

[redacted] (OTD) (FBI) b6  
From: [redacted] (OTD) (FBI) b7C  
Sent: Friday, January 11, 2008 9:41 AM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: RE: Going Dark  
Importance: High

UNCLASSIFIED  
NON-RECORD

Thanks for your inputs. Before I launch this out to Tony today, please review it for sanity and technical accuracy. Added or better high-level case descriptions would be welcome as Tony emphasized that context. I plan to send it to him after lunch.

From: [redacted] (OTD) (FBI) b6  
Sent: Thursday, January 10, 2008 3:05 PM b7C  
To: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark

UNCLASSIFIED  
NON-RECORD

<< File: TechnologyImpact DITU 01092008v1.wpd >>

[redacted]

I entered some case reference for the Wireless. I also put in a Blackberry reference that [redacted] provided, but not quite sure if that is part of the DITU response.

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b7C

[redacted]

SSA [redacted]  
Data Intercept Technology Unit  
Operational Technology Division  
[redacted] Office

b2

From: [redacted] (OTD) (FBI)  
Sent: Thursday, January 10, 2008 9:00 AM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: FW: Going Dark b6  
Importance: High b7C

UNCLASSIFIED  
NON-RECORD

I realize the directions for this task got mixed up within the unit, but please go back to your portion of the narrative (file's embedded below) and add case references and anecdotes as Tony cites below. Sorry, I need it today.

~~SECRET~~  
~~RECORD DAIS~~

EFF/Cardozo-403

[redacted] (OTD) (FBI)

To: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark Initiative

My findings are as follows:

b2  
b6  
b7C  
b7E

1. [redacted] seems to be

From: [redacted] (OTD) (FBI)  
Sent: Monday, January 07, 2008 8:15 AM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: RE: Going Dark Initiative

UNCLASSIFIED  
NON-RECORD

Sure,

[redacted]

Not sure what kind of write up they want so we will try this

b2  
b7E

From: [redacted] (OTD) (FBI)  
Sent: Monday, January 07, 2008 7:53 AM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: RE: Going Dark Initiative

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NON-RECORD

[redacted] I'll do [redacted] and [redacted] will hit [redacted]. Can you write a short example about [redacted]?

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From: [redacted] (OTD) (FBI)  
Sent: Thursday, January 03, 2008 2:33 PM  
To: [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Subject: RE: Going Dark Initiative

UNCLASSIFIED  
NON-RECORD

[redacted] Just a few thoughts. Not sure how much detail we need. I think they want either case examples with file numbers or a couple sentences explaining what the issue is.

b2  
b7E

Let me know if you want me to write to any of these

EFF/Cardozo-404



broken down by 1) changes to existing Federal ELSUR assistance mandates (CALEA) and 2) Revising and enhancing certain Federal statutory authorities (protection sensitive industry information, changes to pen register law, etc)

Tony DiClemente - list of case examples where [redacted] as well as case example re [redacted] Case and [redacted] Case, etc).

[redacted] - Budget write-ups for DCAC, and others (if any).

Please advise time estimates when you will have this information to give to [redacted] so I can tell [redacted] as he is working on the report/talking points as we speak.

Thanks

Barry

b2  
b6  
b7C  
b7E

Charles Barry Smith  
Supervisory Special Agent  
Section Chief  
Technical Programs Section  
Operational Technology Division

[redacted]

b2

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EFF/Cardozo-406

[Redacted] (OTD) (FBI)

b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, January 09, 2008 1:20 PM

To: [Redacted] (OTD) (FBI)

Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted]

Subject: (OTD) (FBI)  
Going Dark

Attachments: TechnologyImpact.wpd

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TechnologyImpact.  
wpd (12 KB)

[Redacted]

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b7C

SSA [Redacted]  
Data Intercept Technology Unit  
Operational Technology Division  
[Redacted] Office

b2

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EFF/Cardozo-407

[Redacted] (OTD) (FBI)

b6  
b7c

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

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, DÇAC, 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)

From: [Redacted] (OTD) (FBI)  
Sent: Friday, July 25, 2008 2:09 PM  
To: [Redacted] (OTD) (FBI)  
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [Redacted]  
Subject: [Redacted] (OTD) (FBI)  
RE: Issue papers - Deadline COB Tuesday, 29 July 2008  
Attachments: Going Dark Transition Issue Paper 20080725[1].doc

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[Redacted]

Here is the Going Dark issue paper. Barry OK'd it.

Mb



Going Dark  
Transition Issue Pa..

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, July 22, 2008 7:42 AM  
To: [Redacted] (OTD) (FBI)  
Cc: SMITH, CHARLES BARRY (OTD) (FBI)  
Subject: RE: Issue papers - Deadline COB Tuesday, 29 July 2008

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Greetings,

Since CBS will be back on Friday, 25 July 2008, and gone next week. Let's have him approve the issue paper this Friday. Does that work for you? Thanks.

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[Redacted]

From: [Redacted] (OTD) (FBI)  
Sent: Monday, July 21, 2008 4:42 PM  
To: [Redacted] (OTD) (FBI)  
Cc: SMITH, CHARLES BARRY (OTD) (FBI)  
Subject: RE: Issue papers - Deadline COB Tuesday, 29 July 2008

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[Redacted]

When would you like it?

EFF/Cardozo-409

From: SMITH, CHARLES BARRY (OTD) (FBI)

Sent: Monday, July 21, 2008 4:39 PM  
To: [redacted] (OTD) (FBI)  
Cc: PAGLINO, MARYBETH (OTD) (FBI)  
Subject: RE: Issue papers - Deadline COB Tuesday, 29 July 2008

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NON-RECORD

b6  
b7C

[redacted] is working on the paper as we speak. I will not be back in the office until this Friday and then I'm on vacation next week.

Barry

From: [redacted] (OTD) (FBI)  
Sent: Monday, July 21, 2008 4:03 PM  
To: SMITH, CHARLES BARRY (OTD) (FBI)  
Subject: RE: Issue papers - Deadline COB Tuesday, 29 July 2008

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Greetings,

[redacted] usually adds the [redacted] piece into the Going Dark.

Sounds like this tasking will not be so bad, since you just did one for the DD. Could I get the paper sooner than the deadline? Please advise.

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[redacted]

From: SMITH, CHARLES BARRY (OTD) (FBI)  
Sent: Monday, July 21, 2008 1:55 PM  
To: [redacted] (OTD) (FBI)  
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
Subject: RE: Issue papers - Deadline COB Tuesday, 29 July 2008

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[redacted]

I don't understand [redacted] role in the "Going Dark" write-up. Can you enlighten?

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I have tasked [redacted] to hand this using our one page "Going Dark" briefing paper we provided to the DD last week re this matter at Louis' request.

Barry

Charles Barry Smith  
Supervisory Special Agent  
Section Chief  
Technical Programs Section  
Operational Technology Division

[redacted]

b2

From: [redacted] (OTD) (FBI)

EFF/Cardozo-410

b6  
b7C



Sent: Monday, July 21, 2008 10:23 AM  
To: MOTTA, THOMAS GREGORY (OTD) (FBI); [redacted] (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI);  
Cc: [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) (FBI); [redacted] (CO) (CON); [redacted] (OTD) (CON); [redacted] (OTD) (CON);  
Subject: Issue papers - Deadline COB Tuesday, 29 July 2008

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Greetings,

OTD has been requested by the Deputy Director's Office to prepare three issue papers (see topics and template below). AD Thomas has determined the following three areas for issue papers:

- 1. [redacted] - FAVIAU
- 2. Going Dark - CIU and [redacted]
- 3. [redacted] - SC Motta

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The format/template for these issue papers can be found in the first attachment (DO NOT change the format). I have also provided an example for you. The format requests responses in the following areas:

- I. Issue
- II. Background
- III. Legal / Authorities
- IV. Budget
- V. Recommendations / Actions
- VI. Point of contact.

Deadline is COB, Tuesday, 29 July 2008.



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<< File: DRG Template for transition issue papers.doc >>

<< File: PONY-CJIS Biometric Database.doc >>

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EFF/Cardozo-411

[Redacted]

Voice  
Mobile  
Fax

b2

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

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NON-RECORD

[Redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

If so, do you have any updates to the initiative and these slides?

<< File: EAB 2-7-08.ppt >>

[Redacted]

Resource Planning Office  
Director's Office

[Redacted]

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EFF/Cardozo-412

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Friday, September 05, 2008 4:15 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark

b6  
b7C

Attachments: Revised Going Dark Slide for RPO 20080905 v2.ppt

UNCLASSIFIED  
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Here is the revised revised version.



Revised Going Dark  
Slide for R...

From: [Redacted] (OTD) (FBI)  
Sent: Friday, September 05, 2008 3:57 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark  
Importance: High

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[Redacted] Marcus has just reviewed these slides and he wants to make sure that the time line is correct and asked that you look at them. Please get with [Redacted] and advise if changes need to be made.

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b7C

[Redacted]  
Executive Assistant  
Operational Technology Division

[Redacted] Blackberry  
[Redacted]@ic.fbi.gov

From: [Redacted] (OTD) (FBI)  
Sent: Friday, September 05, 2008 2:07 PM  
To: GREVER, LOUIS E. (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (DO) (FBI); [Redacted] (DO) (FBI)  
Subject: Going Dark

UNCLASSIFIED  
NON-RECORD

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Mr. Grever,

As promised in [Redacted] email below, attached is an updated Going Dark slide for your review before forwarding to [Redacted] RPO.

AD Thomas - DAD Cook reviewed this today, however, he thought you may want to review it before we send to the RPO by their 09/09 deadline.

<< File: Revised Going Dark Slide for RPO 20080905 v2.ppt >>

Thanks,

[Redacted]

b6  
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Management & Program Analyst  
Strategic Resources Unit  
Operational Technology Division

[Redacted]

Voice  
Mobile  
Fax

b2

From: GREVER, LOUIS E. (DO) (FBI)  
Sent: Thursday, August 21, 2008 3:47 PM  
To: [Redacted] (OTD) (FBI); [Redacted] (DO) (FBI)  
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark

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UNCLASSIFIED  
NON-RECORD

Perfect.

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, August 21, 2008 12:31 PM  
To: GREVER, LOUIS E. (DO) (FBI); [Redacted] (DO) (FBI)  
Cc: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Louis,

^If this works for you, we've worked this out this way. CIU has a meeting/briefing from RAND, who we commissioned to look at going dark, on 9/3. I'd like to wait till past that meeting to complete the slide updates and get them to the Branch by noon 9/8 (probably on 9/5 provided Marcus is here to approve.) [Redacted] has indicated that he ok with getting them on 9/9 which will give you time to review them before passing them on to him. Sound ok?

[Redacted]

From: [Redacted] (DO) (CON)  
Sent: Tuesday, August 19, 2008 11:32 AM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
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UNCLASSIFIED  
NON-RECORD

[Redacted]

I work for the Resource Planning Office at HQ and I'm compiling information for the upcoming Strategy Review meeting for

the Director. One of the initiatives he will look at is Going Dark.

Are you the right point of contact for information on Going Dark?

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If so, do you have any updates to the initiative and these slides?

<< File: EAB 2-7-08.ppt >>

[Redacted]  
Resource Planning Office  
Director's Office

[Redacted]

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EFF/Cardozo-415

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Friday, October 17, 2008 3:58 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark accomplishments

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b7C

UNCLASSIFIED  
NON-RECORD

Thanks.

From: [Redacted] (OTD) (FBI)  
Sent: Friday, October 17, 2008 3:44 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark accomplishments

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[Redacted]

See list below.

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b7C

[Redacted]

[Redacted]

Supervisory Special Agent  
Data Intercept Technology Unit

[Redacted]

b2

From: [Redacted] (OTD) (FBI)  
Sent: Friday, October 17, 2008 3:40 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark accomplishments

b6  
b7C

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NON-RECORD

Let me know if this looks ok.

[Redacted]

b2  
b7E

[Redacted]

b7D

[Redacted]

b2  
b7E

EFF/Cardozo-416

[Redacted]

b2  
b7D  
b7E

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, October 15, 2008 4:04 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark accomplishments

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b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

b2  
b6  
b7C  
b7E

Can you give me a list of everyone we've given [Redacted] to?

[Redacted]

[Redacted]  
Supervisory Special Agent  
Data Intercept Technology Unit  
[Redacted]

b2

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, October 15, 2008 4:02 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: FW: Going Dark accomplishments

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NON-RECORD

SSA [Redacted]  
Unit Chief  
Data Intercept Technology Unit

b6  
b7C

O: [Redacted]  
C: [Redacted]

b2

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, October 15, 2008 2:44 PM  
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: Going Dark accomplishments

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UNCLASSIFIED  
NON-RECORD

b2  
b7E

I am putting together the list of accomplishments towards Going Dark. [Redacted] and [Redacted] are accomplishments listed under Law Enforcement Cooperation. I need to attach some numbers to these. Such as users or agencies who we've loaned them to. Can you help me out? It's for FY 2008.

Thanks,  
[Redacted]

b6  
b7C

EFF/Cardozo-417

[redacted] (OTD) (FBI)

b6  
b7c

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  
NON-RECORD

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

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)

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

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.

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

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

EFF/Cardozo-418



From: SMITH, CHARLES BARRY (OTD) (FBI)  
Sent: Wednesday, November 05, 2008 12:19 PM  
To: [redacted] (OTD) (FBI)  
Cc: DICLEMANTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI); [redacted] (OTD) (CON); [redacted] (OTD) (FBI)  
Subject: FW: OTD SMS Initiative #16: Going Dark (Milestone Update Request)  
Importance: High

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SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

[redacted]

Please work with [redacted] to put together a response to the below request re "Going Dark". .Thanks

Barry

Charles Barry Smith  
Supervisory Special Agent  
Section Chief  
Technical Programs Section  
Operational Technology Division

[redacted]

b2

From: [redacted] (OTD) (CON)  
Sent: Wednesday, November 05, 2008 11:47 AM  
To: COOK, PATRICK B. (OTD) (FBI); SMITH, CHARLES BARRY (OTD) (FBI); DICLEMANTE, ANTHONY P. (OTD) (FBI)  
Cc: [redacted] (OTD) (FBI); [redacted] (OTD) (CON)  
Subject: OTD SMS Initiative #16: Going Dark (Milestone Update Request)  
Importance: High

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NON-RECORD

This message sent on behalf of [redacted] Unit Chief Technical Management Services Unit

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We are on a short time-line to provide a status of 4 SMS Initiatives and need your help. The 4 Initiatives are:

[redacted]

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"Going Dark"

Attached is the Initiative descriptions that you should have seen before. It includes several milestones with start and end dates. For this report we need the status and any comments on each milestone.

<<.File: #16- Going Dark.ppt >>

Progress status / Comments

Milestone 1:

Milestone 2:

Milestone 3:

Milestone 4:

Also for the Initiative as a whole we need...  
Costs or Funding Needs comments:

EFF/Cardozo-419

Scheduled Activities (reasons ahead or behind) comments:

Any Issues (Risks / Lessons Learned) or General comments:

Please email me with your responses by Wednesday (11/5) Afternoon. [redacted] will be contacting you today to help you with the response.

Thanks,

[redacted]

b6  
b7C

[redacted]  
Unit Chief  
Technical Management Services Unit  
Operational Technology Division  
Phone: [redacted]  
Cell: [redacted]  
Fax: [redacted]

b2

Click this link to visit PAMS now: <http://otd.fbinet.fbi/PAMS/>

[redacted]

b6  
b7C

Program Management Office  
Technical Management Services Unit  
Operational Technology Division  
Phone: [redacted]  
Fax: [redacted]

b2

Click this link to visit PAMS now: <http://otd.fbinet.fbi/PAMS/>

[redacted]

b6  
b7C

Program Management Office  
Technical Management Services Unit  
Operational Technology Division  
Phone: [redacted]  
Fax: [redacted]

b2

SENSITIVE BUT UNCLASSIFIED

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SENSITIVE BUT UNCLASSIFIED

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SENSITIVE BUT UNCLASSIFIED

EFF/Cardozo-420

[Redacted] (OTD) (FBI)

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

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

SENSITIVE BUT UNCLASSIFIED  
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[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.

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

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SENSITIVE BUT UNCLASSIFIED

EFF/Cardozo-421

[redacted] (OTD) (FBI)

b6  
b7c

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

UNCLASSIFIED  
NON-RECORD

Thanks

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

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]

UNCLASSIFIED  
NON-RECORD

[redacted]

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

[redacted]

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.

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?

DAIS

b6  
b7c

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-423

[redacted] (OTD) (FBI)

b6  
b7C

From: [redacted] (OTD) (FBI)  
Sent: Tuesday, November 25, 2008 3:07 PM  
To: SMITH, CHARLES BARRY (OTD) (FBI)  
Subject: RE: [redacted]

UNCLASSIFIED  
NON-RECORD

Yes. We are putting an outline together after this meeting to show you and Marcus before we set sail on creating the bulletin. [redacted] is being brought in to ensure consistency with what has already been put together for Going Dark.

b6  
b7C

From: SMITH, CHARLES BARRY (OTD) (FBI)  
Sent: Tuesday, November 25, 2008 3:04 PM  
To: [redacted] (OTD) (FBI)  
Subject: FW: [redacted]

UNCLASSIFIED  
NON-RECORD

[redacted]

b6  
b7C

See below. Were you aware of this?

Barry

Charles Barry Smith  
Supervisory Special Agent  
Section Chief  
Technical Programs Section  
Operational Technology Division

[redacted]

b2

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]

b6  
b7C

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.

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.

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

EFF/Cardozo-424

[Redacted]

DAIS

b6  
b7c

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UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-425

[Redacted] (OTD) (FBI)

b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Friday, December 19, 2008 1:21 PM  
To: [Redacted] (CTD) (FBI)  
Subject: RE: CALEA and VoIP

UNCLASSIFIED  
NON-RECORD

Do you have an outside email so I can send you the one page summary?

From: [Redacted] (CTD) (FBI)  
Sent: Wednesday, December 17, 2008 11:12 AM  
To: [Redacted] (OTD) (FBI)  
Subject: CALEA and VoIP

b6  
b7C

UNCLASSIFIED  
NON-RECORD

UC [Redacted]

Hello, my name is [Redacted] and I am an IA at the Communications Analysis Unit. Currently, the unit is working on an assessment about VoIP. We are interested in including some value-added analysis about VoIP, LI, and CALEA. Would you be available for a meeting sometime early next week in order to discuss these issues? Additionally, do you have any recommendations for other people or resources I can look into for more information about this topic? Any suggestion would be appreciated. Thanks for your time.

[Redacted]  
Intelligence Analyst  
CTD/CXS/CAU  
FBIHQ Room 4512  
[Redacted]

b6  
b7C

b2

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, December 17, 2008 8:09 AM  
To: [Redacted] (CTD) (FBI)  
Subject: FW: Going Dark White Paper

b6  
b7C

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NON-RECORD

[Redacted]

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b7C

Here is more info on the "Going Dark" initiative:

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

Also, you can contact [Redacted] Acting Unit Chief for CALEA Implementation Unit, for additional info.

b6  
b7C



Hope this helps.

[Redacted]

b6  
b7C

SSA [Redacted]  
Unit Chief  
Data Intercept Technology Unit  
O: [Redacted]  
C: [Redacted]

b2

From: [Redacted] (OTD) (FBI)  
Sent: Monday, December 15, 2008 10:32 AM  
To: [Redacted] (CTD) (FBI)  
Cc: [Redacted] (OTD) (CON)  
Subject: FW: Going Dark White Paper

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

We are looking for a copy of the white paper however, we were told it may not be ready for dissemination yet. Meanwhile, here is a link to our EAD's testimony to Congress a few years ago.

Hope this helps.

[Redacted]

b6  
b7C

[http://ciu.fbinet.fbi/etr/V2i1/Congressional\\_Testimony.pdf](http://ciu.fbinet.fbi/etr/V2i1/Congressional_Testimony.pdf)

SSA [Redacted]  
Unit Chief  
Data Intercept Technology Unit  
O: [Redacted]  
C: [Redacted]

b2

Hi [Redacted]

I am looking for a white paper that was written on Going Dark for an upcoming assessment. I found out about it this morning during an All-Hands meeting that UC [Redacted] spoke at. Would you by any chance know where I could find this? Any assistance would be appreciated.

b6  
b7C

Thanks for your time. I look forward to hearing from you soon.

