

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ELECTRONIC FRONTIER FOUNDATION)

Plaintiff,)

v.)

U.S. DEPARTMENT OF JUSTICE,)

Defendant.)

Civil Action No. 10-CV-04892

Exhibit N

*OTD Response
Section 1*

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Serial Description ~ Unrecorded Serial

Serial Description ~ Unrecorded Serial	<u>Bates Page</u>	<u>Duplicate of Bates Page</u>
Total Deleted Page(s) ~ 43		
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Page 6 ~ b2, b3, b6, b7A, b7C, b7E	6	
Page 7 ~ b2, b3, b6, b7A, b7C, b7E	7	
Page 8 ~ b2, b3, b6, b7A, b7C, b7E	8	
Page 9 ~ b2, b3, b6, b7A, b7C, b7E	9	
Page 10 ~ b2, b3, b6, b7A, b7C, b7E	10	
Page 11 ~ b2, b3, b6, b7A, b7C, b7E	11	
Page 12 ~ b2, b6, b7A, b7C, b7E	12	
Page 13 ~ b2, b3, b6, b7A, b7C, b7E	13	
Page 20 ~ b2, b7E	18	
Page 21 ~ b2, b5, b6, b7C, b7E	19	
Page 22 ~ b2, b5, b6, b7C, b7E	20	
Page 23 ~ b2, b5, b6, b7C, b7E	21	
Page 24 ~ b2, b5, b6, b7C, b7E	22	
Page 25 ~ b2, b5, b6, b7C, b7E	23	
Page 26 ~ b2, b7E	24	
Page 51 ~ b2, b5, b7E	49	
Page 52 ~ b2, b5, b7E	50	
Page 53 ~ b2, b5, b7E	51	
Page 54 ~ b2, b5, b6, b7C, b7E	52	
Page 55 ~ b2, b7E	53	
Page 56 ~ b1, b2, b5, b7E	54	
Page 57 ~ b2, b7E	55	
Page 58 ~ b2, b5, b7E	56	
Page 59 ~ b2, b5, b7E	57	
Page 60 ~ b2, b5, b7E	58	
Page 61 ~ b2, b5, b7E	59	
Page 62 ~ b2, b5, b7E	60	
Page 63 ~ b2, b5, b7E	61	
Page 66 ~ b2, b7E	64	
Page 67 ~ b2, b7E	65	
Page 68 ~ b2, b7E	66	
Page 87 ~ Duplicate	72	68
Page 88 ~ Duplicate	73	69
Page 89 ~ Duplicate	74	70
Page 90 ~ Duplicate	75	71
Page 97 ~ b2, b5, b7E	77	
Page 101 ~ Duplicate	79	68
Page 102 ~ Duplicate	80	69
Page 103 ~ Duplicate	81	70
Page 105 ~ Duplicate	82	71
Page 106 ~ Duplicate	83	70
Page 113 ~ b2, b5, b7E	84	

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DiClemente, Anthony P.

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

From: [redacted]

Sent: Friday, April 16, 2010 3:02 PM

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

b6
b7C

Subject: RE: Cable roaming agreements

Thx. That's what I thought.

From: DiClemente, Anthony P.

Sent: Friday, April 16, 2010 2:59 PM

To: [redacted] Sabol, Sherry E.; [redacted]

Subject: Re: Cable roaming agreements

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[redacted]

Anthony DiClemente
Chief, Data Acquisition/Intercept Section
Operational Technology Division
Federal Bureau of Investigation

[redacted] Office
Mobile

From: [redacted]

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

Sent: Fri Apr 16 14:12:43 2010

Subject: FW: Cable roaming agreements

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b7C
b7E

What does this mean for Going Dark? [redacted]

From: [redacted]

Sent: Friday, April 16, 2010 9:40 AM

To: [redacted] (OLP) (SMO); [redacted] (CRM); [redacted] (SMO); [redacted] (ATF); [redacted] (ATF); [redacted] (SMO); DiClemente, Anthony P.; [redacted] (CRM); [redacted] (CRM); [redacted] (CRM); [redacted] (CRM); [redacted] (USACAN); [redacted] (DEA-US); [redacted] (NSD) (SMO); [redacted] (DEA-US); [redacted] (SMO); [redacted] (DEA-US); [redacted] (ODAG) (SMO); [redacted] (USMS); [redacted] (CRM); [redacted] (DEA-US); [redacted] (USAEO); Sabol, Sherry E.; [redacted] (SMO); [redacted] (CRM); [redacted] (SMO); [redacted] (SMO); [redacted] (JMD); [redacted] (SMO); [redacted] (OLP) (SMO); [redacted] (ATF)

b6
b7C

Subject: Cable roaming agreements

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

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

providers interconnecting Wi-Fi services so customers can roam freely across networks is an extremely meaningful and transformative development," said John Bickham, Cablevision president of cable and communications. "This agreement - the first of its kind and, we believe, the first of many — combines the reach and the value of our respective WiFi deployments and delivers fast and free wireless Internet access that stretches across the market, at a time when consumer demand for mobile data is exploding."

Thanks

b6
b7C

EFF/Lynch-2

4/19/2010

[Redacted] (OTD) (FBI)

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

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

UNCLASSIFIED
NON-RECORD

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b7C

Thx.

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

[Redacted]

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

UNCLASSIFIED
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Here are the meetings

November 30, 2009 [Redacted]
[Redacted]

May 18, 2010 [Redacted]
[Redacted]

September 08, 2010 [Redacted]
[Redacted]

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

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[Redacted]

[Redacted]

EFF/Lynch-3

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b7E

[Redacted]

[Redacted]

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

UNCLASSIFIED
NON-RECORD

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UC [Redacted]

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

[Redacted]

Thanks,

[Redacted]

DAIS Executive Administrative Assistant
Operational Technology Division

[Redacted]

UNCLASSIFIED

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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

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

Section 552

Section 552a

(b)(1)

(b)(2)

(b)(3)

18 U.S.C § 2516, 18 U.S.C § 3123

(b)(4)

(b)(5)

(b)(6)

(b)(7)(A)

(b)(7)(B)

(b)(7)(C)

(b)(7)(D)

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(b)(7)(F)

(b)(8)

(b)(9)

(d)(5)

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

EFF/Lynch 5 and 8: Pages 1 and 4 of a 9 page internal e-mail chain dated between May 26, 2010 - August 10, 2010 detailing a pending FBI investigation where difficulties had arisen in dealings with several telecommunication companies and problems acquiring all data requested by a court order.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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Section 552

Section 552a

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(b)(3)

18 U.S.C § 3123

(b)(4)

(b)(5)

(b)(6)

(b)(7)(A)

(b)(7)(B)

(b)(7)(C)

(b)(7)(D)

(b)(7)(E)

(b)(7)(F)

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(b)(9)

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

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

EFF/Lynch 6-7 and 9-11: Pages 2-3, and 5-7 of a 9 page internal e-mail chain dated between May 26, 2010 - August 10, 2010 detailing a pending FBI investigation where difficulties had arisen in dealings with several telecommunication companies and problems acquiring all data requested by a court order.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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

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Section 552

Section 552a

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| _____ | <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 type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| <input checked="" type="checkbox"/> (b)(6) | | <input type="checkbox"/> (k)(7) |

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EFF/Lynch 12: Page 8 of a 9 page internal e-mail chain dated between May 26, 2010 - August 10, 2010 detailing a pending FBI investigation where difficulties had arisen in dealings with several telecommunication companies and problems acquiring all data requested by a court order.

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OPCA-20 (12-3-96)

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18 U.S.C. § 2516, 18 U.S.C. § 3123

(b)(4)

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(b)(7)(D)

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(b)(7)(F)

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(b)(9)

(d)(5)

(j)(2)

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

EFF/Lynch 13: Page 9 of a 9 page internal e-mail chain dated between May 26, 2010 - August 10, 2010 detailing a pending FBI investigation where difficulties had arisen in dealings with several telecommunication companies and problems acquiring all data requested by a court order.

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[Redacted] (OTD) (FBI)

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

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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

FYI - No data was received over the weekend.

[Redacted]
Data Intercept Technology Unit
[Redacted] work
[Redacted] cell

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

b2
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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted] and myself held a conference call [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

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

EFF/Lynch-14

[Redacted]

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

[Redacted] (OTD) (FBI)

From: DICLEMENTE, ANTHONY P. (OTD) (FBI) b2
Sent: Thursday, September 24, 2009 12:22 PM b6
To: [Redacted] (OTD) (FBI) b7C
Subject: RE: [Redacted] solution - Update 09-24 b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Absolutely.

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

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

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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

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

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

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

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

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

EFF/Lynch-15

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Tony,

See below:

[redacted] So the conversation [redacted] is having with them today is definitely timely.

[redacted]
S/L Chief Advisor
Data Network Collection
W [redacted]
C [redacted]

b2
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b7C
b7E

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

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Update for 09-24-09/ 11:00am - [redacted]

[Large redacted block]

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Updates to follow. See previous background of issue below.

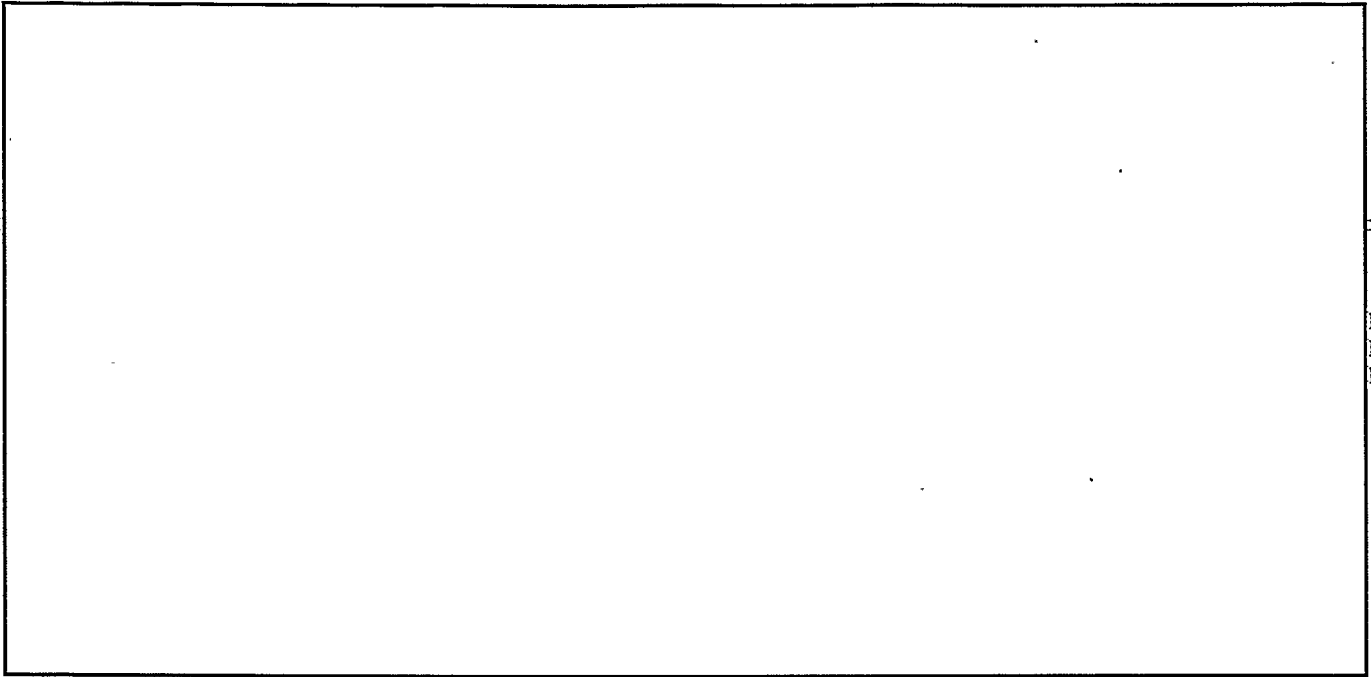
[redacted]
Data Intercept Technology Unit
[redacted] work
[redacted] cell

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

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SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted]



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EFF/Lynch-17

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
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Section 552

Section 552a

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| | | <input type="checkbox"/> (k)(7) |

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

EFF/Lynch 18 and 24: Pages 1 and 7 of 7 pages of notes taken April 14, 2010 at a presentation prepared by the Operational Technology Division (OTD) titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions" for "Official Use Only: Proprietary" for the Information Technology Study Group (ITSG). Notes not vetted by presenter or workshop attendees responsible for verbal commentary. See Bates pages 19-23 for pages 2-6 of presentation.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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- (b)(7)(A)
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EFF/Lynch 19-23: Pages 2-6 of 7 pages of notes taken April 14, 2010 at a presentation prepared by the Operational Technology Division (OTD) titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions" for "Official Use Only: Proprietary" for the Information Technology Study Group (ITSG). Notes not vetted by presenter or workshop attendees responsible for verbal commentary. See Bates pages 18 and 24 for presentation pages 1 and 7.

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X for this page X
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DECLASSIFIED BY 65179/DMH/BAW/STP/bls
ON 02-11-2011

[redacted] (OTD) (FBI)

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

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b7C
b7E

~~SECRET//NOFORN~~
RECORD 415

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

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

~~SECRET//NOFORN~~
RECORD 415

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

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

~~SECRET//NOFORN~~
RECORD 415

[redacted] Maybe that will tell us something.

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

~~SECRET//NOFORN~~
RECORD 415

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

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

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

~~SECRET//NOFORN~~
RECORD 415

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

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

~~SECRET//NOFORN~~
RECORD 415

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

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

~~SECRET//NOFORN~~
RECORD 415

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

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

~~SECRET//NOFORN~~
RECORD 415

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

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

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

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~~SECRET//NOFORN~~
RECORD 415

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

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

~~SECRET//NOFORN~~
RECORD 415

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

~~SECRET//NOFORN~~
RECORD 415

[redacted]
Data Intercept Technology Unit
[redacted] work
[redacted] cell

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

~~SECRET//NOFORN~~
RECORD 415

Wednesday 1/28/2009 11:05 PST

[redacted]
Telecommunications Specialist, Phoenix Division
[redacted] desk
[redacted] mobile
[redacted]

EFF/Lynch-27

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

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

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Wednesday.

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

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

What day?

[redacted]
Telecommunications Specialist, Phoenix Division
[redacted] desk
[redacted] mobile
[redacted]

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

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

Here you go!

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

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

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

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

EFF/Lynch-28

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

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

~~SECRET//NOFORN~~
RECORD 415

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

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

~~SECRET//NOFORN~~
RECORD 415

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

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

~~SECRET//NOFORN~~
RECORD 415

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

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

~~SECRET//NOFORN~~
RECORD 415

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

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

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

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

[redacted]

Let me know how you want to proceed.
Thanks,

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

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~
~~DECLASSIFY ON: 20340128~~
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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~
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~~DECLASSIFY ON: 20340128~~
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~~DECLASSIFY ON: 20340128~~
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EFF/Lynch-31

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

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

UNCLASSIFIED
NON-RECORD

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[Redacted]

Is this sufficient?

[Redacted]

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

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

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NOFORN

Case :1

[Redacted]

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

Case 2:

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

Case 3.

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

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

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

b2
b6
b7C



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

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

UNCLASSIFIED
NON-RECORD

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SSA [redacted]
Unit Chief
Data Intercept Technology Unit

[redacted]

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

UNCLASSIFIED
NON-RECORD

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

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

Can you provide me some examples today?

Thanks,

[redacted]

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UNCLASSIFIED

EFF/Lynch-34

UNCLASSIFIED

UNCLASSIFIED

EFF/Lynch-35

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

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[redacted] (OTD) (FBI)

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

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

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

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

~~SECRET~~
RECORD CALEA

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

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

[redacted]
W [redacted]
C [redacted]

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

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RECORD CALEA

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

EFF/Lynch-36

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

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

~~SECRET~~
RECORD CALEA

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

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

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

~~SECRET~~
RECORD CALEA

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

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

~~SECRET~~
RECORD CALEA

I'll confirm with OTD.

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

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

~~SECRET~~
RECORD CALEA

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

EFF/Lynch-37

From: [redacted] (OGC) (OGA)

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

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RECORD CALEA

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

[redacted] happy to discuss tomorrow.

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

~~SECRET~~
RECORD CALEA

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

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

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

~~SECRET~~
RECORD CALEA

[redacted]

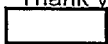
DITU has compiled a list of FISA dockets with orders for [redacted] that the FBI has been unable to fully implement. All of these targets are using [redacted] for which [redacted] does not have a functioning CALEA solution. OTD has been working with the company, but OTD's solution will only capture a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

We have several options for enforcement [redacted]

[redacted]

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

Thank you.



<< File: Problems with  mplementation.doc >>

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DECLASSIFY ON: 20340403
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EFF/Lynch-39

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ON 02-11-2011

[Redacted] (OTD) (FBI)

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

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RECORD CALEA

Sherry,

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

[Redacted]

[Redacted]

[Redacted]

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

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

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

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RECORD CALEA

Thoughts on this? [Redacted]

EFF/Lynch-40

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

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RECORD CALEA

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

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

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

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RECORD CALEA

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

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

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RECORD CALEA

I'll confirm with OTD.

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

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

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RECORD CALEA

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

EFF/Lynch-41

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

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RECORD CALEA

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

[redacted] happy to discuss tomorrow.

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

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RECORD CALEA

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

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

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

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RECORD CALEA

[redacted]

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

[redacted]

[Redacted]

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

Thank you.
Sherry.

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

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EFF/Lynch-43

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

[Redacted] (OTD) (FBI)

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

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RECORD 415

Marcus C. Thomas
Assistant Director
Operational Technology Division
[Redacted]

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

~~SECRET//NOFORN~~
RECORD 415

Thanks.

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

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RECORD 415

EFF/Lynch-44

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[Redacted]

[Redacted]

Thanks.

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

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~~RECORD 415~~

[Redacted]

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

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[Redacted]

Thanks.

[Redacted]

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

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

EFF/Lynch-45

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RECORD 415

[Redacted]

[Redacted]

Marcus

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Marcus C. Thomas
Assistant Director
Operational Technology Division

[Redacted]

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

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RECORD 415

[Redacted]

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

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RECORD 415

[Redacted]

[Redacted]

EFF/Lynch-46

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OPCA-20 (12-3-96)

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

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Section 552

Section 552a

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

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

- (d)(5)
(j)(2)
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(k)(7)

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

EFF/Lynch 49-51, and 56-61: Pages 1-3, and 8-13 of a 13 page draft (partly classified) March 2010 "Going Dark" presentation titled "The Going Dark Initiative: Closing the National Security ELSUR Gap." This Power Point presentation discloses how the ELSUR gap has impacted national security and how the Going Dark Initiative will help close this gap and enhance security. See Bates pages 52-55 for presentation pages 4-7.

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Section 552

Section 552a

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

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

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

EFF/Lynch 52: Page 4 of a 13 page draft (partly classified) March 2010 "Going Dark" presentation titled "The Going Dark Initiative: Closing the National Security ELSUR Gap." This Power Point presentation discloses how the ELSUR gap has impacted national security and how the Going Dark Initiative will help close this gap and enhance security. See Bates pages 49-51, and 53-61 for presentation pages 1-3, and 5-13.

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Section 552

Section 552a

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

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

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

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

EFF/Lynch 53 and 55: Pages 5 and 7 of a 13 page draft (partly classified) March 2010 "Going Dark" presentation titled "The Going Dark Initiative: Closing the National Security ELSUR Gap." This Power Point presentation discloses how the ELSUR gap has impacted national security and how the Going Dark Initiative will help close this gap and enhance security. See Bates pages 49-52, 54, and 56-61 for presentation pages 1-4, 6, and 8-13.

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Section 552

Section 552a

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

- 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.
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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.

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

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

EFF/Lynch 54: Page 6 of a 13 page draft (partly classified) March 2010 "Going Dark" presentation titled "The Going Dark Initiative: Closing the National Security ELSUR Gap." This Power Point presentation discloses how the ELSUR gap has impacted national security and how the Going Dark Initiative will help close this gap and enhance security. A portion of this page is classified SECRET in accordance with E.O. 13526 of December 29, 2009. See Bates pages 49-53, and 55-61 for presentation pages 1-5, and 7-13.

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

[Redacted] (OTD) (FBI)

From: [Redacted] (OGC) (FBI)
Sent: Wednesday, September 15, 2010 10:57 AM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI); [Redacted] (DO)(OGA); [Redacted] (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Cc: [Redacted] (OGC) (FBI)
Subject: [Redacted] (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI)
RE: [Redacted]

~~SECRET//NOFORN~~
RECORD GD

(U) I have a few questions about these discussions of our capabilities:

[Large redacted area containing three 'X' marks]

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From: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Sent: Tuesday, September 07, 2010 8:42 AM
To: [Redacted] (DO)(OGA); [Redacted] (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI); [Redacted] (OGC) (FBI)
Cc: [Redacted] (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI)
Subject: RE: [Redacted]

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NON-RECORD

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b7C

Pls see the attached initial response.

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

[Redacted signature block]

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From: [Redacted] (DO)(OGA)
Sent: Wednesday, September 01, 2010 2:51 PM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI); [Redacted] (OTD) (FBI); SABOL, SHERRY E. (OGC) (FBI); [Redacted]

EFF/Lynch-62

Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: [redacted] (DO) (FBI); THOMAS, MARCUS C. (OTD) (FBI)

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It would be good to have these answers by our GD standing meeting next Tuesday. Thanks.

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UNCLASSIFIED

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~
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OPCA-20 (12-3-96)

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Section 552

Section 552a

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EFF/Lynch 64-66: 3 page undated chart outlining shortfalls of CALEA, because of large amounts of data needing retention, obfuscation technologies that encrypt messaging, and new telecommunication industries offering multiple platforms.

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Preservation of Lawful Intercepts: Challenges and Potential Solutions

June 11, 2010

"Going Dark"

*** FOR OFFICIAL USE ONLY ***

EFF/Lynch-67

Introduction To The "Going Dark" Issue

"Going Dark" refers to the government's increasing inability to access, collect, and intercept real-time and stored communications information to which it is lawfully-authorized due to the following factors:

- The dramatic increase in the volume of communications and the number of communications service providers
- Rapidly-changing services and technologies that precludes the government's ability to access information
- Under-funded, under-resourced and uncoordinated electronic surveillance efforts across local, state and federal agencies nationwide
- Legal authorities and mandates that have not kept pace with changing technology

"Going Dark"

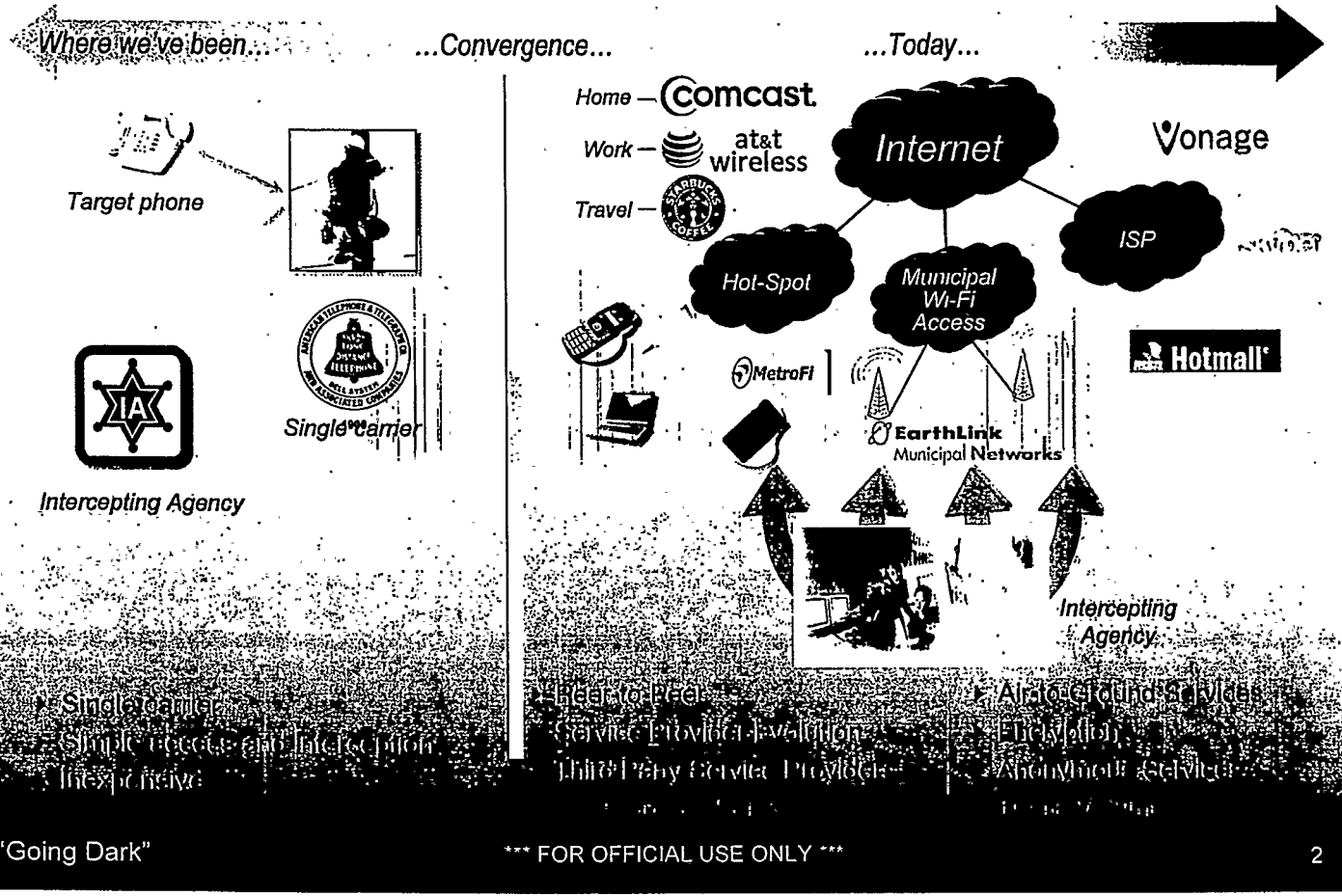
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EFF/Lynch-68

Conducting lawful intercept in the past was straightforward...

