redacted] (DI) (FBI) b6  
Sent: Friday, January 08, 2010 10:30 AM b7C  
To: [Redacted] (CD) (FBI)  
Cc: [Redacted] (CTD) (FBI)  
Subject: RE: [Redacted] b7E

~~SECRET//NOFORN~~  
RECORD 220C



b7E

[Redacted] Is there any information you might be able to pass along to [Redacted] Thanks. b6  
b7C

<< File: ib-cyd-20061219-ufouo.pdf >>

From: [Redacted] (CD) (FBI) b6  
Sent: Friday, January 08, 2010 10:21 AM b7C  
To: [Redacted] (DI) (FBI)  
Subject: FW: [Redacted]  
Importance: High b7E

~~SECRET//NOFORN~~

EFF/Lynch-236

~~SECRET~~

~~SECRET~~

RECORD 220C

☐ have you seen anything on this? Thanks ☐

b6  
b7C

From: ☐ (MM) (FBI) b6  
Sent: Friday, January 08, 2010 10:00 AM b7C  
To: ☐ (CD) (FBI)  
Cc: ☐ (MM) (FBI)  
Subject: ☐  
Importance: High b7E

~~SECRET//NOFORN~~  
RECORD 220C

☐

b6  
b7C

(S)

☐

b1  
b5  
b7E

SA ☐  
Miami Division b2  
Squad T-6 b6  
Desk ☐ b7C  
Cell ☐

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Investigations  
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Investigations  
DECLASSIFICATION EXEMPTION 1  
SECRET//NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence  
Investigations  
DECLASSIFICATION EXEMPTION 1  
SECRET//NOFORN~~

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DECLASSIFICATION EXEMPTION 1  
SECRET//NOFORN~~

EFF/Lynch-237

~~SECRET~~

~~SECRET~~

DATE: 01-12-2011  
 CLASSIFIED BY 65179/DMH/BAW/STP/b1s  
 REASON: 1.4 (c)  
 DECLASSIFY ON: 01-12-2036

From: [REDACTED] (CD) (FBI)  
 Sent: Friday, January 08, 2010 10:33 AM  
 To: [REDACTED] (MM) (FBI) [REDACTED] (MM) (FBI)  
 Subject: FW: [REDACTED] b7E

Attachments: ib-cyd-20061219-ufouo.pdf

~~SECRET//NOFORN~~  
RECORD 220C

ALL INFORMATION CONTAINED  
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 WHERE SHOWN OTHERWISE

From: [REDACTED] (DI)(FBI)  
 Sent: Friday, January 08, 2010 10:30 AM  
 To: [REDACTED] (CD) (FBI)  
 Cc: [REDACTED] (CTD) (FBI)  
 Subject: RE: [REDACTED] b7E

~~SECRET//NOFORN~~  
RECORD 220C

[REDACTED]

b7E

[REDACTED] - Is there any information you might be able to pass along to [REDACTED] Thanks. b6  
 b7C

ib-cyd-20061219-uf  
 ouo.pdf (76 ...)

~~RECORD 220C~~

b6  
 b7C

[REDACTED]

[REDACTED]

b1  
 b5  
 b7E

(S)

SA [REDACTED]  
 Miami Division  
 Squad T-6  
 Desk [REDACTED]  
 Cell: [REDACTED]

b2  
 b6  
 b7C

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 EFF/Lynch-239

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From: [REDACTED] (CD) (FBI) b6  
Sent: Friday, January 08, 2010 10:32 AM b7C  
To: [REDACTED] (DI) (FBI)  
Subject: RE: [REDACTED] b7E  
~~SECRET//NOFORN~~  
RECORD 220C

DATE: 01-12-2011  
CLASSIFIED BY 65179/DMH/BAW/STP/bls  
REASON: 1.4 (c)  
DECLASSIFY ON: 01-12-2036

Thanks!!

From: [REDACTED] (DI) (FBI) b6  
Sent: Friday, January 08, 2010 10:30 AM b7C  
To: [REDACTED] (CD) (FBI)  
Cc: [REDACTED] (CTD) (FBI)  
Subject: RE: [REDACTED] b7E

~~SECRET//NOFORN~~  
RECORD 220C

[REDACTED]

b7E

[REDACTED] Is there any information you might be able to pass along to [REDACTED] Thanks. b6  
b7C

<< File: ib-cyd-20061219-ufouo.pdf >>

From: [REDACTED] (CD) (FBI) b6  
Sent: Friday, January 08, 2010 10:21 AM b7C  
To: [REDACTED] (DI) (FBI)  
Subject: FW: [REDACTED] b7E  
Importance: High

~~SECRET//NOFORN~~  
RECORD 220C

[REDACTED] have you seen anything on this? Thanks [REDACTED] b6  
b7C

From: [REDACTED] (MM) (FBI) b6  
Sent: Friday, January 08, 2010 10:00 AM b7C  
To: [REDACTED] (CD) (FBI)  
Cc: [REDACTED] (MM) (FBI)  
Subject: [REDACTED] b7E  
Importance: High

~~SECRET//NOFORN~~  
RECORD 220C

[REDACTED] b6  
b7C

[REDACTED]

b5  
b7E

~~SECRET~~

EFF/Lynch-243

~~SECRET~~

(S)



b1  
b5  
b7E

SA [redacted]  
Miami Division  
Squad T-6  
Desk [redacted]  
Cell: [redacted]

b2  
b6  
b7C

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence  
Investigations  
DECLASSIFICATION EXEMPTION 1  
SECRET//NOFORN~~

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Investigations  
DECLASSIFICATION EXEMPTION 1  
SECRET//NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence  
Investigations  
DECLASSIFICATION EXEMPTION 1  
SECRET//NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence  
Investigations  
DECLASSIFICATION EXEMPTION 1  
SECRET//NOFORN~~

EFF/Lynch-244

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From: [REDACTED] (DI)(FBI) b6  
Sent: Friday, January 08, 2010 10:30 AM b7C  
To: [REDACTED] (CD) (FBI)  
Cc: [REDACTED] (CTD) (FBI)  
Subject: RE: [REDACTED] b7E

DATE: 01-12-2011  
CLASSIFIED BY 65179/DMH/BAW/STP/bls  
REASON: 1.4 (c)  
DECLASSIFY ON: 01-12-2036

Attachments: ib-cyd-20061219-ufouo.pdf

~~SECRET~~//NOFORN  
RECORD 220C

[REDACTED]

b7E

[REDACTED] Is there any information you might be able to pass along to [REDACTED] Thanks.

b6  
b7C

ib-cyd-20061219-uf  
ouo.pdf (76 ...)