[Redacted]  
Intelligence Analyst  
Communications Analysis Unit  
FBIHQ Room 4512  
[Redacted]

b2

UNCLASSIFIED

EFF/Cardozo-427

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Friday, January 09, 2009 10:58 AM  
To: COOK, PATRICK B. (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: RE: Notes from 1/9/09 briefing  
b6  
b7C

UNCLASSIFIED  
NON-RECORD

Do you want me to put together a starting point? Or will we just kick it off at that meeting?

From: COOK, PATRICK B. (OTD) (FBI)  
Sent: Friday, January 09, 2009 8:48 AM  
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Subject: FW: Notes from 1/9/09 briefing  
b6  
b7C

UNCLASSIFIED  
NON-RECORD

FYI

From: [Redacted] (OTD) (FBI)  
Sent: Friday, January 09, 2009 8:43 AM  
To: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
Subject: Notes from 1/9/09 briefing  
b6  
b7C

UNCLASSIFIED  
NON-RECORD

Marcus and Pat,

Below are the notes/comments I captured re: the Going Dark initiative during yesterday's briefing.

The Director asked for a 3-5 slide deck that can be used as a standard deck and common language throughout the Bureau when talking about Going Dark.

The deck should be visual and include:

1. The problem
  - Technology convergence in lay terms -- Where we were, where we are, [Redacted]
  - The difference between the challenges in the domestic context [Redacted]
2. The solution
  - What is the solution?
  - Who do we need help from? (OMB, Congress)
  - What kind of help do we need? (Money, legislation etc)

Audience for the deck includes Congress, and high-level executive branch leaders.

[Redacted] Special Advisor  
[Redacted] Desk  
[Redacted] Blackberry  
[Redacted] @ic.fbi.gov  
b2  
b6  
b7C

EFF/Cardozo-428

[redacted] (OTD) (FBI)

b6  
b7c

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

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

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.

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.

[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)

b6  
b7c

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

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

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.

[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...

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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

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

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

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]. 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.

[redacted]

UNCLASSIFIED

EFF/Cardozo-431

From: THOMAS, MARCUS C. (OTD) (FBI)  
Sent: Wednesday, January 28, 2009 10:12 AM  
To: GREVER, LOUIS E. (DO) (FBI)  
Subject: FW: Director's Presentation with Talking Points

b6  
b7c

UNCLASSIFIED  
NON-RECORD

Louis,

Please review this. This is intended for you, the DD, and the D to have to discuss Going Dark when the opportunity arises.

Marcus

From: [redacted] (OTD) (FBI)  
Sent: Tuesday, January 27, 2009 9:15 AM  
To: THOMAS, MARCUS C. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
Subject: Director's Presentation with Talking Points

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NON-RECORD

Let me know if you have changes.

Mb

<< File: DRAFT Going Dark 20090122 v5.ppt >>

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EFF/Cardozo-432

[redacted] (OTD) (FBI)

b6  
b7c

**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

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

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

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.

[Redacted] (OTD) (FBI)

b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Friday, January 30, 2009 10:11 AM  
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Subject: RE: Going Dark Bulletin

UNCLASSIFIED  
NON-RECORD

Will do. Thanks

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Sent: Friday, January 30, 2009 10:07 AM  
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: Going Dark Bulletin

b6  
b7C

UNCLASSIFIED  
NON-RECORD

AD Thomas has advised that 6/15/2009 is an acceptable date for completion of the *Going Dark* Bulletin.

[Redacted]

b6  
b7C

Pls include this item on the agenda for our next ELSUR strategy meeting.

Thanks,

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

[Redacted]

b2

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EFF/Cardozo-434



[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Monday, February 09, 2009 1:20 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark - Statement of the Problem Section - Draft Ideas

b6  
b7C

UNCLASSIFIED  
NON-RECORD

That's fine, my mistake...

From: [Redacted] (OTD) (FBI)  
Sent: Monday, February 09, 2009 12:55 PM  
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (CON); [Redacted] (CQ) (CON)  
Cc: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Subject: RE: Going Dark - Statement of the Problem Section - Draft Ideas

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UNCLASSIFIED  
NON-RECORD

This bulletin cannot be FBI centric. The Defn should read 'Law Enforcement cannot' and 'to support... law enforcement's operations'.

From: [Redacted] (OTD) (FBI)  
Sent: Monday, February 09, 2009 12:50 PM  
To: [Redacted] (OTD) (CON); [Redacted] (CQ) (CON)  
Cc: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Subject: Going Dark - Statement of the Problem Section - Draft Ideas

b6  
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UNCLASSIFIED  
NON-RECORD

[Redacted]

Here is a draft outline for the Problem Statement Section for the Bulletin.

I included a definition which can be modified or replaced with one that has already been developed.

This is the section that sets up the reader to see why the program is important. We should be able to have pointers between the Statement of Problem and the 5 Prong Strategy that attempts to address the problem. We must make sure this relationship exists, otherwise the strategy is not appropriate.

Let's meet to go over this, and fine tune it.

[Redacted]

b6  
b7C

Going Dark Bulletin - Special Edition

STATEMENT OF THE PROBLEM

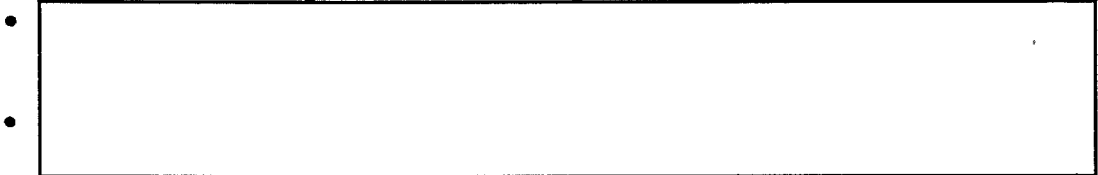
Defn: [Redacted]



b2  
b7E

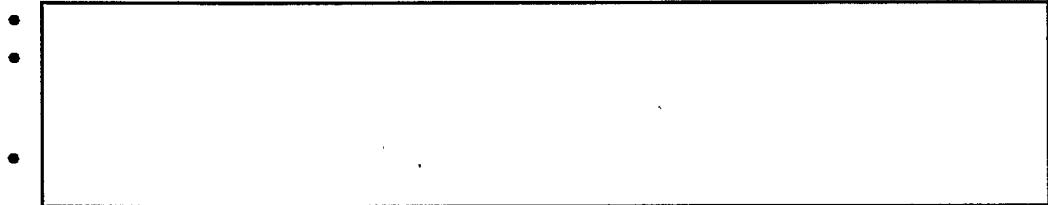
• TECHNOLOGY

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



- :

- :



- 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

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UNCLASSIFIED

EFF/Cardozo-436

[redacted] (OTD) (FBI)

b6  
b7c

From: [redacted] (OTD) (FBI)  
Sent: Tuesday, February 10, 2009 9:00 AM  
To: COOK, PATRICK B. (OTD) (FBI); THOMAS, MARCUS C. (OTD) (FBI); [redacted] (OTD) (FBI); MOTTA, THOMAS GREGORY (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Subject: RE: ELSUR Mtg

UNCLASSIFIED  
NON-RECORD

Does anyone have any agenda items for tomorrow's meeting?

Also, as a follow-up: are there any comments to the Going Dark ETR Bulletin outline?

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EFF/Cardozo-437

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)  
Sent: Thursday, February 19, 2009 8:00 AM  
To: THOMAS, MARCUS C. (OTD) (FBI)

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Marcus,

I saw [redacted] when I was at HQ yesterday. She has a great idea: For us and OGC to brief the DAG regarding Going Dark and changes needed in CALEA. We could then take the opportunity to address the deficiency petition that still hasn't gone to the FCC. [redacted] will be calling you about this in hopes that you can talk to Valerie C. about it.

Mb

UNCLASSIFIED

EFF/Cardozo-438

[Redacted] (OTD) (FBI)

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, February 26, 2009 1:52 PM  
To: [Redacted] (DO) (FBI)  
Subject: RE: Going Dark Initiative

b6  
b7c

UNCLASSIFIED  
NON-RECORD

[Redacted]

I am on inspection and will return to office on Monday. Can I get with you then? I also have to coordinate this with our AD who would like to be there.

From: [Redacted] (DO) (FBI)  
Sent: Thursday, February 26, 2009 1:37 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (DO) (FBI)  
Subject: Going Dark Initiative

b6  
b7c

UNCLASSIFIED  
NON-RECORD

[Redacted] please call me to schedule a meeting with AD Ronald Ruecker, Office of Law Enforcement Coordination regarding the Going Dark Initiative. I left you a voicemail yesterday.

Thanks for your help,

[Redacted]  
*Executive Assistant to  
the AD of OLEC*

b6  
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[Redacted]

b2

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-439

[Redacted] (OTD) (FBI)

b6  
b7c

From: [Redacted] (OTD) (FBI)  
Sent: Friday, March 06, 2009 8:55 AM  
To: DEMAREST, JOSEPH M. (NY) (FBI)  
Subject: Going Dark

UNCLASSIFIED  
NON-RECORD

Hi Joe,

Can you give me a POC to coordinate with regarding the Going Dark info collection effort?

Hope all's well!  
Thx,  
Mb

UNCLASSIFIED

EFF/Cardozo-440

[Redacted] (OTD) (FBI)

b6  
b7C

From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, March 11, 2009 8:43 AM  
To: [Redacted] (OTD)(FBI)  
Subject: RE: Going Dark

UNCLASSIFIED  
NON-RECORD

That is awesome! Thanks

From: [Redacted] (OTD)(FBI)  
Sent: Tuesday, March 10, 2009 5:16 PM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[Redacted]

I have identified two field agents, one computer scientist, and one AUSA who are going to jot notes for us on your survey regarding "quality of life" related to data pens and Title III/FISA. I gave them a few weeks to gather their thoughts, and then we can hit them with an email survey or interview as you wish.

- 1. SA [Redacted] (WF)
- 2. SA [Redacted] (SD)
- 3. [Redacted] (Mitre-RH)
- 4. AUSA [Redacted] (EDPA)

b6  
b7C

SSA [Redacted]  
Operational Technology Division/Technical Programs Section/Technical Liaison Unit  
Engineering Research Facility- Building 27958A  
Room A214  
Quantico, Virginia 22135-0001  
Desk [Redacted]  
Fax [Redacted]  
Cell [Redacted]  
Email: [Redacted]@ic.fbi.gov  
Unit Website: <http://otd.fbinet.fbi/tlu>

b2  
b6  
b7C

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EFF/Cardozo-441

[Redacted] (OTD) (FBI)

b6  
b7c

**From:** [Redacted] (OTD) (FBI)  
**Sent:** Monday, March 16, 2009 5:05 PM  
**To:** THOMAS, MARCUS C. (OTD) (FBI)  
**Subject:** DAB Going Dark presentation

**Attachments:** Going Dark No survey 01162009.ppt

UNCLASSIFIED  
NON-RECORD



Going Dark No  
survey 01162009....

Is this the presentation you want to use for the DAB mtg?

UNCLASSIFIED

EFF/Cardozo-442





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?

b6  
b7c

Thanks,

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

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-444

[Redacted] (OTD) (FBI)

From: [Redacted] (CQ) (CON)  
Sent: Tuesday, March 17, 2009 8:53 AM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Advisory Board Files

b6  
b7C

Attachments: DRAFT Going Dark DAB 20090316 CALEA v2.ppt; DRAFT Going Dark DAB 20090316 LE Coord v2.ppt

UNCLASSIFIED  
NON-RECORD

[Redacted]

See attached for updated slides.

b6  
b7C

Thanks,

[Redacted]



DRAFT Going Dark  
DAB 20090316 ...



DRAFT Going Dark  
DAB 20090316 ...

From: [Redacted] (OTD) (FBI)  
Sent: Monday, March 16, 2009 8:45 AM  
To: [Redacted] (CQ) (CON)  
Subject: FW: Advisory Board Files

b6  
b7C

UNCLASSIFIED  
NON-RECORD

From: [Redacted] (OTD) (FBI)  
Sent: Thursday, March 12, 2009 6:10 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Advisory Board Files.

b6  
b7C

UNCLASSIFIED  
NON-RECORD

What think of these slides?

<< File: DRAFT Going Dark DAB TLU 03122009.ppt >>

[Redacted]

EFF/Cardozo-445

b2  
b6  
b7C



[REDACTED] (OTD) (FBI)

**From:** [REDACTED] (OTD) (FBI)  
**Sent:** Tuesday, March 17, 2009 10:32 AM  
**To:** THOMAS, MARCUS C. (OTD) (FBI)  
**Subject:** DAB meeting

b6  
b7c

UNCLASSIFIED  
NON-RECORD

What do you think of these questions for the DAB:

Have we made the case for the Going Dark Initiative? Is it compelling enough?

Is the Going Dark Initiative too ambitious? Not ambitious enough?

What are the strengths and weaknesses of the strategy? Have we covered everything?

What are potential pitfalls? What can be done to prevent them?

Where should OTD focus its attention? Any ideas for next steps?

Mb

UNCLASSIFIED

EFF/Cardozo-447



Subject: FW: Advisory Board Files

UNCLASSIFIED  
NON-RECORD

b6  
b7C

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?

Thanks,

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

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-449

[redacted] (OTD) (FBI)

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, May 13, 2009 4:32 PM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark Bulletin

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[redacted] Tell him I told you to call him.

b2

Mb

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, May 13, 2009 3:12 PM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark Bulletin

b6  
b7C

UNCLASSIFIED  
NON-RECORD

No. Give me his contact information and I'll call him.

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

b6  
b7C

UNCLASSIFIED  
NON-RECORD

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

b6  
b7C

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

UNCLASSIFIED  
NON-RECORD

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.

b6  
b7C

UNCLASSIFIED

EFF/Cardozo-450



[redacted] (OTD) (FBI)

**From:** VENIZELOS, GEORGE C. (NY) (FBI) b6  
b7C  
**Sent:** Wednesday, May 13, 2009 9:29 AM  
**To:** [redacted] (OTD) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (CON)  
**Cc:** DEMAREST, JOSEPH M. (NY) (FBI); THOMAS, MARCUS C. (OTD) (FBI)  
**Subject:** RE: Going Dark Roundtable May 21st 10AM

UNCLASSIFIED  
NON-RECORD

The meeting will be in the ADIC conference room. Thanks GV

b6  
b7C

**From:** [redacted] (OTD) (FBI)  
**Sent:** Tuesday, May 12, 2009 3:59 PM  
**To:** [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (CON)  
**Cc:** VENIZELOS, GEORGE C. (NY) (FBI); DEMAREST, JOSEPH M. (NY) (FBI); THOMAS, MARCUS C. (OTD) (FBI)  
**Subject:** Going Dark Roundtable May 21st 10AM

UNCLASSIFIED  
NON-RECORD

All,

Thank you for taking the time out of your busy schedules and agreeing to participate in the Going Dark Roundtable. By way of background, Going Dark is one of the FBI's top initiatives. It is a National Electronic Surveillance Strategy which focuses on law enforcement's impending inability to conduct electronic surveillance on certain communications devices due to rapid changes in technology.

[redacted] Among other things, the Strategy looks to request changes in existing legislation and will ask for increases in funding through special appropriations from Congress. The Strategy has gotten attention so far from high ranking officials in other federal, state, and local agencies and from industry. However, we need to strengthen the business-case on this to influence policy makers. In order to make this case, OTD will be going to FBI field offices to gain information which shows the impact the inability to conduct ELSUR has or will have on investigations. I felt it was important to engage Case Agents who will be most affected by this problem. [redacted] is the first field office to participate in this project. [redacted] and several state and local agencies have already provided similar information. Take a look at the attached list of questions and talk to others about it. It shows what information we are looking for. Stories of great cases utilizing ELSUR would also be helpful.

b2  
b7E

Thanks again,

[redacted]

[redacted]

Chief, CALEA Implementation Unit  
Operational Technology Division

b2  
b6  
b7C

[redacted] Blackberry  
[redacted]@ic.fbi.gov

<<.File: Questions for Case Agent Interviews 20090305 v2.doc >> EFF/Cardozo-451

[redacted] (OTD) (FBI)

b6  
b7C

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

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

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]

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

[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 21, 2009 5:25 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Going Dark Support Contract (formerly with Rand)

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

We were planning on discussing this at the next ELSUR Strategy Meeting which is next Wednesday. Can you wait until then?

From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, April 21, 2009 2:43 PM  
To: [Redacted] (OTD) (FBI)  
Subject: Going Dark Support Contract (formerly with Rand)

b6  
b7C

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

b2  
b6  
b7C  
b7E

[Redacted]

I have included the support for Going Dark in the OTD Mission Planning contract request I submitted last week. This contract provide mission planning, organizational studies, and planning support to the OTD Front Office, Sections, and Units. It should provide the support that needs to be completed from the work Rand Corp started last year. This contract has been previously conducted with Booz, Allen - Hamilton (BAH), however, it will be completed with BAH and others. In planning the contract I included an estimate of \$[Redacted] for continued support of the Going Dark work that was started by Rand. This is in addition to the Going Dark support that has been provided by [Redacted] (BAH) under the current Mission Planning support contract and is included in my estimated needs for general OTD support in the new contract.

If you have specific funding to support this "Rand type" work it could be added to this contract funding now (FY09 funding) or during FY2010.

Let me know what you plan to do. I will keep you updated on the progress of the new contract which has been requested to start in August 2009.

[Redacted]

b6  
b7C

[Redacted]

Unit Chief  
Technical Management Services Unit  
Operational Technology Division  
Phone: [Redacted]  
Cell: [Redacted]  
Fax: [Redacted]

b2

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

EFF/Cardozo-453

[Redacted] (OTD) (FBI)

b6  
b7C

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

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

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

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

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

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

I need an answer on this one.

EFF/Cardozo-454

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

b6  
b7c

SENSITIVE BUT UNCLASSIFIED  
NON-RECORD

[redacted]  
You have been designated as the POC for the following SMS initiative:  
- Going Dark

For FY09 only, I need to know:  
- Estimated \$\$ Spent  
- Estimated FTE Devoted  
- 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."

Thanks,  
[redacted]

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

EFF/Cardozo-455

[redacted] (OTD) (FBI)

b6  
b7C

From: [redacted] (OTD) (FBI)  
Sent: Thursday, March 26, 2009 6:39 PM  
To: COOK, PATRICK B. (OTD) (FBI)  
Subject: RE: Going Dark presentation

UNCLASSIFIED  
NON-RECORD

Do you remember which one you used?

From: COOK, PATRICK B. (OTD) (FBI)  
Sent: Thursday, March 26, 2009 8:36 AM  
To: [redacted] (OTD) (FBI)  
Subject: RE: Going Dark presentation

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Sure send it to her

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, March 25, 2009 5:34 PM  
To: COOK, PATRICK B. (OTD) (FBI)  
Subject: FW: Going Dark presentation

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Pat,

Do you want to send her the presentation?

From: [redacted] (OTD) (FBI)  
Sent: Tuesday, March 24, 2009 7:53 PM  
To: [redacted] (OTD) (FBI)  
Subject: Going Dark presentation

b6  
b7C

UNCLASSIFIED  
NON-RECORD

[redacted]

On 3/13/2009, yourself and DAD Cook gave a presentation to the Communications Analysis Unit regarding the Going Dark strategy. We considered it to be very eye opening especially for the type of work that we do in our unit. Is there any way that we could get a copy of that presentation or have access to it in order to make it accessible to those that were not able to attend?

Thank you in advance....

SSA [redacted]  
CTD/CXS/CAU  
FBIHQ - Room 4512  
[redacted] desk  
[redacted] fax

b6  
b7C

EFF/Cardozo-456

b2

[Redacted] (OTD) (FBI)

b6  
b7c

From: [Redacted] (OTD) (FBI)  
Sent: Monday, March 23, 2009 5:43 PM  
To: [Redacted] (OTD) (CON)  
Subject: RE: LETF

UNCLASSIFIED  
NON-RECORD

He'll be talking about progress we've made on Going Dark in the past year. We'll put together a presentation.

From: [Redacted] (OTD) (CON)  
Sent: Monday, March 23, 2009 3:18 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: LETF

UNCLASSIFIED  
NON-RECORD

b6  
b7c

[Redacted]

I have added to his calendar. If there is any info he needs, please provide.

