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MFR 04019876

## MEMORANDUM FOR THE RECORD

Event:

Type of Event: Interview of [redacted] (Special Agent, Washington Field Office)

Date: July 28, 2003

Special Access Issues: None

Prepared by: Michael Jacobson

Team number: 6

Location: FBI, Washington Field Office

Participants Non-Commission: Assistant General Counsel Bob Sinton

Participants - Commission: Barbara Grewe and Michael Jacobson

**Background and current squad assignment**

[redacted] joined the FBI as a "support" person in 1973. He was enrolled in law school at night, and after completing law school he became a Special Agent. While working as a support person at the FBI [redacted] was originally assigned as a clerk in the intelligence division for approximately two years. He then transferred to the Civil Litigation Unit at FBIHQ, where he worked essentially as a paralegal. Back then, [redacted] noted, it was common for individuals to work as support personnel so that they could become FBI agents. [redacted] became an agent in September 1979, and has been assigned to the Washington Field Office for the entire time since then. [redacted] stated that he has a Bachelors degree from University of Massachusetts at Amherst, a Masters degree from Georgetown, and a J.D. from George Mason, which he received in 1979.

His first assignment as a agent was to work on applicant investigations. He worked applicants for about a year, before transferring to a squad working criminal fraud matters. He also worked bank robberies during that time. He was assigned to a foreign counterintelligence squad in 1983, and worked FCI matters until April 2002, when he transferred to an international terrorism squad. During his time on the FCI squad, he worked as the principal relief supervisor for 8 years, so he knows about paperwork and process issues. He has been working in an undercover capacity for a number of years now. The operation started out as a FCI undercover operation, but since 9/11, it's been redirected and they are primarily targeting IT targets now. [redacted] first IT squad was IT-

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[redacted] 9/11 Classified Information [redacted] noted that he moved [redacted] voluntarily, mostly because of his past relationship with the squad supervisor [redacted]

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Mission of current squad

His squad has responsibility for investigations [redacted] [redacted] His squad has made tremendous inroads, and they have learned some interesting facts [redacted]

[redacted] 9/11 Classified Information

This has never been a big problem in the past, in [redacted] view.

FBI undercover operations

[redacted] 9/11 Law Enforcement Sensitive

[redacted] takes direction from his supervisor as to whom they should target. These will discuss how [redacted] operation can help them in targeting individuals of investigative interest to the squad. [redacted] stated that he has also been called to assist other FBI offices, including New York and Chicago, who need to make use of this "investigative technique." In both of these cases, he found out about the field offices' interest from

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FBIHQ. He has had calls from others offices about his operation as well. L.A. and Houston have asked him about his operation. He thinks that they either found out about it from HQ or through word of mouth. They've actually been overwhelmed with requests for assistance.

They do not do "fishing expeditions" in the undercover operation. [redacted] said that the supervisor will ultimately make decisions as to whether investigations are opened. They do have "targets of opportunity," however, in their operation. For example, they might go to a seminar and come across someone of possible interest. They will write up the contacts and then forward to the appropriate squad. The squad would then have to let him know or his supervisor know whether they are interested in this individual. The squad is currently overwhelmed in terms of the number of cases. They don't have time to conduct fishing expeditions [redacted] noted. If he came across someone already under investigation, he would refer the matter to that squad.

[redacted] will initiate investigations, based on the people he meets, and will provide this documentation to his supervisor. In some cases, with particularly sensitive individuals or cases, they will forward the information to FBIHQ for HQ to make the decision as to how to proceed. [redacted] is not quite sure as to when specifically they have to request HQ approval.

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[redacted] He thinks HQ has rejected requests in the past, but he can't remember any specifically. He does recall that it was when he was on his old squad. [redacted] noted that he has contact [redacted] and that when he meets these types of people he notifies HQ.

HQ Centralization

[redacted] has not seen any evidence of the reported post-9/11 HQ centralization. In terms of his interaction with HQ, they will consider notifying HQ when they come across something sensitive, or a "borderline" individual. They notify HQ because it's prudent and the wise administrative thing to do.

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~~SECRET~~Interaction with other squads and other FBI offices

If the individuals are actually terrorists, it might be directed to the JTTF as a criminal investigation, but he's not sure. He does not know the protocol for shifting a case to the JTTF, but thinks that they will handle potentially violent criminals. His squad handles both criminal and intelligence classifications (203 and 265 classification) investigations, but he's not sure about the breakdown between the two. [redacted] knows to a degree what's going on on his squad. He's briefed by his supervisor about once a week. [redacted] said that one difference, post 9/11, is that there can be criminal cases and intelligence cases on the same squad. When he was in Chicago, assisting agents in that field office, he was working with the intelligence and not criminal agents.

Agents from other squads have also been coming to [redacted] and asking for help. Agents working on [redacted] 9/11 Classified Information [redacted] have all asked for his assistance. His squad does deal with other offices as well, particularly when they are covering leads for that office. They look at leads differently now than they did prior to 9/11. Now they consider them much more carefully in terms of prioritization. The mentality has changed because they need to look at everything more carefully. Leads would be assigned now based on the relationship to that agent's work. If an agent is working on a related case, they would be assigned a particular lead. Otherwise, it would be assigned based on the experience level of the agent. [redacted] does not know whether leads still are grouped by whether they are "priority," "routine," or "immediate." There are cases where leads are not sent directly to the squad. For example, HQ might send a lead to an ASAC who would then bring it to a supervisor to assign. Or, the SAC might get a call from someone about a particular lead.

