

NPO

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

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

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

[REDACTED] - per your request:

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

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

Background:

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

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

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

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

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

thanks for that

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

thanks

[redacted]

[redacted]

POLITICO

[redacted]

[redacted]@politico.com

b6  
b7c

[Redacted]

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

[Redacted] per request

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

Thank you.

- [Redacted]

7/24/09

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

[redacted] per your request:

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

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

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

To: [redacted]  
Subject: fbi going dark

b6  
b7C

thanks for that

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

thanks

[redacted]

[redacted]

POLITICO

[redacted]

[redacted]@politico.com

[REDACTED]

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

Mike,

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

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

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

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

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

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

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

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

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

thanks for that

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

thanks

[redacted]

[redacted]

POLITICO

[redacted]

[redacted]@politico.com

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

Please use Marcus Thomas' name - thanks

---

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

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

---

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

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

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

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

---

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

Thank you.

---

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

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



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

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[redacted]

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

When was it established and who oversees it.

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

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

Sincerely,

[redacted]  
ABC News  
[redacted]

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

Thanks

---

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

Marcus

SSA [redacted] FBI  
[redacted]

---

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

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

---

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

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

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**From:** [redacted]@ic.fbi.gov>  
**To:** [redacted]@abc.com>  
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Thank you.

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Sent: Fri May 08 18:19:58 2009  
Subject: Re: "Going Dark" Program

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

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

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

Sincerely,

[redacted]  
ABC News  
[redacted]

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

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

---

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

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

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

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To: [redacted]  
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Subject: Re: "Going Dark" Program

Thank you.

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

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

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

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[redacted]

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Sincerely,

[redacted]  
ABC News  
[redacted]

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

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

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

---

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

Thank you.

---

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

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

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

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

Sincerely,

[redacted]

ABC News



b6  
b7C

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

Thank you

---

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

Yes--Tx

---

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

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

---

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

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

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

---

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

Mr. Thomas,

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



Thanks!

[redacted]  
FBI National Press Office  
[redacted]

b6  
b7c

---

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

[redacted]

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

When was it established and who oversees it.

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

Sincerely,

[redacted]  
ABC News  
[redacted]

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

Thank you!

---

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

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

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

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Thanks!

[redacted]  
FBI National Press Office  
[redacted]

---

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

[redacted]

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

Sincerely,

[Redacted]

ABC News

[Redacted]

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

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

---

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

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

---

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

Mr. Thomas,

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

Thanks!

[redacted]  
FBI National Press Office  
[redacted]

---

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

[redacted]  
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b6  
b7C

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

Sincerely,

[Redacted]

ABC News

[Redacted]

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

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

---

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

[redacted]

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When was it established and who oversees it.

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

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

Sincerely,

[redacted]  
ABC News  
[redacted]

[Redacted]

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

b6  
b7C

Mr. Thomas,

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

Thanks!

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[Redacted]  
FBI National Press Office  
[Redacted]

---

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

b6  
b7C

[Redacted]

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

When was it established and who oversees it.

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

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

Sincerely,

b6  
b7C

[Redacted]  
ABC News  
[Redacted]

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

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

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

---

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

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

---

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

Dear [redacted]

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

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

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

I can be contacted at the numbers below.

Sincerely,

[redacted]  
ABC News  
[redacted]

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



**FY 2010 Program Changes (cont.):**

**SURVEILLANCE**

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

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

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

Thanks a bunch!

[redacted]

---

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

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

[redacted]

---

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

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

Thanks!

[redacted]

---

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

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

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

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

Thank you both very much.

—Original Message—

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

I like it!

— Original Message —

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

I would only make the following suggested edits as noted:

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

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

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

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

What do you think,  
Louis

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

— Original Message —

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

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



(p131)



b6  
b7c

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

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

---

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

[redacted] can boil it down

---

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

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

---

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

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

---

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

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

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

b6  
b7C

---

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

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

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



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

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

---

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

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

---

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

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

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

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

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

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

---

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

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

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





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

Just sent to CJIS to check....

---

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

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

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

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

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

Thanks!

[redacted]

---

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

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

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



Thank you,

[redacted]  
FBI National Press Office  
[redacted]

b2  
b6  
b7C

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

b6  
b7C

[redacted]

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

(p131)

b6  
b7C

[redacted]





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

b6  
b7C

Mr. Thomas,

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

Thank you,

[redacted]  
FBI National Press Office  
[redacted]

b2  
b6  
b7C

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

b6  
b7C

[redacted]

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

(p131)

[redacted]

b6  
b7C

b6  
b7C

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

Mr. Thomas,

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

Thank you,

b2  
b6  
b7C

[redacted]  
FBI National Press Office  
[redacted]

---

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

b6  
b7C

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

(p131)

[redacted]  
b6  
b7C

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

---

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

[redacted]

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

(p131)

[redacted]

b6  
b7c

[Redacted]

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

---

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

[Redacted]

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

(p131)

[Redacted]

b6  
b7C

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

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

b2  
b6  
b7C

[redacted]  
FBI - CJIS Division  
[redacted]

b6  
b7C

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

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

Thanks!

b6  
b7C

[redacted]

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

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

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







b6  
b7C

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

Yes--Tx

---

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

b6  
b7C

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

---

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

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

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

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

---

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

b6  
b7C

Mr. Thomas,

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

Thanks!

b2  
b6  
b7C

[redacted]  
FBI National Press Office  
[redacted]

---

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

b6  
b7C

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

b6  
b7C

[REDACTED]

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

When was it established and who oversees it.

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

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

Sincerely,

[REDACTED]

ABC News

[REDACTED]

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

[redacted] can boil it down

---

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

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

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

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

---

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

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

---

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

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

b6  
b7C

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

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

---

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

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

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

---

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

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

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



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

b2

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

b6  
b7C

Mr. Thomas,

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

Thank you,

[redacted]  
FBI National Press Office  
[redacted]

b2  
b6  
b7C

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

b6  
b7C

[redacted]

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

(p131)

[redacted]

b6  
b7C

[Redacted]

b6  
b7C

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

Thank you.

---

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

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

---

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

[Redacted]

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

When was it established and who oversees it.

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

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

Sincerely,

[Redacted]  
ABC News  
[Redacted]



b6  
b7c

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

[redacted]  
I had a couple of questions about the "Going Dark Program" which I had thought was a CJIS program.  
When was it established and who oversees it.  
Is this an R&D program or is this something that is currently deployed and used in field investigations?  
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Sincerely,

[redacted]  
ABC News  
[redacted]

b6  
b7c

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

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

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

[Redacted]

b6  
b7c

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

**Follow Up Flag:** Follow up  
**Flag Status:** Red

[Redacted]

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(p131)

[Redacted]

[Redacted]

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

b6  
b7C

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

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

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

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

b6  
b7C

Mr. Thomas,

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Thanks!

[Redacted]  
FBI National Press Office  
[Redacted]

b2  
b6  
b7C

---

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

b6  
b7C

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b6  
b7C







Sent: Thursday, May 07, 2009 3:43 PM

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b6  
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(p131)

[redacted]



[Redacted]

b6  
b7c

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

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

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

[Redacted] per your request:

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

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

**Background:**

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

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

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

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

---

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

b6  
b7C

thanks for that

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

thanks

[redacted]

[redacted]

POLITICO

[redacted]

[redacted]@politico.com