Conducting lawful intercept today is highly complex and becoming more and more difficult

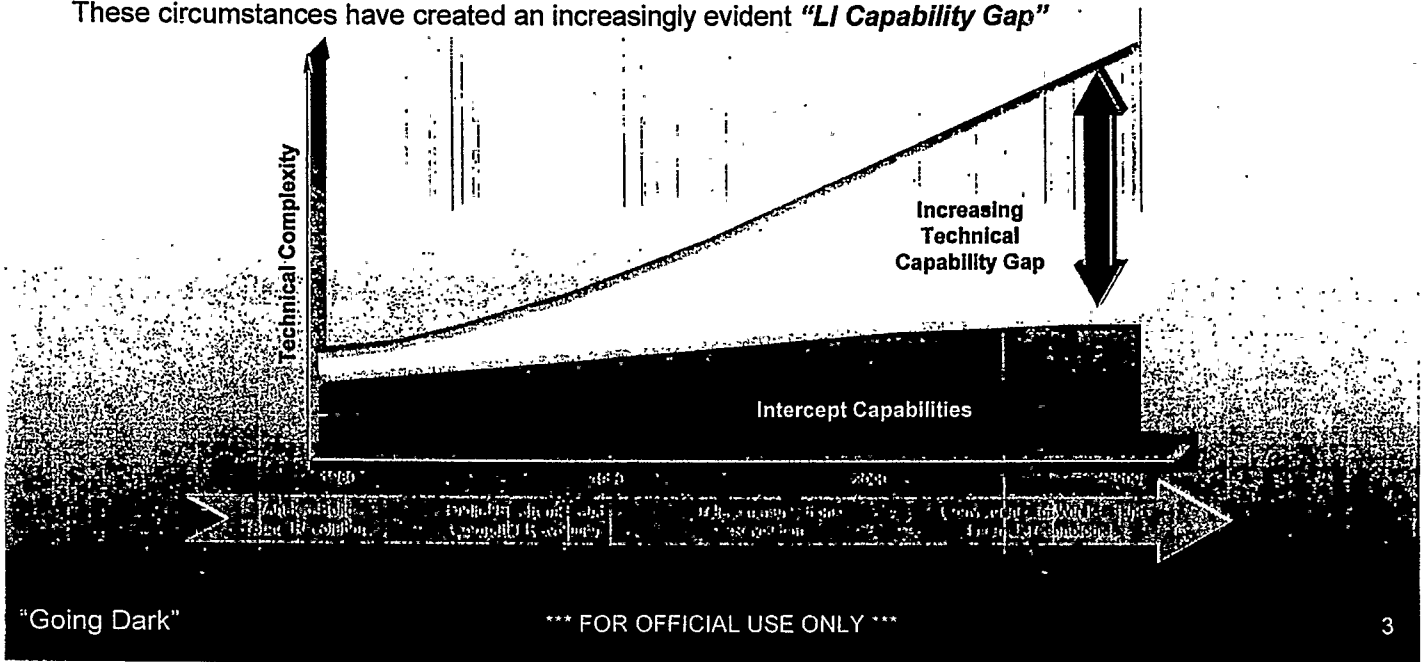


EFF/Lynch-69

Lawful Intercept Capabilities Are Eroding By The Day, Creating A "Lawful Intercept Capability Gap." All Law Enforcement Agencies Are On The Road To "Going Dark"

Impediments to LI capabilities are rising with communications "convergence" and the increased variety and complexity of advanced services and technologies (e.g., Voice over Internet Protocol (VoIP) and broadband Internet services). LI costs continue to grow. State/local LEAs are being shut out (e.g., data intercepts); and the FBI is barely keeping its head above water, as all LEAs are on the road to "Going Dark"

These circumstances have created an increasingly evident "LI Capability Gap"



EFF/Lynch-70

The Intercept Capability Gap For Law Enforcement Agencies

- Current and emerging communications technologies and services prevent most LEAs from pursuing real-time data intercepts
- LEAs often lack an understanding of the services offered by new and emerging service providers, and industry often lacks an understanding of the needs of LEAs. This prevents the development of timely, cost-effective solutions
- The lack of efficient information sharing mechanisms often results in duplication of efforts among LEAs
- The fragmented, uncoordinated demands placed on providers by different LEAs results in isolated, non-standardized requests, duplicative efforts, missed opportunities to use existing solutions, and unnecessary expense

"Going Dark"

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EFF/Lynch-71

OPCA-20 (12-3-96)

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Section 552

Section 552a

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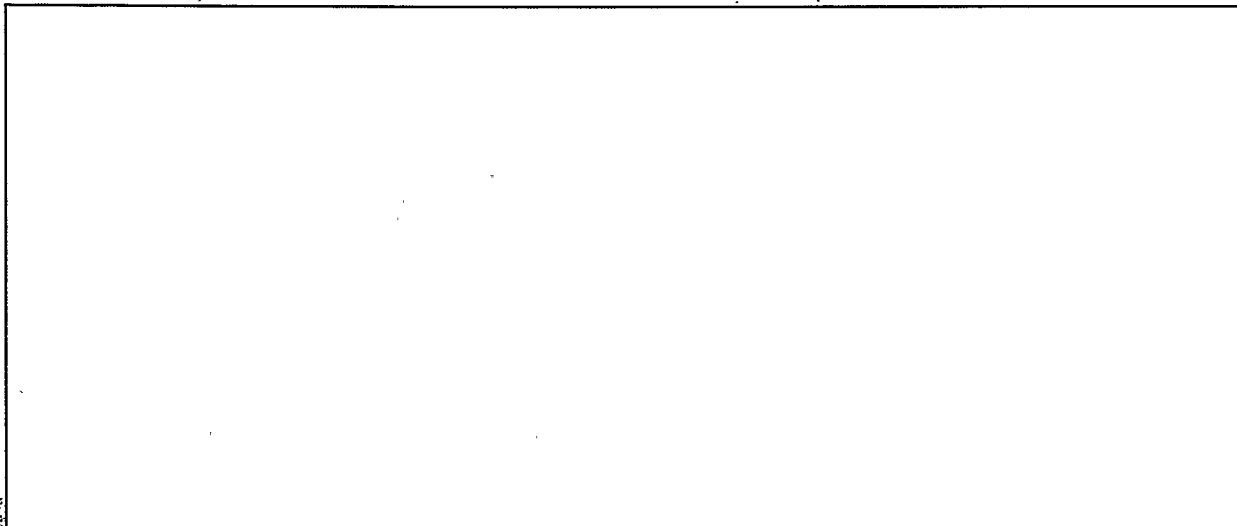
- The following number(s) are to be used for reference regarding these pages:

EFF/Lynch 72-75: Bates pages 72-75 are duplicates of Bates pages 68-71, and are pages 1-4 of a 13 page April 2010 presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." Presentation page 5 is released in part as Bates page 76, page 11 is withheld in full at Bates page 77, and presentation pages 6-10, and 12-13 were determine to be outside the scope of plaintiff's FOIA request.

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It Is The Golden Age Of Communications Opportunities But Not The Golden Age Of Lawful Intercept Capabilities

Challenges and constraints faced by Law Enforcement



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"Going Dark"

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5

EFF/Lynch-76

OPCA-20 (12-3-96)

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Preservation of Lawful Intercepts: Challenges and Potential Solutions



"Going Dark"

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EFF/Lynch-78

OPCA-20 (12-3-96)

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EFF/Lynch 79-83: Bates pages 79-82 are duplicates of Bates pages 68-71, and Bates page 83 is a duplicate of Bates page 76.

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Section 552

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EFF/Lynch 84: Page 11 of a 13 page undated presentation titled, "Preservation of Lawful Intercepts: Challenges and Potential Solutions." See Bates page 78 for title page of this presentation. Presentation pages 1-4 are Bates pages 79-83, which are duplicates of Bates pages 68-71. Presentation page 5 is a duplicate of Bates page 76. Presentation pages 6-10, and 12-13 were determined to be outside the scope of plaintiff's FOIA request.

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*OTD Response
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	<u>Bates Page</u>	<u>Duplicate of Bates Page</u>
Total Deleted Page(s) ~ 21		
Page 2 ~ Duplicate	86	68
Page 3 ~ Duplicate	87	69
Page 4 ~ Duplicate	88	70
Page 5 ~ Duplicate	89	71
Page 17 ~ Duplicate	91	68
Page 21 ~ Duplicate	92	69
Page 30 ~ b2, b7E	98	
Page 33 ~ b2, b7E	101	
Page 36 ~ Duplicate	104	68
Page 50 ~ Duplicate	111	98
Page 53 ~ b2, b7E	114	
Page 56 ~ Duplicate	117	68
Page 60 ~ Duplicate	119	106
Page 69 ~ Duplicate	124	98
Page 71 ~ Duplicate	126	100
Page 72 ~ Duplicate	127	101
Page 73 ~ Duplicate	128	102
Page 80 ~ b2, b7E	135	
Page 103 ~ b2, b7E	143	
Page 104 ~ b2, b6, b7C, b7E	144	
Page 105 ~ b2, b7E	145	

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Preservation of Lawful Intercepts: Challenges and Potential Solutions

National District Attorneys Association
April 2010

"Going Dark"

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EFF/Lynch-85

OPCA-20 (12-3-96)

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Section 552

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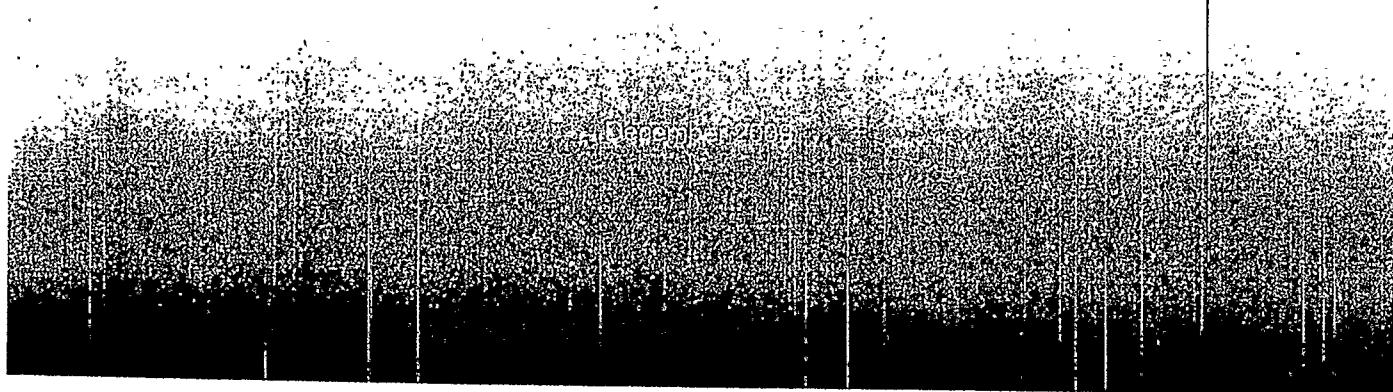
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Preservation of Lawful Intercepts: Challenges and Potential Solutions



EFF/Lynch-90

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Section 552a

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The Intercept Capability Gap for State and Local Law Enforcement Agencies

- The increasing complexity of communications technologies and services prevents most LEAs from pursuing real-time data intercepts
- LEAs often lack an understanding of the services offered by emerging service providers. This prevents them from developing timely, cost-effective solutions
- Industry often lacks an understanding of the needs of LEAs
- The fragmented, uncoordinated demands placed on providers by different LEAs results in isolated, non-standardized requests, duplicative efforts, missed opportunities to use existing solutions, and unnecessary expense

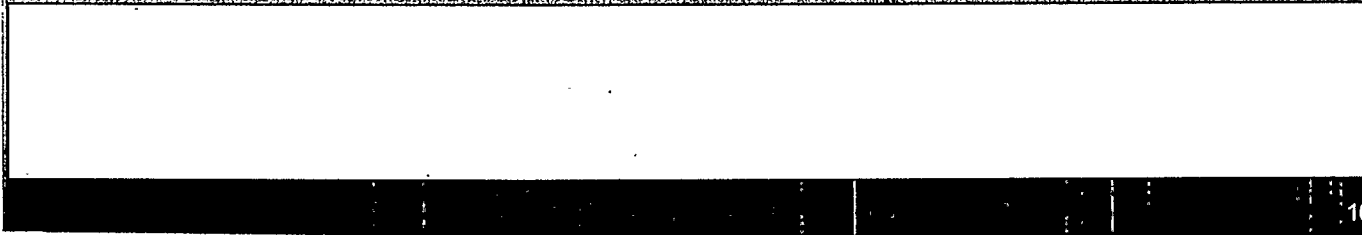


Legislative and Policy Challenge Scope of CALEA

Issue:

- CALEA requires “telecommunications carriers” to develop and deploy intercept solutions in their networks to ensure that lawfully-authorized electronic surveillance could be performed
- Since CALEA’s enactment in 1994, communications services have evolved beyond the traditional telecommunications platforms that existed at the time of passage
- A growing number of providers and emerging services that offer alternatives to traditional telephony may no longer meet CALEA’s definition of a “telecommunications carrier”
 - P2P Services [redacted] and Third Party Applications [redacted]
- Even those providers that are covered by CALEA frequently introduce new services before they have developed techniques for assisting the government in conducting intercepts

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Legislative and Policy Challenge On Premises Interception/Monitoring

Issue:

- [Redacted]
- [Redacted]

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- Recent examples

[Redacted]

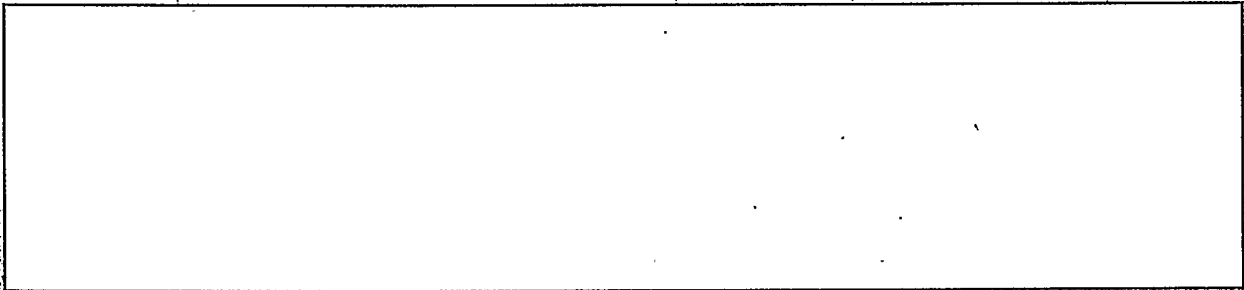
Outside the Scope



Legislative and Policy Challenge CALEA Safe Harbor

Issue:

- Carriers using industry standards are granted "safe harbor" under CALEA
- Industry standards bodies are industry-controlled, often to the detriment of law enforcement
- "Safe harbor" for deficient industry standards affords unwarranted protection
- Process of challenging standards before the FCC is burdensome and lengthy
- Recent examples



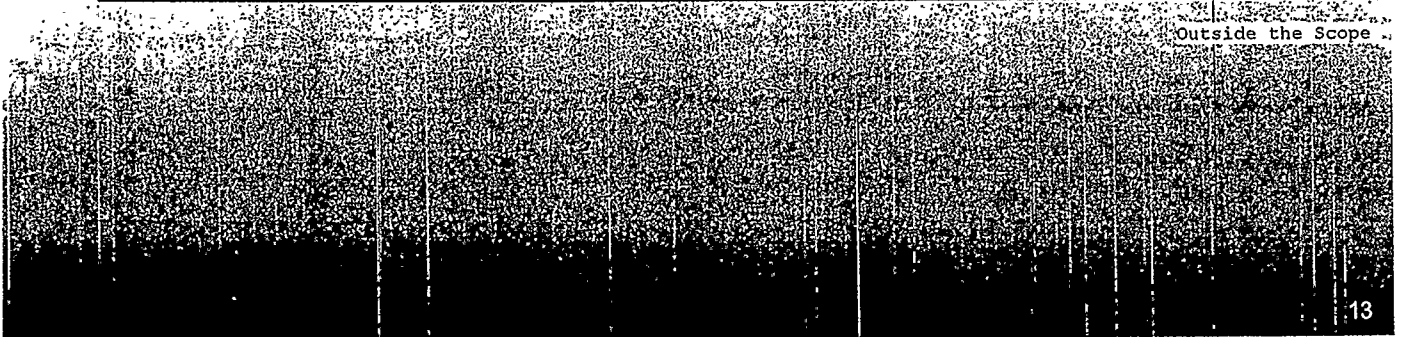
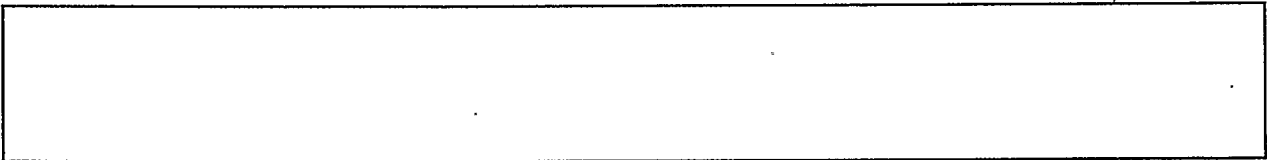
Outside the Scope



Legislative and Policy Challenge Delivery of Data

Issue:

- Carriers often fail to deliver data in a secure, reliable and time-efficient manner
- Carriers utilize methods that do not ensure the intercepted communications are received at the law enforcement collection facility
- Delivery mechanisms that are cost-prohibitive for law enforcement and cannot be established in time-efficient manner
- Recent examples



Outside the Scope

OPCA-20 (12-3-96)

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Section 552

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EFF/Lynch 98: Page 14 of an 18 page presentation whose title is identified on Bates page 90. Presentation pages 1 and 5 are duplicates of Bates pages 68-69. Presentation pages 2-4, and 7-9 were determined to be outside the scope of plaintiff's FOIA request. Presentation page 6 released in full at Bates page 93, and presentation pages 10-13, 15-16, and 18 released in part at Bates pages 94-97, 99-100, and 102. Presentation page 17 is withheld in full at Bates pages 101.

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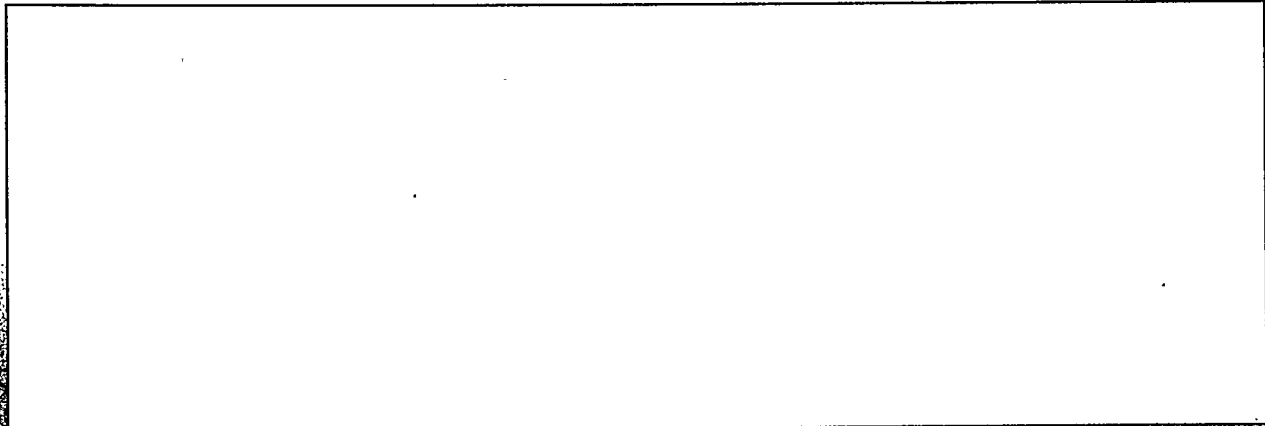


Legislative and Policy Challenge Enforcement

Issue:

- Non-compliance with CALEA for emerging service occurs often
- CALEA's current enforcement provisions present insurmountable hurdles that make even the threat of enforcement non-credible
- CALEA places the government in a "Catch-22" position
- Recent examples

Outside the Scope





Legislative and Policy Challenge Encryption

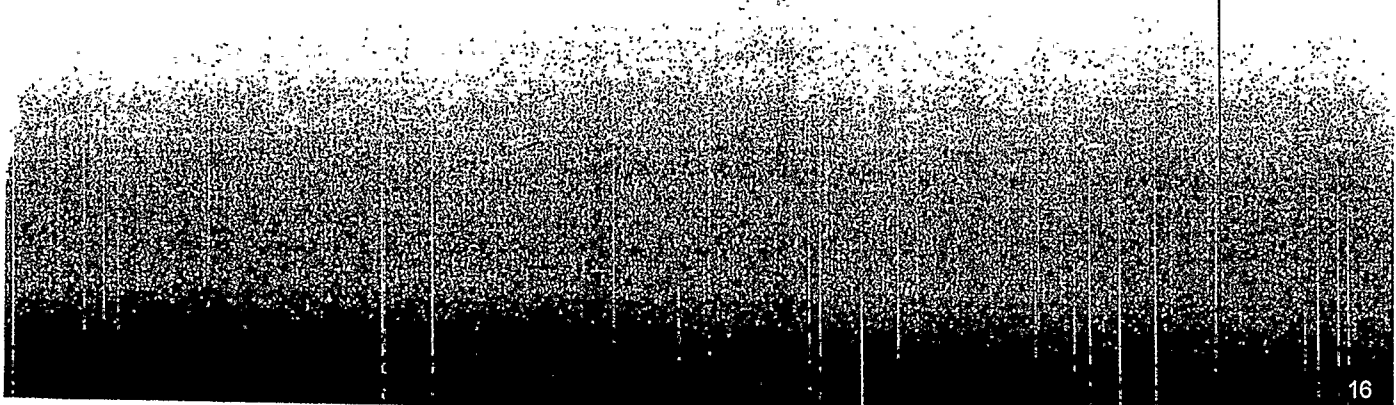
Issue:

• Many modern communication services and devices use encryption as a means to protect subscriber communications and data

- Data "in transit," such as VoIP and e-mail communications
- Data "at rest," such as the data stored on a hard drive or USB device



Outside the Scope



EFF/Lynch-100

OPCA-20 (12-3-96)

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Section 552

Section 552a

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EFF/Lynch 101: Page 17 of an 18 page presentation whose title is identified on Bates page 90. Presentation pages 1 and 5 are duplicates of Bates pages 68-69. Presentation pages 2-4, and 7-9 were determined to be outside the scope of plaintiff's FOIA request. Presentation page 6 released in full at Bates page 93, and presentation pages 10-13, 15-16, and 18 released in part at Bates pages 94-97, 99-100, and 102. Presentation page 14 is withheld in full at Bates pages 98.