From: [REDACTED] (CD) (FBI) b6  
Sent: Friday, January 08, 2010 10:21 AM b7C  
To: [REDACTED] (DI)(FBI)  
Subject: FW: [REDACTED] b7E  
Importance: High

~~SECRET~~//NOFORN  
RECORD 220C

[REDACTED] have you seen anything on this? Thanks! [REDACTED]

b6  
b7C

From: [REDACTED] (MM) (FBI) b6  
Sent: Friday, January 08, 2010 10:00 AM b7C  
To: [REDACTED] (CD) (FBI)  
Cc: [REDACTED] (MM) (FBI)  
Subject: [REDACTED] b7E  
Importance: High

~~SECRET~~//NOFORN  
RECORD 220C

b6  
b7C

[REDACTED]

b1  
b5  
b7E

EFF/Lynch-245

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From: [REDACTED] (CD) (FBI) b6  
Sent: Friday, January 08, 2010 10:21 AM b7C  
To: [REDACTED] (DI) (FBI)  
Subject: FW: [REDACTED] b7E

Importance: High  
~~SECRET~~//NOFORN  
RECORD 220C

DATE: 01-12-2011  
CLASSIFIED BY 65179/DMH/BAW/STP/bls  
REASON: 1.4 (c)  
DECLASSIFY ON: 01-12-2036

☐ have you seen anything on this? Thanks! ☐ b6  
b7C

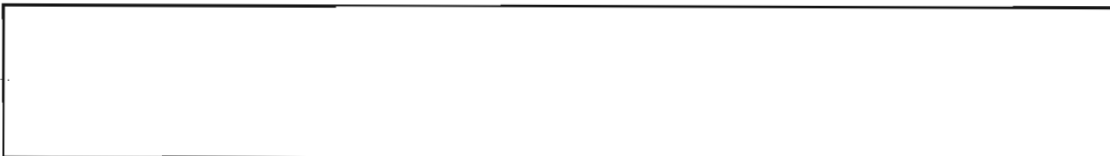
From: [REDACTED] (MM) (FBI) b6  
Sent: Friday, January 08, 2010 10:00 AM b7C  
To: [REDACTED] (CD) (FBI)  
Cc: [REDACTED] (MM) (FBI)  
Subject: [REDACTED] b7E  
Importance: High

~~SECRET~~//NOFORN  
RECORD 220C

b6  
b7C



(S)



b1  
b5  
b7E

SA [REDACTED] b2  
Miami Division b6  
Squad T-6 b7C  
Desk [REDACTED]  
Cell: [REDACTED]

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence  
Investigations  
DECLASSIFICATION EXEMPTION 1  
SECRET//NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence  
Investigations  
DECLASSIFICATION EXEMPTION 1  
SECRET//NOFORN~~

EFF/Lynch-249

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

From: [REDACTED] (NY) (FBI) b6  
Sent: Thursday, March 06, 2008 7:59 AM b7C  
To: [REDACTED] (CD)(FBI)  
Subject: RE: Verification

DATE: 01-13-2011  
CLASSIFIED BY 65179/DMH/BAW/STP/bls  
REASON: 1.4 (c)  
DECLASSIFY ON: 01-13-2036

Follow Up Flag: Follow up  
Flag Status: Green

~~SECRET~~RECORD NY 200J

Very nice job on this. Lets hope they follow through.

Thanks,

[REDACTED] b2  
NYO CD-12 b6  
[REDACTED] Desk b7C  
Secure  
Cell

From: [REDACTED] (NY) (FBI) b6  
Sent: Wednesday, March 05, 2008 3:11 PM b7C  
To: [REDACTED] (NY) (FBI); [REDACTED] (NY) (FBI); [REDACTED] (NY) (FBI)  
Subject: Verification

~~SECRET~~RECORD NY 200J

[REDACTED] b6  
b7C

b6  
b7C

I spoke with [REDACTED] and she advised the following:

[REDACTED]

b1  
b3  
b5  
b6  
b7A  
b7C  
b7E

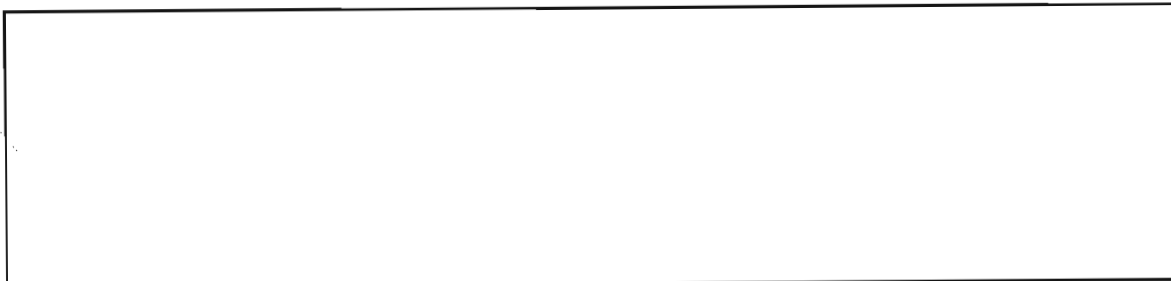
EFF/Lynch-271

~~SECRET~~



~~SECRET~~

(S)



b1  
b3  
b5  
b7A  
b7E



SA [redacted]  
Squad CD-12  
New York Office

b2  
b6  
b7C



STE III: [redacted]  
Cell: [redacted]

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations  
DECLASSIFY ON: 20330305  
SECRET

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations  
DECLASSIFY ON: 20330305  
SECRET