Thanks,

[Redacted]

DAIS Executive Administrative Assistant  
Operational Technology Division

b2  
b6  
b7c

[Redacted]

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Sent: Monday, March 23, 2009 1:14 PM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (CON)  
Subject: RE: LETF

b6  
b7c

UNCLASSIFIED  
NON-RECORD

I'm available.

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

[Redacted]

b2

From: [Redacted] (OTD) (FBI)  
Sent: Monday, March 23, 2009 10:04 AM  
To: DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Subject: FW: LETF

b6  
b7c

EFF/Cardozo-457

UNCLASSIFIED  
NON-RECORD

b6  
b7c

Tony are you interested in doing this?

From: [redacted] (OTD) (FBI) On Behalf Of THOMAS, MARCUS C. (OTD) (FBI)  
Sent: Monday, March 23, 2009 10:02 AM  
To: [redacted] (OTD) (FBI)  
Subject: Declined: LETF  
When: Thursday, March 26, 2009 9:00 AM-10:30 AM (GMT-05:00) Eastern Time (US & Canada).  
Where: Hospitality House, Fredericksburg, VA

[redacted]: Marcus and Pat both can not make this meeting. Marcus has asked that you get with Tony D. and have him attend.

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-458





Folks,

b6  
b7C

[redacted] stopped by today to see me as a follow up to our meeting before the holidays regarding the GOING DARK INITIATIVE briefing material that BAH is putting together for us. As you recall, we discussed the need to get several items from you to provide to [redacted]. Please see below:

Greg Motta - 1) Overview of [redacted] issue and our recommendation as to what US law enforcement needs in this area, plus any case examples.

2) list of the legislative issues (not bill language but categorized by topic) related to our 5 prong strategy broken down by 1) changes to existing Federal ELSUR assistance mandates (CALEA) and 2) Revising and enhancing certain Federal statutory authorities (protection sensitive industry information, changes to pen register law, etc)

b2  
b7E

Tony DiClemente - list of case examples where [redacted] as well as case example re [redacted] Case and [redacted] Case, etc).

[redacted] - Budget write-ups for DCAC, and others (if any).

Please advise time estimates when you will have this information to give to [redacted] so I can tell [redacted] as he is working on the report/talking points as we speak.

Thanks

b2  
b6  
b7C  
b7E

Barry

Charles Barry Smith  
Supervisory Special Agent  
Section Chief  
Technical Programs Section  
Operational Technology Division

[redacted]

b2

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-460

[Redacted] (OTD) (FBI)  
From: [Redacted] (OTD) (FBI)  
Sent: Tuesday, May 19, 2009 3:17 PM  
To: [Redacted] (OTD) (FBI)  
Subject: RE: Tasking of field POC

b6  
b7C

UNCLASSIFIED  
NON-RECORD

This is a good idea. Before you send it, let's talk about this when I get back from NY. We may get some information to add to this.

Mb

From: [Redacted] (OTD) (FBI)  
Sent: Monday, May 18, 2009 4:34 PM  
To: [Redacted] (OTD) (FBI)  
Subject: Tasking of field POC

b6  
b7C

UNCLASSIFIED  
NON-RECORD

I have written this email in hopes of getting responses to the survey from Case Agents in the field that may have decided not to use ELSUR as a result of a "Going Dark" issue.

Please advise.

Per EC dated 01/09/2009 (269-HQ-C1584700 Serial 6), as part of the Going Dark Initiative; OTD, CALEA Implementation Unit (CIU) launched the ELSUR Non-compliance Survey in order document examples where we are "in the dark" by the loss of evidence, that we would be lawfully entitled to, due to advances in technology, antiquated ELSUR laws, and or lack of resources, training, personnel.

The concept of "going dark" is that these instances of lost ELSUR evidence will increase and therefore we must react to counter this trend.

To highlight some of the examples the ELSUR Non-compliant Survey is attempting to capture - please read the following -

As Case Agents, you may decide to not use ELSUR (pen registers, Title III, FISA) for one (but not limited to) of the following reasons:

1. [Redacted]

2. [Redacted]

b2  
b7E

3. You know the cost imposed by the telecom, to conduct ELSUR, is prohibitive and therefore you decide not to go up on that target line.

4. Your knowledge that the telecom's lack of a CALEA solution prevents your pen register, Title III, etc from going up and collecting ELSUR evidence - you decide not to go up on that target line.

If any of these examples apply, or any examples that you think apply, to any of your cases since January 2009, please visit, <http://otdsurvey.fbinet.fbi> and provide your example. These examples will help to document instances of "going dark"

and technology trends, identify non-compliant telecommunication carriers and determine our need in terms of training, funding and legislation.

Any questions, please call:



(cell)  
(office)

b2  
b6  
b7C

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-462

[redacted] (OTD) (FBI)

b6  
b7C

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, January 02, 2008 4:41 PM  
To: SMITH, CHARLES BARRY (OTD) (FBI); MOTTA, THOMAS GREGORY (OTD) (FBI);  
DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Cc: THOMAS, MARCUS G. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
Subject: RE: Going Dark Initiative  
  
Attachments: FW: FY09 National Electronic Surveillance Strategy Write Up and Charts (Domestic  
Communications Assistance Center D-CAC); FW: DCAC Exec summary; VoIP Presentation

UNCLASSIFIED  
NON-RECORD



FW: FY09 National Electronic S...  
FW: DCAC Exec summary  
VoIP Presentation

Barry, I think this should do it.

From: SMITH, CHARLES BARRY (OTD) (FBI)  
Sent: Wednesday, January 02, 2008 4:24 PM  
To: MOTTA, THOMAS GREGORY (OTD) (FBI); [redacted] (OTD) (FBI); DICLEMENTE, ANTHONY P. (OTD) (FBI)  
Cc: THOMAS, MARCUS G. (OTD) (FBI); COOK, PATRICK B. (OTD) (FBI)  
Subject: Going Dark Initiative

b6  
b7C

UNCLASSIFIED  
NON-RECORD

Folks,

b6  
b7C

[redacted] stopped by today to see me as a follow up to our meeting before the holidays regarding the GOING DARK INITIATIVE briefing material that BAH is putting together for us. As you recall, we discussed the need to get several items from you to provide to [redacted]. Please see below:

Greg Motta - 1) Overview of [redacted] and our recommendation as to what US law enforcement needs in this area, plus any case examples. b2 b7E

2) list of the legislative issues (not bill language but categorized by topic) related to our 5 prong strategy broken down by 1) changes to existing Federal ELSUR assistance mandates (CALEA) and 2) Revising and enhancing certain Federal statutory authorities (protection sensitive industry information, changes to pen register law, etc)

b2  
b6

Tony DiClemente - list of case examples where [redacted] as well as case example re [redacted] Case and [redacted] Case, etc). b7C b7E

[redacted] - Budget write-ups for DCAC, and others (if any).

Please advise time estimates when you will have this information to give to [redacted] so I can tell [redacted] as he is working on the report/talking points as we speak.

Thanks

b6  
b7C

Barry

Charles Barry Smith

EFF/Cardozo-463

[Redacted] (OTD) (FBI)

From: [Redacted] (CQ) (CON)  
Sent: Monday, March 16, 2009 9:10 AM  
To: [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (FBI)  
Subject: Presentation

b6  
b7C

Attachments: · DRAFT Going Dark DAB 20090316 CALEA.ppt

UNCLASSIFIED  
NON-RECORD

[Redacted]

[Redacted] requested I forward you the attached file.

b6  
b7C

In addition, some of the new authorities the Going Dark initiative is seeking to implement include:

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]



DRAFT Going Dark  
DAB 20090316 ...

b2  
b7E

Thanks,

[Redacted]

b6  
b7C

UNCLASSIFIED

EFF/Cardozo-464

[Redacted] (OTD) (FBI)

b6  
b7c

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

Attachments: Going Dark updated 20090423.ppt

UNCLASSIFIED  
NON-RECORD

[Redacted]

See attached.

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

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

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[Redacted]

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

[Redacted]

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

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EFF/Cardozo-465

[redacted]

[redacted] asked me to following with you regarding the Going Dark initiative update. Please give me a call regarding the status.

Thanks,

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[redacted]

SSA [redacted]  
Resource Planning Office  
Strategy Management Office  
J.E.H. Building, Room 6220  
Telephone: [redacted]

b2

From: [redacted] (DO) (FBI)  
Sent: Thursday, April 16, 2009 12:02 PM  
To: [redacted] (OTD) (FBI)  
Cc: [redacted] (DO) (FBI); [redacted] (OIPP) (FBI)  
Subject: Update on "Going Dark" Initiative

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[redacted]

As I mentioned to you, an update on "Going Dark" is going to be presented at the upcoming Enterprise SMS Quarterly Meeting or at an Executive Board meeting in the next several weeks. In either case, we need information to include with recent progress, any new issues impacting this initiative, an assessment of "overall health", and changes to the timeline.

Attached is the last update done around September 2008. If you would, please update the standard initiative template we use. I will be out next week so please cc [redacted] and [redacted]. Thanks for the help with this.

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[redacted]  
Strategy Management Office  
[redacted]

b2

<< File: Going Dark 9-08.ppt >>

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EFF/Cardozo-466



[Redacted] (OTD) (FBI)

From: [Redacted] (CQ) (CON)  
Sent: Thursday, April 23, 2009 2:22 PM  
To: [Redacted] (OTD) (FBI); [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (CON)  
Subject: RE: P10 - Going Dark

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[Redacted]

I updated the Initiative in SMS. However, I was under the impression the percentage-based measurements were to be deleted. I'll defer to [Redacted] on that one.

Thanks,

[Redacted]

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From: [Redacted] (OTD) (FBI)  
Sent: Thursday, April 23, 2009 2:03 PM  
To: [Redacted] (CQ) (CON); [Redacted] (OTD) (FBI)  
Cc: [Redacted] (OTD) (CON)  
Subject: FW: P10 - Going Dark

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NON-RECORD

Greetings all - Email wasn't working well yesterday, so just wanted to send out another email asking for:

Some info to be emailed to me regarding P10 - the first measure for that was not addressed and it has been submitted already, so I will need to put the rest in for you - so you can email me and I will plug it in.

Also, the Going Dark Initiative hasn't been updated in SMS. I'll need one of you to please update that and all will be complete. Thank you.

[Redacted]  
Operational Technology Division  
Management and Program Analyst  
TMSU  
Quantico, VA  
[Redacted]

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From: [Redacted] (OTD) (FBI)  
Sent: Wednesday, April 22, 2009 8:18 AM  
To: [Redacted] (CO) (CON)  
Cc: [Redacted] (OTD) (FBI)  
Subject: P10 - Going Dark

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EFF/Cardozo-467

Greetings - P10 has already been submitted (I believe you submitted 4/17) but the first measure which is "% of Progress against "going dark" campaign - measurements including % improving, % no progress, % lagging. Could you or [redacted] provide percentages to me for those, and I can plug them in. (You won't have access since it's been submitted). Thanks very much.

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[redacted]  
Operational Technology Division  
Management and Program Analyst  
TMSU  
Quantico, VA

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EFF/Cardozo-468



Sensitive Law Enforcement Information

b2 -2  
b7E -1

**"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.

A. [redacted] and evidence in criminal and

- [redacted]
- [redacted]

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]

- 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

Sensitive Law Enforcement Information

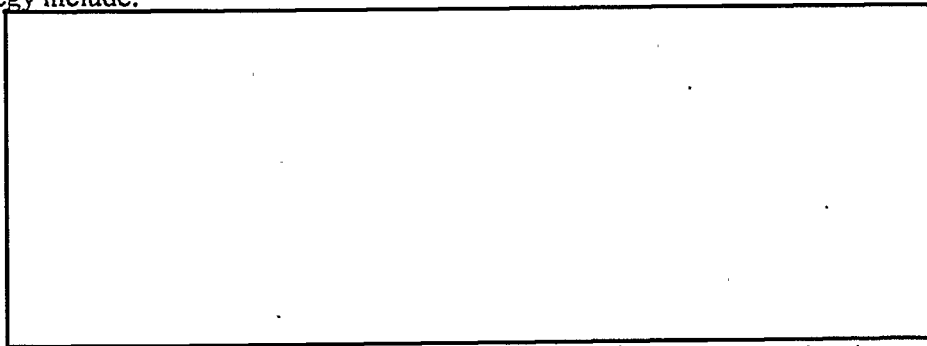
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becoming more difficult as the industry expands to include new entrants never before responsible for facilitating any form of lawful interception.

- 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

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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.

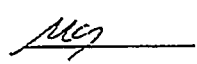
**V. Recommendations / Actions:** The FBI will continue to pursue the development and implementation of the National Lawful Intercept Strategy to ensure the future viability of this effective, useful, and indispensable investigative tool for the entire law enforcement community.

- 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

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





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## 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]
- 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]

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]

**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:



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## 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]

[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,

[Redacted]

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

[Redacted]

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.

[Redacted]

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

Response:

[Redacted]



OGC  
Response

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

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[Redacted]

OGC(FBI)

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From: [Redacted] (FD) (FBI)  
Sent: Tuesday, June 16, 2009 11:07 AM  
To: [Redacted] (OGC)(FBI); [Redacted] (OGC) (FBI)  
Subject: FW: Surveillance Worksheet

Attachments: Consolidated Surveillance Questionnaire LECG.doc



Consolidated  
Surveillance Ques...  
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[Redacted] or [Redacted]. In SC McNally's absence, Would you please advise if this is going to the appropriate OGC person?

Thanks,

[Redacted]

[Redacted]

Budget Formulation and Presentation Unit  
Finance Division

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[Redacted]

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

From: [Redacted] (FD) (FBI)  
Sent: Tuesday, June 16, 2009 11:04 AM  
To: [Redacted] (OGC) (FBI)  
Cc: [Redacted] (FD) (FBI); [Redacted] (FD) (FBI); [Redacted] (OGC) (FBI)  
Subject: FW: Surveillance Worksheet

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Hello [Redacted]

I spoke with [Redacted] who referred me to you. While [Redacted] provided her comments on these FBI responses, we thought it should also be reviewed by someone in NSLB as well. I am unsure if [Redacted] is the correct contact and I have not yet heard from her--- if it needs to be farmed out to someone else in OGC would you please advise?

Thank you,

[Redacted]

[Redacted]

Budget Formulation and Presentation Unit  
Finance Division

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[Redacted]

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

From: [Redacted] (OGC) (FBI)  
Sent: Tuesday, June 16, 2009 10:15 AM  
To: [Redacted] (FD) (FBI)  
Subject: RE: Surveillance Worksheet

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NON-RECORD

EFF/Cardozo-475

[redacted] - I will try to get you some comments ASAP.

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

From: [redacted] (FD) (FBI)  
Sent: Monday, June 15, 2009 5:30 PM  
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
Cc: [redacted] (FD) (FBI); [redacted] (FD) (FBI); [redacted] (FD) (FBI); [redacted] (FD) (FBI)  
Subject: FW: Surveillance Worksheet

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[redacted] and [redacted]

DOJ has been asked by the Hill to compile Department Surveillance activities. As the attached questionnaire received from DOJ has legal references (questions I., II. 1, and II.3), would you please review. These responses were provided by OTD, CIRG, and CD.

DOJ initially asked us to submit this by COB today, however, now that we've deemed it to require OGC review we've pushed back on them for the deadline (tomorrow COB if possible). Please note that our responses must be unclassified.

Call with any questions,

[redacted]

PS please forward to appropriate persons, thanks.

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[redacted]  
Budget Formulation and Presentation Unit  
Finance Division  
[redacted]

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

From: [redacted] (FD) (FBI)  
Sent: Monday, June 15, 2009 4:35 PM  
To: [redacted] (IR) (FBI); [redacted] (CD) (FBI); [redacted] (IR) (FBI);  
[redacted] (CD) (FBI); [redacted] (OTD) (FBI); [redacted] (OTD) (FBI)  
Cc: [redacted] (FD) (FBI); [redacted] (FD) (FBI); [redacted] (FD) (FBI); [redacted] (FD) (FBI)  
(FBI)  
Subject: RE: Surveillance Worksheet

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CIRG, OTD, and CD-

Attached please find the consolidated "Surveillance Questionnaire" with your submitted information. A reminder that this needs to be unclassified, so please advise if you have any concerns or see anything which needs revision before submission to DOJ tonight.

Please advise within the hour, Thanks.

[redacted]

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[redacted]  
Budget Formulation and Presentation Unit  
Finance Division  
[redacted]

EFF/Cardozo-476

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

From: [redacted] (FD) (FBI)

Sent: Thursday, June 11, 2009 1:31 PM

To: [redacted] (IR) (FBI); [redacted] (CD) (FBI); [redacted] (IR) (FBI); [redacted] (CD) (FBI)

Cc: [redacted] (FD) (FBI)

Subject: FW: Surveillance Worksheet

Importance: High

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CIRG and CD-

Please see the attached questionnaire and below email for context, concerning a Department collection of information on surveillance activities. Would you please individually complete the attached concerning your respective surveillance programs and send back to me by Friday COB so that we are able to consolidate responses and return to DOJ by Monday deadline.

Please note that DOJ is looking for high-level unclassified information only.

Please advise if you have any concerns,

[redacted]

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[redacted]  
Budget Formulation and Presentation Unit  
Finance Division

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

From: [redacted] (FD) (FBI)

Sent: Wednesday, June 10, 2009 2:30 PM

To: [redacted] (FD) (FBI); Koscielny, Kristin M.; [redacted] (FD)

(FBI)

Cc: [redacted] (FD) (FBI); [redacted]; Klein, Richard L.;

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Subject: FW: Surveillance Worksheet

I think [redacted] is taking the lead on answering these question. She has reached out to CIRG, CD and OTD.

Where they are looking for performance measures, I suggest we use the ones we already provide in the DU narratives. There are some questions about what challenges we face. We could answer those in terms of our FY 2010 budget request and how the FY 2010 budget request answers those challenges to some extent. Technical challenges would include the going dark discussion. Statutory issues might include issues related to the patriot act.

[redacted] please include this on the tracker, with [redacted] as the lead and note due date, June 15.

Others, FYI only.

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[redacted]

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

From: [redacted] [mailto:[redacted]@usdoj.gov]

Sent: Wednesday, June 10, 2009 11:02 AM

To: [redacted] (FD) (FBI); [redacted] (FD) (FBI); [redacted]

[redacted] (FD) (FBI)

EFF/Cardozo-477

Cc: [redacted]  
Subject: FW: Surveillance Worksheet

Please take a look at the email below and let me know if you have questions.

Thanks!

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[Redacted]  
Department of Justice, Budget Staff  
Justice Management Division  
[Redacted]

From: [Redacted]  
Sent: Wednesday, June 10, 2009 11:01 AM  
To: [Redacted] (JMD); [Redacted]  
Cc: [Redacted]  
Subject: Surveillance Worksheet

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Good Morning,

We have been asked by the hill to compile Department Surveillance Activities. Please have your components (DEA, ATF, USMS, FBI) complete the attached and return by COB Monday June 15th. Please note that we are looking for high-level unclassified information only. Let me know if you have any questions at all.

Thanks!

<<Surveillance Questionnaire LECG.doc>>

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[Redacted]  
Department of Justice, Budget Staff  
Justice Management Division  
[Redacted]

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EFF/Cardozo-478

FBI Responses to DOJ Surveillance Questionnaire  
(Law Enforcement Components)

**I. Legal Statutes**

**1. Under what legal authorities does the component operate and how is approval obtained? (1-2 paragraphs response maximum)**

*A) Physical Surveillance*

The Special Surveillance Group and Lookout Program operate pursuant to EO 12333, the Foreign Intelligence Act, US PATRIOT Act. Surveillance operation authority is outlined in the Attorney Generals Guidelines (AGG) and the FBI Domestic Investigations and Operations Guidelines (DIOG). Each physical surveillance case request is reviewed and approved by a Supervisory Special Agent (SSA) and Assistant Special Agent in Charge (ASAC) in the field division where the investigation is occurring.

*B) Electronic Surveillance*

The FBI conducts lawful electronic surveillance and searches under Title 18 USC 2510 (Wiretap), Rule 41 Search Warrants, Title 18 USC 3123 Pen Register/Trap and Trace, Title 50 Foreign Intelligence Surveillance Act (FISA) authorities for Electronic Surveillance, Physical Search and Pen Register. Some other electronic surveillance is performed under consent of a party to the communications as an exception to the order. In addition, the FBI conducts lawful electronic surveillance under state authority as authorized by the Attorney General (AG Order 2954-2008).