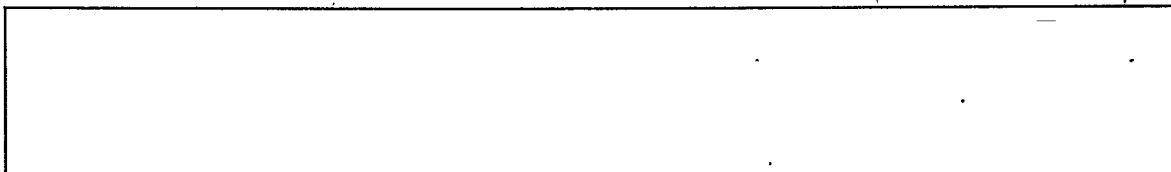
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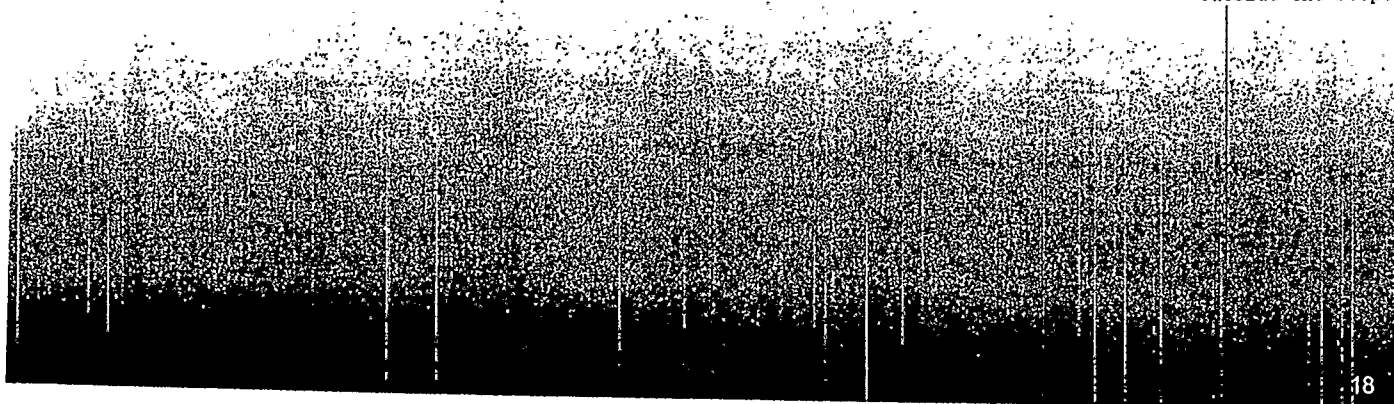
Legislative and Policy Challenge Data Retention

Issue:

- Many modern communications services no longer utilize or store in a standardized manner detailed service and billing records, eliminating previously easily acquired subscriber records



Outside the Scope



GOING DARK

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Preservation of Lawful Intercepts: Challenges and Potential Solutions

January 2010



"Going Dark"

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EFF/Lynch-103

OPCA-20 (12-3-96)

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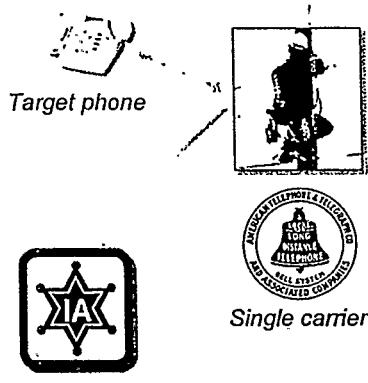
Conducting lawful intercept in the past was straightforward...

Conducting lawful intercept today is highly complex and becoming more and more difficult

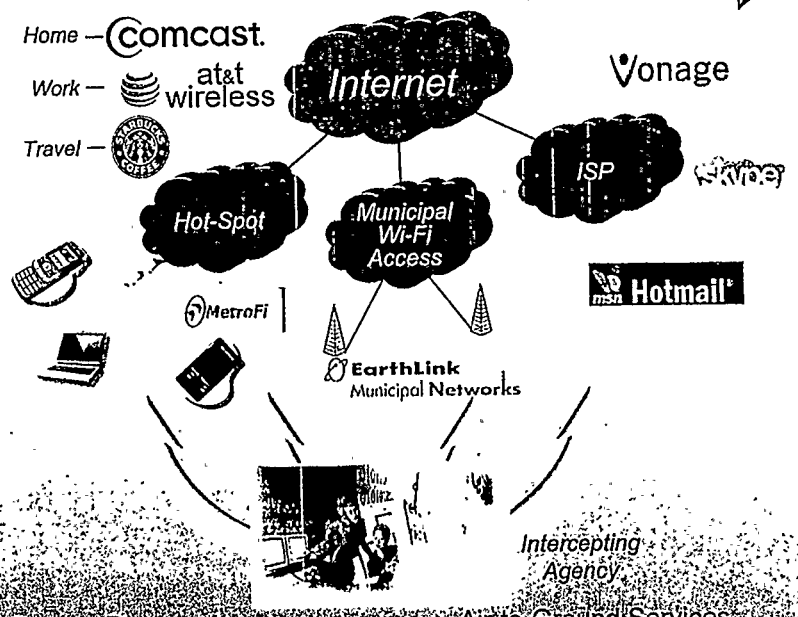
Where we've been...

...Convergence...

...Today...



Intercepting Agency



Intercepting Agency

- ▶ Single carrier
- ▶ Single access and interception
- ▶ Inexpensive

- ▶ Peer-to-Peer
- ▶ Service Provider Evolution
- ▶ Intro Party Service Providers
- ▶ Open Source Services

- ▶ Air-to-Ground Services
- ▶ Encryption
- ▶ Anonymous Services
- ▶ Multi-Vendors



"Going Dark"

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The Intercept Capability Gap for State and Local Law Enforcement Agencies

- Current and emerging communications technologies and services prevent most LEAs from pursuing real-time data intercepts.
- LEAs often lack an understanding of the services offered by emerging service providers, and industry often lacks an understanding of the needs of LEAs. This prevents the development of timely, cost-effective solutions.
- The lack of efficient information sharing mechanisms often results in duplication of efforts among LEAs
- The fragmented, uncoordinated demands placed on providers by different LEAs results in isolated, non-standardized requests, duplicative efforts, missed opportunities to use existing solutions, and unnecessary expense



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5

EFF/Lynch-106

Legislative and Policy Challenge Scope of CALEA

Issue:

- CALEA requires "telecommunications carriers" to develop and deploy intercept solutions in their networks to ensure that lawfully-authorized electronic surveillance could be performed
- Since CALEA's enactment in 1994, communications services have evolved beyond the traditional telecommunications platforms that existed at the time of passage
- A growing number of providers and emerging services that offer alternatives to traditional telephony may no longer meet CALEA's definition of a "telecommunications carrier"
 - P2P Services [redacted] and Third Party Applications [redacted]
- Even those providers that are covered by CALEA frequently introduce new services before they have developed techniques for assisting the government in conducting intercepts

b2
b7E



"Going Dark"

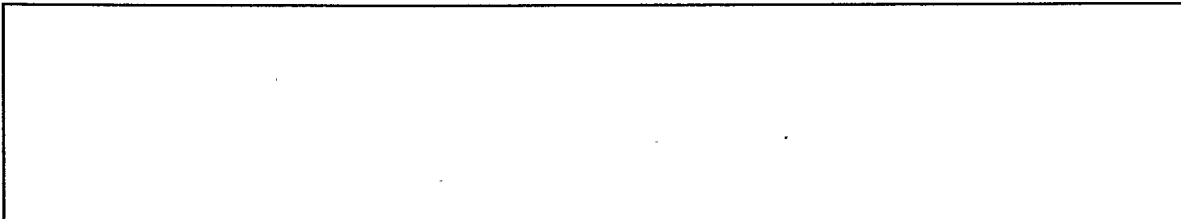
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9

EFF/Lynch-107

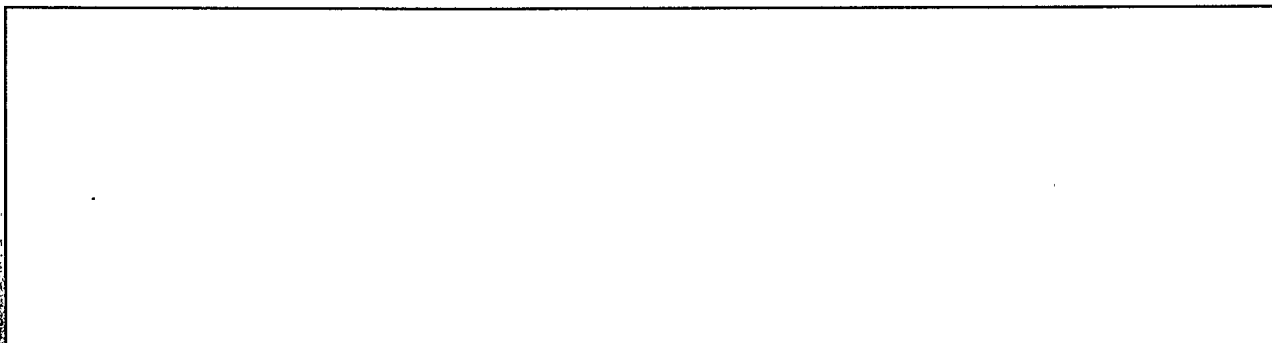
Legislative and Policy Challenge On Premises Interception/Monitoring

Issue:

- 

b2
b7E

- Recent examples



Outside the Scope



"Going Dark"

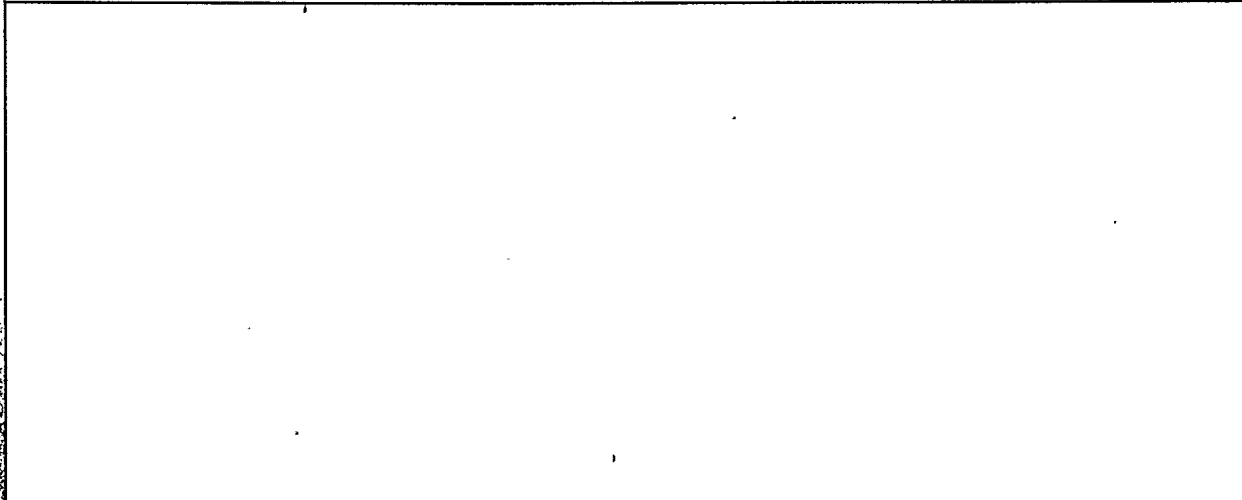
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EFF/Lynch-108

Legislative and Policy Challenge CALEA Safe Harbor

Issue:

- Carriers using industry standards are granted "safe harbor" under CALEA
- Industry standards bodies are industry-controlled, often to the detriment of law enforcement
- "Safe harbor" for deficient industry standards affords unwarranted protection
- Process of challenging standards before the FCC is burdensome and lengthy
- Recent examples



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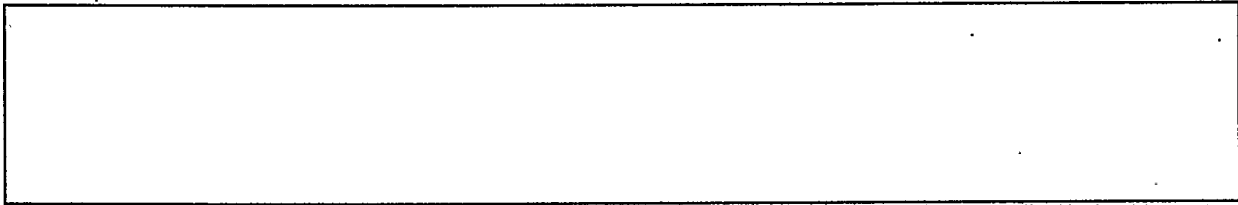
Outside the Scope

EFF/Lynch-109

Legislative and Policy Challenge Delivery of Data

Issue:

- Carriers often fail to deliver data in a secure, reliable and time-efficient manner
- Carriers utilize methods that do not ensure the intercepted communications are received at the law enforcement collection facility
- Delivery mechanisms that are cost-prohibitive for law enforcement and cannot be established in time-efficient manner
- Recent examples



Outside the Scope



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EFF/Lynch-110

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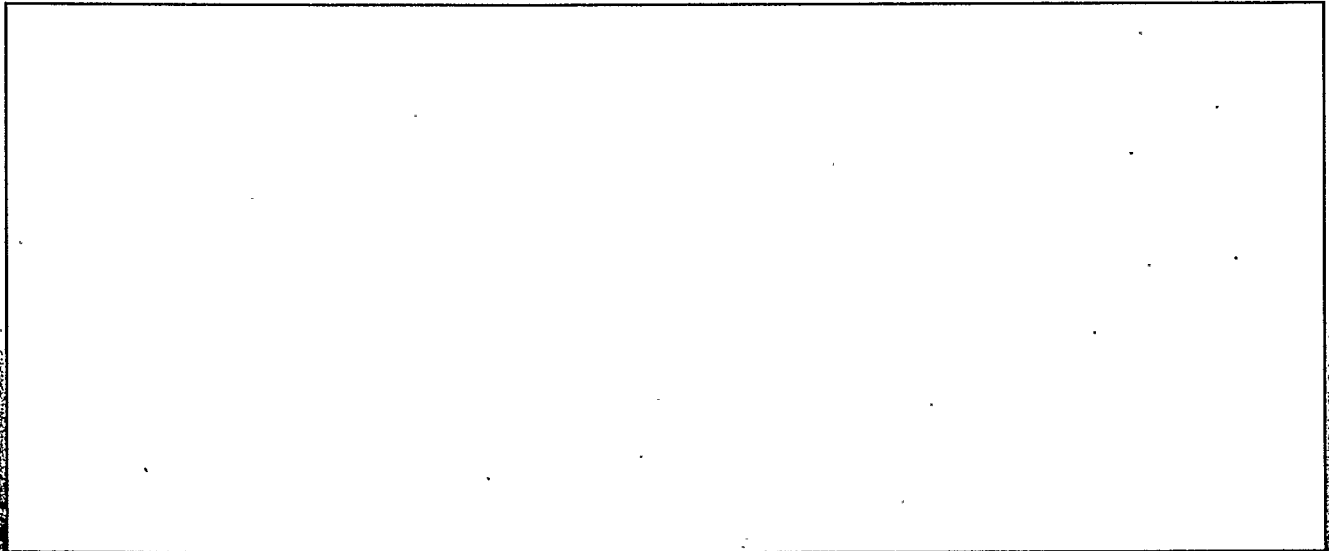
EFF/Lynch 111: This page is a duplicate of Bates page 98, and is page 14 of an 18 page presentation whose title is identified on Bates page 103. Presentation page 1 is a duplicate of Bates page 68. Presentation pages 2-3, 6-8, and 10 were determined to be outside the scope of plaintiff's FOIA request. Presentation pages 4-5 are released in full at Bates page 105-106, and presentation pages 9, 11-13, 15-16, and 18 were released in part at Bates pages 107-110, 112-113 and 115. Presentation page 17 is withheld in full at Bates page 114.

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Legislative and Policy Challenge Enforcement

Issue:

- Non-compliance with CALEA for emerging service occurs often
- CALEA's current enforcement provisions present insurmountable hurdles that make even the threat of enforcement non-credible
- CALEA places the government in a "Catch-22" position
- Recent examples



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Outside the Scope

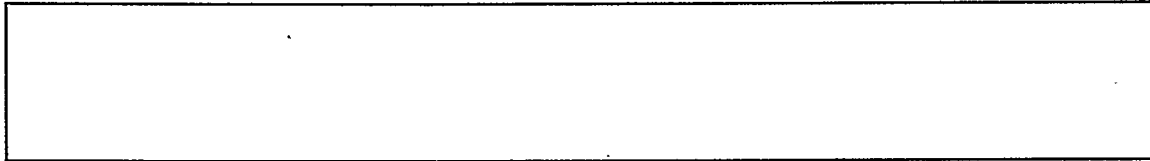
EFF/Lynch-112

Legislative and Policy Challenge Encryption

Issue:

• Many modern communication services and devices use encryption as a means to protect subscriber communications and data

- Data "in transit," such as VoIP and e-mail communications
- Data "at rest," such as the data stored on a hard drive or USB device



Outside the Scope



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16

EFF/Lynch-113

OPCA-20 (12-3-96)

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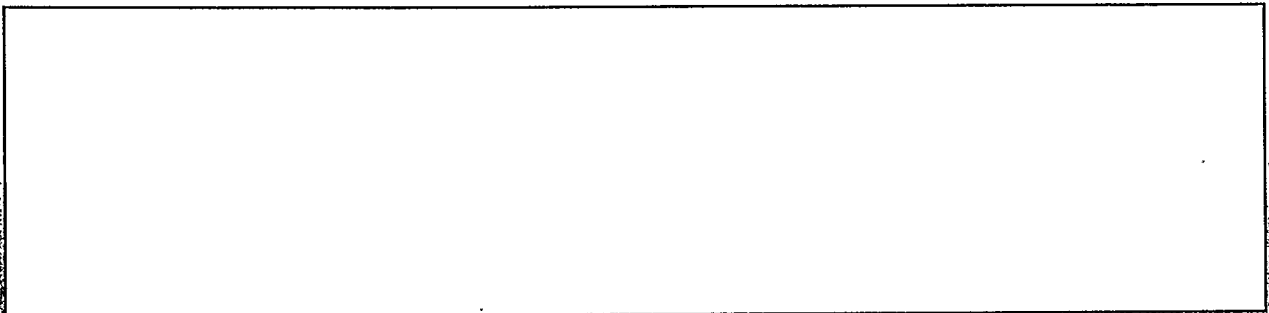
EFF/Lynch 114: Page 17 of an 18 page presentation whose title is identified on Bates page 103. Presentation pages 1 and 14 are duplicates of Bates pages 68 and 98. Presentation pages 2-3, 6-8, and 10 were determined to be outside the scope of plaintiff's FOIA request. Presentation pages 4-5 are released in full at Bates page 105-106, and presentation pages 9, 11-13, 15-16, and 18 were released in part at Bates pages 107-110, 112-113 and 115.

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Legislative and Policy Challenge Data Retention

Issue:

•The migration of traditional telephony (e.g., land-line and cellular telephone service) to flat-rate nationwide calling services, and away from toll-based services, together with the migration of users to Internet-based telephony (as well as other communications options), has substantially eroded the availability of non-content transactional communications records through which investigative agencies have traditionally identified offenders and their victims.



Outside the Scope

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18

EFF/Lynch-115

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Preservation of Lawful Intercepts: Challenges and Potential Solutions



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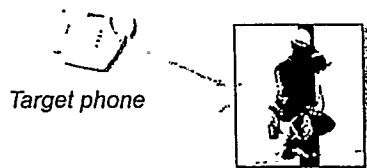
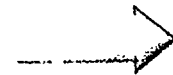
Conducting lawful intercept in the past was straightforward...

Conducting lawful intercept today is highly complex and becoming more and more difficult

Where we've been...

...Convergence...

...Today...



Target phone



Intercepting Agency



Single carrier

Home - Comcast

Work - at&t wireless

Travel - [Logo]



EarthLink



Intercepting Agency

- ▶ Single carrier
- ▶ Simple access and interception
- ▶ Inexpensive

- ▶ Peer-to-Peer
- ▶ Service Provider Evolution
- ▶ Third Party Service Providers
- ▶ Open Source Software

- ▶ Air-to-Ground Services
- ▶ Encryption
- ▶ Anonymous Services
- ▶ Virtual Machines



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Legislative and Policy Challenge Scope of CALEA

Issue:

- CALEA requires “telecommunications carriers” to develop and deploy intercept solutions in their networks to ensure that lawfully-authorized electronic surveillance could be performed
- Since CALEA's enactment in 1994, communications services have evolved beyond the traditional telecommunications platforms that existed at the time of passage
- A growing number of providers and emerging services that offer alternatives to traditional telephony may no longer meet CALEA's definition of a “telecommunications carrier”
 - P2P Services [redacted] and Third Party Applications [redacted]
- Even those providers that are covered by CALEA frequently introduce new services before they have developed techniques for assisting the government in conducting intercepts

b2
b7E



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9

EFF/Lynch-120

Legislative and Policy Challenge On Premises Interception/Monitoring

Issue:

- [Redacted]
- [Redacted]

b2
b7E

- Recent examples: [Redacted]

[Redacted]

Outside the Scope



"Going Dark"

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11

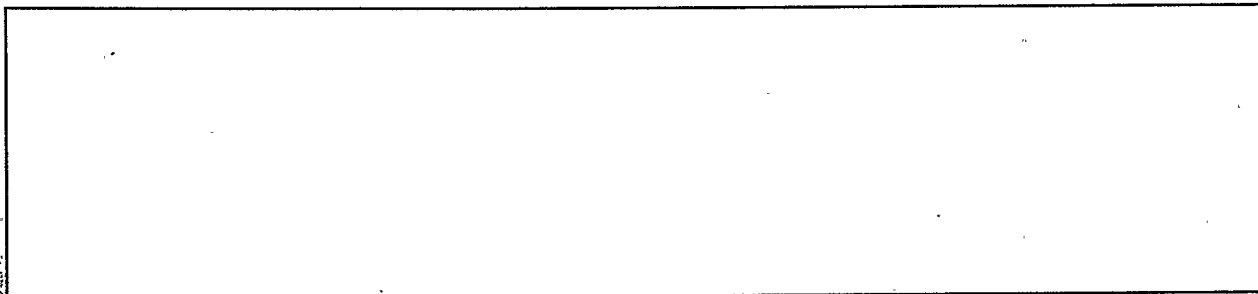
EFF/Lynch-121

Legislative and Policy Challenge CALEA Safe Harbor

Issue:

- Carriers using industry standards are granted "safe harbor" under CALEA
- Industry standards bodies are industry-controlled, often to the detriment of law enforcement
- "Safe harbor" for deficient industry standards affords unwarranted protection
- Process of challenging standards before the FCC is burdensome and lengthy
- Recent examples: [redacted] lack of time stamp capability; [redacted] is not afforded safe harbor despite having a solution that meets law enforcement's needs

b2
b7E



Outside the Scope



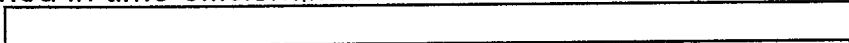
"Going Dark"

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12

Legislative and Policy Challenge Delivery of Data

Issue:

- Carriers often fail to deliver data in a secure, reliable and time-efficient manner
- Carriers utilize methods that do not ensure the intercepted communications are received at the law enforcement collection facility
- Delivery mechanisms that are cost-prohibitive for law enforcement and cannot be established in time-efficient manner
- Recent examples: 



b2
b7E



Outside the Scope



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13

EFF/Lynch-123

OPCA-20 (12-3-96)

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EFF/Lynch 124: This page is a duplicate of Bates page 98, and is page14 of a 18 page presentation whose title is identified on Bates page 116. Presentation page 1 is a duplicate of Bates page 68. Presentation pages 2-3, 6-8, and 10 were determined to be outside the scope of plaintiff's FOIA request. Presentation page 4 is released in full at Bates page 118. Presentation page 5 is a duplicate of Bates page 106. Presentation pages 9, 11-13, and 15 are released in part at Bates pages 120-123, and 125. Presentation pages 16-18 are duplicates of Bates pages 100-102.

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Legislative and Policy Challenge Enforcement

Issue:

- Non-compliance with CALEA for emerging service occurs often
- CALEA's current enforcement provisions present insurmountable hurdles that make even the threat of enforcement non-credible
- CALEA places the government in a "Catch-22" position
- Recent examples: [redacted] down for months [redacted]

b2
b3
b7E

[redacted]

[redacted]



"Going Dark"

*** FOR OFFICIAL USE ONLY ***

Outside the Scope

15

EFF/Lynch-125

OPCA-20 (12-3-96)

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Section 552

Section 552a

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

- (d)(5)
(j)(2)
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GOING DARK

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What is Going Dark?