EFF/Lynch-272

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

**From:** [redacted] (NY) (FBI)  
**Sent:** Wednesday, March 05, 2008 3:51 PM  
**To:** [redacted] (CD)(FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI)  
**Subject:** RE: Verification

b6  
b7C

**Follow Up Flag:** Follow up  
**Flag Status:** Purple

DATE: 01-13-2011  
CLASSIFIED BY 65179/DMH/BAW/STP/bls  
REASON: 1.4 (c)  
DECLASSIFY ON: 01-13-2036

~~SECRET~~  
RECORD NY 200J

Hi everyone,

I will pass this along [redacted]  
Thank you for your prompt response.

b7E

[redacted]

[redacted]

b2  
b6  
b7C

FLPS  
FIG 13, Unit 3  
NYO - Chelsea

[redacted]

**From:** [redacted] (NY) (FBI)  
**Sent:** Wednesday, March 05, 2008 3:11 PM  
**To:** [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI)  
**Subject:** Verification

b6  
b7C

~~SECRET~~  
RECORD NY 200J

[redacted]

b6  
b7C

I spoke with [redacted] and she advised the following:

b6  
b7C

[Large redacted block]

b1  
b3  
b5  
b6  
b7A  
b7C  
b7E

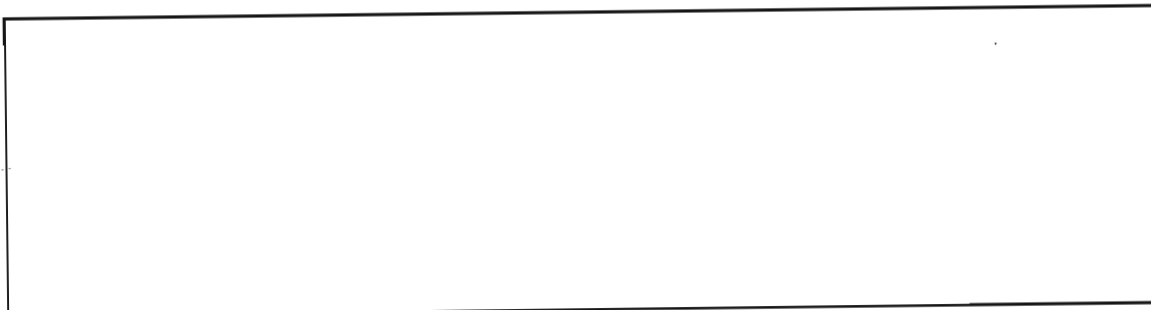
(S)

~~SECRET~~

EFF/Lynch-273

~~SECRET~~

(S)



b1  
b3  
b5  
b7A  
b7E

- [redacted]

SA [redacted]  
Squad CD-12  
New York Office

b2  
b6  
b7C

[redacted]  
STE III: [redacted]  
Cell: [redacted]

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence  
Investigations  
DECLASSIFY ON: 20330305  
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence  
Investigations  
DECLASSIFY ON: 20330305  
SECRET~~

EFF/Lynch-274

~~SECRET~~

~~SECRET~~/NOFORN

To: Counterintelligence From: Counterintelligence  
Re: (S) [REDACTED] 05/04/2009

b1

~~(S)~~ (U)

Derived From : FBI NSISCG 20080301  
Declassify On: 05/04/2034

(S)

[REDACTED]

b1

Reference: (S)

(S)

(S)

[REDACTED]

b1

Details: (S)

[REDACTED]

[REDACTED]

b1  
b7E

(U) [REDACTED] provider of international telecommunications services providing voice over internet services utilizing VOIP, a recent technology that allows voice conversations to be transmitted over a data network using an Internet address, or Internet Protocol (IP), instead of the traditional phone lines. [REDACTED]

[REDACTED]

b7E

~~SECRET~~/NOFORN

~~SECRET~~/NOFORN

To: Coun [redacted] om: Counterintelligence  
Re: (S) [redacted] 05/04/2009 b1

(S)



b1  
b7E

Should there be any questions regarding this matter, the point of  
contact will be CD-3C Cyber/Telecom Unit, SSA [redacted]  
[redacted]

b2  
b6  
b7C

~~SECRET~~/NOFORN

~~SECRET~~/NOFORN

To: Counterintelligence From: Counterintelligence  
Re: (S) [REDACTED] 05/04/2009 b1

LEAD(s) :

Set Lead 1: (Action)

BALTIMORE

AT BALTIMORE, MARYLAND

(S) [REDACTED]

b1  
b6  
b7C  
b7E

Set Lead 2: (Action)

SAN ANTONIO

AT AUSTIN, TEXAS

(S) [REDACTED]

b1  
b6  
b7C  
b7E

Set Lead 3: (Action)

WASHINGTON FIELD

AT WASHINGTON, D.C.

~~SECRET~~/NOFORN

~~SECRET/NOFORN~~

To: Counterintelligence From: Counterintelligence  
Re: (S) [REDACTED] 05/04/2009 b1

(S) [REDACTED]

b1  
b6  
b7C  
b7E

Set Lead 4: (Action)

ALL RECEIVING OFFICES

(S) [REDACTED]

b1  
b7E

Set Lead 5: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) [REDACTED] (S) For information of CD-3A, CD-3C, CD-3D, CD-3E, and CD-4B. Read and clear.

Set Lead 6: (Action)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(S) [REDACTED]

b1  
b7E

~~SECRET/NOFORN~~

~~SECRET/NOFORN~~

To: Counterintelligence From: Counterintelligence  
Re: (S) [REDACTED] 05/04/2009 b1

Set Lead 7: (Action)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(S) [REDACTED]

b1  
b7E

♦♦

~~SECRET/NOFORN~~



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



## Congressional Affairs Office Congressional Contacts

Classification Level: \_\_\_\_\_

Date Entered: 05/28/2009 2009-154 ☒ Proactive ☒ Reactive

☒ Briefing ☐ Hearing ☐ SAC CV ☐ HQ CV ☐ FOC ☐ Other # of SAC CV Visits: \_\_\_\_\_

Event Date: 5/28/2009 Entered By: \_\_\_\_\_ Unit: \_\_\_\_\_ b6  
b7C

Subject: HAC-SIOP briefing Division: \_\_\_\_\_

OCA Contact Person: \_\_\_\_\_ b6  
b7C

DOJ Notification: \_\_\_\_\_ Date: \_\_\_\_\_ Attended: \_\_\_\_\_

FBI Participants: See narrative

Other Participants: \_\_\_\_\_

Committees \_\_\_\_\_  
Subcommittees House Select Intelligence Oversight Panel

Members/Staff: Staff: \_\_\_\_\_ b6  
b7C

Outside the Scope

### Summary of Event:

[Redacted Summary of Event]

[Redacted] 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

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

Outside the Scope

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

b6  
b7C

b7E

Thanks

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

b7E  
b6  
b7C

b5  
b7E

EFF/Lynch-309

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

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

Outside the Scope

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

b6  
b7C

b7E

b5  
b6  
b7C  
b7E

But again, a good view of the issue.