**II. Current Surveillance Capabilities**

**1. What kind of surveillance (Physical, electronic) requires a warrant and what kind of warrant? (1-3 sentences per type of surveillance)**

*A) Physical Surveillance*

Does not require a warrant.

*B) Electronic Surveillance*

Any electronic surveillance that involves a scenario where a person has an expectation of privacy necessitates the need for a court order or a lawful exception.

**2. Please provide a brief description of where in the organization surveillance activities occur (under which division/branch, etc) and who performs surveillance? (1-2 paragraphs maximum)**

*A) Physical Surveillance*

EFF/Cardozo-479

Within FBI Headquarters, the physical surveillance program is part of the Critical Incident Response Group (CIRG). This includes the Special Operations Group (SOG), Special Surveillance Group (SSG), Lookout program, and the Aviation program.

Actual surveillance activities are carried out by armed FBI SOG Agents assigned to SOG surveillance teams in the field divisions. These SOG teams are assigned to squads managed by a Supervisory Special Agent (SSA), reporting to an Assistant Special Agent in Charge (ASAC). Surveillance operations are also conducted by personnel of the Special Surveillance Group and Lookout Program in the field divisions.

Headquarters oversight of the aviation component of the surveillance program is handled by the Field Flight Operations Unit. The pilots assigned to the surveillance teams also normally report to the field SOG SSA.

*B) Electronic Surveillance*

Electronic Surveillance is conducted in each FBI Field Office by Technically Trained Agents (TTAs) assigned to the Technical Investigative Program or by those individuals assigned to the Operational Technology Division (OTD) at the Engineering Research Facility, Quantico, Virginia.

**3. What kind of surveillance does the organization do (physical, electronic)? For what purpose and under which authorities? (1-3 paragraphs maximum)**

The FBI does both physical and electronic surveillance under the authorities described in section I (above).

**4. Please provide a brief description of any specialized operational training provided for surveillance? (1-2 sentences maximum)**

*A) Physical Surveillance*

Surveillance non-Agent personnel receive a six week Basic Surveillance for new hires, Advance Field Training for experienced personnel, related cultural training delivered by the FBI and/or the Joint Counterintelligence Training Academy and other FBI approved vendors, Mentoring Seminar for Surveillance Program managers, training for technology introduced into the work environment, among others.

SOG Agent surveillance personnel receive basic physical surveillance training at the FBI Academy as part of New Agent training. After being assigned to an SOG squad later in their career, they participate in on the job training at the SOG squad, complete on-line Virtual Academy training courses, attend the advanced surveillance course sponsored by SOGU, attend the Tactical Emergency Vehicle Operations Course (TEVOC) and attend an advanced photography course to achieve surveillance certification. Additional courses are available to continue to increase the skills of surveillance agent operators.

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*B) Electronic Surveillance*

Training for Technically Trained Agents (TTAs) and those individuals assigned to the Operational Technology Division (OTD) who perform electronic surveillance intercepts is conducted by the OTD.

**5. Please provide a description of the different types of technologies used in surveillance, what it is used for, and any new technologies that the component is developing (2-3 paragraphs maximum)?**

*A) Physical Surveillance*

Technologies currently used includes:

- 1) [Redacted]
- 2) [Redacted]
- 3) [Redacted]
- 4) [Redacted]
- 5) [Redacted]
- 6) [Redacted]

b2  
b7E

Technology that is being tested and fielded includes:

- 1) [Redacted]
- 2) [Redacted]
- 3) [Redacted]
- 4) [Redacted]
- 5) [Redacted]

b2  
b7E

*B) Electronic Surveillance*

The OTD is involved in the development and deployment of surveillance technologies. This includes [Redacted]

b2  
b7E

**6. Please provide some details on workload that the component currently tracks (number of wiretaps, FISA's executed, etc.) (1-3 paragraphs maximum).**

*A) Physical Surveillance*

The number of surveillances requested, conducted, or unaddressed and underaddressed, support to priority matters and threat issues (Time Utilization Record Keeping-(TURK)) are tracked for [redacted]

b2  
b7E

The workload that SOGU currently tracks include [redacted]

b2  
b7E

*B) Electronic Surveillance*

The number of FISA ELSUR intercepts is classified. Criminal numbers for wiretap and pen register are reported to DOJ separately and are identified in the annual Wiretap Report.

**III. Challenges/Future**

**1. What are some challenges (in the area of surveillance) the component faces related to (few sentences maximum per item):**

Lack of sufficient base funding to support daily operations such as [redacted] [redacted] which will eliminate the requirement to realign equipment funding to maintain daily operations.

b2  
b7E

**a. Training (for example, are there any special training needs?)**

*A) Physical Surveillance*

Personnel of the Surveillance corps need an appropriately designed [redacted] training program.

b2  
b7E

Challenges related to training include [redacted]

[redacted] maintain a proficiency regarding [redacted]

[redacted] Training is necessary to

[redacted] for example [redacted]

b2  
b7E

[Redacted] Funding for training remains a concern.

b2  
b7E

*B) Electronic Surveillance*

The FBI and the law enforcement community have developed a National Strategy to ensure the continued viability of lawful electronic surveillance intercept capabilities. These challenges are explained in the Going Dark initiative of the FBI.

**b. Workforce Retention**

*A) Physical Surveillance*

Workforce retention is complicated by the nature of the work which requires

[Redacted]

b2  
b7E

This will begin in the locations with highest threats.

*B) Electronic Surveillance*

N/A

**c. Workload**

*A) Physical Surveillance*

There continues to be a substantial unaddressed/underaddressed work load.

*B) Electronic Surveillance*

Training and workload requirements continue to increase.

**2. What are some technological challenges (in the area of surveillance) the component faces?**

Technological challenges include

[Redacted]

b2  
b7E

**2. Are there any statutory issues the component faces?**

N/A

EFF/Cardozo-483

DECLASSIFIED BY 60322 UC LP/STP/AMW  
ON 01-19-2010

[redacted] (OGC)(FBI)

From: SABOL, SHERRY E. (OGC) (FBI)  
Sent: Thursday, March 19, 2009 3:33 PM  
To: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)  
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
Subject: RE: Budget

(U)

~~SECRET//NOFORN~~  
~~RECORD none~~

b6  
b7c

I know. So was I. Although [redacted] really is not in tomorrow or Monday.

From: SIEGEL, STEVEN N. (OGC) (FBI)  
Sent: Thursday, March 19, 2009 3:22 PM  
To: SABOL, SHERRY E. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)  
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
Subject: RE: Budget

(U)

~~SECRET//NOFORN~~  
~~RECORD none~~

I was joking. [redacted] and [redacted] have been working on it today. [redacted] will be back tomorrow and will pitch in then. This is due on Monday, right?

b2  
b6  
b7c

Steven N. Siegel, Section Chief  
NSLB - Policy, Litigation, Training and Oversight

[redacted] (fax)  
[redacted] (blackberry)

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: SABOL, SHERRY E. (OGC) (FBI)  
Sent: Thursday, March 19, 2009 3:18 PM  
To: SIEGEL, STEVEN N. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)  
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
Subject: RE: Budget

(U)

~~SECRET//NOFORN~~  
~~RECORD none~~

He's not in tomorrow or Monday.

b6  
b7c

From: SIEGEL, STEVEN N. (OGC) (FBI)  
Sent: Thursday, March 19, 2009 3:17 PM  
To: SABOL, SHERRY E. (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI)  
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
Subject: RE: Budget

(U)

~~SECRET//NOFORN~~  
~~RECORD none~~

We were hoping that [redacted] would handle them for us. Is he in tomorrow and Monday?

b2  
b6  
b7C

Steven N. Siegel, Section Chief  
NSLB - Policy, Litigation, Training and Oversight

[redacted] (fax)  
[redacted] (blackberry)

THIS IS A PRIVILEGED ATTORNEY-CLIENT WORK PRODUCT/COMMUNICATION AND IS NOT TO BE DISTRIBUTED OUTSIDE OF OGC WITHOUT PRIOR APPROVAL

From: SABOL, SHERRY E. (OGC) (FBI)  
Sent: Thursday, March 19, 2009 3:15 PM  
To: MCNALLY, RICHARD (OGC) (FBI); SIEGEL, STEVEN N. (OGC) (FBI)  
Subject: FW: Budget  
Importance: High

(U)

~~SECRET//NOFORN~~  
~~RECORD none~~

b6  
b7C

Who's working the budget issues in NSLB? I've heard [redacted] is out?

From: [redacted] (OGC) (FBI)  
Sent: Thursday, March 19, 2009 2:54 PM  
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI)  
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI)  
Subject: RE: Budget  
Importance: High

(U)

~~SECRET//NOFORN~~  
~~RECORD none~~

Everyone:

Can you please tell me if your branches are planning to request any FSL as part of the Computer Intrusions initiatives? If so, how many?

According to my records, for Fy2011(only): [redacted]

[redacted]. Are you going to reduce these numbers proportionately or are your priorities shifting? Please advise ASAP so I can integrate into the overall threat request.

NSLB - I need more than numbers from you this time - metrics would be ideal.

b2  
b7E

Please be sure to include SC Sherry Sabol on any responses because after today I will be on A/L until next Tuesday.

FYI - for FY 2011 [redacted] for Operational R&D/Going Dark, [redacted] I hope to have a blurb/justification to [redacted] before I go. If I don't get it to you, then please contact Sherry.

b6  
b7C

Thanks,

[redacted]

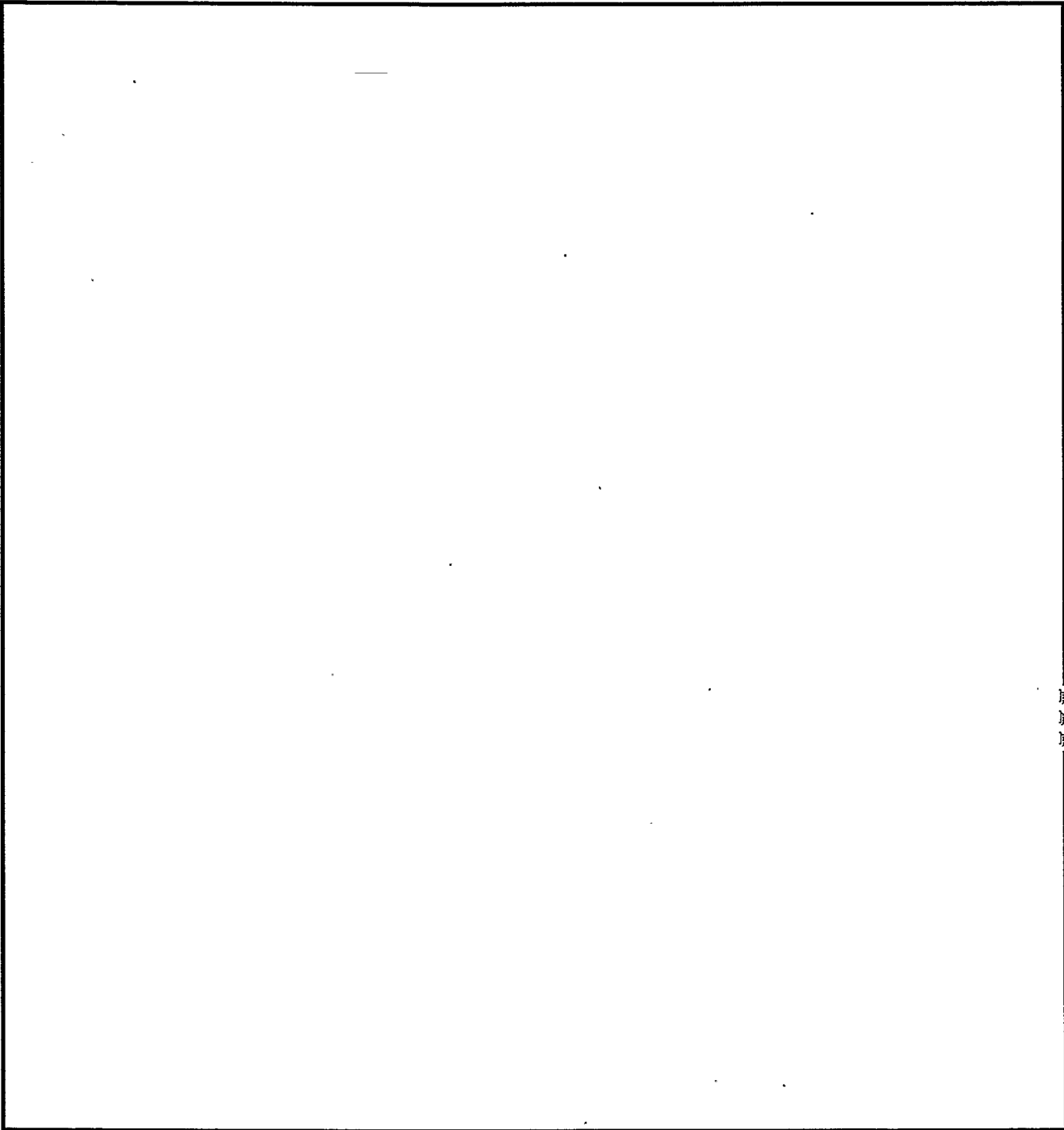
From: [redacted] (OGC) (FBI)  
Sent: Thursday, March 19, 2009 1:02 PM  
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [redacted] (OGC) (FBI)

Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
Subject: RE: Budget  
Importance: High

b6  
b7C

~~SECRET//NOFORN~~  
~~RECORD none~~

Since all the submissions are pretty much branch composites, I'm not at all sure how useful individual unit data will be. But here are first quick (warty) scratchings from PCLU:



b2  
b5  
b7E

[Redacted]

[Redacted]

[Redacted]

Bottom line:

The requested enhancements are necessary to support efforts by

[Redacted]

b2  
b5  
b7E

(U)

~~DERIVED FROM: Multiple Sources  
DECLASSIFY ON: 20340318  
SECRET//NOFORN~~

~~DERIVED FROM: Multiple Sources  
DECLASSIFY ON: 20340318  
SECRET//NOFORN~~

~~DERIVED FROM: Multiple Sources  
DECLASSIFY ON: 20340318  
SECRET//NOFORN~~

~~DERIVED FROM: Multiple Sources  
DECLASSIFY ON: 20340318  
SECRET//NOFORN~~

~~DERIVED FROM: Multiple Sources  
DECLASSIFY ON: 20340318  
SECRET//NOFORN~~

~~DERIVED FROM: Multiple Sources  
DECLASSIFY ON: 20340318  
SECRET//NOFORN~~

~~DERIVED FROM: Multiple Sources~~

EFF/Cardozo-487

DECLASSIFIED BY 60322 UC LP/STP/AMW  
ON 01-19-2010

[Redacted] (OGC)(FBI)

From: MCNALLY, RICHARD (OGC) (FBI)  
Sent: Thursday, March 19, 2009 3:11 PM  
To: SIEGEL, STEVEN N. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)  
Subject: FW: Budget

(U) Importance: High

b6  
b7C

~~SECRET//NOFORN~~  
~~RECORD none~~

From: [Redacted] (OGC) (FBI)  
Sent: Thursday, March 19, 2009 2:54 PM  
To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [Redacted] (OGC) (FBI)  
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI)  
Subject: RE: Budget  
Importance: High

(U)

~~SECRET//NOFORN~~  
~~RECORD none~~

Everyone:

Can you please tell me if your branches are planning to request any FSL as part of the Computer Intrusions initiatives? If so, how many?

According to my records, for Fy2011(only): [Redacted]

[Redacted] Are you going to reduce these numbers proportionately or are your priorities shifting? Please advise ASAP so I can integrate into the overall threat request.

b2  
b7E

NSLB - I need more than numbers from you this time - metrics would be ideal.

Please be sure to include SC Sherry Sabol on any responses because after today I will be on A/L until next Tuesday.

FYL- [Redacted] for Operational R&D/Going Dark.

Thanks,

b6  
b7C

From: [Redacted] (OGC) (FBI)  
Sent: Thursday, March 19, 2009 1:02 PM  
To: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); MCNALLY, RICHARD (OGC) (FBI); [Redacted] (OGC) (FBI)  
Cc: [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)  
Subject: RE: Budget  
Importance: High

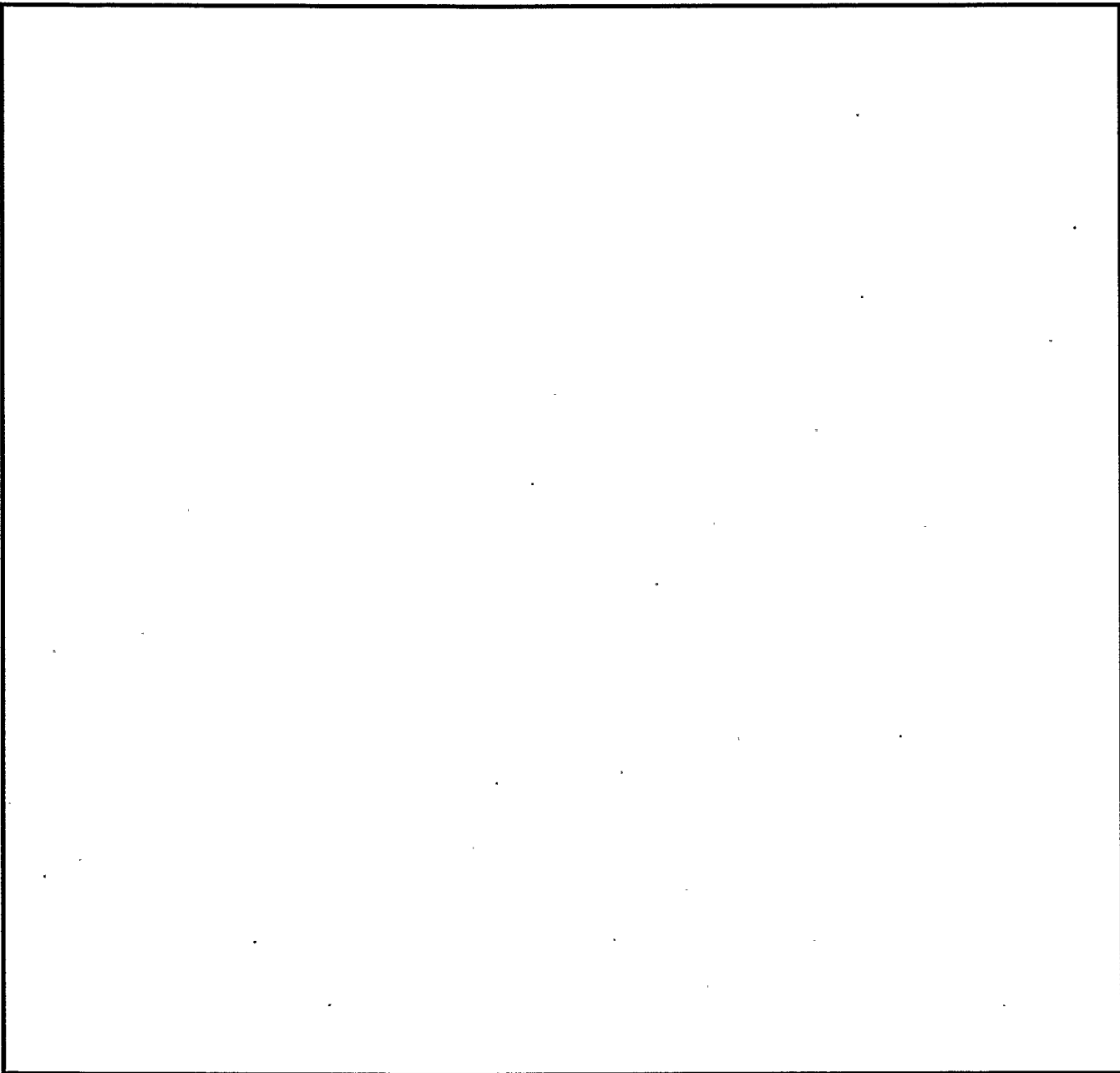
EFF/Cardozo-488



(U)

~~SECRET//NOFORN~~  
~~RECORD none~~

Since all the submissions are pretty much branch composites, I'm not at all sure how useful individual unit data will be. But here are first quick (warty) scratchings from PCLU:



b2  
b5  
b7E



EFF/Cardozo-489

[Redacted]

[Redacted]

Bottom line:

The requested enhancements are necessary to support efforts by

[Redacted]

(U)

~~DERIVED FROM: Multiple Sources  
DECLASSIFY ON: 20340318  
SECRET//NOFORN~~

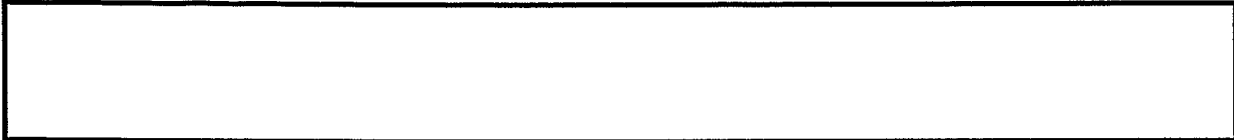
~~DERIVED FROM: Multiple Sources  
DECLASSIFY ON: 20340318  
SECRET//NOFORN~~

~~DERIVED FROM: Multiple Sources  
DECLASSIFY ON: 20340318  
SECRET//NOFORN~~

b2  
b5  
b7E

EFF/Cardozo-490

"Going Dark" and [redacted] reported



b2  
b7E

EFF/Cardozo-491

**FYI: Democracy Going Dark - The Electronic Police State**b6  
b7c

[redacted]@askcalea.net [redacted]@askcalea.net]

Sent: Tuesday, May 26, 2009 6:47 PM

To: Sabol, Sherry E.; [redacted]

<http://revolutionradio.org/2009/05/22/democracy-going-dark-the-electronic-police-state/>

Democracy Going Dark: The Electronic Police State

Posted on May 22, 2009 by Paul Martin in Facism, Government Evil, New World Order, Police State, Surveillance, Technology | 0 Comments

The FBI's Multi-Billion "High-Tech Surveillance" Program

by Tom Burghardt

The Federal Bureau of Investigation's budget request for Fiscal Year 2010 reveals that America's political police intend to greatly expand their high-tech surveillance capabilities.