- There is a growing gap between the government's authority under Title 18 or FISA to conduct electronic surveillance of communications by terrorists, foreign agents and criminal enterprises, and its actual ability to intercept those communications. This is placing our national security and public safety at risk. We call this Going Dark.
- As a result of the Going Dark problem, we face an increasing challenge to our ability to conduct surveillance of communications on popular internet-based services or devices that are commonly used by threat actors, including:
 - Peer-to-peer communications services;
 - Social networking sites; and
 - Smart phones.

Why are we Going Dark?

- We are Going Dark as a result of several factors, including:
 - The dramatic increase in:
 - the volume of communications;
 - the types of communications services that are offered; and
 - the number of communications service providers;
 - Rapidly-changing communications technology and services;
 - Globalization in the communications business;
 - Legal mandates that have not kept pace with changing technology.

What are some examples of Going Dark?

• [REDACTED]

[REDACTED] increasingly we are encountering [REDACTED]
[REDACTED] communicating through the use of services and technologies that are difficult for us to intercept.

b2
b7E

- Child Pornography and Exploitation

In Operation Achilles, we broke up an international online child porn and exploitation ring in 2008 that used anonymizers and encryption services to conceal their activities.

- [redacted]

b2
b7D
b7E

- Together with our foreign partners, we:

- Arrested/convicted 14 defendants in the U.S., two in the U.K., and two in Germany; and
- Identified over 12 victims of molestation, and seized 400,000 images and 1,200 videos.

- [redacted]

[redacted] we investigated [redacted] that used a [redacted] in a conspiracy to transport cocaine [redacted]

- [redacted]

[redacted] they are difficult to intercept.

b2
b7E

- [redacted]

- Eventually, we obtained an indictment [redacted] but the absence of an ELSUR solution in this particular case created delays and prevented the interception of pertinent communications.

[redacted]

Outside the Scope

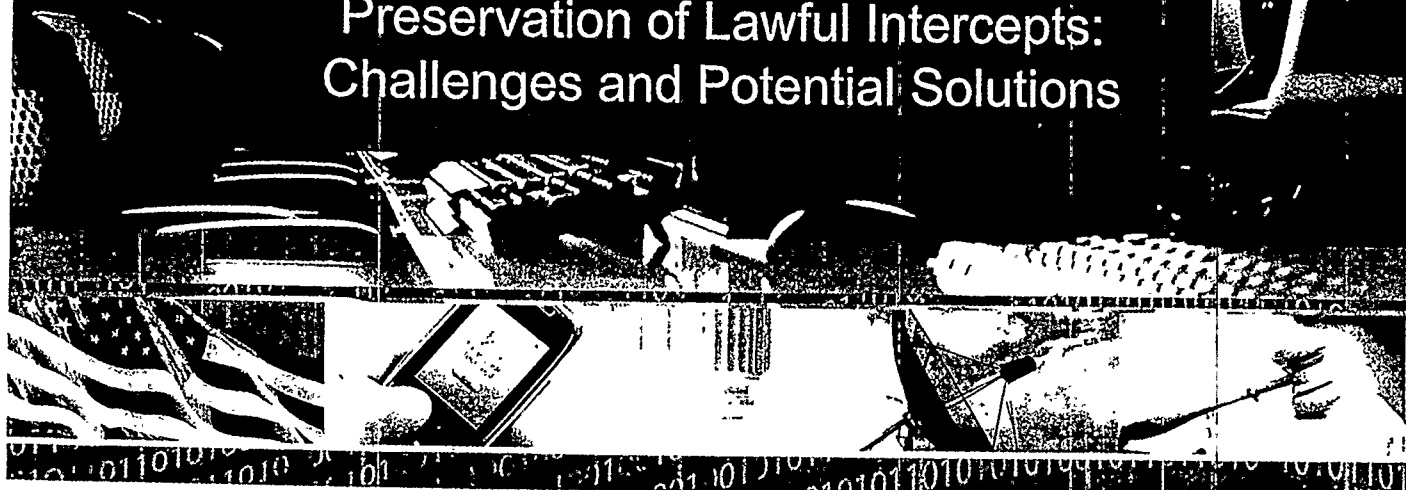
U.S. Department of Justice
Federal Bureau of Investigation
Science & Technology Branch



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Preservation of Lawful Intercepts: Challenges and Potential Solutions



6th National Community Prosecution Conference:
The 21st Century Prosecutor

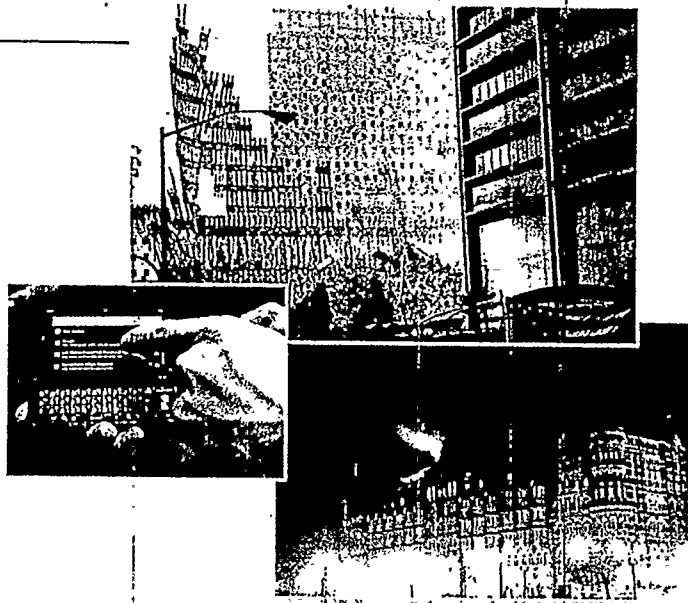
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EFF/Lynch-131

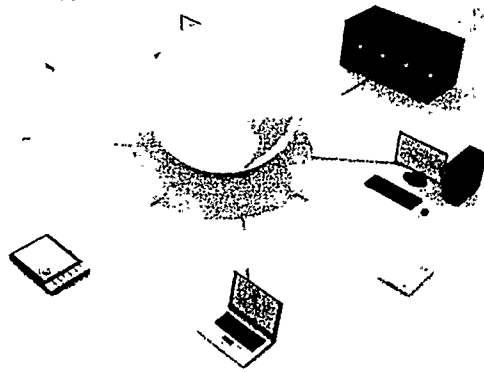
The Threat

- Terrorists, foreign agents, and dangerous criminal enterprises **must communicate** to organize their plots and carry out their acts
- They increasingly communicate using advanced communications technologies



The Problem

- Increasingly, advanced communications technologies and outdated legislative provisions are negatively impacting governmental electronic surveillance (ELSUR) technical capabilities and are undercutting enforcement of U.S. ELSUR laws ...



CALEA
LAW

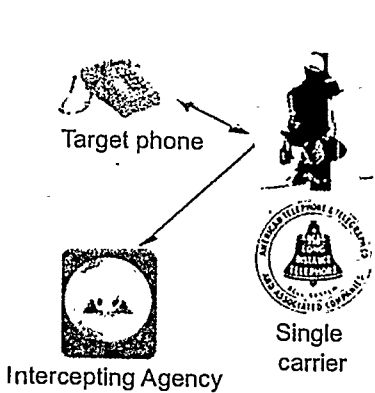
... leading to an ever-widening ELSUR Gap that puts our national security at risk, as governmental ELSUR capabilities "Go Dark"



The Problem

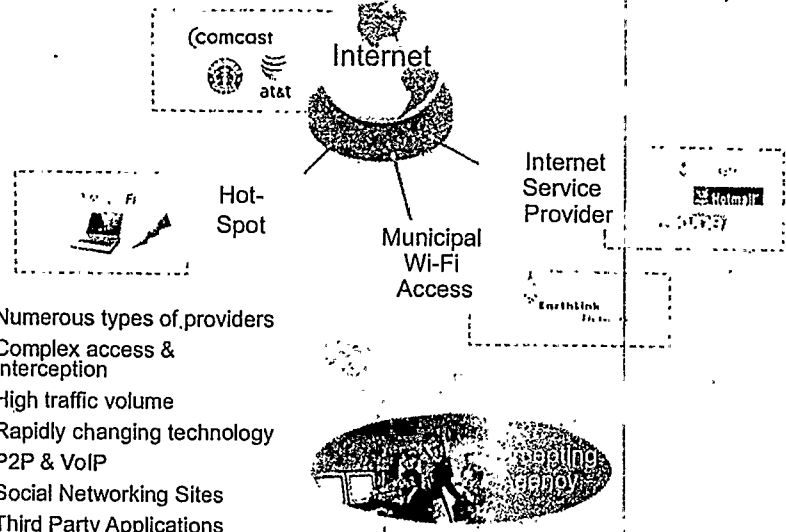
Conducting ELSUR in the past was straightforward...
With advanced communications, conducting ELSUR today is highly complex and difficult

Where we've been...



- Single carrier
- Simple access and interception
- Inexpensive

- Numerous types of providers
- Complex access & interception
- High traffic volume
- Rapidly changing technology
- P2P & VoIP
- Social Networking Sites
- Third Party Applications
- Encryption



OPCA-20 (12-3-96)

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EFF/Lynch 135: Page 4 of a 15 page presentation whose title is identified on Bates page 131. Presentation pages 1-3, and 5-6 are released in full or in part at Bates pages 132-134, and 136-137. Presentation pages 7-15 were determined to be outside the scope of plaintiff's FOIA request.

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The Problem

Advanced Communications Technologies...

are often used in criminal cases

- Child Exploitation & Pornography
 - Targets use [redacted] to conceal activities in the U.S.
 - Arrests are often predicated on Law Enforcement Agencies (LEAs) being able to identify a source within the organization

- Criminal Enterprises, Gangs, Drug Trafficking Organizations
 - Use the same services as terrorists and foreign agents
 - Smart phones, [redacted] social networking, [redacted] [redacted] etc.

b2
b7E

The Problem

Outdated legislative provisions

- A number of advanced communications technologies fall outside of CALEA, impeding the implementation of ELSUR court orders
 - Peer-to-Peer (P2P) Communications
 - [Redacted]
 - Social Networking Sites
 - [Redacted]
- CALEA-covered telecommunications carriers lack incentives to comply
 - Covered Providers often fail to maintain proper ELSUR solutions
- Compliance procedures in CALEA are complex and inflexible, often resulting in intercept solutions that are deficient for LEAs
- Enforcement requirements in CALEA create insurmountable hurdles that render [Redacted]

b2
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GOING DARK

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FBI Efforts to Preserve Electronic Surveillance (ELSUR) Capabilities

August 24, 2009

EFF/Lynch-138

UNCLASSIFIED // FOUO



What threatens the LE & IC ability to intercept targets' communication?

Targets communicate via technology that we can't attack

High cost for LE development of LI capabilities driven by rapidly changing technology

[Redacted]

Lack of influence over industry due to outdated statutory language

We don't have the authority to implement an intercept

[Redacted]

Targets communicate from mobile and/or secure platforms

[Redacted]

b2
b7E

Volume of data is increasing rapidly

[Redacted]

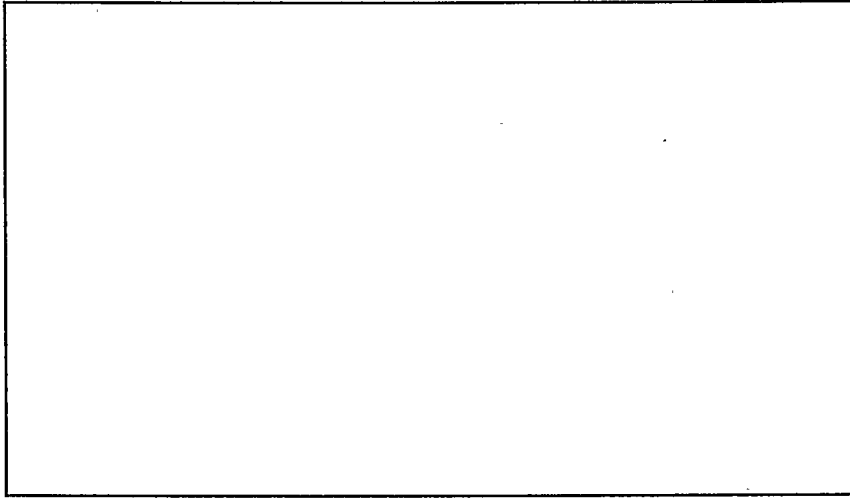
The risk of not addressing these threats is a loss of evidence and intelligence

EFF/Lynch-139

UNCLASSIFIED // FOUO



The FBI has experienced the impact of the widening gaps



b2
b7E

EFF/Lynch-140

UNCLASSIFIED // FOUO



What threatens Law Enforcement and the Intelligence Community's ability to intercept targets' communication?

Competing interests of the Intelligence Community and Law Enforcement

Uncoordinated efforts between LE and IC, as well as within LE

b2
b7E

Outside the Scope

Lack of coordination leads to duplication of effort, fractured industry liaison and competing entities, increasing the risk of lost capabilities

EFF/Lynch-141

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INTELLIGENCE NOTE
Cyber Intelligence Section, Technology Cyber Intelligence Unit
26 August 2010

Subject: (U//FOUO) Going Dark: Evolution in Mobile Technology & Potential Collection Issues

Summary: (U//FOUO) The wireless communications industry is evolving at a rate in which new services and technologies are introduced into the marketplace faster than law enforcement (LE) can develop lawful technical intercept solutions. As these advanced networks become operational, LE will face multiple collection-related issues.

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(U//FOUO) What is Going Dark?

(U//FOUO) Going Dark is the loss of a technical capability to collect intelligence during lawfully authorized intercepts. As new technologies are introduced to the marketplace, new features could threaten to diminish law enforcement's abilities to effectively implement intercepts.

b2
b7E

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OPCA-20 (12-3-96)

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Section 552

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EFF/Lynch 143 and 145: Pages 2 and 4 of a 6 page "Intelligence Note" whose title and summary statement are identified on Bates page 142. Briefing page 3 is also withheld in full at Bates page 144. Briefing pages 5-6 were determined to be outside the scope of plaintiff's FOIA request.

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

EFF/Lynch 144: Page 3 of a 6 page "Intelligence Note" whose title and summary statement are identified on Bates page 142. Briefing pages 2 and 4 are also withheld in full at Bates pages 143 and 145. Briefing pages 5-6 were determined to be outside the scope of plaintiff's FOIA request.

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Serial Description ~ Unrecorded Serial

	<u>Bates Page</u>
Total Deleted Page(s) ~ 3	
Page 1 ~ b2, b7E	146
Page 2 ~ b2, b7E	147
Page 3 ~ b2, b7E	148

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EFF/Lynch 146-148: 3 page undated talking points survey titled, "Law Enforcement Gaps Survey." The survey, conducted by the FBI, was given to other law enforcement agencies in order to help identify ELSUR and CALEA gaps that have also limited their ELSUR capabilities.

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Cyber Division
Response

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Serial Description ~ Unrecorded Serial

Bates Page

Total Deleted Page(s) ~ 16

Page 2 ~ b2, b5, b7E	150
Page 3 ~ b2, b5, b7E	151
Page 4 ~ b2, b5, b7E	152
Page 5 ~ b2, b5, b7E	153
Page 6 ~ b2, b5, b7E	154
Page 7 ~ b1, b2, b3, b5, b7E	155
Page 8 ~ b2, b5, b7E	156
Page 9 ~ b2, b5, b7E	157
Page 10 ~ b2, b5, b7E	158
Page 11 ~ b2, b5, b7E	159
Page 12 ~ b2, b5, b7E	160
Page 13 ~ b2, b5, b7E	161
Page 14 ~ b1, b2, b3, b5, b7E	162
Page 15 ~ b2, b5, b7E	163
Page 16 ~ b2, b5, b7E	164
Page 17 ~ b2, b5, b7E	165

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Pen Register Trap Trace Data

Page 1 of 1

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Pen Register Trap Trace Data

[Redacted]

Sent: Friday, April 30, 2010 11:49 AM

b6
b7C

To: [Redacted]

Cc: [Redacted] (CRM)

Importance: High

A pen trap and trace order [Redacted]

b3

To date, we have not yet received any of this information as requested.
What would be the best way for you to provide the required information so that you will be in compliance with the court order?

v/r,

[Redacted]

Special Agent
FBI
11700 Beltsville Drive, Suite 200
Calverton, MD 20705

b2
b6
b7C

W: [Redacted]
F: [Redacted]

EFF/Lynch-149

OPCA-20 (12-3-96)

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

EFF/Lynch 150-154, 156-161, and 163-165: Pages 1-5, 7-12, and 14-16 of a partly classified 16 page Intelligence Assessment dated September 10, 2010, labeled, "Draft for Coordination Purposes Only," and prepared by FBI Cyber Division. The assessment is titled, "Going Dark: Encryption and the Associated Issues Facing Law Enforcement." See Bates pages 155, and 162 for assessment pages 6 and 13.

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Section 552

Section 552a

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50 U.S.C. §§ 1806(b), 1825(c),
and/or 1845(b)

(b)(7)(D)

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EFF/Lynch 155 and 162: Pages 6 and 13 of a partly classified 16 page Intelligence Assessment dated September 10, 2010, labeled, "Draft for Coordination Purposes Only," and prepared by FBI Cyber Division. The assessment is titled, "Going Dark: Encryption and the Associated Issues Facing Law Enforcement." A portion of these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009. Underling Exemption b3-3 added to protect FISA information collected during an investigation and used in the preparation of the draft assessment. See Bates pages 150-154, 156-161, and 163-165 for assessment pages 1-5, 7-12, and 14-16.

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[Redacted]

Outside the Scope

From: [Redacted] (CyD) (FBI)
Sent: Friday, July 30, 2010 6:55 PM
To: [Redacted] (CyD) (FBI); [Redacted] (CyD)(FBI)
Subject: RE: Going Dark Working Group

b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[Redacted]

One other issue I've been made aware of is [Redacted]

[Redacted]

[Redacted]

b2
b5
b7E

From: [Redacted] (CyD) (FBI)
Sent: Thursday, July 29, 2010 9:08 AM
To: [Redacted] (CyD)(FBI); [Redacted] (CyD) (FBI)
Subject: FW: Going Dark Working Group

b6
b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Can you all address [Redacted]

b2
b5
b7E

From: [Redacted] (DI)(FBI)
Sent: Wednesday, July 28, 2010 4:29 PM
To: [Redacted] (CYD)(FBI); [Redacted] (CyD) (FBI); [Redacted] (CyD) (FBI);
[Redacted] (CYD) (FBI); [Redacted] (DI)(FBI); [Redacted] (CyD)(FBI);
[Redacted] (CyD) (FBI)
Cc: [Redacted] (CyD) (FBI); [Redacted] (CyD)(FBI)
Subject: Going Dark working Group

b2
b5
b6
b7C
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

The Going Dark Working Group (GDWG) continues to ask for examples from Cyber investigations where investigators have had problems with [Redacted]

EFF/Lynch-166

[Redacted]

The OGC reps who participate in the GDWF are specifically interested in [Redacted]

[Redacted]

b2
b5
b7E

One of the GDWG members vaguely remembers [Redacted]

[Redacted] Does this sound familiar? If so, please let me know if you have additional information about the investigation that may help us develop a good Cyber example.

Thanks,
David

David A. Ford
Section Chief
Cyber Intelligence Section
Patriots Plaza - 4th Floor
Direct: [Redacted]
Mobile: [Redacted]
STC: [Redacted]
Fax: [Redacted]

b2

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

EFF/Lynch-167

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

*Counter
Terrorism
Division
Response*

Serial Description ~ Unrecorded Serial

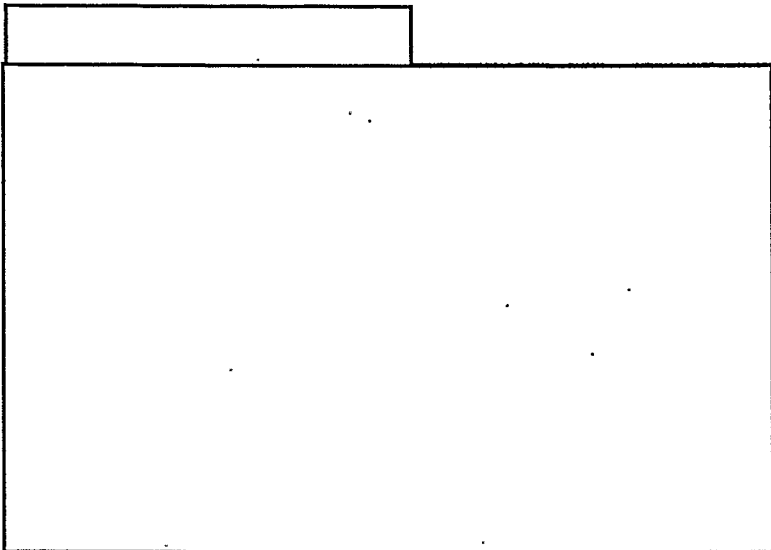
Bates Page

Total Deleted Page(s) ~ 7

- Page 6 ~ b2, b7E
- Page 7 ~ b2, b7E
- Page 78 ~ b2, b7E
- Page 90 ~ b2, b7E
- Page 91 ~ b2, b7E
- Page 93 ~ b2, b7E
- Page 94 ~ b2, b7E

- 173
- 174
- 175
- 176
- 177
- 178
- 179

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



DECLASSIFIED BY 65179/DMH/BAW/STP/bls
ON 02-17-2011

Outside the Scope

From: [redacted] (CTD) (FBI)
Sent: Wednesday, June 03, 2009 3:53 PM
To: [redacted] (WF) (FBI); [redacted] (SU) (FBI); [redacted] (SU) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (CTD)(OGA); [redacted] (CTD) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b2
b6
b7C
b7E

~~SECRET~~
RECORD 415

Not sure who is the source, but it may be. I wouldn't be surprised to find that it is all a ruse to cover the fact that they are not CALEA compliant!

From: [redacted] (WF) (FBI)
Sent: Wednesday, June 03, 2009 1:21 PM
To: [redacted] (CTD) (FBI); [redacted] (SU) (FBI); [redacted] (SU) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (CTD)(OGA); [redacted] (CTD) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted]

b2
b6
b7C
b7E

~~SECRET~~
RECORD 415

Wow. That's all I can say, wow. Not that it will help much, but would you like me to reach out to [redacted] legal counsel? Or is this subpoena nonsense coming from her?

[redacted]
Investigative Operations Analyst
Northern VA RA Squad A-2
[redacted] Desk
[redacted] Blackberry
[redacted]

From: [redacted] (CTD) (FBI)
Sent: Wednesday, June 03, 2009 9:28 AM
To: [redacted] (SU) (FBI); [redacted] (SU) (FBI)
Cc: [redacted] (CTD) (FBI); [redacted] (CTD)(OGA); [redacted] (CTD) (FBI); [redacted] (OGC)

b6
b7C

Subject: (FBI) [redacted] (WF) (FBI)
[redacted]

b2
b6
b7C
b7E

~~SECRET~~
~~RECORD 415~~

All,
I just got a call from [redacted] at DITU. He advised that they are still working on [redacted]
[redacted] claims they need a subpoena to set that up (per DITU that is not true). DITU is reaching out to them again today, and will call me back with the results. My feeling is that if they still aren't compliant by today, we should go ahead with a motion to comply and/or for contempt because this is ludicrous (legal term). We need to make them comply, and more importantly, make it clear to all providers that failure to comply has consequences. Are we mice or men?

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~
~~DECLASSIFY ON: 20340603~~
~~SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~
~~DECLASSIFY ON: 20340603~~
~~SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~
~~DECLASSIFY ON: 20340603~~
~~SECRET~~

EFF/Lynch-169

DECLASSIFIED BY 65179/DMH/BAW/STP/bls
ON 02-17-2011

b6
b7C
Outside the Scope

From: [redacted] (CTD)(FBI)
Sent: Wednesday, September 22, 2010 3:25 PM
To: HQ-DIV13-CONUS 5
Subject: FW: New Information: NSL / V&P (from [redacted] Presentation 09.17)

Attachments: [redacted]
SFFISA.SEPTEMBER.2010.pptx; faq.update

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

Here are the PowerPoint slides from the presentation (if you're interested); I have the full copy of the briefing book from Friday if you see there's something else you need.



Outside the Scope



SFFISA.SEPTEMBERfaq.update (25 KB)
.2010.pptx (20...