EFF/Lynch-313

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

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)  
Subject: FW: [redacted] - Background Info

b6  
b7C

b7E

UNCLASSIFIED  
NON-RECORD

[redacted] b5  
[redacted] b7E  
[redacted]  
Unit Chief b6  
FBIHQ, Office of Congressional Affairs b7C  
[redacted]

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

b6  
b7C

b7E

UNCLASSIFIED  
NON-RECORD

Following up on [redacted]  
[redacted]

b5  
b7E



b5  
b7E

UNCLASSIFIED

UNCLASSIFIED

EFF/Lynch-332

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

b6  
b7C

[REDACTED]  
From: [REDACTED] (DO) (FBI)  
Sent: Tuesday, January 26, 2010 5:54 PM  
To: [REDACTED] (OGC) (FBI); [REDACTED] (DO)(CGA); [REDACTED] (OGC)

b6  
b7C

Cc: [REDACTED] (DO) (FBI)  
Subject: [REDACTED]

b5

Importance: High

Attachments: [REDACTED]

b5

UNCLASSIFIED  
NON-RECORD

[REDACTED]

b5

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]

b6  
b7C



[REDACTED]

b5

UNCLASSIFIED

EFF/Lynch-342

b6  
b7C

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

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

b6  
b7C

b5

UNCLASSIFIED  
NON-RECORD

[redacted]

b5  
b6  
b7C

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

b6  
b7C

b5

UNCLASSIFIED  
NON-RECORD

[redacted]

b5

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

b6  
b7C

<< File: [redacted]

b5

UNCLASSIFIED

UNCLASSIFIED

EFF/Lynch-345

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

[Redacted]

b6  
b7C

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]

b6  
b7C

b5

UNCLASSIFIED  
NON-RECORD

[Redacted]

b5  
b6  
b7C

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]

b5

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

Thanks

b6  
b7C

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

b6  
b7C

b5

UNCLASSIFIED  
NON-RECORD

Hello again,

[Redacted]

tomorrow (Wednesday, January 27th)?

Could you update and send it back our way by COB

b5

<< File [Redacted] >>

b5

THANKS!

[Redacted]

[Redacted]

Legislative Affairs Specialist  
Office of Congressional Affairs

b6  
b7C

[Redacted]

UNCLASSIFIED

UNCLASSIFIED

EFF/Lynch-346

LAW ENFORCEMENT SENSITIVE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-08-2011 BY 65179/DMH/BAW/STP/b1s

[REDACTED] Examples

December 8, 2009

NOT FOR RELEASE OUTSIDE OF THE DOJ ISP WORKING GROUP

## Example (positive)

[REDACTED]

b7D  
b7E

[REDACTED] The investigation involved a sophisticated and extremely organized group [REDACTED] involved in the prolific trade/distribution of child pornography.

As a result of an 18 month undercover investigation entitled Operation Achilles, during 2008, 14 U.S. citizens were charged in a 40 count criminal indictment to include: Child Exploitation Enterprise, Advertisement of CP, Transportation of CP, Receipt of CP, Conspiracy to carry-out the aforementioned substantive charges, and Obstruction of Justice. Seven defendants entered pre-trial guilty pleas to all indicted charges and were subsequently sentenced to prison terms ranging from 13-30 years. The remaining seven defendants participated in a joint/simultaneous federal criminal trial in the Northern District of Florida. Referenced trial concluded with the jury finding all seven defendants guilty and all were all subsequently sentenced to life in prison.

[REDACTED]

[REDACTED]

b7D  
b7E

[REDACTED]

[REDACTED] Without [REDACTED] the investigation would not have been as successful as noted herein. [REDACTED] was critical in identifying subjects and dismantling a child pornography ring.

## Example (positive)

[REDACTED]

b7D  
b7E

EFF/Lynch-363

LAW ENFORCEMENT SENSITIVE



LAW ENFORCEMENT SENSITIVE

[REDACTED]

b7E

Philadelphia Division initiated an investigation and subsequently identified the subject. [REDACTED] the subject was indicted and charged with possession and distribution of child pornography. [REDACTED] the subject was arrested without incident and released after his initial

[REDACTED]

b7E

[REDACTED]

Example (negative/positive)

[REDACTED]

b7E

[REDACTED] the subject located and arrested. The subject identification led to the rescue of two children as the subject was activity molesting children and producing child

Example (negative)

On 12/01/2009, the Philadelphia Division identified an individual [REDACTED] who was distributing images of child pornography. Images of child pornography from this user were downloaded and the ISP was immediately contacted to obtain subpoena service information.

b7E

The ISP [REDACTED] advised [REDACTED]

[REDACTED]

Example (negative)

A lead was sent to the Innocent Images Unit (IIU) [REDACTED]

b7E

[REDACTED]

[REDACTED] The investigation related to the distribution of child pornography [REDACTED]

[REDACTED] Hundreds of subject computers [REDACTED] were identified. [REDACTED]

b7E

[REDACTED]