Whether or not to seek a FISA on a particular target is not up to him, it would be the decision of the case agent. He might contribute intelligence to a FISA, but doesn't open FISAs himself. He might make recommendations about targets, but the focus are active, current subjects of investigative interest. If he thought that someone was a good investigative target, he would go to the supervisor of the squad responsible for that country. He would then tell them about the person that they met. [redacted] reiterated that this was not a fishing expedition: he goes out and meets people and then determines whether or not they are of investigative interest.

[redacted] would be "clued in" if there were a FISA on a particular individual with whom he was meeting. He would ask for this information, and it would help him in his investigation. When he is dealing with any other squad or office, he asks whether or not there is any "coverage" of these people. He needs to know that. If the target is on his squad, the person handling the FISA "cuts" would let him know. If the target was being handled on another squad at WFO, he would not be notified automatically. He would ask that squad. There is really no system to log into to find out all of this information. He would much rather sit down with the case agents and discuss their investigation.

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However, even if the FBI had the perfect information technology system, he would still prefer to sit down with the agents to discuss their investigations.

### Analytic Support

[redacted] does not have analysts to assist him. For analytic matters, he would be sent to deal with people at HQ. If he receives information that he thinks would help the analytic unit, he would send it to HQ for dissemination to the intelligence community. However, [redacted] notes that he's not quite sure how he would use analysts on a daily basis anyway, even if they were available. There is one [redacted] 9/11 Classified Information with whom he has dealt, and she has been useful. He can't name any other HQ analysts. There are language specialists at WFO who can assist them. He recalls of a time when he had an Arabic language document which he brought to one of the language specialists for translation.

Their squad would handle the financial aspects of their own investigations. He doesn't deal with TFOS at all, but knows that agents on other squads do. For forensic analysis of bank accounts, they would deal with Treasury [redacted]

### Access to intelligence databases and products

The information developed in the undercover operation is generally "Secret." As far as receiving CIA or NSA information, if the squad supervisor sees relevant Top Secret information he might discuss it with [redacted]. He does not recall this actually happening though. Perhaps this would occur if the supervisor read something on one of his targets. [redacted] does not task other agencies for information on his targets. His supervisor keeps track of information and lets him know when something is relevant. The supervisor is well aware of what [redacted] is working on. [redacted] is more of a "receiver" of information. [redacted] does not have access to Intlink. [redacted] [redacted] He comes to WFO to write things up.

### Changes in the Law and legal impediments

His operation has not been affected by legal impediments. There have not been problems in terms of what they have wanted their assets to do. [redacted]

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[redacted] He is concerned that this individual might want to call him as a character witness for the defense. They wrote him an email distancing themselves from him after the arrest, and they hope it will work. In terms of his own targeting, they haven't run into legal problems. He has spoken to imams. He was told by his supervisor not to go after this after, but it was probably just a regular imam.

The Patriot Act has helped though in loosening some of the restrictions on the FBI. FISA applicants have been indirectly helped by the loosening.

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[redacted] does not know whether the standard for initiating preliminary inquiries has changed since 9/11. He thinks that it probably has. It's not overly difficult to get a P.I. if you have specific articulable facts. He hasn't been given any training on the new guidelines. [redacted] does not have any of his own cases; he does not carry a case load. He thinks that if he did, he would be given additional training, or would be directed to the manual.

### Training

There was no training in counterterrorism matters when he went through the FBI academy new agent training. There is still no formal IT training. His supervisor just sends things his way to read and he tries to read as much as he can on his own. He did attend a two week undercover school, which has all types of undercover operations mixed into one. In the past, it is true that the criminal agents looked down on the intelligence agents. This has changed since 9/11. The attitude has diminished, and the IT agents are now receiving peer reception. He doesn't know whether the ratings system have changed, so that agents working IT matters can promoted as easily as agents working criminal matters. He decided a long time ago that he didn't care, and didn't want to go to HQ. He likes having his freedom in the field, and having the ability to work on investigations. He does think that even working FCI prior to 9/11, if you worked the right kind of cases you could "write your own ticket" in terms of the career track.

### FBI focus on counterterrorism

There is a much greater focus on CT at the FBI now. No one expected the FBI to change as fast as it did. He thinks that the Director is doing a great job. This change has helped merge people together. WFO used to be more divided between criminal and intelligence than it is now. [redacted] WFO is a good example of how word has filtered down to the field offices about the message.

### Recommendations for Change

[redacted] was asked what else needed to be done at the FBI. He thinks that they need a greater degree of support from FBIHQ. The timeliness of HQ's decisions have a great impact on their investigations. Going back 15 years, there has always been a degree of tension between the field and HQ. It is better now. Maybe they should assign more experienced agents to HQ to address this situation. Sometimes they have agents at HQ with little experience. For example, one of the new SSAs [redacted] There was another occasion when HQ sent him information [redacted] that was 2 years old. HQ has sometimes been the place for the "ticket punchers" and where there are inexperienced people. He doesn't know whether this situation has gotten any better. Overall, though [redacted] said that the attitudes at the FBI have definitely changed since 9/11.

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