



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

April 10, 2019

APR 18 REC'D
Hon Ron Wyden

The Honorable Ron Wyden
United States Senate
Washington, D.C. 20510

Dear Senator Wyden:

This letter responds to your letter, dated May 23, 2018, addressed to the Federal Bureau of Investigation (FBI) regarding the FBI's ability to obtain lawful access to digital evidence.

The concerns raised in this letter, and the previous letter, dated January 25, 2018, were addressed by the Director in his testimony to the Senate Select Committee on Intelligence during the Annual Threat Assessment hearing on February 13, 2018. Additionally, the FBI consults with its Intelligence Community partners, other U.S. Government entities, and others regarding the ability to obtain lawful access to digital evidence. It is not appropriate for the FBI to identify specific individuals or entities with whom it may have consulted on this issue, as doing so might place those individuals or entities at greater risk, or undermine other security-focused efforts. As you are aware, however, several independent non-governmental experts have recently publicly offered what they believe to be technically feasible solutions to this complicated problem.

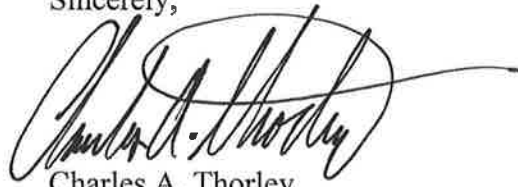
The FBI is not in a position to comment on the testimony of Mr. William Evanina, Director, National Counterintelligence and Security Center. The FBI does not set the security requirements for communication systems used by officials of the United States government. However, the FBI advises that individuals, whether government officials or not, exercise appropriate operational security.

Finally, regarding the Going Dark problem and the number of mobile devices the FBI could not access despite having legal authority to do so, please see the attached memorandum.

Thank you for your continued support of the FBI, its mission, and its people.

The Honorable Ron Wyden

Sincerely,

A handwritten signature in black ink, appearing to read "Charles A. Thorley". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles A. Thorley
Acting Section Chief
Office of Congressional Affairs