LAW ENFORCEMENT SENSITIVE EFF/Lynch-364

LAW ENFORCEMENT SENSITIVE

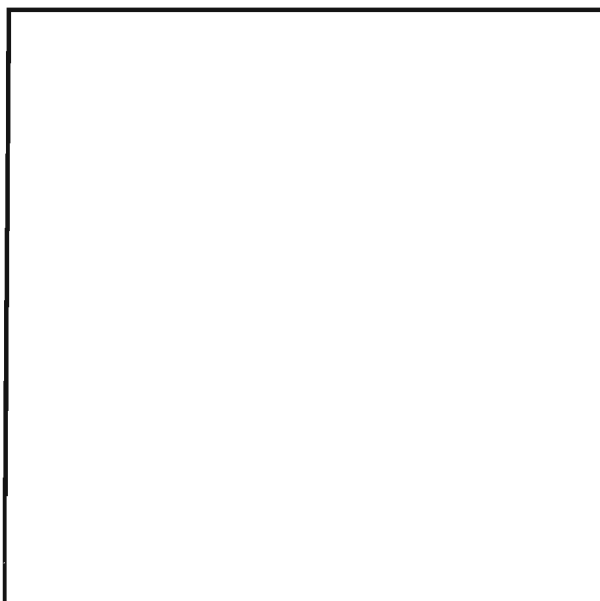


b7D  
b7E

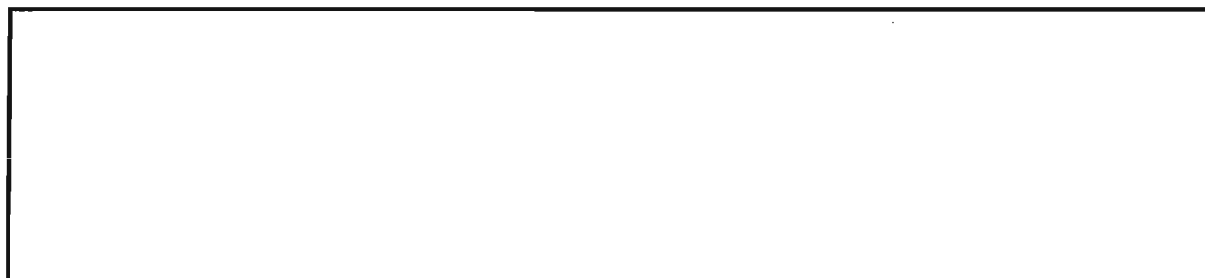
Example (negative)

A lead was sent to ITU [redacted]  
[redacted] Using various investigative techniques. [redacted] were  
identified as trading CP. [redacted]  
[redacted]

b7D  
b7E



b7D  
b7E



b7D  
b7E



b7D  
b7E

EFF/Lynch-365

LAW ENFORCEMENT SENSITIVE

LAW ENFORCEMENT SENSITIVE



b7D  
b7E

**Other Examples (negative)**

On 06/05/2007, IIOU identified an individual [REDACTED] who was distributing images of child pornography. [REDACTED]

b7D  
b7E

[REDACTED]  
[REDACTED] The subject could not be identified and apprehended.

[REDACTED] identified an individual [REDACTED] who distributed child pornography. [REDACTED]

b7D  
b7E

[REDACTED]  
90 days. The US subject could not be identified and apprehended.

On 10/18/2007, IIOU identified an individual [REDACTED] who was distributing images of child pornography. [REDACTED]

b7D  
b7E

[REDACTED]  
[REDACTED] The subject could not be identified and apprehended.

EFF/Lynch-366

LAW ENFORCEMENT SENSITIVE

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]

[REDACTED] (SMO); Caproni, Valerie E.; [REDACTED] (SMO); [REDACTED] (SMO)

**Subject:** NY Times Story - [REDACTED]

b6  
b7c

**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]

b5

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]  
b6  
b7c

EFF/Lynch-649

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

b5

5/6/2011

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

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

b6  
b7C

---

**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

b6  
b7C

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]

b7E

[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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**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 Nakishima, Washington Post, NBC Nightly News, CNN, and National Public Radio.

b6  
b7C

**From:** [REDACTED]  
**To:** Sabol, Sherry E.; [REDACTED]  
[REDACTED]

b6  
b7C

**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

**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)

b6  
 b7C

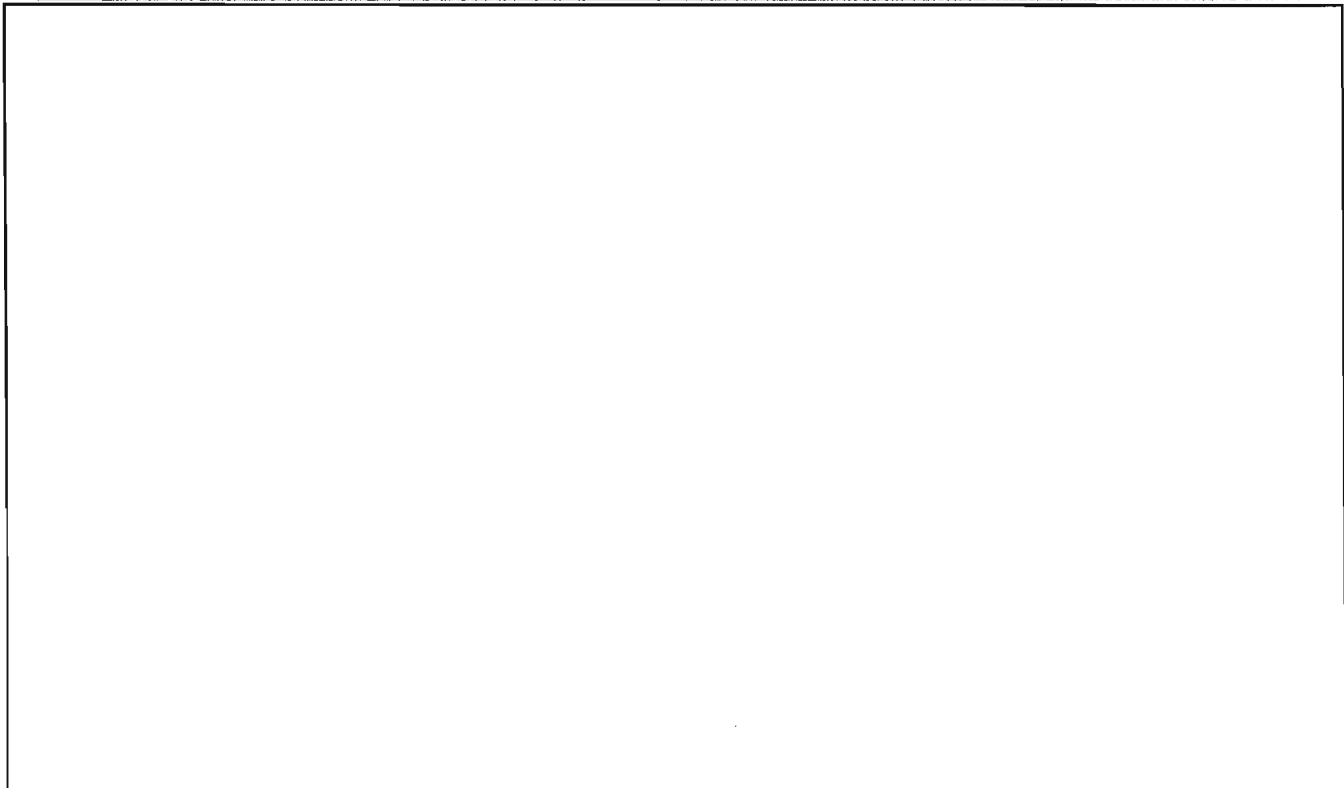
**Subject:** Re: NY Times Story - Plan to Brief the Hill