According to ABC News, the FBI is seeking additional funds for the development of "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."

Known as "Going Dark," the program is designed to beef up the Bureau's already formidable electronic surveillance, intelligence collection and evidence gathering capabilities "as well as those of the greater Intelligence Community," ABC reports. An FBI spokesperson told the network:

"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." (Jason Ryan, "DOJ Budget Details High-Tech Crime Fighting Tools," ABC News, May 9, 2009)

Led by Assistant Director Marcus C. Thomas, OTD describes the office as supporting "the FBI's investigative and intelligence-gathering efforts—and those of our federal, state, and local law enforcement/intelligence partners—with a wide range of sophisticated technological equipment, examination tools and capabilities, training, and specialized experience. You won't hear about our work on the evening news because of its highly sensitive nature, but you will continue to hear about the fruits of our labor..."

According to OTD's website, the Division possesses "seven core capabilities": Digital Forensics; Electronic Surveillance; Physical Surveillance; Special Technology and Applications; Tactical Communications; Tactical Operations and finally, Technical Support/Coordination.

Under the heading "Electronic Surveillance," OTD deploys "tools and techniques for performing lawfully-authorized intercepts of wired and wireless telecommunications and data network communications technologies; enhancing unintelligible audio; and working with the communications industry as well as regulatory and legislative bodies to ensure that our continuing ability to

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<https://www.324mail.com/owa/?ac=Item&t=IPM.Note&id=RgAAAACZIMnLjTJcTqklCP...> 9/24/2009

conduct electronic surveillance will not be impaired as technology evolves.”

But as we have seen throughout the entire course of the so-called “war on terror,” systemic constitutional breaches by the FBI—from their abuse of National Security Letters, the proliferation of corporate-dominated Fusion Centers to the infiltration of provocateurs into antiwar and other dissident groups—the only thing “impaired” by an out-of-control domestic spy agency have been the civil liberties of Americans.

#### Communications Backdoor Provided by Telecom Grifters

While the Bureau claims that it performs “lawfully-authorized intercepts” in partnership with the “communications industry,” also known as telecommunications’ grifters, the available evidence suggests otherwise.

As Antifascist Calling reported last year, security consultant and whistleblower Babak Pashar, in a sworn affidavit to the Government Accountability Project (GAP), provided startling details about the collusive—and profitable alliance—between the FBI and America’s wireless carriers.

Pashar furnished evidence that FBI agents have instantly transferred data along a high-speed computer circuit to a Bureau technology office in Quantico, Virginia. The so-called Quantico Circuit was provided to the FBI by Verizon, The Washington Post revealed.

According to published reports, the company maintains a 45 megabit/second DS-3 digital line that allowed the FBI and other security agencies virtually “unfettered access” to the carrier’s wireless network, including billing records and customer data “transferred wirelessly.” Verizon and other telecom giants have supplied FBI technical specialists with real-time access to customer data.

“The circuit was tied to the organization’s core network,” Pashar wrote. Such access would expose customers’ voice calls, data packets, even their physical movements and geolocation to uncontrolled—and illegal—surveillance.

In April, Wired obtained documents from the FBI under a Freedom of Information Act request. Those files demonstrate how the Bureau’s “geek squad” routinely hack into wireless, cellular and computer networks.

Although the FBI released 152 heavily-redacted pages, they withheld another 623, claiming a full release would reveal a “sensitive investigative technique.” Nevertheless, Wired discovered that the FBI is deploying spyware called a “computer internet protocol address verifier,” or CIPAV, designed to infiltrate a target’s computer and gather a wide range of information, “which it sends to an FBI server in eastern Virginia.” While the documents do not detail CIPAV’s capabilities, an FBI affidavit from a 2007 case indicate it gathers and reports,

a computer’s IP address; MAC address; open ports; a list of running programs; the operating system type, version and serial number; preferred internet browser and version; the computer’s registered owner and registered company name; the current logged-in user name and the last-visited URL.

After sending the information to the FBI, the CIPAV settles into a silent “pen register” mode, in which it lurks on the target computer and monitors its internet use, logging the IP address of every server to which the machine connects. (Kevin Poulsen, “FBI Spyware Has Been Snaring Extortionists, Hackers for Years,” Wired, April 16, 2009)

“Going Dark” is ostensibly designed to help the Bureau deal with

EFF/Cardozo-493

technological changes and methods to intercept Voice Over Internet Protocol (VOIP) phone calls facilitated by programs such as Skype. But a tool that can seamlessly target hackers and cyber-criminals can just as easily be deployed against political opponents.

The FBI also intends to continue their use of automated link- and behavioral analysis derived from data mining as investigative tools. As a subset of applied mathematics, social network theory and its derivatives, link- and behavioral analysis, purport to uncover hidden relationships amongst social groups and networks. Over time, it has become an invasive tool deployed by private- and state-intelligence agencies against political activists, most recently, as Antifascist Calling reported in February, against protest groups organizing against the Republican National Convention.

These methods raise very troubling civil liberties' and privacy concerns. The Electronic Privacy Information Coalition (EPIC) filed a Freedom of Information Act request, demanding that the General Services Administration (GSA) turn over agency records "concerning agreements the GSA negotiated between federal agencies and social networking services, including Flickr, YouTube, Vimeo, Blip.tv, and Facebook."

With the proliferation of social networking sites, applications allow users to easily share information about themselves with others. But as EPIC points out, "Many online services relay information about online associations as users create new relationships. While government agencies may use social networking, cloud computing, and Internet services to create greater transparency on their activities, it remains unclear if there are data collection, use, and sharing limitations."

And with "information discoverability" all the rage amongst spooky security agencies ranging from the FBI to the NSA, "connecting the dots," particularly when it comes to dissident Americans, "is gaining increasing attention from homeland security officials and experts in their ongoing attempt to corral anti-terrorism information that resides across federal, state and local jurisdictions," Federal Computer Week reports.

Will an agreement between Facebook and the FBI facilitate "dot connecting" or will it serve as a new, insidious means to widen the surveillance net, building ever-more intrusive electronic case files on dissident Americans?

#### The Electronic Police State

As Antifascist Calling reported earlier this month, citing the Electronic Frontier Foundation's (EFF) dossier on the FBI's Investigative Data Warehouse (IDW), the office had "transitioned to the operations and maintenance phase during FY 2008&#8243; and now possesses some "997,368,450 unique searchable documents," ready for data mining.

But as study after study has revealed, most recently the comprehensive examination of various programs by the National Research Council, automated data mining is "likely to generate huge numbers of false leads."

Because the mountainous volumes of data "mined" for "actionable intelligence" are drawn from dozens of disparate sources on terrorism or criminal suspects, "they have an enormous potential for privacy violations because they will inevitably force targeted individuals to explain and justify their mental and emotional states."

EFF documented that the Bureau's Telephone Application (TA) "provides a central repository for telephone data obtained from investigations." TA allegedly functions as an "investigative tool ... for all telephone data

EFF/Cardozo-494

collected during the course of FBI investigations. Included are pen register data, toll records, trap/trace, tape-edits, dialed digits, airmet (pager intercepts), cellular activity, push-to-talk, and corresponding subscriber information."

Additionally, the civil liberties' group revealed that "records obtained through National Security Letters are placed in the Telephone Application, as well as the IDW by way of the ACS [Automated Case] system." It would appear that "Going Dark" will serve as a research subsystem feeding the insatiable appetite of the Investigative Data Warehouse.

In fact, these programs are part and parcel of what the security website Cryptohippie refers to as the Electronic Police State. Far from keeping us safe from all manner of dastardly plots hatched by criminals and/or terrorists, Cryptohippie avers:

An electronic police state is quiet, even unseen. All of its legal actions are supported by abundant evidence. It looks pristine.

An electronic police state is characterized by this:

State use of electronic technologies to record, organize, search and distribute forensic evidence against its citizens.

The two crucial facts about the information gathered under an electronic police state are these:

1. It is criminal evidence, ready for use in a trial.
2. It is gathered universally and silently, and only later organized for use in prosecutions.

In an Electronic Police State, every surveillance camera recording, every email you send, every Internet site you surf, every post you make, every check you write, every credit card swipe, every cell phone ping... are all criminal evidence, and they are held in searchable databases, for a long, long time. Whoever holds this evidence can make you look very, very bad whenever they care enough to do so. You can be prosecuted whenever they feel like it—the evidence is already in their database. ("The Electronic Police State, 2008 National Rankings," Cryptohippie, no date)

Unfortunately, this is not the stuff of paranoid fantasies, but American reality in the year 2009; one unlikely to change in the foreseeable future.

In addition to "Going Dark," the FBI is busily constructing what ABC News refers to as the "development of the Biometric Technology Center, a Joint Justice, FBI and DoD program." At a cost of \$97.6 million, the center will function as a research and development arm of the Bureau's Biometric Center of Excellence (BCOE), one which will eventually "be a vast database of personal data including fingerprints, iris scans and DNA which the FBI calls the Next Generation Identification (NGI)."

The program is closely tied with technology under development by West Virginia University's Center for Identification Technology Research (CITeR). As the FBI's "lead academic partner in biometrics research" according to a Bureau press release, CITeR provides "biometrics research support to the FBI and its law enforcement and national security partners and serve as the FBI liaison to the academic community of biometric researchers nationwide."

Indeed, CITeR director Lawrence A. Hornak, "a visionary of the Big Brother school of technology" told The Register, he awaits the day "when devices

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will be able to 'recognize us and adapt to us.' The "long-term goal," Hornak declared, is the "ubiquitous use of biometrics."

But as The Register pointed out when the program was publicly rolled-out, "civil libertarians and privacy advocates are not amused."

They claim that the project presents nightmare scenarios of stolen biometric information being used for ever-more outlandish forms of identity theft, which would be nearly impossible to correct. Correcting an inaccurate credit report is already an insulting and hair-raising experience in America, and critics contend that the use of biometrics would make correcting inaccurate credit reports or criminal histories nearly impossible. Besides, they argue, the US government does not exactly have a sterling record when it comes to database security—what happens when, as seems inevitable, the database is hacked and this intimate and allegedly indisputable data is compromised? ...

Databases usually become less accurate, rather than more, the older and bigger they get, because there's very little incentive for the humans that maintain them to go back and correct old, inaccurate information rather than simply piling on new information. Data entry typically trumps data accuracy. Furthermore, the facial recognition technology in its current iteration is woefully inaccurate, with recognition rates as low as 10 per cent at night. All in all, there is ample reason for skepticism—not that it will make much of a difference. (Burke Hansen, "FBI preps \$1bn biometric database," The Register, December 24, 2007)

But WVU's CITeR isn't the only partner lining-up to feed at the FBI's trough. ABC reports that the Bureau "has awarded the NGI contract to Lockheed Martin to update and maintain the database which is expected to come online in 2010. After being fully deployed the NGI contract could cost up to \$1 billion."

However, Federal Computer Week reported in 2008 that although the initial contract will "consist of a base year," the potential for "nine option years" means that "the value of the multiyear contract ... could be higher." You can bet it will!

Additional firms on Lockheed Martin's "team" as subcontractors include IBM, Accenture, BAE Systems, Global Science & Technology, Innovative Management & Technology Services and Platinum Solutions. In other words, NGI is yet another in a gigantic herd of cash cows enriching the Military-Industrial-Security Complex.

#### Democracy "Going Dark"

The "vast apparatus of domestic spying" described by the World Socialist Web Site, greatly expanded under the criminal Bush regime is a permanent feature of the capitalist state; one that will continue to target political dissent during a period of profound economic crisis.

That the Obama administration, purportedly representing fundamental change from the previous government, has embraced the felonious methods of the Bush crime family and its capo tutti capo, Richard Cheney, should surprise no one. Like their Republican colleagues, the Democrats are equally complicit in the antidemocratic programs of repression assembled under the mendacious banner of the "global war on terror."

From warrantless wiretapping to the suppression of information under cover of state secrets, and from the waging of imperialist wars of conquest to torture, the militarist mind-set driving capitalist elites at warp speed towards an abyss of their own creation, are signs that new political provocations are being

EFF/Cardozo-496



prepared by America's permanent "shadow government"—the military-intelligence-corporate apparatus.

Global Research .ca

[Redacted]  
Assistant General Counsel  
Science and Technology Law Unit  
Office of the General Counsel  
Federal Bureau of Investigation  
Direct Dial: [Redacted]  
E-mail: [Redacted]@askcalea.net

b2  
b6  
b7C

\*\*\*\*\*  
This e-mail message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work product, or other privileges. If you are not the intended recipient or person responsible for delivering this confidential communication to the intended recipient, you have received this communication in error, and any review, use, dissemination, forwarding, printing, copying, or other distribution of this e-mail message and any attached files is strictly prohibited. If you have received this confidential communication in error, please notify the sender immediately by reply e-mail message and permanently delete the original message.  
\*\*\*\*\*

EFF/Cardozo-497

b6  
b7c

[Redacted] (OGC) (FBI)

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

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

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

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]

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-498

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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

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

Section 552

Section 552a

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

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

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

- Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.
Document(s) originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

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

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

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

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

EFF/Cardozo 499-515: Pages are the attachment, "Lawful Intercept Strategy White Paper 2008," which is mentioned on Bates page 498. It is a draft of a "White Paper" titled, "Going Dark: Law Enforcement's Need to Preserve Lawful Intercept Capabilities." A White Paper is issued by government agencies to lay out policy, or proposed action, on a topic of current concern, i.e. Going Dark Initiative.

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

"Going Dark" white paper

Page 1 of 2

"Going Dark" white paper

b6  
b7C

Sent: Wednesday, August 06, 2008 4:29 PM

To: Sabol, Sherry E.; [redacted]@askcalea.net; [redacted]

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

[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?

To me, [redacted]

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

More-specific comments:

b2  
b5  
b7E

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

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

This sentence makes it sound like [redacted]  
Recommended replacement:  
[redacted]

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

On page 12, the bullets under item 1: EFF/Cardozo-516

The second bullet says we need to

[Redacted]

b5

The third bullet says

-- I suggest replacing

[Redacted]

*PRIVILEGED INTERNAL DELIBERATIVE DOCUMENT - ATTORNEY WORK PRODUCT*

[Redacted]

FBI Science & Technology Law Unit (OGC),

[Redacted]

b2  
b6  
b7C

EFF/Cardozo-517

Re: "Going Dark" white paper

Page 1 of 6

Re: "Going Dark" white paper

b6  
b7C

[redacted]@askcalea.net [redacted]@askcalea.net]

Sent: Friday, August 08, 2008 2:42 PM

To: [redacted] Sabol, Sherry E.; [redacted]@askcalea.net; [redacted]

Attachments: [redacted]~1.pdf (229 KB); [redacted]~2.pdf (152 KB); [redacted]  
[redacted]~1.pdf (380 KB)

b5

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.

b6  
b7C

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]

b5

I'd recommend replacing it with this sentence:

[redacted]

b5

On Page 2, where the paper talks about [redacted] it might be helpful to drop a footnote off of that statement that lists a couple of examples for support/emphasis.

b5

One that I know of is [redacted]

b5

Copies of them are attached if you want to see what they say. By the way, you'll be interested to know that [redacted]

Another one I know of is [redacted]

b5

EFF/Cardozo-518

b5

[Redacted]

[Redacted]

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

[Redacted]

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

EFF/Cardozo-519

Re: "Going Dark" white paper

[Redacted]

b5

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

[Redacted]

b5

[Redacted] Just a suggestion...

b5

On Page 7, I'm wondering why we need that boxed quote when the same statement is at the top of the same page, but I guess that's neither here nor there. It just looks weird – especially since there's no attribution as to who exactly said it. Just an observation...

On Page 9, in the first full paragraph, the second sentence says

[Redacted]

b5

So I'd suggest rewording it this way, because I think this is really what we are trying to say:

[Redacted]

b5

[Redacted] - do you have any thoughts on the above rewording?

b6  
b7C

On Page 12, under [Redacted] some of these bullets are not worded as well as they could be. I would suggest these changes:

b5

[Redacted]

b5

b5

I'm confused by the 4th bullet concerning [Redacted]

EFF/Cardozo-520



Re: "Going Dark" white paper

Page 4 of 6

[Redacted]

b2  
b5  
b6  
b7C  
b7E

- do you have any thoughts on this one?

I'm also confused by the 6th bullet about [Redacted]

I think the point we are trying to make in this bullet - but are not actually making - is that [Redacted]

[Redacted]

- do you have any thoughts on this one?

[Redacted]

b2  
b6  
b7C

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

From: [Redacted]@ic.fbi.gov  
To: [Redacted]@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

>A few thoughts on the white paper:

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>High-level thoughts:

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>  
>

>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]

b2  
b5  
b7E

>  
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>

>There are other problems that are causing difficulties now, [Redacted]

b2  
b5  
b7E

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

>  
>  
>

>To me [Redacted]

b2  
b5  
b7E

EFF/Cardozo-521

[Redacted]

b2  
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, [Redacted]

b5

[Redacted]

[Redacted] Maybe

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

>  
>

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

[Redacted]

b5

>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] but two of the examples are not good:

[Redacted]

b2  
b5  
b7E

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>On page 12, the bullets under item 1:

>  
>

>The second bullet says we need to [Redacted]

b2  
b5  
b7E

[Redacted]

>  
>

EFF/Cardozo-522

Re: "Going Dark" white paper

Page 6 of 6

>The third bullet says [redacted]

b5

> [redacted]  
> I suggest replacing [redacted]

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>PRIVILEGED INTERNAL DELIBERATIVE DOCUMENT - ATTORNEY WORK PRODUCT

b2  
b6  
b7C

> [redacted] FBI Science & Technology Law Unit (OGC), [redacted]

>  
>  
>  
>

EFF/Cardozo-523

[Redacted]

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

b6  
b7C

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

Sherry:

b6  
b7C

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 it [Redacted]

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

b5

[Redacted]

b5

On Page 2, where the paper talks about [Redacted] it might be helpful to drop a footnote off of that statement that lists a couple of examples for support/emphasis.

b5

One that I know of is [Redacted]

Copies of them are attached if you want to see what they say. By the way, you'll be interested to know that [Redacted]

b5

EFF/Cardozo-524

9/22/2009

[Redacted]

Another one I know of is [Redacted]

[Redacted]

b5

[Redacted]

b5

[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] 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. I know that [Redacted]

b5

[Redacted] I'd suggest rewording

EFF/Cardozo-525

9/22/2009

the third sentence to say something like this:

[Redacted]

b5

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

[Redacted]

b5

[Redacted]

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

[Redacted]

b5

[Redacted]

b5

Just a suggestion...

On Page 7, I'm wondering why we need that

[Redacted]

b5

Just an observation...