[redacted] mentioned that although [redacted] are not responding to NSLs, other companies (i.e. [redacted]) are still honoring and producing decent results.

b2
b6
b7C
b7E

[redacted]
Staff Operations Specialist
Counterterrorism Division
ITOS I / CONUS V / Team 2

Internal: [redacted]
Office: [redacted]

From: [redacted] (CTD)(FBI)
Sent: Tuesday, September 21, 2010 1:09 PM
To: HQ-DIV13-CONUS 5
Subject: New Information: NSL / V&P (from [redacted] Presentation 09.17)

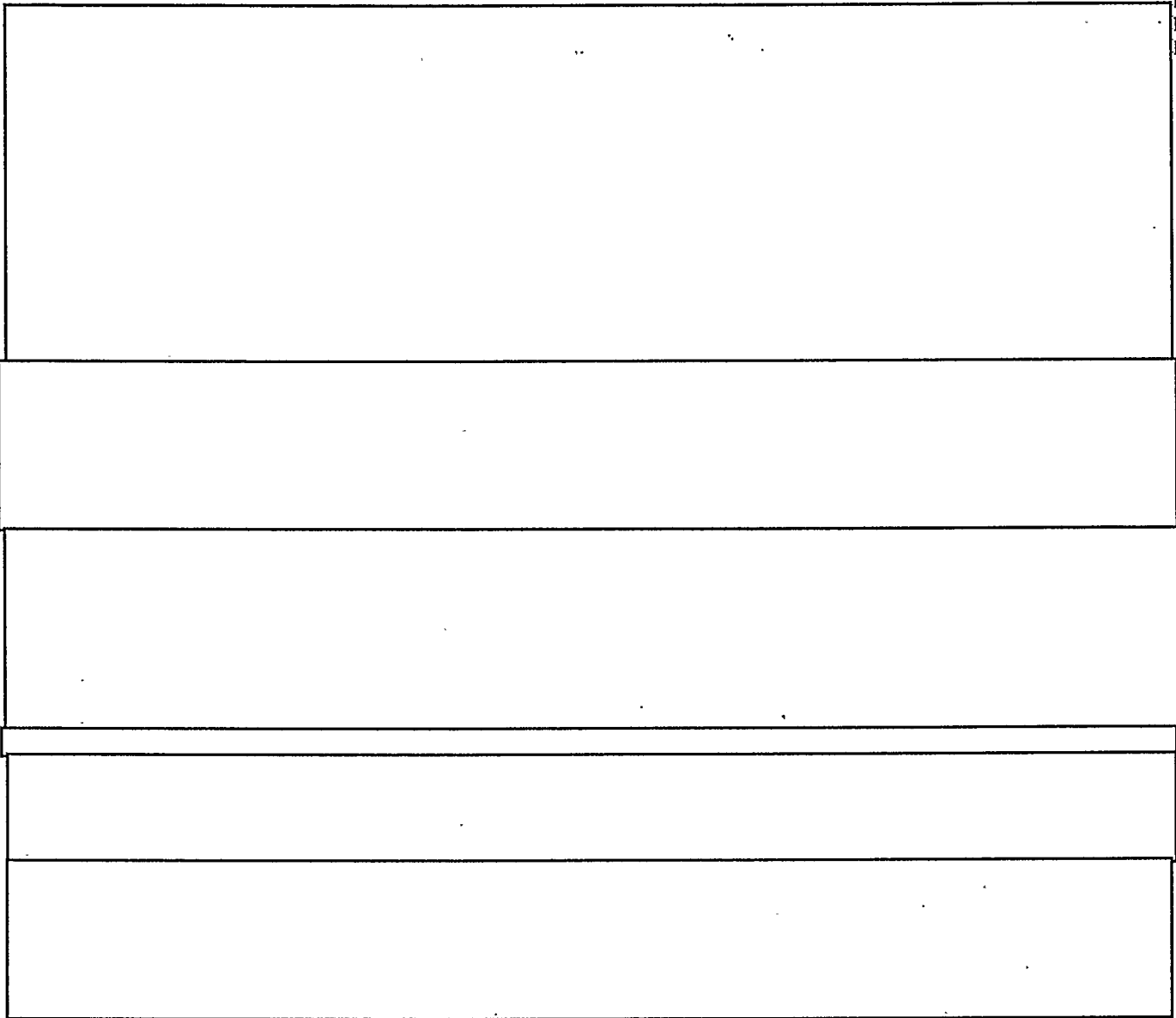
b6
b7C

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

Good afternoon!!

Here is some of the information from the Friday presentation by SIOA [redacted] (San Francisco Division) regarding obtaining information from Internet Service Providers and social networking sites. I will send out an electronic copy of the powerpoint slides as soon as I receive one!

b2
b6
b7C
b7E



Let me know if you would like more information about the presentation or clarification of anything I've included here. (I'll keep you posted if I hear of any more NSL updates!)

[Redacted]

[Redacted]
Staff Operations Specialist
Counterterrorism Division
ITOS 1 / CONUS V / Team 2

[Redacted]
Internal [Redacted]
Office [Redacted]

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20350921

~~SECRET//NOFORN~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations~~
~~DECLASSIFY ON: 20350921~~
~~SECRET//NOFORN~~

EFF/Lynch-172

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/Lynch 173-174: 2 page undated talking points "User Guide" on how to read User, History, and Messaging Information provided by an Internet Service Provider (ISP).

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

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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

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

Section 552

Section 552a

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

- (b)(7)(A)
- (b)(7)(B)
- (b)(7)(C)
- (b)(7)(D)
- (b)(7)(E)
- (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 is to be used for reference regarding this page:

EFF/Lynch 175: 1 page April 22, 2010, talking points summary of what a social networking company is, and what can, or can not be obtained with a NSL/Subpoena.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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

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

Section 552

Section 552a

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

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

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

- 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/Lynch 176-179: Pages 2-3 and 5-6 of a 6 page talking points paper dated September 2, 2010, titled, "Frequently Asked Questions," and is referred to on Bates page 170 as an attachment titled, "SFFISA.SEMPETBER.2010.pptx.faq.update." Document pages 1 and 4 were determined to be outside the scope of plaintiff's FOIA request. This 'answer list' was developed to answer frequently asked questions of FBI investigative personnel concerning obtaining data, interpreting data, and preservation of data provided by an Internet Service Provider (ISP) in response to a FISA order, NSL, or search warrant.

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X No Duplication Fee X
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DECLASSIFIED BY 65179/DMH/BAW/STP/bls
ON 02-17-2011

b2
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b7E

[Redacted]

From: [Redacted] (CTD)(FBI)
Sent: Tuesday, September 21, 2010 1:09 PM
To: HQ-DIV13-CONUS 5
Subject: New Information: NSL / V&P (from [Redacted] Presentation 09.17)

~~SECRET//NOFORN~~
RECORD 415

Good afternoon!!

Here is some of the information from the Friday presentation by SIOA [Redacted] (San Francisco Division) regarding obtaining information from Internet Service Providers and social networking sites. I will send out an electronic copy of the powerpoint slides as soon as I receive one!

[Large Redacted Area]

Let me know if you would like more information about the presentation or clarification of anything I've included here. (I'll keep you posted if I hear of any more NSL updates!)

[Redacted]

[Redacted]

Staff Operations Specialist
Counterterrorism Division
ITOS I / CONUS V / Team 2
LX-1, 4s-112
Internal [Redacted]
Office: [Redacted]

b2
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b7C

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~~DECLASSIFY ON: 203509Z1~~
~~SECRET//NOFORN~~

EFF/Lynch-181

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ON 02-17-2011

[Redacted]
From: [Redacted] (CTD)(FBI)
Sent: Wednesday, September 22, 2010 3:08 PM
To: [Redacted] (SF) (FBI)
Subject: RE: Questions Regarding LX-1 09/17 Presentation

~~SECRET~~
RECORD 415

b2
b6
b7C

Thanks, [Redacted]

Have a wonderful rest of the week,

[Redacted]
Staff Operations Specialist
Counterterrorism Division
ITOSI / CONUS V / Team 2
LX-1, 4s-112
Internal: [Redacted]
Office: [Redacted]

From: [Redacted] (SF) (FBI)
Sent: Wednesday, September 22, 2010 2:24 PM
To: [Redacted] (CTD)(FBI)
Subject: RE: Questions Regarding LX-1 09/17 Presentation

b6
b7C

~~SECRET~~
RECORD 415

[Redacted]
Yes, everyone else stills honors and produces decent results in response to NSLs.

[Redacted]
SFFISA.SEPTEMBER.2010.pptx >> << File: faq.update >>

Outside the Scope

This is not everything, as you can tell by the table of contents, but it is the lion's portion.

SIOA [Redacted]
Supervisor, Squad IS-6
San Francisco Division/San Jose RA
[Redacted] (office)
[Redacted] (STE)
[Redacted] (Blackberry)

b2
b6
b7C

EFF/Lynch-182

b2
b6
b7C
b7E

From: [redacted] (CTD)(FBI)
Sent: Tuesday, September 21, 2010 9:01 AM
To: [redacted] (SF) (FBI)
Subject: Questions Regarding LX-1 09/17 Presentation

~~SECRET~~
RECORD 415

[redacted]

Thank you for all your help during your very informative presentation on Friday at LX-1! As I did not arrive in time to obtain a briefing book, I was wondering if you could send me the powerpoint slides or any additional information you handed out at the auditorium.

I forgot to ask before [redacted]

I truly appreciate your help and clarification!

Have a wonderful rest of the week,

[redacted]
Staff Operations Specialist
Counterterrorism Division
ITOS I / CONUS V / Team 2
LX-1, 4s-112
Internal: [redacted]
Office: [redacted]

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EFF/Lynch-183

Civil Discovery
Review Unit
Response

FEDERAL BUREAU OF INVESTIGATION
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Serial Description ~ Unrecorded Serial

Total Deleted Page(s) ~ 2
Page 26 ~ b1, b2, b5, b6, b7A, b7C, b7E
Page 27 ~ b1, b2, b5, b6, b7A, b7C, b7E

Bates Page
209
210

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X No Duplication Fee X
X for this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

~~SECRET~~

From: SABOL, SHERRY E. (OGC) (FBI)
Sent: Tuesday, May 27, 2008 8:01 PM
To: CAPRONI VALERIE E. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

Subject:
~~SECRET~~
RECORD OTD

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WHERE SHOWN OTHERWISE

DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (d)
DECLASSIFY ON: 01-12-2036

Valerie,

I am seeking clarification from OTD [redacted]
[redacted]

b1
b2
b5
b6
b7C
b7D
b7E

Also, I was mistaken [redacted]
[redacted]

[redacted]

(S)

Sherry E. Sabol
Section Chief
Science and Technology Law Office
Office of the General Counsel
HQ: [redacted]
Chantilly: [redacted]
bb [redacted]

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~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFY ON: 20330527~~
~~SECRET~~

EFF/Lynch-184

~~SECRET~~

~~SECRET~~

From: SABOL, SHERRY E. (OGC) (FBI)
Sent: Wednesday, May 28, 2008 11:54 AM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: [redacted]

~~SECRET~~
RECORD OTD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE
DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (d)
DECLASSIFY ON: 01-12-2036

I believe it does not speak to that issue.

[redacted] - I confirmed that what I have was inartfully drafted - [redacted]
[redacted]
[redacted]

b2
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b6
b7C
b7E

Sherry E. Sabol
Section Chief
Science and Technology Law Office
Office of the General Counsel
HQ [redacted]
Chantilly [redacted]
bb [redacted]

*PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI
WITHOUT PRIOR OGC APPROVAL*

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Wednesday, May 28, 2008 10:28 AM
To: SABOL, SHERRY E. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: [redacted]

~~SECRET~~
RECORD OTD

b2
b5
b6
b7C
b7E

On the last piece: [redacted]
[redacted]

From: SABOL, SHERRY E. (OGC) (FBI)
Sent: Tuesday, May 27, 2008 8:01 PM
To: CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Subject: [redacted]

~~SECRET~~
RECORD OTD

b2
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b6
b7C
b7E

Valerie,

I am seeking clarification from OTD [redacted]

EFF/Lynch-185

~~SECRET~~

~~SECRET~~

[Redacted]

b1
b2
b5
b6
b7C
b7D
b7E

Also, I was mistaken - [Redacted]

[Redacted]

[Redacted]

(S)

Sherry E. Sabol
Section Chief
Science and Technology Law Office
Office of the General Counsel
HQ [Redacted]
Chantilly [Redacted]
bb [Redacted]

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WITHOUT PRIOR OGC APPROVAL

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~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20330527
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~~DERIVED FROM: Multiple Sources
DECLASSIFY ON: 20330527
SECRET~~

EFF/Lynch-186

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c,d)
DECLASSIFY ON: 01-12-2036

(S) [redacted] FW MEETING [redacted] txt b1
From: SABOL, SHERRY E. (OGC) (FBI) b2
Sent: Thursday, June 19, 2008 8:51 AM b5
To: CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI); b6
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI) b7C
(S) Subject: FW: MEETING [redacted] b7D
b7E

~~SECRET~~
RECORD 315

Forwarded FYI from [redacted]

Per discussions with [redacted]

Sherry E. Sabol
Section Chief
Science and Technology Law Office
Office of the General Counsel

HQ: [redacted] b2
Chantilly: [redacted]

bb: [redacted]
PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI WITHOUT PRIOR
OGC APPROVAL

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

(S) From: [redacted] (BL) (FBI) b1
Sent: Thursday, June 19, 2008 6:38 AM b2
To: [redacted] (LO) (FBI); [redacted] (OTD) (FBI); SABOL, SHERRY b5
E. (OGC) (FBI) b6
Cc: [redacted] (OIO) (FBI); [redacted] (BL) (FBI); [redacted] b7C
(BL) (FBI) b7D
(S) Subject: MEETING [redacted] b7E

~~SECRET~~
RECORD 315

Colleagues,

On 06/19/08, [redacted]

(S) [redacted]

(S) [redacted] and Sherry: Please let me know if you are aware of and can support this
proposed date change. With your confirmation, we will make lodging arrangements and
document country clearance (already verbally approved), and formalize this response
with an EC.

Let me know.

[redacted]

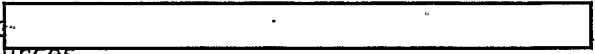
b1
b2
b5
b6
b7C
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(S)

FW MEETING
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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 01-12-2011 BY 65179/DMH/BAW/STP/bls

From: CAPRONI, VALERIE E. (OGC) (FBI)
Sent: Monday, June 23, 2008 3:54 PM
To: SABOL, SHERRY E. (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI); [redacted] (OGC) (FBI); b2
[redacted] (OGC) (FBI) b5
Subject: RE: [redacted] b6
~~SENSITIVE BUT UNCLASSIFIED~~ b7C
NON-RECORD b7E

Yes -- we met with [redacted] and others about a year ago. [redacted]
[redacted]

Can you call [redacted] to discuss, please?

From: SABOL, SHERRY E. (OGC) (FBI)
Sent: Monday, June 23, 2008 2:19 PM
To: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI);
[redacted] (OGC) (FBI)
Cc: CAPRONI, VALERIE E. (OGC) (FBI) b2
Subject: FW: [redacted] b5
~~SENSITIVE BUT UNCLASSIFIED~~ b6
NON-RECORD b7C
b7E

I am not familiar with the discussion regarding [redacted]
[redacted]

From: [redacted] (OTD) (FBI)
Sent: Monday, June 23, 2008 11:35 AM
To: [redacted] (DL) (FBI)
Cc: [redacted] (DL) (FBI); [redacted] (BL) (FBI); SABOL, SHERRY E. (OGC) (FBI);
[redacted] (OTD) (FBI)
Subject: RE: [redacted] b2
~~SENSITIVE BUT UNCLASSIFIED~~ b5
NON-RECORD b6
b7C
b7E

(FOUO) Sorry [redacted] but [redacted] was acting at my advice, and I'm in turn abiding by DOJ
direction. [redacted]
[redacted]

Please see your US Attorney's Office International Coordinator for the MLAT procedure and format.

I regret the impact this has on your case.

[redacted]

From: [redacted] (DL) (FBI) b2
Sent: Monday, June 23, 2008 10:42 AM b6
To: [redacted] (BL) (FBI); [redacted] (OTD) (FBI) b7C
Cc: [redacted] (DL) (FBI) b7E
Subject: [redacted]

EFF/Lynch-189

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

Sorry to bother you,

However, I have an investigation

[Redacted]

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[Redacted]

[Redacted]

Thank you for your time and assistance.

[Redacted]

Dallas

[Redacted]

(desk)
(cell)

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~~UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

EFF/Lynch-190

DECLASSIFIED BY 65179/DMH/BAW/STP/bls
ON 01-12-2011

From: SABOL, SHERRY E. (OGC) (FBI)
Sent: Tuesday, July 29, 2008 9:53 AM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI) [redacted] (OTD) (FBI) b6
Cc: [redacted] (OGC) (FBI) b7C
Subject: Special Project

Attachments: [redacted]
~~SECRET//NOFORN~~
~~RECORD DIAS,268-HQ~~

Tony [redacted]

Following discussions with [redacted]
[redacted]

[redacted]

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Question: [redacted]
[redacted]

Thanx.



[redacted]

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

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WHERE SHOWN OTHERWISE

DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-12-2036

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~~(S)~~ This document describes [redacted]

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~~(S)~~ [redacted]

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[redacted]

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[redacted]

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[redacted]

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[Redacted]

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[Redacted]

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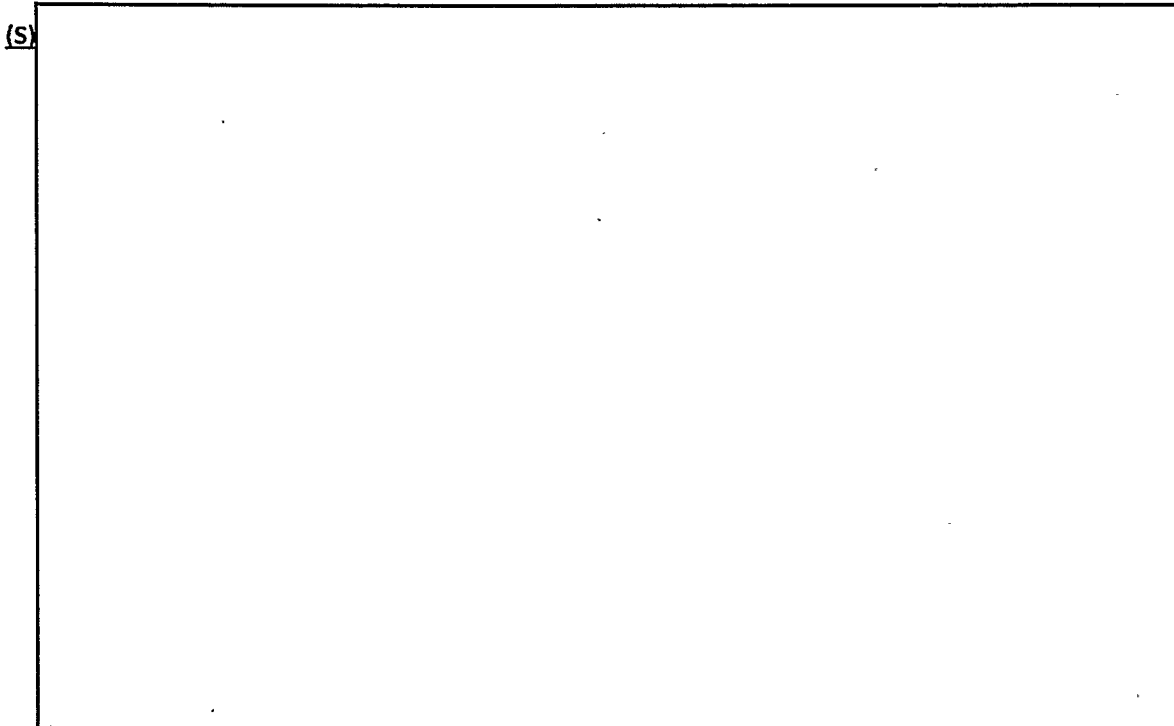
[Redacted]

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EFF/Lynch-193

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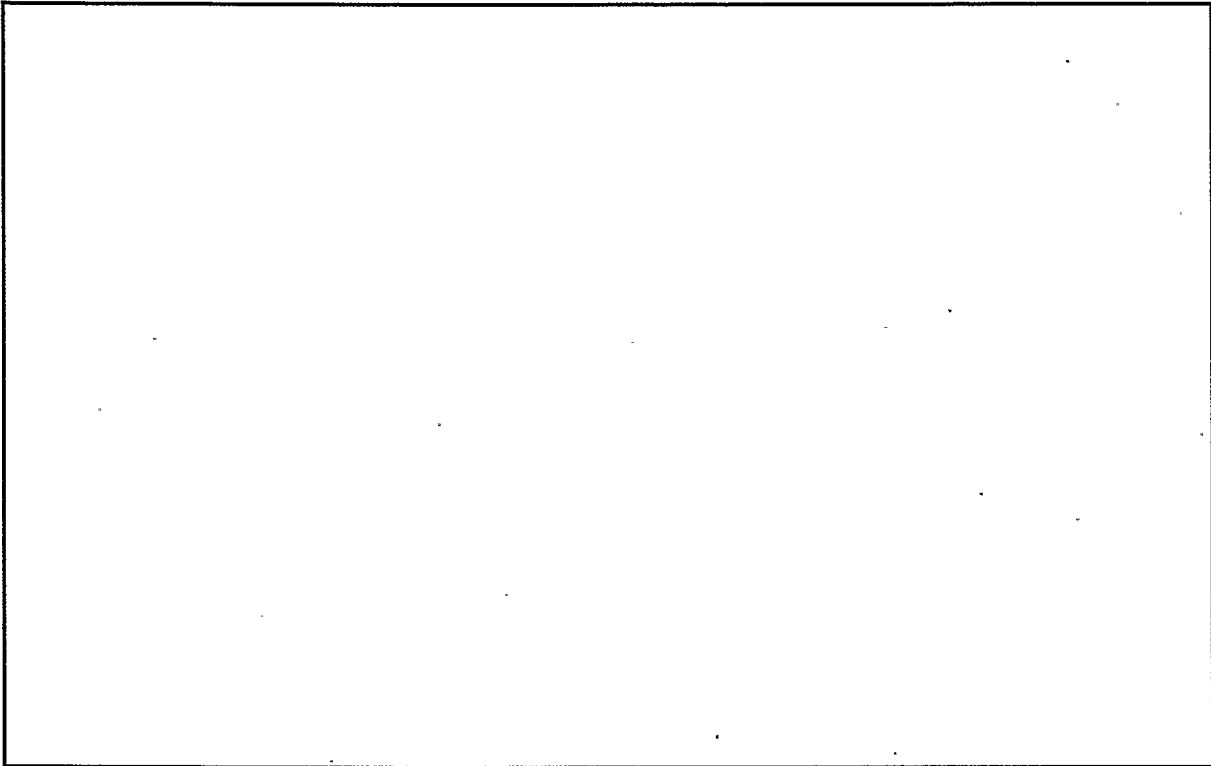
Sample Monitor Output

EFF/Lynch-194

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EFF/Lynch-195

~~SECRET~~

DECLASSIFIED BY 65179/DMH/BAW/STP/bls
ON 01-12-2011

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Sent: Monday, August 04, 2008 12:13 PM
To: SABOL, SHERRY E. (OGC) (FBI); [redacted] (OTD) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: Special Project
~~SECRET//NOFORN~~
~~RECORD DIAS,268-HQ~~

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Sherry,

[redacted]

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

[redacted]

From: SABOL, SHERRY E. (OGC) (FBI)
Sent: Tuesday, July 29, 2008 9:53 AM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: Special Project

~~SECRET//NOFORN~~
~~RECORD DIAS,268-HQ~~

Tony [redacted]

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Following discussions with [redacted]

[redacted]

[redacted]

[redacted]

Thanx.