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

b6  
 b7C

[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]

b5

EFF/Lynch-670

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

[REDACTED]  
b5

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]

b6  
b7C

EFF/Lynch-671



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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

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] EBI Science & Technology Law Unit (OGC)

Voice: [REDACTED]

Unclass: [REDACTED]

SIPRNet [REDACTED]

JWICS: [REDACTED]

b6

b7C

EFF/Lynch-755

file:///D:/Going Dark [REDACTED]

b7E

5/9/2011

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

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b6  
b7C

b7E

**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

Anthony DiClemente  
Chief, Data Acquisition/Intercept Section  
Operational Technology Division  
Federal Bureau of Investigation

[REDACTED] Office b6  
[REDACTED] Mobile b7C

---

**From:** DiClemente, Anthony P. b6  
**To:** [REDACTED] (DEA-US) b7C  
**Sent:** Fri Jun 04 13:08:36 2010  
**Subject:** Re: [REDACTED]

b7E

Thanks [REDACTED] I'll forward it to [REDACTED] as another great case example. b6  
b7C

Regards,

Anthony DiClemente  
Chief, Data Acquisition/Intercept Section  
Operational Technology Division  
Federal Bureau of Investigation

[REDACTED] Office b6  
[REDACTED] Mobile b7C

Referral/Direct

EFF/Lynch-761

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]

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

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

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:

b6  
b7C

b5  
b7E

[REDACTED]  
Tridea Works, LLC

From: [REDACTED]  
Sent: Friday, January 15, 2010 2:58 PM  
To: [REDACTED]  
Subject: Re: [REDACTED] Director's concerns

EFF/Lynch-763

file:///D:/Going Dark/Fw/[REDACTED] Director's concerns.htm

5/9/2011

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 b7E

b6  
b7C

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

[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 14:30:40 2010  
**Subject:** Fw: [redacted] Director's concerns b7E

b6  
b7C

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

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

b6  
b7C

**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 b7E

b6  
b7C

[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.

b5  
b6  
b7C  
b7E

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

b5  
b7E

[redacted] b6  
b7C

EFF/Lynch-764

file:///D:/Going Dark/[redacted] Director's concerns.htm b7E

5/9/2011

From: Sabol, Sherry E.