On Page 9, in the first full paragraph, the second sentence says

[Redacted]

I'm not sure

that's a fair statement - at least as to all of those things. I think it's probably more accurate to

b5

[Redacted]

So I'd suggest rewording it this way, because I think this is really what we are trying to say:

b5

[Redacted]

b6  
b7C

[Redacted] - do you have any thoughts on the above rewording?

DAK>> I think you've reworded it well to more fairly say that

[Redacted]

b5

On Page 12, under

[Redacted]

EFF/Cardozo-526

9/22/2009

[redacted] some of these bullets are not worded as well as they could be. I would suggest these changes:

[redacted]

b2  
b5  
b6  
b7C  
b7E

DAK>> Or [redacted] would argue that [redacted]

I'm confused by the 4th bullet concerning [redacted] we need to better explain that in this bullet. [redacted] - do you have any thoughts on this one?

DAK>> I interpreted this as [redacted] ? I don't think this [redacted]

b2  
b5  
b7E

I'm also confused by the 6th bullet about [redacted] I think the point we are trying to make in this bullet - but are not actually making - [redacted] - do you have any thoughts on this one?

DAK>> I don't have it in front of me so I don't remember exactly how that bullet was worded, but I think the idea is that [redacted] Part of the solution, I think, is [redacted] But if we're talking about [redacted] I think the easiest-to-understand proposal is just to say that [redacted] That's what [redacted] says above -- that we want [redacted]

b2  
b5  
b6  
b7C  
b7E

----- 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

b6  
b7C

EFF/Cardozo-527

9/22/2009

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

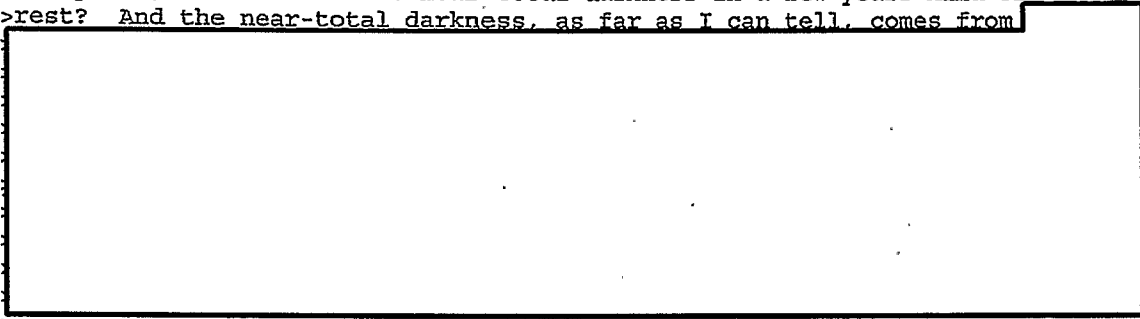
>A few thoughts on the white paper:

>  
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>

>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



>  
>  
>

>There are other problems that are causing difficulties now,

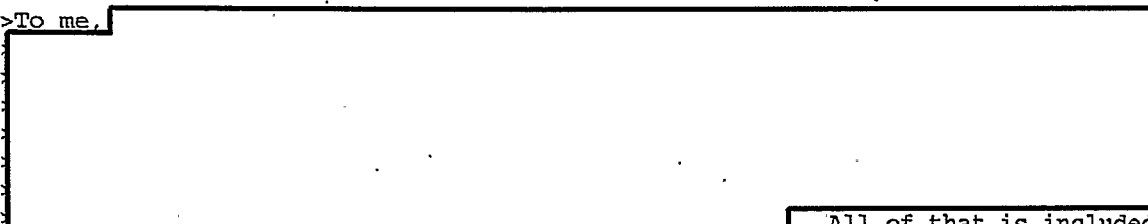


b5

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

>  
>  
>

>To me,



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,



Maybe

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

>  
>  
>

EFF/Cardozo-528

9/22/2009



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

[redacted]

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

b5

[redacted]

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

[redacted] but two of the examples are not good:

b5

[redacted]

>On page 12, the bullets under item 1:

b5

>The second bullet says we need to [redacted]

[redacted]

>The third bullet says [redacted]

b5

>-- I suggest replacing [redacted]

[redacted]

>PRIVILEGED INTERNAL DELIBERATIVE DOCUMENT - ATTORNEY WORK PRODUCT

b2  
b6  
b7C

[redacted] FBI Science & Technology Law Unit (OGC), [redacted]

EFF/Cardozo-529

9/22/2009

**Consolidated STLU Comments on OTD "Going Dark" paper**

[redacted]@askcalea.net [redacted]@askcalea.net]

b6  
b7C

Sent: Monday, September 15, 2008 1:33 PM

To: Sabol, Sherry E.

Cc: [redacted]

Attachments: CONSOLIDATED COMMENTS FROM~1.doc (69 KB) ; CALEA Amendments and CALEA~1.doc (34 KB)

Sherry:

Per your request during our recent discussions regarding the OTD "Going Dark" paper, attached is a document that consolidates the "high level" and "specific" comments and line edits that [redacted] and I previously provided to you on the paper.

b6  
b7C

I'm also attaching a document that consolidates the comments that [redacted] and I previously provided on our earlier proposed CALEA amendments, as well as our [redacted] "wish list" - the interplay between these and the paper should hopefully be pretty clear but we can further discuss if you want more background, information, or clarification.

b2  
b5  
b6  
b7C  
b7E

[redacted]

EFF/Cardozo-530

COMMENTS FROM SLTU ON THE OTD "GOING DARK" WHITE PAPER

A. *High-Level Comments*

The White Paper seems take an "everything but the kitchen sink" approach to the problem – rather than a more focused effort – and in doing so, appears to somewhat miss the forest for the trees. While there are obviously several problems that are all contributing to relative darkness now (e.g., [redacted] [redacted]), greater darkness in the near future, and near-total darkness in a few years, the near-total darkness in a few years would seem to dwarf the rest and drive the real problem.

b2  
b7E

The near-total darkness appears to comes from [redacted]

[redacted]

b5

[redacted]

b5

All of that is included in the White Paper, but not in a very front-and-center manner, and thus often seems buried.

B. *More Specific Comments and Suggested Edits*

General: Although we assume that the proponent of this paper is the FBI – on behalf of itself and state, local and other federal law enforcement agencies – that is not entirely clear from the title and summary. We suggest clarifying that point up front.

EFF/Cardozo-531

Page 1:

The description of [redacted] in footnote 1 is confusing and somewhat inaccurate. As currently worded, it gives the impression that [redacted]

[redacted]

b5

We suggest the following replacement text for footnote 1:

[redacted]

b5

Page 2:

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

[redacted] it might

b2  
b5  
b7E

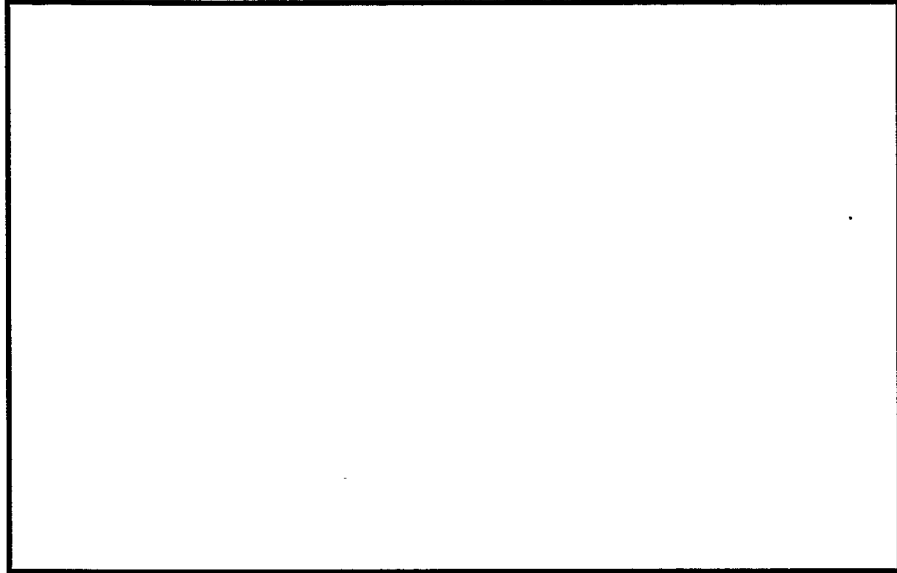
be helpful to drop a footnote off of that statement that lists a couple of examples for support/emphasis. The following are some examples that could be cited here:

- [redacted]

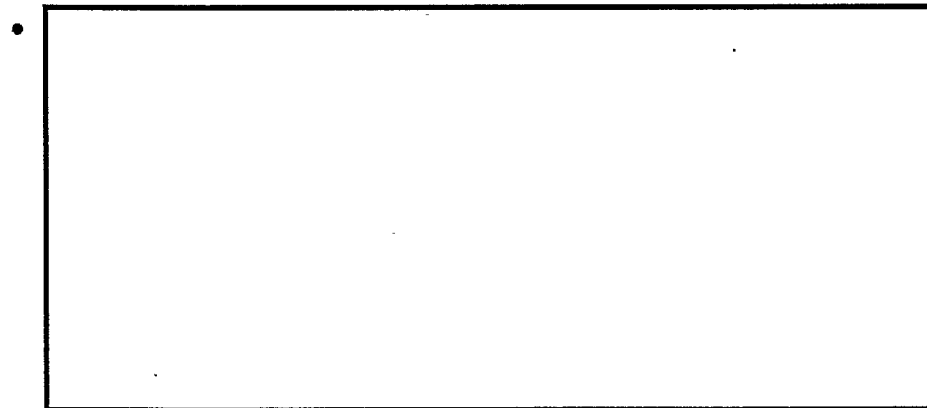
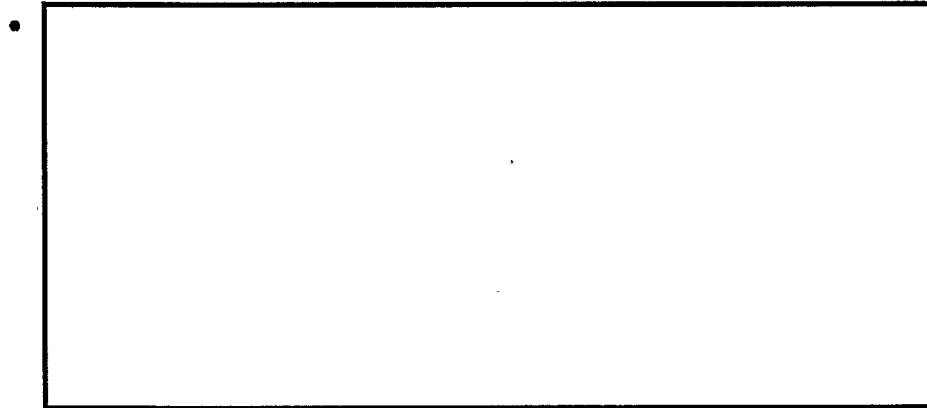
b5

- [redacted]

b5



b5



[Redacted]

Page 2: Under [Redacted] the paper says that [Redacted]  
[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.

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

EFF/Cardozo-534

[Redacted]

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]

[Redacted] The reworded sentence helps [Redacted]

b5

Page 5: In the second paragraph under [Redacted] we think the sentence that reads [Redacted] is overstated. As currently written, this sentence makes it sound like [Redacted] We suggest the following replacement text:

[Redacted]

Page 5: We suggest rewording the sentence in footnote 11 to read as follows:

[Redacted]

[Redacted]

b5

Page 7: We wonder if the boxed quote on this page is necessary when the same statement is at the top of the same page – it seems misplaced to us, especially since there is no attribution with respect to who exactly made this statement.

Page 8: In the paragraph right before the [Redacted] section, the topic of the paragraph is good but two of the examples provided are not good.

[Redacted]

b2  
b5  
b7E

We do think that [Redacted]  
[Redacted]  
We also think it would [Redacted]  
[Redacted]

b5

Page 9: The second sentence in the first full paragraph says [Redacted]

[Redacted]

We are not sure that is a fair statement – at least as to all of those things. We think it is probably more accurate to [Redacted]

b5

[Redacted]  
We think this a way to more fairly get the point across that [Redacted]  
[Redacted]



[Redacted]

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

[Redacted]

Page 9: We think it might be helpful to [Redacted]  
[Redacted]

b5

Page 12: The second bulleted sentence under [Redacted] says we need to [Redacted]  
[Redacted]

Page 12: The fourth bulleted sentence under [Redacted] concerning the [Redacted]  
[Redacted]

[Redacted]

Page 12:

The sixth bulleted sentence under [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]  
[Redacted] - but our preference is really for [Redacted]  
[Redacted]

Page 12:

We think that some of the bulleted thoughts under [Redacted] are not worded as well as they could be and could benefit from some rewording. We suggest the following changes.

EFF/Cardozo-538

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

- [Redacted]
- [Redacted]

➤ Replace [Redacted] in the third bullet so that it reads as follows:

- [Redacted]

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

- [Redacted]

or

b5

- [Redacted]

Page 12: We think it would be helpful to have a separate bullet on [Redacted] that discusses [Redacted]. We suggest adding an additional bullet that says:

- [Redacted]

Page 12: We think it would be helpful to have a bullet that talks about [Redacted]. We suggest adding an additional bullet to the list that reads something like:

- [Redacted]

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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

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

Section 552

Section 552a

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

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

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

Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

Document(s) originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

Page(s) contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

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

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

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

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

EFF/Cardozo 540-541: Part of an e-mail attachment titled "Consolidated STLU Comments on OTD Going Dark paper." These 2 pages are legislative proposals under internal discussion relating to amending CALEA.

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

- [Redacted]

- [Redacted]

b2  
b5  
b7E

- [Redacted]

- [Redacted]

EFF/Cardozo-542

[Redacted]

b6  
b7C

From: [Redacted]@askcalea.net on behalf of [Redacted]@askcalea.net  
Sent: Thursday, October 02, 2008 12:47 PM  
To: barry.smith@ic.fbi.gov; [Redacted]@ic.fbi.gov; [Redacted]@askcalea.net  
Cc: sherry.sabol@ic.fbi.gov  
Subject: OGC Comments on OTD "Going Dark" paper



CONSOLIDATED COMMENTS FROM STIdments and CALEA

CALEA

Barry and [Redacted]

b6  
b7C

At Sherry's request, I am forwarding OGC's high level and specific comments on the "Going Dark" White Paper.

Also attached is a document that contains our thoughts regarding the current relevance of [Redacted]

[Redacted]  
Sherry mentioned that there was some confusion as to what [Redacted]

But as mentioned in the attached document, there are [Redacted]

b5

[Redacted]

b6  
b7C

EFF/Cardozo-543

[Redacted]

From: [Redacted]  
Sent: Wednesday, August 06, 2008 4:29 PM  
To: Sabol, Sherry E.; [Redacted]@askcalea.net; [Redacted]  
Subject: "Going Dark" white paper

b6  
b7C

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

[Redacted]

b5

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?

b5

To me, [Redacted]

b5

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, [Redacted] Maybe I haven't been watching enough Law and Order.

b5

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

[Redacted]

b5

This sentence makes it sound like [Redacted]  
Recommended replacement:

[Redacted]

b5

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

[Redacted]

b5

EFF/Cardozo-544

9/24/2009

b5

On page 12, the bullets under item 1:

The second bullet says we need to

[REDACTED]

The third bullet says

-- I suggest replacing

[REDACTED]

EFF/Cardozo-545

9/24/2009



[Redacted]

b6  
b7C

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

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]

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. b2 b5 b7E

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.

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.

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.

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

b6  
b7C

[redacted]

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'

b2  
b5  
b6  
b7C  
b7E

Cc: [redacted]

Subject: RE: White House briefing and CALEA

Sherry:

On the discussion of the earlier CALEA amendment package, I don't have much to add to the points made (with which I concur), except to throw in an additional plug about [redacted]

[redacted]

On [redacted] category, I agree with all of [redacted] points, and don't have any additional to add. But I would consider modifying the bullet on [redacted] to say [redacted]

[redacted]

I would also consider adding to [redacted]

bullet that [redacted]

I don't have much to add on [redacted] you mentioned, except to say that I thought that much of [redacted]

[redacted]

But there may be other things we are looking to do - like [redacted] - that we still need support for.

b2  
b5  
b7E

I'll send my specific thoughts on the Going Dark paper separately to you as an add on to [redacted] comments...

b6  
b7C

[Redacted]

b6  
b7C

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

From: [Redacted]@ic.fbi.gov>

To: "Sabol, Sherry E." <Sherry.Sabol@ic.fbi.gov>, [Redacted]@ic.fbi.gov>, [Redacted]@askcalea.net" <[Redacted]@askcalea.net>

Cc: [Redacted]@ic.fbi.gov>

Subject: RE: White House briefing and CALEA

Date: Thu, 7 Aug 2008 16:07:29 -0400

[Redacted]

b2  
b5  
b7E

v  
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v  
v\*

[Large Redacted Area]

[Redacted]

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

[Redacted]

That said, I really wouldn't want that statement  
>to leak.

>  
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>

>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:

b2  
b5  
b7E

>1) [Redacted]

>2) [Redacted]: As mentioned on page 12 of the white  
>paper. I assume this refers to [Redacted]

>3) [Redacted]: I'm not sure we can [Redacted]

And we might  
>also try to ensure that [Redacted]

>4) [Redacted]

[Redacted]

>5) [Redacted] Some ideas:

[Redacted]

b2  
b5  
b7E

>6) [Redacted]

>7) [Redacted]

>This list has a lot of similarity to the list on page 12 of the white paper.

>PRIVILEGED INTERNAL DELIBERATIVE DOCUMENT - ATTORNEY WORK PRODUCT

b2  
b6  
b7C

[Redacted] FBI Science & Technology Law Unit (OGC), [Redacted]

>-----Original Message-----

>From: Sabol, Sherry E.  
>Sent: Thursday, August 07, 2008 1:45 PM  
>To: [Redacted]  
>Cc: [Redacted]  
>Subject: White House briefing and CALEA  
>Importance: High

b6  
b7C

EFF/Cardozo-550

[Redacted]

>

>

>

[redacted]

>subject is the going dark initiative, particularly [redacted]  
>possible legislative initiatives that would assist in overcoming  
>the obstacles we anticipate will reduce our ability to conduct  
>electronic surveillance in the future. I need to put together a one  
>page overview/leave behind that outlines the issues. I am literally  
>talking about an outline with general statements - not specific  
>legislative proposals. As of now, we see [redacted] breaking  
>down into categories as follows:

b2  
b5  
b7E

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>

>1) [redacted]

>

>2) [redacted]

>

>3) [redacted]

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>4) [redacted]

>

>5) [redacted]

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>One of you has, at some indicated, that if we were to go forward with  
>the CALEA amendment package [redacted] had worked on, we may need to  
>tweak or change our approach to some issues - can you tell me what you  
>meant? Was it the nuts and bolts of a legislative amendment we've made  
>or something broader?

b5  
b6  
b7C

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>

[redacted] I haven't had a chance to digest your comments on the going dark  
>paper but will review those this afternoon - the information I'm  
>looking for may lie in your comments - in the meantime, could you and  
[redacted] come up with a few bullets that would fall under the  
[redacted] arena? If you have thoughts on any of the other  
>areas based on your review of the Going Dark paper, I'm open to them  
>as well.

b2  
b5  
b6  
b7C  
b7E

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>

[redacted] - same for you if you have had a chance to review the Going Dark  
>paper and have any thoughts.

b6  
b7C

>

>

>

>I told Marcus I'd have something for him to review Friday morning. I  
>would like to have something to Valerie tomorrow afternoon and intend  
>to work on it tonight and tomorrow - if anyone has any thoughts - I'm  
>open to hearing them.

>

>

EFF/Cardozo-552

[Redacted]

From: [Redacted]@askcalea.net on behalf of [Redacted]@askcalea.net  
Sent: Friday, August 08, 2008 2:43 PM  
To: [Redacted]; Sabol, Sherry E. [Redacted]@askcalea.net; [Redacted]  
Subject: Re: "Going Dark" white paper

b6  
b7C

Attachments: [Redacted].pdf; [Redacted].pdf

b2  
b5  
b7E



[Redacted]

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:

b6  
b7C

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

b2  
b5  
b7E

[Redacted]

I'd recommend replacing it with this sentence:

[Redacted]

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]

[Redacted]

Copies

of them are attached if you want to see what they say. By the way, you'll be interested to know that [Redacted]

[Redacted]

Another one I know of is [Redacted]

[Redacted]

b2  
b5  
b7E



[Redacted]

[Redacted]

b2  
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]

[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]

[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:

[Redacted]

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

[Redacted]

[Redacted]

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

b2  
b5  
b7E

[Redacted]

[Redacted]

[Redacted] Just a suggestion...