EFF/Lynch-196

<< File

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

~~DECLASSIFY ON: 20330616~~

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

~~DECLASSIFY ON: 20330616~~

~~SECRET//NOFORN~~

EFF/Lynch-197

DECLASSIFIED BY 65179/DMH/BAW/STP/hls
ON 01-12-2011

From: SABOL, SHERRY E. (OGC) (FBI)
Sent: Wednesday, October 29, 2008 2:51 PM
To: [redacted] (OGC) (FBI)
Subject: FW: Special Project

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~~SECRET//NOFORN~~
~~RECORD DIAS,268-HQ~~

[redacted]

This appears to be the last communication I have [redacted]

[redacted]

Sherry E. Sabol
Section Chief
Science and Technology Law Office
Office of the General Counsel

HQ: [redacted]
Chantilly: [redacted]
bb: [redacted]

*PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI
WITHOUT PRIOR OGC APPROVAL*

From: DICLEMENTE, ANTHONY P. (OTD) (FBI)
Sent: Monday, August 04, 2008 12:13 PM
To: SABOL, SHERRY E. (OGC) (FBI); [redacted] (OTD) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: RE: Special Project

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~~SECRET//NOFORN~~
~~RECORD DIAS,268-HQ~~

Sherry,

[redacted]

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

[redacted]

From: SABOL, SHERRY E. (OGC) (FBI)
Sent: Tuesday, July 29, 2008 9:53 AM
To: DICLEMENTE, ANTHONY P. (OTD) (FBI); [redacted] (OTD) (FBI)
Cc: [redacted] (OGC) (FBI)
Subject: Special Project

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b7C

~~SECRET//NOFORN~~

EFF/Lynch-198

~~RECORD~~ DIAS.268-HQ

Tony

Following discussions with

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Thanx.

<< File >>

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Investigations
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Investigations
DECLASSIFY ON: 20330616
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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence
Investigations
DECLASSIFY ON: 20330616
SECRET//NOFORN~~

EFF/Lynch-199

DATE: 01-12-2011

CLASSIFIED BY 65179/DMH/BAW/STP/bls

REASON: 1.4 (c,d)

DECLASSIFY ON: 01-12-2036

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: SABOL, SHERRY E. (OGC) (FBI)
Sent: Wednesday, October 29, 2008 3:13 PM

To: [redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

Subject: RE: [redacted]
~~SECRET~~
RECORD FISA

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[redacted] and I have discussed this and [redacted] was here last week - [redacted]

[redacted]

(S)

Per [redacted]

[redacted]

(S)

[redacted]

[redacted] advised that [redacted]

(S)

[redacted] I mentioned to [redacted]

(S)

[redacted]

[redacted] spoke with Tony DiClemente about this today - I believe OTD will reach out to [redacted]

(S)

[redacted]

(S)

[redacted]

(S)

[redacted]

[redacted]

Sherry E. Sabol
Section Chief

EFF/Lynch-200.

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Science and Technology Law Office
Office of the General Counsel

HQ: [redacted]
Chantilly: [redacted]
bb: [redacted]

b2

PRIVILEGED DELIBERATIVE DOCUMENT - NOT FOR DISCLOSURE OUTSIDE THE FBI
WITHOUT PRIOR OGC APPROVAL

From: [redacted] (OGC) (FBI)
Sent: Wednesday, October 29, 2008 1:07 PM
To: [redacted] (OGC) (FBI); CAPRONI, VALERIE E. (OGC) (FBI)
Cc: SABOL, SHERRY E. (OGC) (FBI)
Subject: RE: [redacted]

UNCLASSIFIED
NON-RECORD

We scheduled and then cancelled this brief. Valerie, you had asked a question of Sherry but she had not received a copy of the memo. May I suggest that we try to schedule a meeting for resolution of this matter the week after next?

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[redacted]

[redacted]

DGC, National Security Law Branch
Office of the General Counsel
Room [redacted]

[redacted]

From: [redacted] (OGC) (FBI)
Sent: Tuesday, October 28, 2008 1:55 PM
To: CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: FW: [redacted]

UNCLASSIFIED
NON-RECORD

[redacted] I am getting dinged on this on a regular basis.

My understanding this is still on hold.

[redacted]

Assistant General Counsel
National Security Law Branch
Office of General Counsel FBI

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[redacted] Voice
[redacted] Pager
[redacted] Secure Fax
[redacted] Fax

From: [redacted] (OTD) (FBI)

EFF/Lynch-201

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Sent: Tuesday, October 28, 2008 12:43 PM
 To: [redacted] (NH) (FBI) b2
 Cc: [redacted] (NH) (FBI); [redacted] (OTD) (FBI); [redacted] (OGC) (FBI) b5
 Subject: RE: [redacted] b6
 b7C
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 b7E

UNCLASSIFIED
NON-RECORD

[redacted] I've copied AGC [redacted] herein as I know he has some knowledge of the issue.

From: [redacted] (NH) (FBI)
 Sent: Tuesday, October 21, 2008 9:00 AM
 To: [redacted] (OTD) (FBI)
 Cc: [redacted] (NH) (FBI)
 Subject: [redacted]

UNCLASSIFIED
NON-RECORD

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[redacted]
 [redacted]
 [redacted]
 New Haven
 [redacted]

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DERIVED FROM: Multiple Sources
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EFF/Lynch-202

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From: [redacted] (OGC) (OGA) b5
Sent: Tuesday, November 24, 2009 10:17 PM b6
To: [redacted] (OGC) (FBI) b7C
Subject: [redacted]

DECLASSIFIED BY 65179/DMH/BAW/STP/bls
ON 01-12-2011

~~SECRET//NOFORN~~
RECORD xx

I have been having trouble with my FBI net so sorry for the late response.

Thanks -- this is helpful. For what it is worth -- I think this went very well. [redacted] and [redacted] always do such a great job and the Court really responds to both of them. I really like getting them before the judges -- I think it is very good for the FBI because of the goodwill they always engender. Please pass along my thanks to them for always being so accomodating for the FISC meetings.

b6
b7C

Thanks -- [redacted]

From: [redacted] (OGC) (FBI)
Sent: Friday, November 13, 2009 6:16 AM
To: [redacted] (OGC) (OGA)
Subject: [redacted]

~~SECRET//NOFORN~~
RECORD xx

This is what caused a bit of a stir.

[redacted]

[redacted]
Deputy General Counsel
National Security Law Branch
Office of the General Counsel
[redacted]

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From: [redacted]
Sent: Tuesday, November 10, 2009 6:28 PM
To: SABOL, SHERRY E. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (OGA)
Subject: [redacted]

b5
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b7C

I might have missed you for the day.. [redacted]
[redacted] Will you forward to [redacted] and have him coordinate with [redacted] and [redacted] -- I am really hobbled not having access to my e-mail on FBI Net.

As I have discussed with [redacted] and [redacted]
[redacted]

EFF/Lynch-203

[Redacted]

I know [redacted] is out of the country so [redacted] and I are working on scheduling a SVTC for a prep session on Monday. I would propose early afternoon, say noon or 1:00....

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From: [redacted]
Sent: Tuesday, November 10, 2009 6:01 PM
To: 'SABOL, SHERRY E. (OGC) (FBI)'; [redacted] (OGC) (OGA)
Cc: [redacted] (FBI); [redacted]
Subject: [redacted]

Sherry-my fbinet email is not working. will you call me at [redacted]

From: SABOL, SHERRY E. (OGC) (FBI); [redacted]
Sent: Tuesday, November 10, 2009 5:15 PM
To: [redacted] (OGC) (OGA)
Cc: [redacted] (OGC) (OGA); [redacted] (FBI); [redacted]
Subject: [redacted]

~~SECRET//NOFORN~~
RECORD FISC

[Redacted]

From: [redacted] (OGC) (OGA)
Sent: Tuesday, November 10, 2009 5:10 PM
To: SABOL, SHERRY E. (OGC) (FBI)
Cc: [redacted] (OGC) (OGA); [redacted] (OGC) (FBI); [redacted]
Subject: [redacted]

~~SECRET//NOFORN~~
RECORD FISC

Sherry,

[Redacted]

EFF/Lynch-204

Thanks again,

[Redacted]

[Redacted]

National Security Division, Office of Intelligence
United States Department of Justice

[Redacted] (office)
[Redacted] (pager)

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From: SABOL, SHERRY E. (OGC) (FBI)
Sent: Tuesday, November 10, 2009 3:44 PM
To: [Redacted] (OGC) (OGA)
Cc: [Redacted] (OGC) (OGA); [Redacted] (OGC) (FBI)
Subject: [Redacted]

~~SECRET//NOFORN~~
~~RECORD FISC~~

[Redacted] Please see the attached emails.

[Redacted]

Sherry.

<< File: [Redacted]

From: [Redacted] (OGC) (OGA)
Sent: Tuesday, November 10, 2009 3:16 PM
To: SABOL, SHERRY E. (OGC) (FBI)
Subject: [Redacted]

~~SECRET//NOFORN~~
~~RECORD FISC~~

Hi Sherry,

Hope all is well. [Redacted]
[Redacted] (I am on emergency duty this week and
just wanted to make sure I planned accordingly.)

Thanks so much,

[Redacted]

[Redacted]

National Security Division, Office of Intelligence
United States Department of Justice

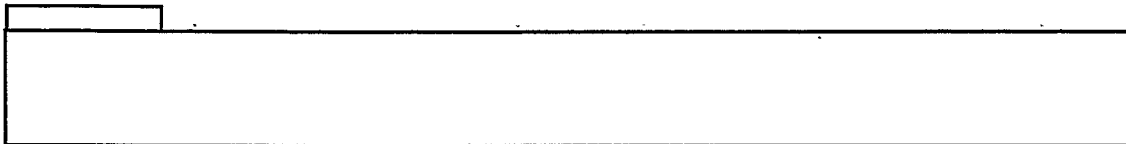
[Redacted] (office)
[Redacted] (pager)

From: SABOL, SHERRY E. (OGC) (FBI)
Sent: Friday, October 30, 2009 2:50 PM
To: [Redacted] (OGC) (OGA); [Redacted] (OGC) (OGA)
Cc: [Redacted] (OGC) (FBI)
Subject: [Redacted]

~~SECRET//NOFORN~~

EFF/Lynch-205

RECORD FISC



Thanks. Sherry.

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DECLASSIFY ON: 20341113
SECRET//NOFORN~~

EFF/Lynch-206

~~SECRET~~

From: SABOL, SHERRY E. (OGC) (FBI)
Sent: Monday, November 30, 2009 10:58 AM
To: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Cc: CAPRONI, VALERIE E. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)

Subject: FW: [redacted]

Importance: High

DATE: 01-12-2011 b1
CLASSIFIED BY 65179/DMH/BAW/STP/b5 b2
REASON: 1.4 (c,d) b6
DECLASSIFY ON: 01-12-2036 b7C
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(S) ~~SECRET//REL TO USA~~ [redacted]
RECORD [redacted]

All -please see the attached proposed agenda and list of attendees [redacted] which I just received.

(S) [redacted]

Please advise how the Department would like to proceed.

.Thank you.

Sherry.

Sherry,

I have included below a proposed agenda and list of attendees. The agenda is based on previous discussions that we have had regarding this issue. You can add/delete/change/refine those points as you see fit. I am going to forward this information to [redacted] so he can make the final arrangements for our visit by hopefully COB today?

Agenda:

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

(S) [redacted]
(S) [redacted]
(S) [redacted]

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EFF/Lynch-207

~~SECRET~~

(S) [Redacted]
[Redacted]
[Redacted]

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Attendees;

FBI:

[Redacted]
Anthony DiClemente, Section Chief, Data Acquisition/ Intercept Section
Sherry Sabol, Section Chief, Science and Technology Law Office
[Redacted] Chief Advisor, Data Network Collection
[Redacted] Supervisor, Data Intercept Technology Unit

b6
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(S) [Redacted]

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(S) [Redacted]

DOJ:
????

(S) [Redacted]
(S) Itinerary: [Redacted]
(S) [Redacted]
(S) [Redacted]

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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFY ON: 20340622~~

~~SECRET/REL TO USA~~ [Redacted]

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EFF/Lynch-208

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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

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

Section 552

Section 552a

- | | | |
|--|---|---------------------------------|
| <input checked="" type="checkbox"/> (b)(1) | <input checked="" type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
| <input checked="" type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(7)(B) | <input type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(3) _____ | <input checked="" 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) |
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| <input checked="" type="checkbox"/> (b)(6) | | <input type="checkbox"/> (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 is to be used for reference regarding this page:

EFF/Lynch 209-210: Partly classified 2 page internal e-mail dated December 9, 2009 where 'Peer to Peer Applications' were discussed using details obtained from a pending investigation to show how limitations in ELSUR capabilities is hampering investigations. A portion of both these pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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X Deleted Page(s) X
X No Duplication Fee X
X for this page X
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~~DECLASSIFICATION EXEMPTION 1~~

~~SECRET~~

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

~~DECLASSIFICATION EXEMPTION 1~~

~~SECRET~~

EFF/Lynch-211

~~SECRET~~

DECLASSIFIED BY 65179/DMH/BAW/STP/bls
ON 01-12-2011

From: [redacted] (CyD) (FBI)
Sent: Friday, November 12, 2010 11:10 AM
To: [redacted] (DO) (FBI)
Cc: [redacted] (CyD)(FBI)
Subject: Upcoming Director's Meetings
Importance: High

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b7C

~~SECRET//NOFORN~~

[redacted]

Listed below are the response I received regarding talking points for the Director.

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b7C

I hope this helps. Let me know if you need any additional information.

VR/

[redacted]

[redacted] has been very supportive of criminal investigations in the following ways:

[Large redacted area]

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b5
b7E

[redacted] (Final Revised version sent on 11/12/2010, at 6pm appears below):



20101111.Director's Meeting wi...

[redacted]



Issues for Director visit.wpd ...

~~SECRET//NOFORN~~

EFF/Lynch-212



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 01-12-2011 BY 65179/DNH/BAW/STP/bls

**Director Mueller's Talking Points Request for [redacted]
FBIHQ/Cyber/SOIS/HOU Input**

b2
b3
b5
b7E

Topic: Relative to the effective and efficient cooperation and assistance received from

[redacted]

Issue 1: [redacted]
[redacted]

- [redacted]
- [redacted]

Issue 2: [redacted]

- [redacted]
- [redacted]

Issue 3: [redacted]

- [redacted]
- [redacted]

Issue 4: [redacted]

- [redacted]

Information approved by:
Information provided by:
dated
POC:

Approver must be at the DAD level or higher.

MPA [redacted] Cyber/SOIS/HOU

November 12, 2010

SSA [redacted] Cyber/SOIS/HOU

b6
b7c

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DATE 01-12-2011 BY 65179/DMH/BAW/STP/bls

EFF/Lynch-214

DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-12-2036

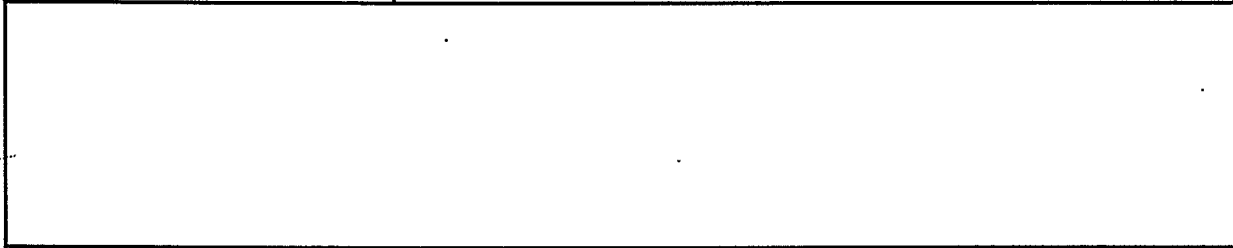
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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~~SECRET/NOFORN~~

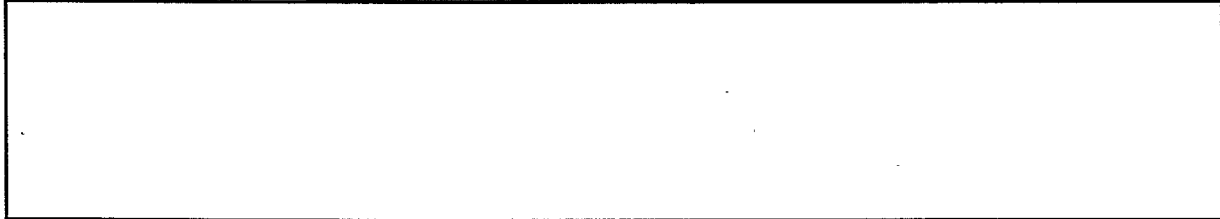


(S) San Francisco is assigned

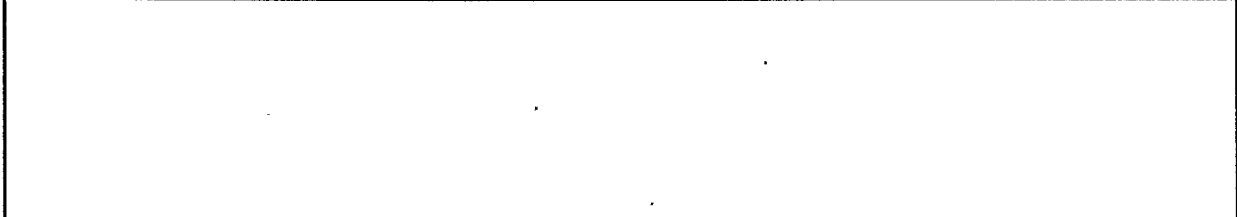


(S)

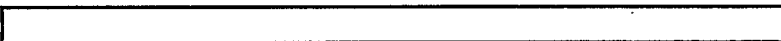
(U) A major obstacle is



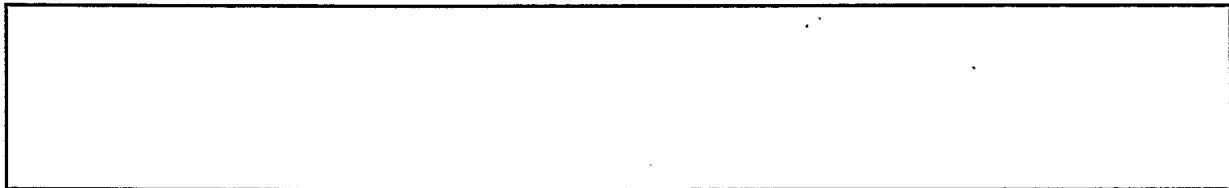
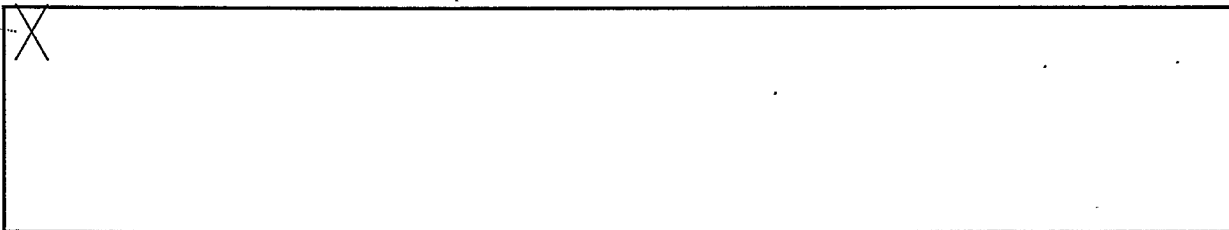
(U) At one time in the recent past,



(U) [redacted] may have an issue with



(U)



~~SECRET/NOFORN~~

EFF/Lynch-215

~~SECRET/NOFORN~~

b2
b5
b7E

[Redacted]

(U)

[Redacted]

(U) From the operational side, San Francisco has heard from other field offices that the

[Redacted]

(U)

[Redacted]

(U) San Francisco Cyber Agents have worked with

[Redacted]

[Redacted]

(U)

[Redacted]

~~SECRET/NOFORN~~

EFF/Lynch-216

DECLASSIFIED BY 65179/DMH/BAW/STP/bls
ON 01-12-2011

From: [redacted] (CyD) (FBI)
Sent: Monday, November 15, 2010 10:09 AM
To: [redacted] (DO)(FBI); [redacted] (DO)(FBI)
Cc: HQ-DIV16-EXECUTIVE-STAFF; [redacted] (CyD)(FBI); [redacted] (CyD)(FBI); [redacted] (CyD)(FBI); [redacted] (CyD)(FBI); [redacted] (CyD)(FBI)
Subject: FW: Upcoming Director's Meetings
Importance: High

b6
b7C

For All:

Here is the CyD response for the Director's Office from last week. I attached the most recent version of the [redacted] document provided by [redacted]. Everything else remained unchanged.

VR/
[redacted]

b2
b5
b6
b7C

SSA [redacted]
Cyber Division, Executive Staff
[redacted]

From: [redacted] (CyD) (FBI)
Sent: Friday, November 12, 2010 11:10 AM
To: [redacted] (DO) (FBI)
Cc: [redacted] (CyD)(FBI)
Subject: Upcoming Director's Meetings
Importance: High

b6
b7C

~~SECRET//NOFORN~~
[redacted]

Listed below are the response I received regarding talking points for the Director.

I hope this helps. Let me know if you need any additional information.

VR/
[redacted]


b2
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b7C
b7E

Microsoft has been very supportive of criminal investigations in the following ways:

[redacted]



b2
b5
b7E

 Final Revised version sent on 11/12/2010, at 6pm appears below):



20101111.Director's Meeting wl...



Issues for Director visit.wpd ...

~~SECRET//NOFORN~~

FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

Counter Intel
Division
Response

Serial Description ~ Unrecorded Serial

Total Deleted Page(s) ~ 36

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Page 27 ~ Duplicate	242
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Page 94 ~ b1, b2, b6, b7C, b7E	280
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Duplicate of Bates Page

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~~SECRET~~//ORCON,NOFORN
RECORD 220A

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
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From: [redacted] (NY) (FBI)
Sent: Friday, May 28, 2010 12:41 PM b2
To: [redacted] (NY) (FBI) b6
Cc: [redacted] (NY) (FBI) b7C
Subject: RE: Review of [redacted] b7E

DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-12-2036

~~SECRET~~//ORCON,NOFORN
RECORD 220A

We'll do.

Thanks,

[redacted]

[redacted]

*Supervisory Foreign Language Program Coordinator
ID-22, Unit 4, Chelsea Building, New York*

b2
b6
b7C

[redacted]

(fax)

(STE)

[redacted]

(Cell)

[redacted]

From: [redacted] (NY) (FBI)
Sent: Friday, May 28, 2010 12:35 PM
To: [redacted] (NY) (FBI)
Cc: [redacted] (NY) (FBI)
Subject: Review of [redacted]
Importance: High

~~SECRET~~//ORCON,NOFORN
RECORD 220A

b1
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b7E

[redacted]

Re: [redacted]

As we discussed today, please remind [redacted]

[redacted]

(S)

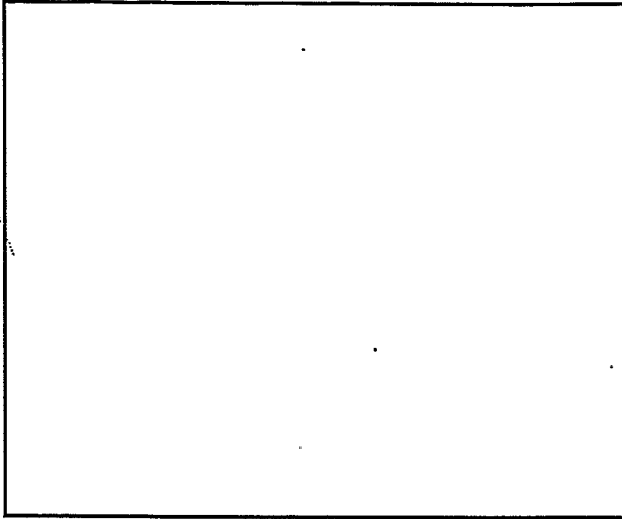
(S)

EFF/Lynch-219

~~SECRET~~

~~SECRET~~

(S)



b1
b6
b7C

Best,

SA [redacted]
FBI New York
Desk [redacted]
Cell: [redacted]

b2
b6
b7C

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SECRET//ORCON,NOFORN

EFF/Lynch-220

~~SECRET~~

~~SECRET~~

From: [redacted] (CD) (FBI)
Sent: Friday, January 08, 2010 1:51 PM
To: [redacted] (OGC) (OGA)
Subject: FW: [redacted]

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Attachments: ib-cyd-20061219-ufouo.pdf

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RECORD 220C


DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-12-2036

From: [redacted] (DI)(FBI)
Sent: Friday, January 08, 2010 10:30 AM
To: [redacted] (CD) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: [redacted]

~~SECRET//NOFORN~~
RECORD 220C

[Large redacted box]

Is there any information you might be able to pass along to Thanks.


ib-cyd-20061219-ufouo.pdf (76 ...)