Sent: Monday, June 07, 2010 7:56 PM b6

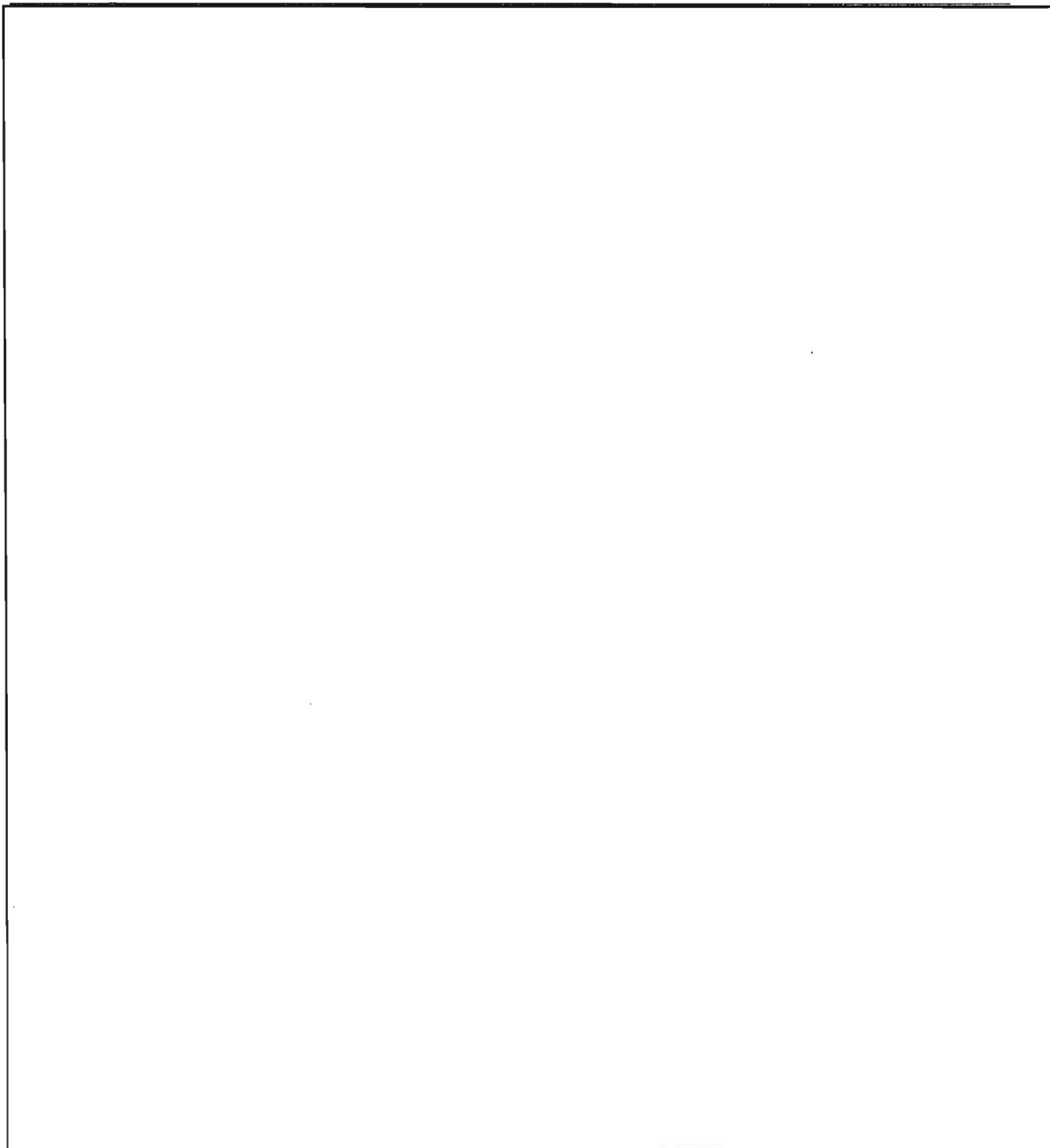
To: [REDACTED] b7C

Cc:

Subject: Fw [REDACTED] Case Example [REDACTED] b7E

Sensitivity: ~~Confidential~~

Referral/Direct



EFF/Lynch-765

Referral/Direct

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

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

**To:**

**Cc:**

**Subject:** RE: [redacted] Case Example [redacted]

**Sensitivity:** Confidential

b6  
b7C

b7E

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

Referral/Direct

EFF/Lynch-766

file:///D:/Going Dark/Fw/[redacted] Case Example [redacted].htm

b7E

5/9/2011

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From: [REDACTED] (OTD) (FBI)  
Sent: Wednesday, December 09, 2009 12:11 PM  
To: [REDACTED] (DO)(OGA)  
Cc: GREVER, LOUIS E. (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Subject: Follow-up from Friday's mtg

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[REDACTED]  
Here are the answers to most of your items. [REDACTED]  
[REDACTED]

b5  
b6  
b7C  
b7E

From: [REDACTED] (DO)(OGA)  
Sent: Tuesday, December 08, 2009 1:43 PM  
To: PAGLINO, MARYBETH (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (DI)(FBI)  
Cc: GREVER, LOUIS E. (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI)  
Subject: Follow-up from Friday's mtg

b6  
b7C

UNCLASSIFIED  
NON-RECORD

I just want to make sure that everyone is on the same page about do-outs from Friday's meeting. My notes show [REDACTED]

b5  
b7E

[REDACTED]

b5  
b7E

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WHERE SHOWN OTHERWISE

DATE: 05-17-2011  
CLASSIFIED BY 65179/DMH/BAW/STP/bls  
REASON: 1.4 (c)  
DECLASSIFY ON: 05-17-2036

~~Secret~~

(U) [redacted] use a variety of technologies that have presented electronic surveillance challenges to case agents in the field. A few examples include the following: b7E

X

X

X

X

X

X

(S)

b1  
b7E

~~Secret~~

EFF/Lynch-1015



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WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 05-18-2011  
CLASSIFIED BY 65179/DMH/BAW/STP/bls  
REASON: 1.4 (c,d)  
DECLASSIFY ON: 05-18-2036

From: SABOL, SHERRY E. (OGC) (FBI)  
Sent: Tuesday, June 22, 2010 2:08 PM  
To: CAPRONI, VALERIE E. (OGC) (FBI); THOMAS, MARCUS C. (OTD) (FBI); [REDACTED]  
[REDACTED] (DO)(OGA); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE, ANTHONY P.  
(OTD) (FBI); [REDACTED] (OGC) (FBI)  
Cc: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED]  
(DO) (FBI); [REDACTED] (OTD) (FBI)  
Subject: RE: [REDACTED] b5  
~~UNCLASSIFIED~~  
~~NON-RECORD~~

b6  
b7C

[REDACTED]

b5

From: CAPRONI, VALERIE E. (OGC) (FBI)  
Sent: Tuesday, June 22, 2010 2:03 PM  
To: THOMAS, MARCUS C. (OTD) (FBI); [REDACTED] (DO)(OGA); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE,  
ANTHONY P. (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI)  
Cc: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED]  
(OTD) (FBI)  
Subject: RE: [REDACTED] b5

b6  
b7C

[REDACTED]

b5  
b7E

THIS MAY BE A PRIVILEGED ATTORNEY CLIENT ATTORNEY WORK PRODUCT COMMUNICATION  
AND SHOULD NOT BE DISCLOSED OUTSIDE THE FBI WITHOUT OGC'S PRIOR PERMISSION

From: THOMAS, MARCUS C. (OTD) (FBI)  
Sent: Tuesday, June 22, 2010 11:08 AM  
To: [REDACTED] (DO)(OGA); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI);  
CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI)  
Cc: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED]  
(OTD) (FBI)  
Subject: RE: [REDACTED] b5

b6  
b7C

~~SECRET~~//NOFORN  
RECORD 415

(S) [REDACTED]  
(S) [REDACTED]  
(S) [REDACTED]

b1  
b5  
b6  
b7C

EFF/Lynch-1104

~~SECRET~~

~~SECRET~~

(S)

(S)

(S)

(S)

(S)

(S)

b1  
b5  
b7E

Thanks,

Marcus

Marcus C. Thomas  
 Assistant Director  
 Operational Technology Division

b6  
b7C

From: [REDACTED] (DO)(OGA)  
 Sent: Tuesday, June 22, 2010 10:35 AM  
 To: THOMAS, MARCUS C. (OTD) (FBI); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI);  
 CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI)  
 Cc: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)  
 Subject: RE: [REDACTED]

b6  
b7C

b5

~~SECRET//NOFORN~~  
RECORD 415

Ok, thanks.

(S)

b1  
b5  
b6  
b7C

EFF/Lynch-1105

-2-

~~SECRET~~

~~SECRET~~b5  
b7E

Thanks.