On Page 7, I'm wondering why we need that boxed quote when the same statement is at the top of the same page, but I guess that's neither here nor there. It just looks weird - especially since there's no attribution as to who exactly said it. Just an observation...

On Page 9, in the first full paragraph, the second sentence says [Redacted]

[Redacted]

[Redacted] So I'd suggest rewording it this way, because I think this is really what we are trying to say:

[Redacted]

[Redacted] - do you have any thoughts on the above rewording?

b6  
b7C

On Page 12, under [Redacted]

[Redacted] some of these bullets are not worded as well as they could be. I would suggest these changes:

[Redacted]

b2  
b5  
b7E

I'm confused by the 4th bullet concerning [Redacted]

[Redacted]

thoughts on this one?

[Redacted] - do you have any

I'm also confused by the 6th bullet about [Redacted]

[Redacted] I think the point we are trying to make in this bullet - but are not actually making - is that [Redacted]

[Redacted]

[Redacted] - do you have any thoughts on this one?

b6  
b7C

[Redacted] ----- 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

b2  
b5  
b7E

>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

[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?

>To me,

[Redacted]

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,

[Redacted]

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

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

[Redacted]

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

[redacted]

b2  
b5  
b7E

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

[redacted]

b2  
b5  
b7E

>On page 12, the bullets under item 1:

>The second bullet says we need to [redacted]

[redacted]

b2  
b5  
b7E

>The third bullet says [redacted]

>-- I suggest replacing [redacted]

[redacted]

>PRIVILEGED INTERNAL DELIBERATIVE DOCUMENT - ATTORNEY WORK PRODUCT

b2  
b6  
b7C

[redacted] FBI Science & Technology Law Unit (OGC), [redacted]

EFF/Cardozo-557

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]. The next sentence says that [redacted]

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.

b2  
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] will face, but they may be worth spelling out (e.g. [redacted]). Also, might want to beef up [redacted] that is cited.

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.

[redacted]

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]

Subject: RE: White House briefing and CALEA

Sherry:

On the discussion of the earlier CALEA amendment package, I don't have much to add to the points [redacted] made (with which I concur), except to throw in an additional plug about [redacted]

On [redacted] category, I agree with all of [redacted] points, and don't have any additional [redacted] to add. But I would consider modifying the bullet on [redacted] to say [redacted]

[redacted] I would also consider adding to [redacted] bullet that [redacted]

I don't have much to add on [redacted] you mentioned, except to say that I thought that much of [redacted]

[redacted] But there may be other things we are looking to do - like [redacted] - that we still need support for.

I'll send my specific thoughts on the Going Dark paper separately to you as an add on to [redacted] comments...

b2  
b5  
b6  
b7C  
b7E

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

From: [redacted]@ic.fbi.gov  
To: "Sabol, Sherry E." <Sherry.Sabol@ic.fbi.gov>, [redacted]@ic.fbi.gov, "[redacted]@askcalea.net" <[redacted]@askcalea.net>  
Cc: [redacted]@ic.fbi.gov  
Subject: RE: White House briefing and CALEA  
Date: Thu, 7 Aug 2008 16:07:29 -0400

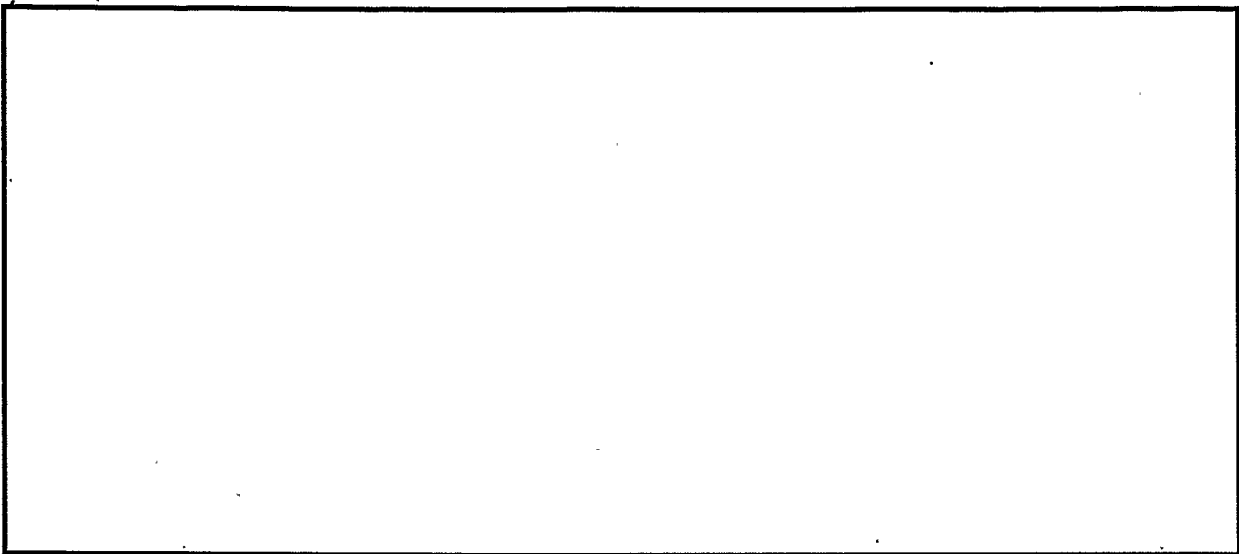
b6  
b7C

[redacted]

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[Large redacted block]

b2  
b5  
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>Come to think of it, I guess I would like to add one more suggestion to  
>my comments on the white paper:



>  
>

>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:

b2  
b5  
b7E

>1) [redacted]

>2) [redacted] : As mentioned on page 12 of the white  
[redacted]

>3) [redacted] : I'm not sure we can [redacted]

And we might [redacted]

>also try to ensure that [redacted]

>4) [redacted]

>5) [redacted] Some ideas:

>6) [redacted]

b2  
b5  
b7E

[redacted]  
>7) [redacted]  
[redacted]

>This list has a lot of similarity to the list on page 12 of the white paper.

>PRIVILEGED INTERNAL DELIBERATIVE DOCUMENT - ATTORNEY WORK PRODUCT

b2  
b6  
b7C

[redacted] FBI Science & Technology Law Unit (OGC), [redacted]

>-----Original Message-----

>From: Sabol, Sherry E.  
>Sent: Thursday, August 07, 2008 1:45 PM  
>To: [redacted]  
>Cc: [redacted]  
>Subject: White House briefing and CALEA  
>Importance: High

b6  
b7C

[redacted]  
>subject is the going dark initiative, particularly [redacted]  
>issues/possible legislative initiatives that would assist in overcoming  
>the obstacles we anticipate will reduce our ability to conduct  
>electronic surveillance in the future. I need to put together a one  
>page overview/leave behind that outlines the issues. I am literally  
>talking about an outline with general statements - not specific legislative proposals.

As of now, we see [redacted]  
>breaking down into categories as follows:

b2  
b5  
b7E

- >1) [redacted]
- >2) [redacted]
- >3) [redacted]
- >4) [redacted]
- >5) [redacted]

>One of you has, at some indicated, that if we were to go forward with  
>the CALEA amendment package [redacted] had worked on, we may need to  
>tweak or change our approach to some issues - can you tell me what you  
>meant? Was it the nuts and bolts of a legislative amendment we've made or something  
broader?

b6  
b7C



>  
>  
> [redacted] I haven't had a chance to digest your comments on the going dark  
> paper but will review those this afternoon - the information I'm  
> looking for may lie in your comments - in the meantime, could you and  
> [redacted] come up with a few bullets that would fall under the  
> [redacted] arena? If you have thoughts on any of the other  
> areas based on your review of the Going Dark paper , I'm open to them as well.

b2  
b5  
b6  
b7C  
b7E

>  
>  
> [redacted] - same for you if you have had a chance to review the Going Dark  
> paper and have any thoughts.

b6  
b7C

>  
>  
> I told Marcus I'd have something for him to review Friday morning. I  
> would like to have something to Valerie tomorrow afternoon and intend  
> to work on it tonight and tomorrow - if anyone has any thoughts - I'm open to hearing  
> them.

EFF/Cardozo-562

RE: "Going Dark" white paper

Page 1 of 7

RE: "Going Dark" white paper

[Redacted]

b6  
b7C

Sent: Friday, August 08, 2008 3:29 PM

To: [Redacted]@askcalea.net; Sabol, Sherry E.; [Redacted]

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

b6  
b7C

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

From: [Redacted]@askcalea.net [mailto:[Redacted]@askcalea.net]

Sent: Friday, August 08, 2008 2:43 PM

To: [Redacted]; Sabol, Sherry E.; [Redacted]@askcalea.net'; [Redacted]

B.

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.

b6  
b7C

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]

b2  
b5  
b7E

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

[Redacted]

b2  
b5  
b7E

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]

[Redacted]

b2  
b5  
b7E

[Redacted] Copies of them are attached if you want to see what they say. By the way, you'll be interested to know

EFF/Cardozo-563

that [redacted]

b2  
b5  
b7E

Another one I know of is [redacted]

[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] 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] 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]

EFF/Cardozo-564

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

b2  
b5  
b7E

[redacted]

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

[redacted]

b2  
b5  
b7E

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

[redacted]

b2  
b5  
b7E

[redacted] Just a suggestion...

On Page 7, I'm wondering why we need that boxed quote when the same statement is at the top of the same page, but I guess that's neither here nor there. It just looks weird - especially since there's no attribution as to who exactly said it. Just an observation...

b2  
b5  
b7E

On Page 9, in the first full paragraph, the second sentence says [redacted] I'm not sure that's a fair statement - at least as to all of those things. I think it's probably more accurate to [redacted]

b2  
b5  
b7E

[redacted] So I'd suggest rewording it this way, because I think this is really what we are trying to say:

b6  
b7C

[redacted]

b2  
b5  
b7E

[redacted] - do you have any thoughts on the above rewording?

DAK>> I think you've reworded it well to more fairly say that [redacted]

EFF/Cardozo-565

[Redacted]

b2  
b5  
b7E

On Page 12, under [Redacted]

[Redacted] some of these bullets are not worded as well as they could be. I would suggest these changes:

[Redacted]

b2  
b5  
b6  
b7C  
b7E

DAK>> Or [Redacted]  
[Redacted] (I would argue that [Redacted])

I'm confused by the 4th bullet concerning [Redacted]  
[Redacted]  
- do you have any thoughts on this one?

DAK>> I interpreted this as [Redacted]  
[Redacted] I don't think this [Redacted]

b2  
b5  
b7E

I'm also confused by the 6th bullet about [Redacted]. I think the point we are trying to make in this bullet - but are not actually making - is that [Redacted]  
[Redacted]  
- do you have any thoughts on this one?

b2  
b5  
b6  
b7C  
b7E

DAK>> I don't have it in front of me so I don't remember exactly how that bullet was worded, but I think the idea is that [Redacted]  
[Redacted] Part of the solution, I think, is [Redacted]  
[Redacted]  
But if we're talking about [Redacted] I think the easiest-to-understand proposal is just to say that [Redacted]  
[Redacted] That's what [Redacted] says above  
- that we want [Redacted]

EFF/Cardozo-566

b6  
b7C

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" b6  
[redacted]@askcalea.net, [redacted]@ic.fbi.gov b7C  
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 [redacted]

[redacted]

>  
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>

>There are other problems that are causing difficulties now, like [redacted]

b2  
b5  
b7E

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

>  
>  
>

>To me, [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:

>  
>  
>

>On page 2, [redacted]

EFF/Cardozo-567

>

RE: "Going Dark" white paper

Page 6 of 7

b2  
b5  
b7E

[Redacted] Maybe

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

>  
>  
>

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

[Redacted]

>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]

>  
>  
>

>On page 12, the bullets under item 1:

>  
>  
>

>The second bullet says we need to [Redacted]

[Redacted]

>  
>  
>

>The third bullet says [Redacted]

[Redacted]

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>PRIVILEGED INTERNAL DELIBERATIVE DOCUMENT - ATTORNEY WORK PRODUCT

EFF/Cardozo-568

RE: "Going Dark" white paper

Page 7 of 7

[redacted] FBI Science & Technology Law Unit (OGC), [redacted]

v  
v  
v  
v

b2  
b6  
b7C

EFF/Cardozo-569



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

b6  
b7c

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:

[Redacted]

On Page 2, where the paper talks about [Redacted], it might be helpful to drop a footnote off of that statement that lists a couple of examples for support/emphasis.

b2  
b5  
b7E

One that I know of is [Redacted]

Another one I know of is [Redacted]

b2  
b5  
b7E

[Redacted]

[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] which I do not think there is here.

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

[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:

[Redacted]

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

[Redacted]

[Redacted]

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

[Redacted]

b2  
b5  
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b2  
b5  
b7E

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[Redacted]

b6  
b7C

[Redacted] - do you have any thoughts on the above rewording?

DAK>> I think you've reworded it well to more fairly say that

[Redacted]

On Page 12, under

[Redacted]

some of these bullets are not worded as well as they could be. I would suggest these changes:

b2  
b5  
b7E

[Redacted]

DAK>> Or [Redacted] would argue that

[Redacted]

I'm confused by the 4th bullet concerning [redacted]

[redacted] - do you have

any thoughts on this one?

DAK>> I interpreted this as [redacted]

[redacted]

I don't think this point is about [redacted]

I'm also confused by the 6th bullet about [redacted]

[redacted] I think the point we are trying to make in this bullet - but are not actually making - is that [redacted]

[redacted]

- do you have any thoughts on this one?

DAK>> I don't have it in front of me so I don't remember exactly how that bullet was worded, but I think the idea is that

[redacted]

Part of the solution, I think, is [redacted]

[redacted]

But if we're talking about [redacted]

I think the easiest-to-understand proposal is just to say that [redacted]

[redacted]

That's what [redacted] says above -- that we want [redacted]

[redacted]

b2  
b5  
b6  
b7C  
b7E

----- 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

>A few thoughts on the white paper:

>  
>  
>

>High-level thoughts:

>  
>  
>

b6  
b7C

>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]

b2  
b5  
b7E

[redacted]

b2  
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?

>To me, [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:

>On page 2, [Redacted]

[Redacted] Maybe

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

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

[Redacted]

>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] but two of the examples are not good:

[Redacted]

EFF/Cardozo-574



**Revised Going Dark Initiative Summary and Amendment Charts**

[redacted]@askcalea.net]

Sent: Monday, March 09, 2009 6:19 PM

To: [redacted]@askcalea.net

b6  
b7C

Cc: Sabol, Sherry E.; [redacted]

Attachments: Revised (OGC Redline) Vers~1.doc (211 KB)

[redacted]

Per our conversation a little while ago, here are revised/redlined versions of the Going Dark Initiative one-page executive summary and the Attachment 1 and 2 charts that go with the summary. As I mentioned, I revised the one-page executive summary to make sure that the scope matched what we're proposing in the amendments (i.e., ELSUR and ELSUR plus).

I also did some light revisions in Attachments 1 and 2. I did not give them a full and complete scrub (just a quick skim) but fixed stuff where something caught my eye. Most of the revisions are non-substantive and should be self-explanatory. The only substantive revisions are

[redacted]

b2  
b5  
b7E

Sherry is still awaiting confirmation from Marcus about whether we are correct about the scope of "Going Dark" for purposes of the legislative effort - once she hears back, we (OTD and OGC) can finalize the summary and attachments and then get them up to OCA.

Thanks,

[redacted]

b6  
b7C

[redacted]

Assistant General Counsel  
Science and Technology Law Unit  
Office of the General Counsel  
Federal Bureau of Investigation  
Direct Dial: [redacted]  
E-mail: [redacted]@askcalea.net

b2  
b6  
b7C

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EFF/Cardozo-576

OPCA-20 (12-3-96)

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Section 552

Section 552a

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

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**EFF/Cardozo 577-595:** Pages are the attachment titled "Revised (OGC Redline) Version", and are the "Revised Going Dark Initiative Summary and Amendment Charts," referred to in Bates page 576. Bates pages 577-578 are a draft redline summary of the "Going Dark Initiative." Bates pages 579-592 are essentially a redline draft version of Bates Pages 89-102. Bates pages 594-595 are essentially a redline draft version of Bates Pages 104-105.

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[redacted] (OGC) (FBI)

From: SABOL, SHERRY E. (OGC) (FBI)  
Sent: Wednesday, April 29, 2009 9:55 AM  
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)  
Subject: FW: Five prong b6 b7C  
Attachments: fiveprong.pdf

UNCLASSIFIED  
NON-RECORD

[redacted]

OTD provided the following document this morning which outlines the Going Dark Initiative (again). This document sets forth categories of concern on the legislative front I understand there was already a follow on legislative meeting set for May 14th. They claim to be waiting for the "lawyers" to continue their conversations. Upon my objection, Marcus agreed that they should have a follow on meeting without the lawyers to have something in hand on May 14 that we can discuss. Marcus tasked [redacted] to produce two documents with a rough draft by end of next week: 1) [redacted] and, 2) [redacted]

I also talked to [redacted] on [redacted] - as we discussed yesterday. [redacted] He is leaving town this afternoon and asked that we have a follow up conversation next week specifically on this issue. Bottom line, [redacted] according to [redacted]

[redacted] - as we have discussed to some extent, there are several issues [redacted] that OGC may not agree with... [redacted] and [redacted] have already had some level of discussion with them on certain issues that fall into this category - Marcus indicated he thought the conversation was fruitful and gives them something to think about. I think this is where we will have to weigh in once they produce their documents next week. At your convenience, I can bring you up to speed on what other issues they are likely to request that [redacted] or, like the issue above, we believe we can [redacted]

Thanks Sherry. b2 b5 b6 b7C b7E

From: [redacted] (OTD) (FBI)  
Sent: Wednesday, April 29, 2009 8:22 AM  
To: SABOL, SHERRY E. (OGC) (FBI)  
Subject: Five prong

UNCLASSIFIED  
NON-RECORD

b6 b7C

Here you go

EFF/Cardozo-596



fiveprong.pdf (55  
KB)

b2  
b6  
b7C

[Redacted]  
Executive Assistant  
Operational Technology Division

[Redacted] Blackberry  
@ic.fbi.gov

UNCLASSIFIED

UNCLASSIFIED

EFF/Cardozo-597

OPCA-20 (12-3-96)

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Section 552

Section 552a

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

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

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

**EFF/Cardozo 598-599:** Pages are the attachment titled "Fiveprong" mentioned on Bates pages 596-597. As revealed in the internal E-mail, Bates page 596, these pages discuss five categories, or strategy proposals, that should be considered for legislative action to help modernize CALEA and enhance ELSUR capabilities.

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"Going Dark" | Law Enforcement's Need to Preserve Lawful Interception Capabilities



WHITEPAPER

# "Going Dark"

## Law Enforcement's Need to Preserve Lawful Intercept (LI) Capabilities

July 2008

**DRAFT**

EFF/Cardozo-600

Sensitive Law Enforcement and Lawful Interception Information - FBI Approval Required Prior to Dissemination

Sensitive Law Enforcement and Lawful Interception Information - FBI Approval Required Prior to Dissemination

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
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Section 552

Section 552a

- Exemption list for Section 552 including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6)

- Exemption list for Section 552 including (b)(7)(A) through (b)(7)(F), (b)(8), (b)(9)

- Exemption list for Section 552a including (d)(5), (j)(2), (k)(1) through (k)(7)

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

EFF/Cardozo 601-615: As revealed on Bates page 600, these pages are a July 2008 draft of a "White Paper" titled, "Going Dark: Law Enforcement's Need to Preserve Lawful Intercept (LI) Capabilities." A White Paper is issued by government agencies to lay out policy, or proposed action, on a topic of current concern, i.e. Going Dark Initiative.