From: [redacted] (CD) (FBI)
Sent: Friday, January 08, 2010 10:21 AM
To: [redacted] (DI)(FBI)
Subject: FW: [redacted]
Importance: High

~~SECRET//NOFORN~~
RECORD 220C

have you seen anything on this? Thanks

From: [redacted] (MM) (FBI)
Sent: Friday, January 08, 2010 10:00 AM
To: [redacted] (CD) (FBI)
Cc: [redacted] (MM) (FBI)
Subject: [redacted]
Importance: High

~~SECRET//NOFORN~~

EFF/Lynch-221

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~~SECRET~~

RECORD 220C

[Redacted]

(S)

[Redacted]

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b7E

SA [Redacted]

Miami Division

Squad T-6

Desk [Redacted]

Cell: [Redacted]

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EFF/Lynch-222

OPCA-20 (12-3-96)

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

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

Section 552

Section 552a

- (b)(1)
(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/Lynch 223-224: 2 page internal "FBI Intelligence Bulletin," prepared by the FBI Cyber Division, dated December 19, 2006, and is referenced as an attachment titled, "ib-cyd-20061219-ufouo.pdf" on Bates page 221. Discusses new technological advances in the Voice-over-IP network (VoIP) services that limit ELSUR capabilities.

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X No Duplication Fee X
X for this page X
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~~SECRET~~

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From: [redacted] (CD) (FBI)
Sent: Friday, January 08, 2010 12:21 PM
To: [redacted] (TP) (FBI); [redacted] (CD) (FBI);
[redacted] (BS) (FBI); [redacted] (CD) (FBI);
[redacted] (CD)(FBI); [redacted] (CD) (FBI); [redacted] (CD)
(FBI); [redacted] (CD) (FBI); [redacted] (CD) (FBI);
[redacted] (CD) (FBI); [redacted] (CD) (FBI);
[redacted] (DI) (CON); [redacted] (DI) (FBI);
[redacted] (PX)(FBI)
Cc: [redacted] (CTD) (FBI)
Subject: FW: [redacted]

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~~SECRET//NOFORN~~
RECORD 220C

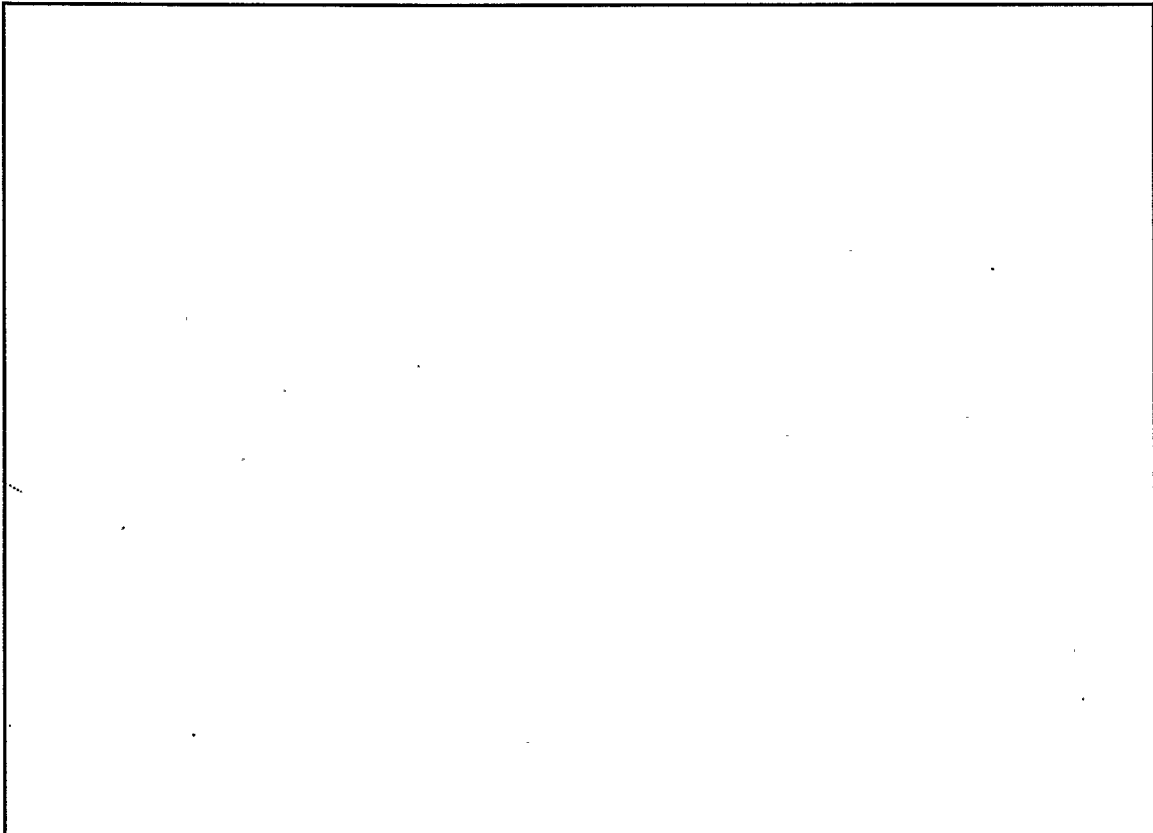
DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-12-2036

FYI on Please contact before forwarding. Thanks -

From: [redacted] (CTD) (FBI)
Sent: Friday, January 08, 2010 11:12 AM
To: [redacted] (DI)(FBI); [redacted] (CD) (FBI)
Subject: RE: [redacted]

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~~SECRET//NOFORN~~
RECORD 220C



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~~SECRET~~

EFF/Lynch-225

~~SECRET~~

(S)

[Redacted]

I know that wasn't the answer you had hoped for, but I hope it helps none-the-less. Let me know if you have any more questions, or need anything else,

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Cheers,

[Redacted]

IA [Redacted]

ECAU

[Redacted]

"If a man does not know to which port he is sailing, no wind is favorable."

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DECLASSIFICATION EXEMPTION 1
SECRET//NOFORN~~

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DECLASSIFICATION EXEMPTION 1
SECRET//NOFORN~~

EFF/Lynch-226

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Investigations
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Investigations
DECLASSIFICATION EXEMPTION 1
SECRET//NOFORN~~

EFF/Lynch-227

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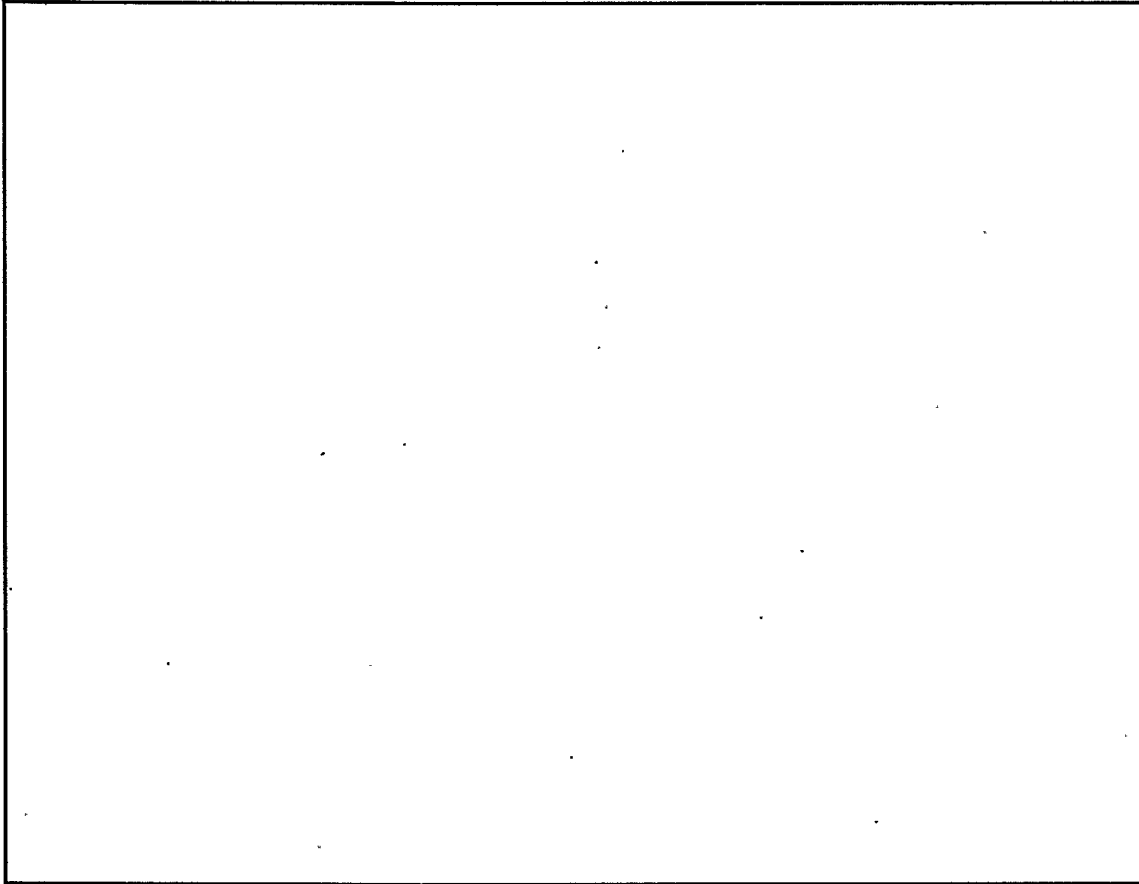
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DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/b1s
REASON: 1.4 (c)
DECLASSIFY ON: 01-12-2036

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[Redacted]

Thanks for the email, good to hear from you again. That is an interesting question, and a tough one to answer, but here goes. I speak for the CTD side, because that is what I am most familiar with, but this all applies to CI as well:



I know that wasn't the answer you had hoped for, but I hope it helps none-the-less. Let me know if you have any more questions, or need anything else,

Cheers,

[Redacted]

IA [Redacted]

ECAU [Redacted]

"If a man does not know to which port he is sailing, no wind is favorable."

From: [Redacted] (DI)(FBI)
Sent: Friday, January 08, 2010 10:30 AM
To: [Redacted] (CD) (FBI)
Cc: [Redacted] (CTD) (FBI)
Subject: RE: Skype

EFF/Lynch-228

~~SECRET~~

~~SECRET~~

~~SECRET//NOFORN~~
RECORD 220C

[Redacted]

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Is there any information you might be able to pass along to Thanks.

<< File: ib-cyd-20061219-ufouo.pdf >>

From: [Redacted] (CD) (FBI)
Sent: Friday, January 08, 2010 10:21 AM
To: [Redacted] (DI)(FBI)
Subject: FW: [Redacted]
Importance: High

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~~SECRET//NOFORN~~
RECORD 220C

have you seen anything on this? Thanks!

From: [Redacted] (MM) (FBI)
Sent: Friday, January 08, 2010 10:00 AM
To: [Redacted] (CD) (FBI)
Cc: [Redacted] (MM) (FBI)
Subject: [Redacted]
Importance: High

~~SECRET//NOFORN~~
RECORD 220C

[Redacted]

(S)

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b7C
b7E

SA [Redacted]
Miami Division
Squad T-6
Desk [Redacted]
Cell: [Redacted]

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign Counterintelligence Investigations~~
DECLASSIFICATION EXEMPTION 1

EFF/Lynch-229

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~~SECRET//NOFORN~~

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~~DECLASSIFICATION EXEMPTION 1~~

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

~~DECLASSIFICATION EXEMPTION 1~~

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~~DECLASSIFICATION EXEMPTION 1~~

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~~DECLASSIFICATION EXEMPTION 1~~

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

~~DECLASSIFICATION EXEMPTION 1~~

~~SECRET//NOFORN~~

EFF/Lynch-230

~~SECRET~~

~~SECRET~~

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WHERE SHOWN OTHERWISE

From: [redacted] (CD) (FBI)
Sent: Friday, January 08, 2010 11:55 AM
To: [redacted] (MM) (FBI); [redacted] (MM) (FBI)
Subject: FW: [redacted]

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~~SECRET//NOFORN~~
RECORD 220C

DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-12-2036

From: [redacted] (DI)(FBI)
Sent: Friday, January 08, 2010 11:17 AM
To: [redacted] (CTD) (FBI); [redacted] (CD) (FBI)
Subject: RE: [redacted]

~~SECRET//NOFORN~~
RECORD 220C

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b7C
b7E

Great!

Good to hear from you as well [redacted] Thanks for the detailed response - much appreciated!

Take care,

From: [redacted] (CTD) (FBI)
Sent: Friday, January 08, 2010 11:12 AM
To: [redacted] (DI)(FBI); [redacted] (CD) (FBI)
Subject: RE: [redacted]

~~SECRET//NOFORN~~
RECORD 220C

[redacted]
Thanks for the email, good to hear from you again. That is an interesting question, and a tough one to answer, but here goes. I speak for the CTD side, because that is what I am most familiar with, but this all applies to CI as well:

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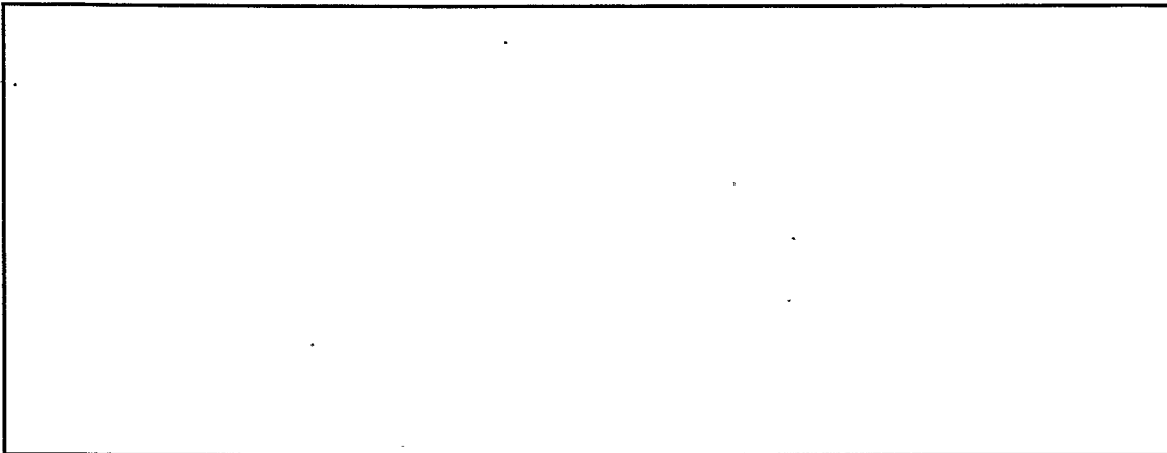
(S)

~~SECRET~~

EFF/Lynch-231

~~SECRET~~

(S)



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I know that wasn't the answer you had hoped for, but I hope it helps none-the-less. Let me know if you have any more questions, or need anything else,

Cheers,

[Redacted]

IA

ECAU

[Redacted]

"If a man does not know to which port he is sailing, no wind is favorable."

From: [Redacted] (DI)(FBI)
Sent: Friday, January 08, 2010 10:30 AM
To: [Redacted] (CD) (FBI)
Cc: [Redacted] (CTD) (FBI)
Subject: RE: [Redacted]

~~SECRET//NOFORN~~
RECORD 220C



[Redacted] - Is there any information you might be able to pass along to [Redacted] Thanks.

<< File: ib-cyd-20061219-ufouo.pdf >>

From: [Redacted] (CD) (FBI)
Sent: Friday, January 08, 2010 10:21 AM
To: [Redacted] (DI)(FBI)
Subject: [Redacted]
Importance: High

~~SECRET//NOFORN~~

EFF/Lynch-232

~~SECRET~~

~~SECRET~~

RECORD 220C

have you seen anything on this? Thanks!

b1
b2
b5
b6
b7C
b7E

From: [redacted] (MM) (FBI)
Sent: Friday, January 08, 2010 10:00 AM
To: [redacted] (CD) (FBI)
Cc: [redacted] (MM) (FBI)
Subject: [redacted]
Importance: High

~~SECRET//NOFORN~~
RECORD 220C

[Large redacted area]

(S)

SA [redacted]
Miami Division
Squad T-6
Desk [redacted]
Cell: [redacted]

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

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
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~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
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EFF/Lynch-233

~~SECRET~~

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~~DECLASSIFICATION EXEMPTION 1~~

~~SECRET//NOFORN~~

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

~~DECLASSIFICATION EXEMPTION 1~~

~~SECRET//NOFORN~~

EFF/Lynch-234

~~SECRET~~

~~SECRET~~

DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-12-2036

From: [redacted] (CD) (FBI)
Sent: Friday, January 08, 2010 11:55 AM
To: [redacted] (DI)(FBI); [redacted] (CTD) (FBI)
Subject: RE: [redacted]
~~SECRET//NOFORN~~
RECORD 220C

b2
b6
b7C
b7E

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Wow -- Thanks [redacted]

From: [redacted] (DI)(FBI)
Sent: Friday, January 08, 2010 11:17 AM
To: [redacted] (CTD) (FBI); [redacted] (CD) (FBI)
Subject: RE: [redacted]

~~SECRET//NOFORN~~
RECORD 220C

b2
b6
b7C
b7E

Great!

Good to hear from you as well [redacted] Thanks for the detailed response - much appreciated!

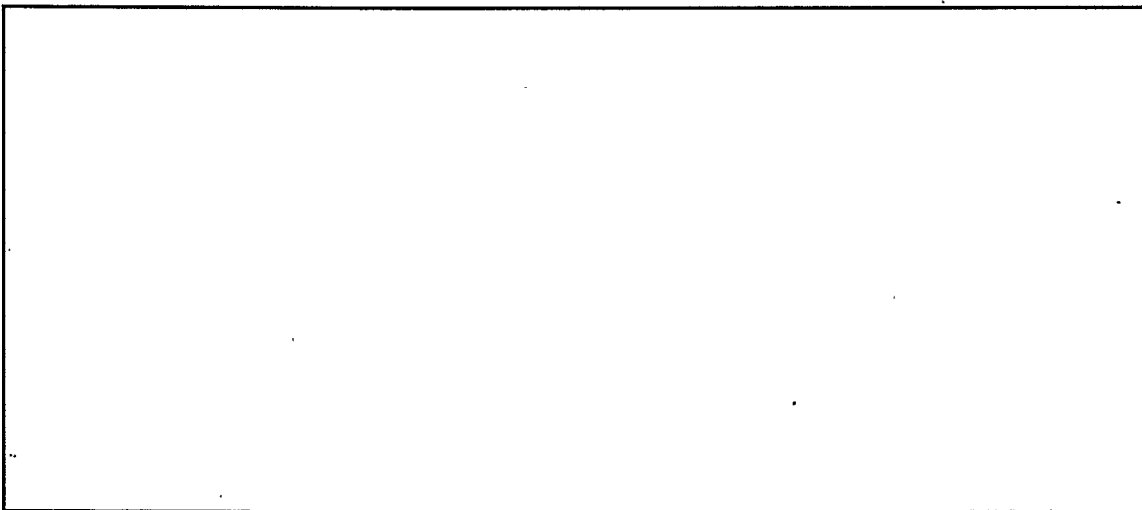
Take care.
[redacted]

From: [redacted] (CTD) (FBI)
Sent: Friday, January 08, 2010 11:12 AM
To: [redacted] (DI)(FBI); [redacted] (CD) (FBI)
Subject: RE: [redacted]

~~SECRET//NOFORN~~
RECORD 220C

b1
b2
b5
b6
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b7E

[redacted]
Thanks for the email, good to hear from you again. That is an interesting question, and a tough one to answer, but here goes. I speak for the CTD side, because that is what I am most familiar with, but this all applies to CI as well:



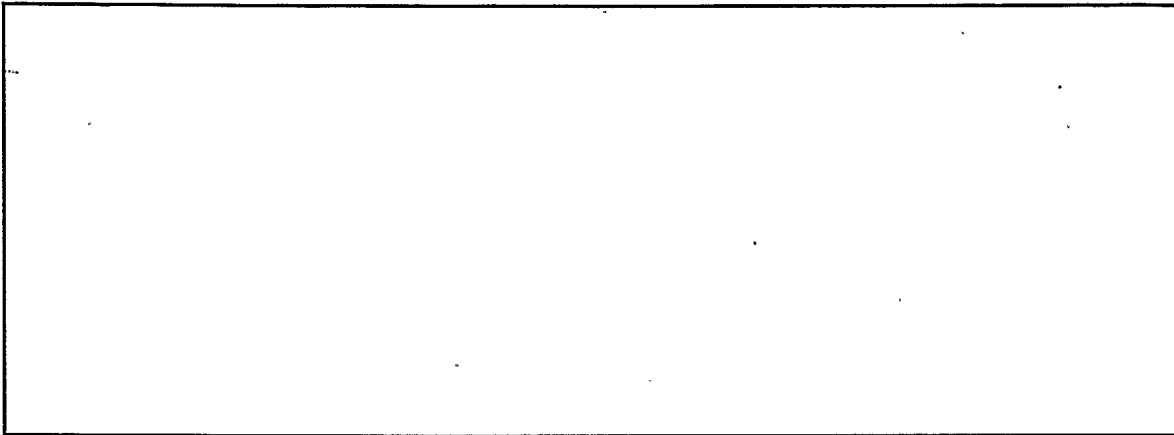
(S)

EFF/Lynch-235

~~SECRET~~

~~SECRET~~

(S)



b1
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b5
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b7C
b7E

I know that wasn't the answer you had hoped for, but I hope it helps none-the-less. Let me know if you have any more questions, or need anything else,

Cheers,

[Redacted]

IA

ECAU

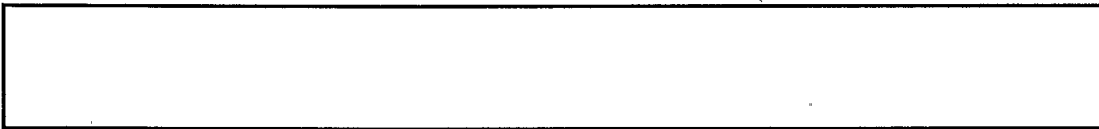
[Redacted]

"If a man does not know to which port he is sailing, no wind is favorable."

From: [Redacted] (DI)(FBI)
Sent: Friday, January 08, 2010 10:30 AM
To: [Redacted] (CD) (FBI)
Cc: [Redacted] (CTD) (FBI)
Subject: RE: [Redacted]

~~SECRET~~//NOFORN
RECORD 220C

b2
b6
b7C
b7E



[Redacted] Is there any information you might be able to pass along to [Redacted] Thanks.

<< File: ib-cyd-20061219-ufouo.pdf >>

From: [Redacted] (CD) (FBI)
Sent: Friday, January 08, 2010 10:21 AM
To: [Redacted] (DI)(FBI)
Subject: FW: [Redacted]
Importance: High

b2
b6
b7C
b7E

~~SECRET~~//NOFORN

EFF/Lynch-236

~~SECRET~~

~~SECRET~~

RECORD 220C

have you seen anything on this? Thanks

b6
b7C

From: (MM) (FBI)
Sent: Friday, January 08, 2010 10:00 AM
To: (CD) (FBI)
Cc: (MM) (FBI)
Subject:
Importance: High

~~SECRET//NOFORN~~
RECORD 220C

b1
b2
b5
b6
b7C
b7E

(S)

SA
Miami Division
Squad T-6
Desk
Cell

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DECLASSIFICATION EXEMPTION 1
SECRET//NOFORN~~

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

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

EFF/Lynch-237

~~SECRET~~

~~SECRET~~

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SECRET//NOFORN~~

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

EFF/Lynch-238

~~SECRET~~

~~SECRET~~

DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-12-2036

From: [redacted] (CD) (FBI)
Sent: Friday, January 08, 2010 10:33 AM
To: [redacted] (MM) (FBI); [redacted] (MM) (FBI)
Subject: FW: [redacted]

b2
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b7C
b7E

Attachments: ib-cyd-20061219-ufouo.pdf

~~SECRET//NOFORN~~
~~RECORD 220C~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: [redacted] (DI)(FBI)
Sent: Friday, January 08, 2010 10:30 AM
To: [redacted] (CD) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: [redacted]

~~SECRET//NOFORN~~
~~RECORD 220C~~

b2
b6
b7C
b7E

[redacted]

[redacted] - Is there any information you might be able to pass along to [redacted] Thanks.



ib-cyd-20061219-ufouo.pdf (76 ...)

~~RECORD 220C~~

[redacted]

(S)

[redacted]

b1
b2
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b7C
b7E

SA [redacted]
Miami Division
Squad T-6
Desk [redacted]
Cell: [redacted]

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign Counterintelligence~~
EFF/Lynch-239

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~~SECRET~~

Investigations/
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DECLASSIFICATION EXEMPTION 1
SECRET//NOFORN

DERIVED FROM: G-3 FBI Classification Guide G-3, date 1/97, Foreign CounterIntelligence
Investigations
DECLASSIFICATION EXEMPTION 1
SECRET//NOFORN

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence
Investigations
DECLASSIFICATION EXEMPTION 1
SECRET//NOFORN

EFF/Lynch-240

~~SECRET~~

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.