From: THOMAS, MARCUS C. (OTD) (FBI)  
 Sent: Tuesday, June 22, 2010 8:00 AM  
 To: [REDACTED] (DO)(OGA); GREVER, LOUIS E. (DO) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI)  
 Cc: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)  
 Subject: RE: [REDACTED] b5

~~SECRET~~//NOFORN  
 RECORD 415

Suggestion



b5

Marcus C. Thomas  
 Assistant Director  
 Operational Technology Division

b6  
b7C

From: [REDACTED] (DO)(OGA)  
 Sent: Monday, June 21, 2010 11:52 PM  
 To: GREVER, LOUIS E. (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI); CAPRONI, VALERIE E. (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); [REDACTED] (OGC) (FBI)  
 Cc: [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI)  
 Subject: [REDACTED] b5

~~SECRET~~//NOFORN  
 RECORD 415

Thanks for your help [REDACTED]

b5

If at all possible, please take a look first thing in the morning. We need to make changes before noon.  
 This goes to the Director in the afternoon.

Thanks! b6  
 [REDACTED] b7C

&lt;&lt; File [REDACTED] &gt;&gt;

b5

EFF/Lynch-1106

-3-

~~SECRET~~

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DATE 05-19-2011 BY 65179/DMH/BAW/STP/bls

From: PAGLINO, MARYBETH (OTD) (FBI)  
Sent: Friday, December 11, 2009 12:29 PM  
To: [REDACTED] (DO)(OGA)  
Subject: [REDACTED]  
UNCLASSIFIED  
NON-RECORD

b6  
b7C

b7E

b7E

UNCLASSIFIED

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HEREIN IS UNCLASSIFIED  
DATE 05-19-2011 BY 65179/DMH/BAW/STP/bls

From: PAGLINO, MARYBETH (OTD) (FBI)  
Sent: Wednesday, December 09, 2009 2:20 PM b6  
To: [REDACTED] (DOY/OGA) b7C  
Cc: [REDACTED] (OTD) (CON) b5  
Subject: [REDACTED] b7E

Attachments: [REDACTED] OTD) (FBI).vcf b6  
UNCLASSIFIED b7C  
NON-RECORD

[REDACTED]

b7E

From: [REDACTED] (OTD) (FBI) b6  
Sent: Wednesday, December 09, 2009 1:51 PM b7C  
To: [REDACTED] (OTD) (FBI)  
Subject: [REDACTED] b5  
b7E

UNCLASSIFIED  
NON-RECORD

[REDACTED]

Is this sufficient? b6  
b7C

[REDACTED]

SSA [REDACTED]  
Unit Chief b6  
Data Intercept Technology Unit b7C  
[REDACTED]

From: [REDACTED] (OTD) (FBI) b6  
Sent: Wednesday, December 09, 2009 1:34 PM b7C  
To: [REDACTED] (OTD) (FBI)  
Subject: [REDACTED] b5  
b7E

UNCLASSIFIED  
NON-RECORD

[REDACTED]

b7E

EFF/Lynch-1139

[REDACTED]

b7E

[REDACTED]

b7E

[REDACTED]

b7E

SSA [REDACTED]

OTD/DITU

Dest [REDACTED]

Blackberry [REDACTED]

STU [REDACTED]

Help Desk [REDACTED]

b6  
b7C



[REDACTED]  
(OTD) (FBI).vcf (...)

b6  
b7C

From: [REDACTED] (OTD) (FBI)  
Sent: Wednesday, December 09, 2009 11:07 AM  
To: [REDACTED] (OTD) (FBI)  
Subject: [REDACTED]

b6  
b7C

b5  
b7E

UNCLASSIFIED  
NON-RECORD

SSA [REDACTED]

Unit Chief

Data Intercent Technology Unit

[REDACTED]

b6  
b7C

From: [REDACTED] (OTD) (FBI)  
Sent: Wednesday, December 09, 2009 11:06 AM  
To: [REDACTED] (OTD) (FBI)  
Subject: [REDACTED]

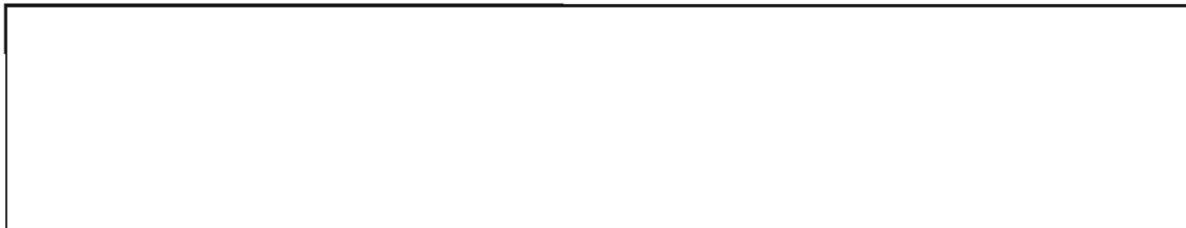
b6  
b7C

b5  
b7E

UNCLASSIFIED

EFF/Lynch-1140

NON-RECORD



b5

Thanks,



b6  
b7C

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Lynch-1141

Sabol, Sherry E.

From: Sabol, Sherry E.

(FBI)

Sent: Tuesday, September 28, 2010 1:46 PM

To: [redacted] (CRM); [redacted] (CRM); [redacted]  
(SMO); [redacted] (DEA-US); [redacted] (OLP) (SMO); [redacted] (SMO);  
[redacted] (SMO) [redacted] OLP (SMO)

b6  
b7C

Subject: RE: Updated Going Dark Redline

All,

Following our conversation yesterday, I spoke with OTD regarding [redacted]  
[redacted]. Based on that discussion, I provide the following for consideration...

b7E

[redacted] - according to OTD, currently, [redacted]  
[redacted]  
[redacted] Obstacles to effecting surveillance include: [redacted]

b7E

[redacted] - aside from [redacted] which OTD agrees can be handled separately as we  
discussed, their major concerns with [redacted]

b7E

OTD isn't as concerned with what its called [redacted] as they are that it serves  
the purpose intended.

b7E

I'm passing this on as background -- again, for further consideration/discussion.

NR (CRM)

9/28/2010

EFF/LYNCH-1503



\_\_\_\_\_

FBI

RE:

Based on b3  
b7E

b5  
b7E



CRM / NR