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MFR 04019857

MEMORANDUM FOR THE RECORD

Event: Interview of Naval Criminal Investigative Service (NCIS) Special Agent (SA) [redacted] NY Field Office

Date: September 16, 2003

Special Access Issues: None

Prepared by: Caroline Barnes

Team number: 6

Location: FBI, New York Field Office

Participants Non-Commission: Assistant General Counsel Bob Sinton

Participants - Commission: Barbara Grewe, Caroline Barnes

Background

[redacted] 9/11 Law Enforcement Privacy

He became a clerk with FBI/Albany in 1981, and was assigned to the [redacted] He then became a Department of State/Diplomatic Security Service (DSS) SA in October 1984, performing Secret Service-like duties (foreign protection, passport investigations, background investigations of presidential appointees, visa fraud, etc.), based out of NY. Eighty percent of his work consisted of protective service duties such as protecting foreign ministry visitors. He did not want to travel overseas, so he transferred laterally to the NCIS in 1988. He worked foreign counterintelligence (FCI) matters because he had been trained by the FBI -- he did a lot of liaison with the FBI [redacted] [redacted] From 1988 through 1996 he continued to work mostly protective detail assignments for foreign military visitors.

In April 1996 he became the first DOD SA (category 1811, meaning he was armed) to be assigned to the JTTF. He had met Joe Billy, an FBI Squad Supervisor in NY, previously, and Billy was the one to float the idea of [redacted] coming to the JTTF. SSA Billy "got the ball rolling" and drafted the Memorandum of Understanding (MOU) for his position on the JTTF. [redacted] was assigned to work for Billy [redacted] Counterterrorism (CT) and FCI. [redacted] was then considered the biggest threat to the Navy. [redacted] worked 199 cases (terrorism/intelligence cases) and said Billy considered everyone on the squad to be an investigator. In other words, [redacted] handled work that an SA would handle. [redacted] said it helped that he was a former [redacted] There were NYPD personnel such as Detective

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[redacted] on the squad as well. [redacted] said that [redacted] was "like a program manager" [redacted]

In October 2000 the U.S. Cole bombing occurred and [redacted] was sent to Yemen the next day with Special Agent in Charge (SAC) John O'Neill because it was a Navy ship and he was the only Navy detailee on the JTTF. NCIS personnel from Bahrain and elsewhere responded also. He was in Yemen for 35 to 40 days then went back to performing his former duties for a few months, although he still had some "connectivity" to the Cole case.

In March 2001 he was assigned to Liguori's squad [redacted] to work the Cole case again for three or four months.

In July 2001 he was assigned by CT Assistant SAC (ASAC) Ken Maxwell to do general intelligence work on Liguori's squad. He helped SA Craig Donnachie with managing the [redacted] going through it all for potential threats - he said it was very time-consuming. He had some on-the-job training on what to look for from Donnachie. He was aware of chatter [redacted] about a possible imminent attack, but was not involved in any discussions on where and when. After 9/11, [redacted]

9/11 Classified Information

All [redacted] claimed to know was that there was an "Al-Qaeda guy on the loose." He did not know the specifics about why they were looking for him. They went to the Central Marriott and then to the Marriott at the World Trade Center. Marriott security personnel checked their databases but did not find any record of Al-Midhar staying at a Marriott. [redacted] did not check [redacted] work so he did not know whether [redacted] had checked Choicepoint for any record of Al-Midhar. [redacted] had overheard SA Steve Bougardt's argument with someone regarding whether the search for Al-Midhar could be done criminally but knew nothing further.

9/11 Classified Information

In December 2002, he went back to working on the Liguori Squad. FBI Headquarters took over processing the FISA take, so he did other Al-Qaeda work and some work on the Cole case.

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In the Summer of 2002, Joe Billy reassigned [redacted] [redacted] He was later deployed to Kuwait when the Marines were killed on Falaka Island.

JTTF

The FBI decides what [redacted] works on, not the NCIS. Rich Cloonan is the NCIS representative to the National JTTF and he tries to get NCIS SAs on cases relevant to the Navy. In one instance [redacted] went to Cloonan to complain when he was not assigned to a particular Navy-related case – he said he is not sure why he did not go to Liguori with this complaint – he just felt it was better to go to Cloonan.

He reports on a daily basis to FBI SSA Tom McNally. For Navy purposes he reports to the NCIS ASAC in Newport RI.

He and [redacted] (an Intelligence Research Specialist/IRS) are the only NCIS personnel in NY. [redacted] is on the Intelligence Squad and her role is to maintain the big picture regarding what is going on. His role is narrower, more operationally focused. NCIS HQ assigned her to NY – he is not sure why.

[redacted] stated that he is here on the JTTF for as long as he wants to be. He is part of the NCIS “stay in place” (home port) program because he chose to be.

Information Sharing

He has a good rapport with JTTF personnel in NY and he has been able to share information with his home agency. He is here to make sure information relevant to the Navy’s force protection mission gets out – that is his top priority.

He does not deal with the Defense Humint Service (DHS) much. They were not on the JTTF prior to 9/11. He thinks DHS’s George (Gene) Haplea wants to have the Defense Intelligence Agency (DIA) be the umbrella for a military personnel on the JTTF, but [redacted] does not see it that way because he was there first.

Interaction with and use of Language Specialists and Surveillance Specialists

He deals with both on a sporadic basis – not often.

Info Technology Resources

The FBI has better computers now, since 9/11. Communication overseas remains difficult, however. The FBI needs SIPRNET connectivity overseas. NCIS sponsored 25

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accounts for the FBI and some were to be for the NY Office. [] felt that the ball was dropped after 9/11, and then the FBI's Computer Incident Response Group (CIRG) took all of the accounts for their use at Quantico.

As of January 2003 [] obtained unlimited access to information he needs in ACS. Pre-9/11, he had a "useless" level of access – he could not do indices checks on cases where he was the primary investigator – in other words he could not view his own cases. He thinks that perhaps Rich Cloonan, the NCIS rep to the NJTTF, was the one who got the access for him after he brought the matter to Cloonan's attention. [] had tried to address this issue post-Cole but could not make it happen.

He has access to Intelink through SIPRNET, as does [] He does not access it much but is sure she does.

On one occasion [] told FBI SSA Richard Kelly that "tech guys" needed to be sent to Kuwait City to send back reports. Kelly made it happen.

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