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XXXXXXXXXXXXXXXXXXXXX

[Redacted] (OGC) (FBI)

From: [Redacted] (OGC) (FBI)  
Sent: Thursday, March 12, 2009 2:35 PM  
To: [Redacted] (DO)(FBI)  
Cc: [Redacted] (OGC) (FBI); SABOL, SHERRY E. (OGC) (FBI); THOMAS, MARCUS C. (OTD) (FBI); [Redacted] (OTD) (FBI); [Redacted] (OGC) (FBI)  
Subject: Going Dark Initiative Legislative Package

Attachments: Executive Summary of The Going Dark Initiative and Proposed Legislative Amendments for OCA (FINAL) 20090312.doc

b6  
b7C

UNCLASSIFIED  
NON-RECORD



Attached as discussed with OCA in connection with the DOJ legislative call due on March 13, 2009 are a one-page Going Dark Initiative executive summary and two charts (Attachments 1 and 2) that summarize the legislative proposals associated with the initiative.

Please let us know if you or others have any questions or need additional information,



b6  
b7C

Executive Summary  
of The Going...



Assistant General Counsel  
Science and Technology Law Unit  
Office of the General Counsel  
Federal Bureau of Investigation  
Direct Dial: [Redacted]  
Fax: [Redacted]

b2

UNCLASSIFIED

EFF/Cardozo-616

### 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.

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.

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

## **Attachment 1: Updating and Improving Federal ELSUR Laws and Assistance Mandates**

EFF/Cardozo-618



OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
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Section 552

Section 552a

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EFF/Cardozo 619-632: As revealed on Bates page 616, these pages are an attachment, Chart 1 of 2, which are legislative proposals under internal discussion relating to amending CALEA, Title III, ECPA, Pen Register/Trap provisions and FISA laws (essentially the same as Bates pages 89-102).

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## **Attachment 2: Enacting New ELSUR and ELSUR- Related Laws and Capabilities**

EFF/Cardozo-633

OPCA-20 (12-3-96)

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Section 552

Section 552a

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**EFF/Cardozo 634-635:** As revealed on Bates page 616, these pages are an attachment, Chart 2 of 2, which are legislative proposals under internal discussion relating to amending current laws or proposing new laws that would enhance ELSUR capabilities (essentially the same as Bates pages 104-105).

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[Redacted] (OGC) (FBI)

b6  
b7C

From: [Redacted] (OGC) (FBI)  
Sent: Friday, March 06, 2009 1:54 PM  
To: [Redacted] (OGC) (FBI)  
Subject: Going Dark Blurb

Attachments: Going Dark Blurb.doc

UNCLASSIFIED.  
NON-RECORD



Going Dark  
Blurb.doc (27 KB)

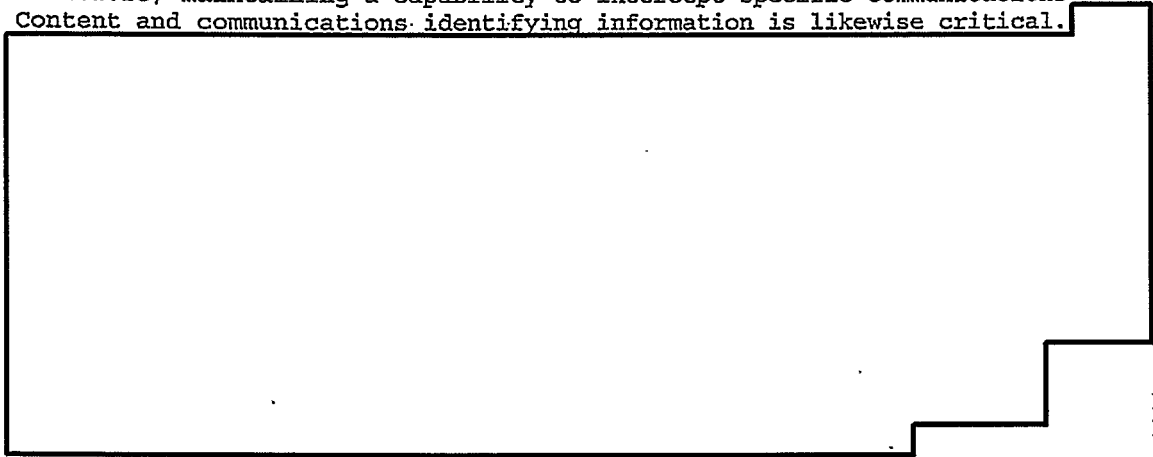
[Redacted]  
Assistant General Counsel  
Science and Technology Law Unit  
Office of the General Counsel  
Federal Bureau of Investigation  
Direct Dial: [Redacted]  
Fax: [Redacted]

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UNCLASSIFIED

EFF/Cardozo-636

Court-authorized electronic surveillance (ELSUR) is critical to enforcing the law, protecting our citizens, and maintaining our Nation's security. Therefore, maintaining a capability to intercept specific communications Content and communications identifying information is likewise critical.



b2  
b7E

Untitled Message

Page 1 of 1

Sabol, Sherry E.

Sent: Wednesday, March 11, 2009 12:34 PM  
To: [redacted] Thomas, Marcus C.  
Cc: [redacted]  
Attachments: Executive Summary of The G~1.doc (178 KB)

b6  
b7C

Marcus/[redacted]

b6  
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Attached is a catalogue of legislative proposals that support Going Dark and other OTD interests. [redacted] and [redacted] have been working on this in response to DOJ's recent call for the top 5 agency legislative issues. We've coordinated with OCA and they agree on this format (our concern was it wasn't just one legislative proposal).

Marcus - I revised this a bit (just the first page) from the version you saw yesterday so want to make sure you see it again before it goes forward.

As soon as we hear from both of you we'll send it forward to OCA - they need it asap as usual.

Sherry E. Sabol  
Section Chief  
Office of Science and Technology Law  
Federal Bureau of Investigation

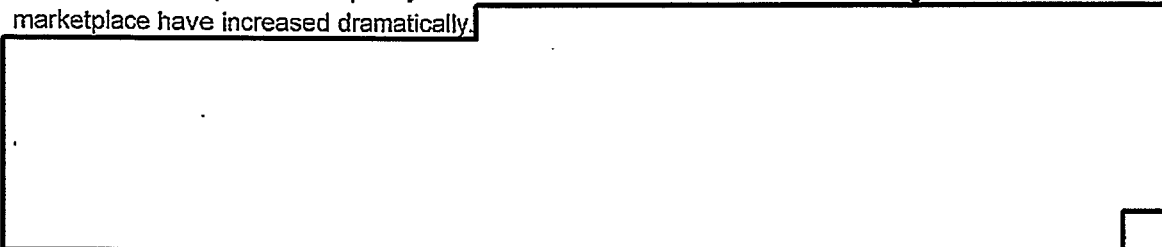
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b2

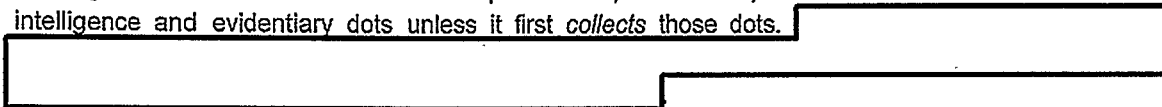
EFF/Cardozo-638

### 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.



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.



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

## **Attachment 1: Updating and Improving Federal ELSUR Laws and Assistance Mandates**

EFF/Cardozo-640



OPCA-20 (12-3-96)

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Section 552

Section 552a

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**EFF/Cardozo 641-654:** As revealed on Bates page 638, these pages are part of an attachment titled "Executive Summary of the Going Dark Initiative," which are legislative proposals under internal discussion relating to amending CALEA, Title III, ECPA, Pen Register/Trap provisions and FISA laws (essentially the same as Bates pages 89-102).

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## **Attachment 2: Enacting New ELSUR and ELSUR- Related Laws and Capabilities**

EFF/Cardozo-655

OPCA-20 (12-3-96)

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Section 552

Section 552a

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EFF/Cardozo 656-657: As revealed on Bates page 638, these pages are part of an attachment titled "Executive Summary of the Going Dark Initiative," which are legislative proposals under internal discussion relating to amending current laws or proposing new laws that would enhance ELSUR capabilities (essentially the same as Bates pages 104-105).

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FEDERAL BUREAU OF INVESTIGATION  
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Serial Description ~ COVER SHEET

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Section 552

Section 552a

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EFF/Cardozo 658-659: These pages are draft proposals for the Going Dark Initiative, including time line (deadlines/milestones), discussion points, and executive action required to initiate program.

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UNCLASSIFIED  
NON-RECORD

b6  
b7c

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?

Thanks,

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

UNCLASSIFIED

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EFF/Cardozo-661

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EFF/Cardozo 662: Internal 'Going Dark Campaign' status report on how to pro-actively engage policy and decision makers to advocate enhancement of ELSUR capabilities.

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**OPERATIONAL TECHNOLOGY DIVISION (OTD)  
Going Dark  
SIGNIFICANT MONTHLY ACCOMPLISHMENTS  
September 2008**

**(U) GOING DARK:**

• (U) The CALEA Implementation Unit (CIU) drafted the OTD response to a Science and Technology (S&T) Branch tasking from the Director's Office regarding the Going Dark Initiative and [redacted]

b2  
b5  
b7E

• (U) The CALEA Implementation Unit (CIU) provided [redacted] CIU drafted an electronic communications (EC) for distribution to all FBI Field Office regarding [redacted]

b2  
b5  
b7E

[redacted] CIU also drafted "Going Dark Initiative" goals and objectives for review within OTD. The goals and objectives are based on the five-pronged National Electronic Surveillance Strategy and are aligned to the OTD Strategy Map.

• (U) The CALEA Implementation Unit (CIU), [redacted] drafted a report summarizing [redacted]

b2  
b5  
b7D  
b7E

• (U) The CALEA Implementation Unit (CIU), [redacted] FFF/Cardozo-665, continued drafting [redacted]

b2  
b5  
b7D  
b7E

• (U) RSDU held a meeting with [redacted] Met with entities from [redacted]

b2  
b5  
b7E

~~SECRET//NOFORN~~



~~SECRET//NOFORN~~

[redacted] Meeting focus included [redacted] as well as [redacted]

b2  
b5  
b7E

• (U//FOUO) The Technical Liaison Unit (TLU) coordinated and hosted [redacted] to meet with senior OTD management and to receive a Going Dark initiative briefing.

(U)

• ~~(S//REL USA, GBR)~~ [redacted] participated with [redacted]

b2  
b5  
b7E

(U)

• ~~(S//NF)~~ In response to DITU tasking and [redacted]

b2  
b5  
b7E

• (U) On 7/30/2008, the ENC Program Team within the ELSUR Technology Management Unit (ETMU) was charged with the responsibility to [redacted]

b2  
b5  
b7E

The ENC team is coordinating with [redacted] and several FBI divisions (Information Technology Operations Division, Security Division, and Office of General Counsel) to ensure that [redacted] to all FBI field offices is consistent/in compliance with current FBI policies, procedures, and investigative guidelines.

• (U) The ETMU ELSUR National Contracts (ENC) Program prepared for a 10/01/2008 implementation of [redacted] LFF/Cardozo 666

[redacted] In doing so, the ENC worked in conjunction with [redacted]

b2  
b5  
b7E

Additionally, the ENC has coordinated with the FBI Security Division, CD-8, and personnel from [redacted] to ensure [redacted]

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

- (U) Special Projects Technology Unit (SPTU) personnel tested, configured, and supplied [redacted] with [redacted] for testing and potential deployment against [redacted] in a criminal investigation being conducted in conjunction with [redacted]

b2  
b7E

EFF/Cardozo-667

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OPERATIONAL TECHNOLOGY DIVISION (OTD)

GOING DARK  
SIGNIFICANT MONTHLY ACCOMPLISHMENTS  
January 2009

(U) ~~(S)~~ GOING DARK:

(U) • ~~(S)~~ The Electronic Surveillance (ELSUR) National Contracts Program, ETMU acquired

[Redacted]

b2  
b7E

[Redacted]

(S)

b1  
b2  
b5  
b6  
b7C  
b7E

[Redacted]

(S)

b1  
b2  
b5  
b6  
b7C  
b7E

EFF/Cardozo-668

[Redacted]

(S)

(U) • ~~(S)~~ On 12/16/2009, OTD management met with [Redacted]

[Redacted]

b2  
b7D  
b7E

~~SECRET~~

~~SECRET~~

(S)

[Redacted]

b1  
b2  
b5  
b7D  
b7E

- (U) The CALEA Implementation Unit (CIU) prepared [Redacted]

[Redacted]

b2  
b5  
b7E

- (U) The CALEA Implementation Unit (CIU) developed [Redacted]

[Redacted]

b2  
b5  
b7E

- (U) The CALEA Implementation Unit (CIU) developed [Redacted]

[Redacted]

b2  
b5  
b7E

- (U) The CALEA Implementation Unit (CIU) finalized presentation summarizing the National Lawful Intercept Strategy as leave behind material for staff of the Director's Office as well as a timeline presentation identifying upcoming FY09 Going Dark activities and corresponding descriptions. CIU also developed a one-page white paper providing an update of CALEA implementation activities and the Going Dark initiative for the Director's briefing book.

- (U) The CALEA Implementation Unit (CIU), in its effort to increase cooperation with [Redacted]

[Redacted] EFF/Cardozo-669

b2  
b5  
b7E

- (U//FOUO) On 01/23/2009 TLU SSA [Redacted] met with [Redacted]

[Redacted]

b2  
b5  
b6  
b7C  
b7E

~~SECRET~~

~~SECRET~~

(U) [redacted]

b2  
b7E

• (U) [redacted] received a Letter of Commendation from [redacted] for his assistance in resolving issues from an ongoing development effort. Specifically, [redacted] provided recommendations for [redacted]

b2  
b5  
b6  
b7C  
b7E

(U) • Shortfall: ~~(S)~~ \$ [redacted] in Services funding for [redacted], which is Task 8 of [redacted]

b2  
b5  
b7E

(U) Why is this critical? ~~(S)~~ The FBI is responsible for participation in the implementation of [redacted]

b2  
b5  
b7E

(S) [redacted]

b1  
b2  
b5  
b7E

EFF/Cardozo-670

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**OPERATIONAL TECHNOLOGY DIVISION (OTD)**

**GOING DARK MONTHLY ACCOMPLISHMENTS**

**March 2009**

**(U) Remote Operations Unit (ROU)**

(S) ● [Redacted]

(S) ● [Redacted]

b1  
b2  
b5  
b7E

**(U) Cryptologic & Electronic Analysis Unit (CEAU)**

- (U//FOUO) Enhanced LEA/IC coordination - On 03/10/2009, CEAU hosted a visit by

[Redacted]

b2  
b5  
b7E

EFF/Cardozo-671

(S) ● [Redacted]

(S) ● [Redacted]

b1  
b2  
b5  
b6  
b7C  
b7E

**(U) Forensic Audio/Video & Image Analysis Unit (FAVIAU)**

- (U) FAVIAU hosted [Redacted]

b1  
b2  
b5  
b7E

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- [redacted]  
 (U) Funding of \$ [redacted] was applied for [redacted]  
 [redacted] This new project will focus  
 on [redacted] The project is  
 linked to [redacted]  
 The funding source is [redacted]

b2  
b5  
b7E

(U) CALEA Implementation Unit (CIU)

- (U) The CALEA Implementation Unit (CIU) developed presentations and agenda for a National Lawful Intercept Strategy briefing before the Director's Advisory Board. The presentations highlighted the implementation of CALEA, necessary legislative changes, and enhanced law enforcement coordination. CIU also participated in the briefing of the Director's Advisory Board regarding the National Lawful Intercept Strategy and "Going Dark" Initiative.

- (U) The CALEA Implementation Unit (CIU) assisted the Data Intercept Technology Unit (DITU) in addressing issues with [redacted] for a criminal investigation supported by [redacted]

b2  
b5  
b7E

- (U) The CALEA Implementation Unit (CIU) assisted the Data Intercept Technology Unit (DITU) to address several outstanding technical issues with [redacted]. Specifically, assisted [redacted] DITU with issues that [redacted]

b2  
b5  
b7E

- (U) The CALEA Implementation Unit (CIU) participated in the International Law Enforcement Technical Symposium (ILETS) drafting group meeting in Seigburg, Germany. Provided a presentation on [redacted] and discussed the upcoming agenda for [redacted]

EFF/Cardozo-672

b2  
b5  
b7E

- (U) The CALEA Implementation Unit (CIU), held a meeting of the Law Enforcement Technical Forum (LETF) focused on the progress to date with the "Going Dark" initiative and the role of other Federal, State, and local law enforcement in the continued

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implementation of the National Lawful Intercept Strategy. Additionally, CIU demonstrated [REDACTED]

b2  
b5  
b7E

- (U) The CALEA Implementation Unit (CIU) drafted a revised whitepaper describing [REDACTED] to conduct lawful interception. The whitepaper is to serve the purpose of introducing recipients to the National Lawful Intercept Strategy and the "Going Dark" initiative.

EFF/Cardozo-673

~~(U) Derived from: FBI NSISC Guide 20090407  
(U) Declassify on: 20340407~~

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OPERATIONAL TECHNOLOGY DIVISION (OTD)

GOING DARK MONTHLY ACCOMPLISHMENTS

April 2009

- (U//FOUO) Enhanced (international) LEA/IC coordination. From 03/26/2009 to 04/02/2009, TD [redacted] and EEP PM [redacted] attended the Five Eyes Conference in Melbourne, Australia. They met with representatives of [redacted] and [redacted] on matters of mutual concern.

b5  
b6  
b7C  
b7D

(S)

[redacted]

b1  
b2  
b5  
b6  
b7C  
b7E

- (U) ~~(S)~~ Enhanced (international) LEA/IC coordination. From 04/18//2009 to 4/22/2009, SSA [redacted] attended [redacted]

(S)

[redacted]

b1  
b2  
b5  
b6  
b7C  
b7E

- (U) An Image Examiner was invited by the ASAC in Buffalo to the Search and Seizure of Digital Evidence Conference in Buffalo, NY. The examiner presented [redacted]. The conference attendees included local area law enforcement agencies.

b2  
b7E

- (U) An Image Examiner met with Department of State (DOS) representatives in Washington, DC, to discuss [redacted] and provide an update on training activities being pursued by FAVIAU. In May 2009, [redacted]

b2  
b5  
b7E

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(S)

[Redacted]

b1  
b2  
b5  
b7E

(S)

[Redacted]

(U)

~~(S)~~ Shortfall: \$ [Redacted] in Services funding for [Redacted] which is Task 8 of [Redacted]

b2  
b7E

(U)

~~(S)~~ Why is this critical? The FBI is responsible for participation in [Redacted]

b2  
b7E

(U)

~~(S)~~ Why can't [Redacted] cover this with our current base funding? A new [Redacted] contract has been requested since FY2004, but this effort has become quite protracted and still is not in place.

b2  
b7E

(U)

~~(S)~~ What is the impact if unable to obtain funding for this? [Redacted]

b2  
b7E

EFF/Cardozo-675

(U) TTU met with [Redacted]

to discuss [Redacted]

[Redacted]

b2  
b7E

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- (U) TTU met with [redacted]

b2  
b5  
b7D  
b7E

- (U) TTU met with [redacted] for a briefing on [redacted]

- (U) [redacted] contacted TPDU regarding [redacted]

b2  
b5  
b7D  
b7E

- (U//FOUO) On behalf of the FBI and the Operational Technology Division, the TLU sponsored and participated in [redacted]

b2  
b5  
b6  
b7C  
b7E

- (U) The CALEA Implementation Unit (CIU) developed draft presentations for and participated in the Science and Technology Branch Investment Symposium describing efforts of the Operational Technology Division (OTD) and the Going Dark Initiative.

- (U) The CALEA Implementation Unit (CIU) provided assistance with [redacted] Cardozo-676

with [redacted]  
Issues focused on [redacted]

Participated in conference call

b2  
b5  
b7E

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- (U) The CALEA Implementation Unit (CIU) updated the quarterly "Going Dark" status presentation for inclusion in the Director's SMS Initiative meeting. Updates included revising the past and future timeline of events, descriptive text of upcoming events, and requested actions of upper level FBI management.
- (U) The CALEA Implementation Unit (CIU) assisted the Data Intercept Technology Unit (DITU) in addressing a potential issue with

[Redacted]

b2  
b5  
b7E

[Redacted]

b1  
b2  
b5  
b7E

(S)

~~(U) Derived from: FBI NSISC Guide 20090513~~  
~~(U) Declassify on: 20340513~~

EFF/Cardozo-677

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