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

Section 552

Section 552a

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

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

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

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

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

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

EFF/Lynch 241-242: These pages are duplicates of Bates pages 223-224, which is the same "FBI Intelligence Bulletin" attachment referenced on Bates pages 221, 229, 232, 236 and 239.

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE b2
b6
b7C
b7E

From: [redacted] (CD) (FBI)
Sent: Friday, January 08, 2010 10:32 AM
To: [redacted] (DI)(FBI)
Subject: RE: [redacted]
~~SECRET//NOFORN~~
RECORD 220C

DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-12-2036

Thanks!!

From: [redacted] (DI)(FBI)
Sent: Friday, January 08, 2010 10:30 AM
To: [redacted] (CD) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: [redacted]

~~SECRET//NOFORN~~
RECORD 220C

b2
b6
b7C
b7E

[redacted]

[redacted] Is there any information you might be able to pass along to [redacted] Thanks.

<< File: ib-cyd-20061219-ufouo.pdf >>

From: [redacted] (CD) (FBI)
Sent: Friday, January 08, 2010 10:21 AM
To: [redacted] (DI)(FBI)
Subject: FW: [redacted]
Importance: High

b2
b6
b7C
b7E

~~SECRET//NOFORN~~
RECORD 220C

[redacted] have you seen anything on this? Thanks [redacted]

From: [redacted] (MM) (FBI)
Sent: Friday, January 08, 2010 10:00 AM
To: [redacted] (CD) (FBI)
Cc: [redacted] (MM) (FBI)
Subject: [redacted]
Importance: High

b2
b5
b6
b7C
b7E

~~SECRET//NOFORN~~
RECORD 220C

[redacted]

~~SECRET~~

EFF/Lynch-243

~~SECRET~~

(S)



b1
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b6
b7C
b7E

SA
Miami Division
Squad T-6
Desk
Cell:

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DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET//NOFORN

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET//NOFORN

DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence Investigations
DECLASSIFICATION EXEMPTION 1
SECRET//NOFORN

EFF/Lynch-244

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: [redacted] (DI)(FBI)
Sent: Friday, January 08, 2010 10:30 AM
To: [redacted] (CD) (FBI)
Cc: [redacted] (CTD) (FBI)
Subject: RE: [redacted]

DATE: 01-12-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-12-2036
b2
b6
b7C
b7E

Attachments: ib-cyd-20061219-ufouo.pdf
~~SECRET//NOFORN~~
RECORD 220C

[redacted]

Is there any information you might be able to pass along to thanks.



ib-cyd-20061219-ufouo.pdf (76 ...)

From: [redacted] (CD) (FBI)
Sent: Friday, January 08, 2010 10:21 AM
To: [redacted] (DI)(FBI)
Subject: FW: [redacted]
Importance: High

b2
b6
b7C
b7E

~~SECRET//NOFORN~~
RECORD 220C

have you seen anything on this? Thanks!

From: [redacted] (MM) (FBI)
Sent: Friday, January 08, 2010 10:00 AM
To: [redacted] (CD) (FBI)
Cc: [redacted] (MM) (FBI)
Subject: [redacted]
Importance: High

b1
b2
b5
b6
b7C
b7E

~~SECRET//NOFORN~~
RECORD 220C

[redacted]

(S)

EFF/Lynch-245

~~SECRET~~

~~SECRET~~

SA [redacted]
Miami Division
Squad T-6
Desk [redacted]
Cell: [redacted]

b2
b6
b7c

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Investigations
DECLASSIFICATION EXEMPTION 1
SECRET//NOFORN~~

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

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

EFF/Lynch-246

~~SECRET~~

OPCA-20 (12-3-96)

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

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

Section 552

Section 552a

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

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

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

- 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.

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

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

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

EFF/Lynch 247-248: These pages are duplicates of Bates pages 223-224, which is the same "FBI Intelligence Bulletin" attachment referenced on Bates pages 221, 229, 232, 236, 239, 243 and 245.

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: [redacted] (CD) (FBI)
Sent: Friday, January 08, 2010 10:21 AM
To: [redacted] (DI) (FBI)
Subject: FW: [redacted]

Importance: High
~~SECRET//NOFORN~~
RECORD 220C

DATE: 01-12-2011.
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-12-2036 b2
b6
b7C
b7E

have you seen anything on this? Thanks!

From: [redacted] (MM) (FBI)
Sent: Friday, January 08, 2010 10:00 AM
To: [redacted] (CD) (FBI)
Cc: [redacted] (MM) (FBI)
Subject: [redacted]
Importance: High

~~SECRET//NOFORN~~
RECORD 220C

b1
b2
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b6
b7C
b7E

[redacted]

(S)

SA [redacted]
Miami Division
Squad T-6
Desk [redacted]
Cell: [redacted]

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

EFF/Lynch-249

~~SECRET~~

OPCA-20 (12-3-96)

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Section 552

Section 552a

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

- (b)(7)(A)
(b)(7)(B)
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- (d)(5)
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(k)(1)
(k)(2)
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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 is to be used for reference regarding this page:

EFF/Lynch 250: Page 4 of a 5 page classified internal e-mail chain dated between July 26-29, 2010. E-mail chain pages 1-3 were determined to be outside the scope of plaintiff's FOIA request. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

18 U.S.C. § 2516

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

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.

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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 is to be used for reference regarding this page:

EFF/Lynch 251: Page 5 of a 5 page classified internal e-mail chain dated between July 26-29, 2010. E-mail chain pages 1-3 were determined to be outside the scope of plaintiff's FOIA request. E-mail chain page 4 withheld in full on Bates page 250. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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X Deleted Page(s) X
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OPCA-20 (12-3-96)

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Section 552

Section 552a

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

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

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

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EFF/Lynch 252 and 254: Pages 3 and 5 of a 5 page classified internal e-mail chain dated between July 26-29, 2010. E-mail chain pages 1-2 were determined to be outside the scope of plaintiff's FOIA request. E-mail chain page 4 withheld in full at Bates page 253. These pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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Section 552

Section 552a

(b)(1)

(b)(2)

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18 U.S.C § 2516 _____

(b)(4)

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(d)(5)

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

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

EFF/Lynch 253: Page 4 of a 5 page classified internal e-mail chain dated between July 26-29, 2010. E-mail chain pages 1-2 were determined to be outside the scope of plaintiff's FOIA request. E-mail chain pages 3 and 5 withheld in full at Bates pages 252 and 254. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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

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

Section 552

Section 552a

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

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

EFF/Lynch 255: Page 3 of a 4 page classified internal e-mail chain dated between July 26-28, 2010. E-mail chain pages 1-2 were determined to be outside the scope of plaintiff's FOIA request. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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Section 552

Section 552a

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| <input checked="" type="checkbox"/> (b)(1) | <input checked="" type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
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| <input checked="" type="checkbox"/> (b)(3) | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(1) |
| <u>18 U.S.C. § 2516</u> | <input checked="" type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
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_____ 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 is to be used for reference regarding this page:

EFF/Lynch 256: Page 4 of a 4 page classified internal e-mail chain dated between July 26-28, 2010. E-mail chain pages 1-2 were determined to be outside the scope of plaintiff's FOIA request. E-mail chain page 3 withheld in full on Bates page 255. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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

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Section 552

Section 552a

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(b)(7)(C)
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(b)(9)

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

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

EFF/Lynch 257: Page 2 of a 4 page classified internal e-mail chain dated between July 26-28, 2010. E-mail chain page 1 was determined to be outside the scope of plaintiff's FOIA request. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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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)

18 U.S.C § 2516

(b)(4)

(b)(5)

(b)(6)

(b)(7)(A)

(b)(7)(B)

(b)(7)(C)

(b)(7)(D)

(b)(7)(E)

(b)(7)(F)

(b)(8)

(b)(9)

(d)(5)

(j)(2)

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(k)(2)

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

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

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

EFF/Lynch 258-259: Pages 3 and 4 of a 4 page classified internal e-mail chain dated between July 26-28, 2010. E-mail chain page 1 was determined to be outside the scope of plaintiff's FOIA request. E-mail chain page 2 withheld in full at Bates page 257. These pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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

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Section 552

Section 552a

- Exemption codes: (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7)

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

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

EFF/Lynch 260: Page 2 of a 4 page classified internal e-mail chain dated between July 26-28, 2010. E-mail chain page 1 was determined to be outside the scope of plaintiff's FOIA request. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

18 U.S.C § 2516

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

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

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

EFF/Lynch 261-262: Pages 3, and 4 of a 4 page classified internal e-mail chain dated between July 26-28, 2010. E-mail chain page 1 was determined to be outside the scope of plaintiff's FOIA request. E-mail chain page 2 withheld in full on Bates page 260. These pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

- (b)(1)
- (b)(2)
- (b)(3) _____
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- (b)(4)
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- (b)(7)(A)
- (b)(7)(B)
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- (b)(7)(F)
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- (b)(9)

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- (k)(3)
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_____ Page(s) withheld for the following reason(s):

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

EFF/Lynch 263: Page 2 of a 3 page classified internal e-mail chain dated between July 26-28, 2010. E-mail chain page 1 was determined to be outside the scope of plaintiff's FOIA request. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
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Section 552

Section 552a

(b)(1)

(b)(2)

(b)(3)

18 U.S.C. § 2516

(b)(4)

(b)(5)

(b)(6)

(b)(7)(A)

(b)(7)(B)

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(b)(7)(D)

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(b)(7)(F)

(b)(8)

(b)(9)

(d)(5)

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

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

EFF/Lynch 264: Page 3 of a 3 page classified internal e-mail chain dated between July 26-28, 2010. E-mail chain page 1 was determined to be outside the scope of plaintiff's FOIA request. E-mail chain page 2 withheld in full on Bates page 263. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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FEDERAL BUREAU OF INVESTIGATION
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Section 552

Section 552a

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(b)(7)(A)

(d)(5)

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(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

18 U.S.C § 2516

(b)(7)(D)

(k)(2)

(b)(7)(E)

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

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

EFF/Lynch 265-266: Pages 2, and 3 of a 3 page classified internal e-mail chain dated between July 26-28, 2010. E-mail chain page 1 was determined to be outside the scope of plaintiff's FOIA request. These pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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OPCA-20 (12-3-96)

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Section 552

Section 552a

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| <input checked="" type="checkbox"/> (b)(1) | <input checked="" type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
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| <u>18 U.S.C § 2516</u> | <input checked="" type="checkbox"/> (b)(7)(D) | <input type="checkbox"/> (k)(2) |
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_____ Page(s) withheld for the following reason(s):

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

EFF/Lynch 267-268: 2 page classified internal e-mail chain dated July 26, 2010. These pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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FEDERAL BUREAU OF INVESTIGATION
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Section 552

Section 552a

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(b)(7)(B)

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(b)(3)

(b)(7)(C)

(k)(1)

18 U.S.C. § 2516

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

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

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

EFF/Lynch 269: Page 1 of a 2 page classified internal e-mail dated July 26, 2010. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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FEDERAL BUREAU OF INVESTIGATION
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Section 552

Section 552a

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| <input checked="" type="checkbox"/> (b)(1) | <input checked="" type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (d)(5) |
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| <input type="checkbox"/> (b)(4) | <input type="checkbox"/> (b)(7)(F) | <input type="checkbox"/> (k)(4) |
| <input type="checkbox"/> (b)(5) | <input type="checkbox"/> (b)(8) | <input type="checkbox"/> (k)(5) |
| <input checked="" type="checkbox"/> (b)(6) | <input type="checkbox"/> (b)(9) | <input type="checkbox"/> (k)(6) |
| | | <input type="checkbox"/> (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.

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

EFF/Lynch 270: Page 2 of a 2 page classified internal e-mail dated July 26 2010. E-mail page 1 withheld in full on Bates page 269. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: [redacted] (NY) (FBI)
Sent: Thursday, March 06, 2008 7:59 AM
To: [redacted] (CD)(FBI)
Subject: RE: Verification

DATE: 01-13-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-13-2036

Follow Up Flag: Follow up
Flag Status: Green

~~SECRET~~
RECORD NY 200J

b2
b6
b7C

Very nice job on this. Lets hope they follow through.

Thanks,

[redacted]

NYO CD-12

[redacted] Desk
[redacted] Secure
[redacted] Cell

From: [redacted] (NY) (FBI)
Sent: Wednesday, March 05, 2008 3:11 PM
To: [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI)
Subject: Verification

~~SECRET~~
RECORD NY 200J

[redacted]

I spoke with [redacted] and she advised the following:

b1
b2
b3
b5
b6
b7A
b7C
b7E

[Large redacted area]

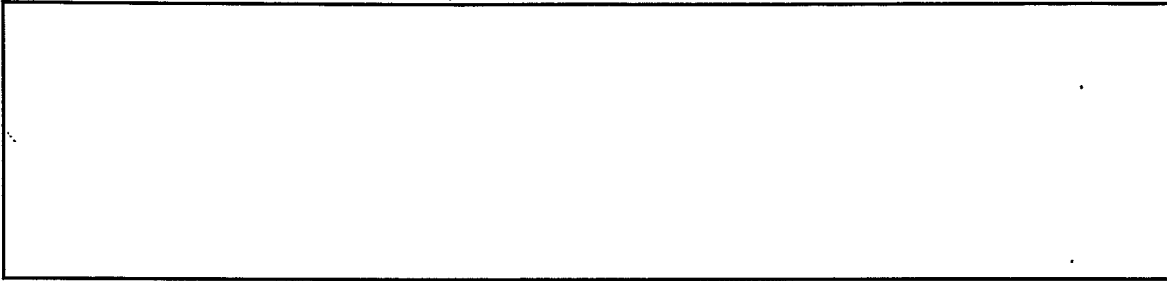
(S)

EFF/Lynch-271

~~SECRET~~

~~SECRET~~

(S)



b1
b2
b3
b5
b6
b7A
b7C
b7E



SA [redacted]
Squad CD-12
New York Office



STE III: [redacted]

Cell: [redacted]

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

DECLASSIFY ON: 20330305

SECRET

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

DECLASSIFY ON: 20330305

SECRET

EFF/Lynch-272

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: [redacted] (NY) (FBI)
Sent: Wednesday, March 05, 2008 3:51 PM
To: [redacted] (CD)(FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI)
Subject: RE: Verification

DATE: 01-13-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-13-2036

Follow Up Flag: Follow up
Flag Status: Purple
~~SECRET~~
RECORD NY 200J

Hi everyone,

b2
b6
b7C
b7E

I will pass this along [redacted]
Thank you for your prompt response.

[redacted]
[redacted]
FLPS
FIG 13, Unit 3
NYO - Chelsea
[redacted]

From: [redacted] (NY) (FBI)
Sent: Wednesday, March 05, 2008 3:11 PM
To: [redacted] (NY) (FBI); [redacted] (NY) (FBI); [redacted] (NY) (FBI)
Subject: Verification

~~SECRET~~
RECORD NY 200J

[redacted]

I spoke with [redacted] and she advised the following:

b1
b2
b3
b5
b6
b7A
b7C
b7E

[Large redacted area]

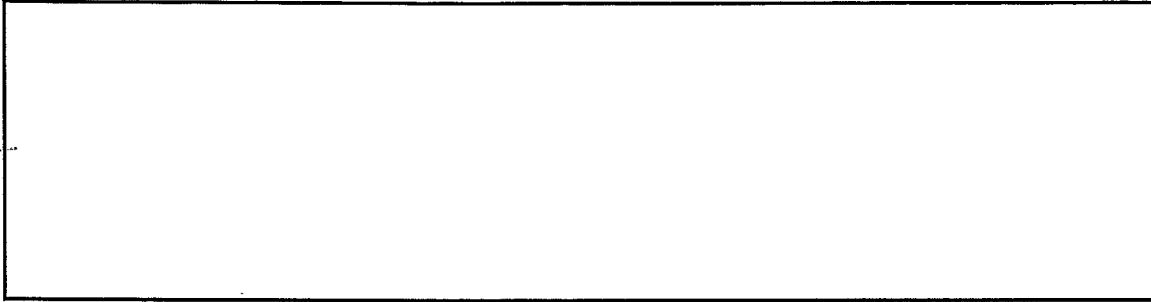
(S)

~~SECRET~~

EFF/Lynch-273

~~SECRET~~

(S)



b1
b2
b3
b5
b6
b7A
b7C
b7E

[Redacted]

SA [Redacted]
Squad CD-12
New York Office

[Redacted]

STE III: [Redacted]
Cell: [Redacted]

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence
Investigations
DECLASSIFY ON: 20330305
SECRET~~

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign CounterIntelligence
Investigations
DECLASSIFY ON: 20330305
SECRET~~

EFF/Lynch-274

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 01-13-2011
CLASSIFIED BY 65179/DMH/BAW/STP/bls
REASON: 1.4 (c)
DECLASSIFY ON: 01-13-2036

(Rev. 06-04-2007)

~~SECRET~~/NOFORN

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 05/04/2009

To: Counterintelligence

Attn:

Counterintelligence
Counterintelligence

Attn:
Attn:

Counterintelligence

Attn:

Counterintelligence
Albany

Attn:
Attn:

Atlanta

Attn:

Baltimore

Attn:

Boston

Attn:

Chicago

Attn:

Cleveland

Attn:

Denver

Attn:

Detroit

Attn:

Houston

Attn:

Indianapolis

Attn:

Jacksonville

Attn:

Los Angeles

Attn:

Miami

Attn:

b6
b7c

~~SECRET~~/NOFORN

EFF/Lynch-275

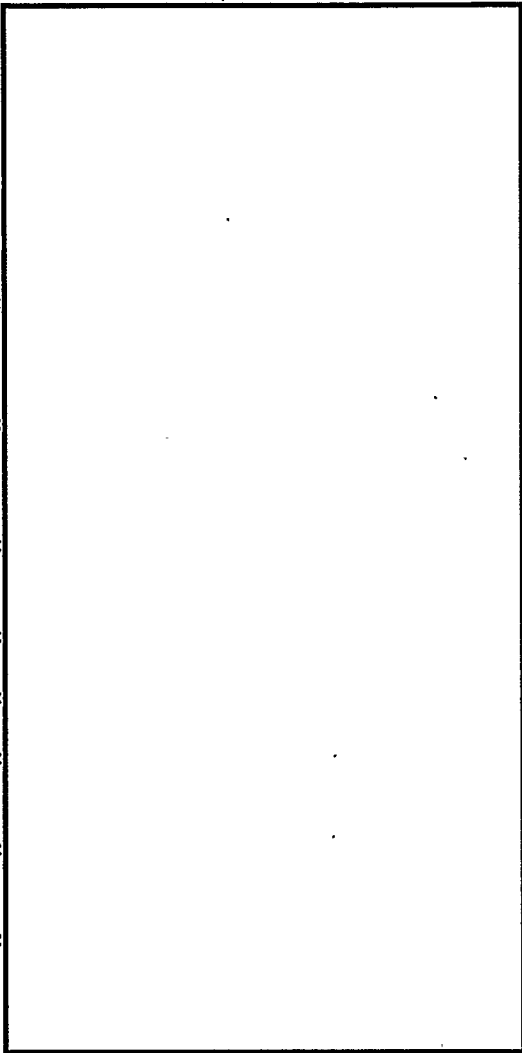
~~SECRET~~
NF

(This page only)

----- Working Copy -----

Page 2

Miami	Attn:
Minneapolis	Attn:
Newark	Attn:
Norfolk	Attn:
New York	Attn:
Oklahoma City	Attn:
Philadelphia	Attn:
Pittsburg	Attn:
Phoenix	Attn:
St. Louis	Attn:
San Antonio	Attn:
San Francisco	Attn:
Washington Field	Attn:



b6
b7C


From: Counterintelligence
East Asia Section/CD-3B/Room 4047

Contact:  b6
b7C

Approved By:  b6
b7C

Drafted By: 

(S) Case ID #:  b1

Title: (S) ITALK GLOBAL COMMUNICATIONS INC.,
ITALK BROAD BAND;  b1

(S) Synopsis: (S) To notify Field Divisions of concerns

(U) ~~SECRET~~ EFF/Lynch-275-a

~~SECRET/NOFORN~~

To: Counterintelligence From: Counterintelligence
Re: (S) [redacted] 05/04/2009

b1
b2
b7E

~~(S) (U) Derived From : FBI NSISCG 20080301
Declassify On: 05/04/2034~~

(S) ~~X~~ [redacted]

Reference: (S) [redacted]
(S)
(S)

Details: (S) [redacted]

[redacted]

(U) [redacted] provider of international telecommunications services providing voice over internet services utilizing VOIP, a recent technology that allows voice conversations to be transmitted over a data network using an Internet address, or Internet Protocol (IP), instead of the traditional phone lines. [redacted]

[redacted]

~~SECRET/NOFORN~~

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
FOIA/PA DELETED PAGE INFORMATION SHEET

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

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

Section 552

Section 552a

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

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

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

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

EFF/Lynch 277, and 280-281: Pages 4, and 7-8 of a 12 page Electronic Communication (EC) dated May 4, 2009 as referenced on Bates page 275. EC pages 1-3 released in part on Bates pages 275, 275-a, and 276. Bates page 275-a inadvertently left out of original release, and now being released in part to plaintiff. EC pages 5-6 withheld in full at Bates pages 278-279. EC pages 9-12 released in part at Bates pages 282-285. These pages are classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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

OPCA-20 (12-3-96)

FEDERAL BUREAU OF INVESTIGATION
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Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

18 U.S.C § 2516

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

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

EFF/Lynch 278: Page 5 of a 12 page Electronic Communication (EC) dated May 4, 2009 as referenced on Bates page 275. EC pages 1-3 released in part on Bates pages 275, 275-a, and 276. Bates page 275-a inadvertently left out of original release, and now being released in part to plaintiff. EC Pages 4, and 6-8 also withheld in full at Bates pages 277, 279-281. EC pages 9-12 released in part at Bates pages 282-285. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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X for this page X
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OPCA-20 (12-3-96)

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Section 552

Section 552a

(b)(1)

(b)(7)(A)

(d)(5)

(b)(2)

(b)(7)(B)

(j)(2)

(b)(3)

(b)(7)(C)

(k)(1)

18 U.S.C § 2516

(b)(7)(D)

(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

(k)(4)

(b)(4)

(b)(8)

(k)(5)

(b)(5)

(b)(9)

(k)(6)

(b)(6)

(k)(7)

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

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

EFF/Lynch 279: Page 6 of a 12 page Electronic Communication (EC) dated May 4, 2009 as referenced on Bates page 275. EC pages 1-3 released in part on Bates pages 275, 275-a, and 276. Bates page 275-a inadvertently left out of original release, and now being released in part to plaintiff. EC Pages 4-5, and 7-8 also withheld in full at Bates pages 277-278, and 280-281. This page is classified SECRET in accordance with E.O. 13526 of December 29, 2009.

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

~~SECRET/NOFORN~~

To: Coun [redacted] om: Counterintelligence
Re: (S) [redacted] 05/04/2009

[redacted]

(S)

b1
b2
b6
b7C
b7E

Should there be any questions regarding this matter, the point of contact will be CD-3C Cyber/Telecom Unit, SSA [redacted]

[redacted]

~~SECRET/NOFORN~~

~~SECRET/NOFORN~~

To: Counterintelligence From: Counterintelligence
Re: (S) [redacted] 05/04/2009

b1
b2
b6
b7C
b7E

LEAD(s):

Set Lead 1: (Action)

BALTIMORE

AT BALTIMORE, MARYLAND

(S) [redacted]

[redacted]

Set Lead 2: (Action)

SAN ANTONIO

AT AUSTIN, TEXAS

(S) [redacted]

[redacted]

Set Lead 3: (Action)

WASHINGTON FIELD

AT WASHINGTON, D.C.

~~SECRET/NOFORN~~

~~SECRET/NOFORN~~

b1
b2
b6
b7C
b7E

To: Counterintelligence From: Counterintelligence
Re: (S) [redacted] 05/04/2009

(S) [redacted]

Set Lead 4: (Action)

ALL RECEIVING OFFICES

(S) [redacted]

Set Lead 5: (Info)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(U) ~~(S)~~ For information of CD-3A, CD-3C, CD-3D, CD-3E, and CD-4B. Read and clear.

Set Lead 6: (Action)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(S) [redacted]

~~SECRET/NOFORN~~

~~SECRET/NOFORN~~

To: Counterintelligence From: Counterintelligence
Re: (S) [redacted] 05/04/2009

b1
b2
b7E

Set Lead 7: (Action)

COUNTERINTELLIGENCE

AT WASHINGTON, DC

(S) [redacted]

[redacted]

◆◆

~~SECRET/NOFORN~~