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MEMORANDUM FOR THE RECORD

Event: Interview of ASAC Tom Donlon (NYO Domestic Terrorism Division)

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Special Access Issues: None

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Team number: 6

Location: FBI, New York Field Office

Participants Non-Commission: Assistant General Counsel Sean O'Neill

Participants - Commission: Barbara Grewe, Caroline Barnes, Peter Rundlet, Mike Jacobson

Background

Tom Donlon joined the Bureau in 1974 during college as a clerk. He spent one year as a clerk at the NY Office [redacted] 9/11 Classified Information when he became in SA through the FBI's language program (Spanish).

His first Office as an SA was San Antonio, the McAllen RA, where he worked everything. In 1984 he did a rotational transfer back to NY, and worked FCI until 1986. In 1986 he joined the JTTF's International Terrorism (IT) squad which as focused on State Sponsors. The JTTF at that point in time was a Domestic Terrorism (DT) entity. He later worked groups including [redacted] 9/11 Classified Information [redacted]

In 1993 he became a Case Agent with [redacted] for the World Trade Center bombing case (TRADEBOM), on SSA Neil Herman's DT squad. He said he had been unaware of Ramzi Yousef prior to the WTC bombing. He was later the Case Agent for Manila Air with Frank Pellegrino (who was the Case Agent for Ramzi Yousef). He characterized this as an IT case which they worked with DT personnel. He explained that every terrorism or bombing case opened in the United States was initially opened as a DT case and if an international connection was later identified they would transfer the case to an IT squad. He said whether it was an IT or DT case did not make any difference in terms of the techniques that they could use. Either way it's a full investigation, and all techniques are available to you.

In 1995, Donlon transferred to FBIHQ to be a Supervisory Special Agent in the Violent Crime section. The Safe Streets Unit was part of his section, which handled 12-15 field

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offices on the Eastern Seaboard. His section was a mix of SAs and analysts. His role as an SSA was to help the field offices. He did not really have veto power. If there was an issue, it would be raised to the Section Chief level.

In 1997 he returned to NY to supervise [redacted] (FCI and IT matters) under SAC John O'Neill (Pat D'Amuro was the ASAC for IT and DT then). He received good assistance from FBIHQ - he said he's a "fan" of HQ. He also worked with the [redacted]

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In 1999 he became the supervisor of the DT Reactive Squad which handled threat calls (bomb threats, etc.), approximately 5-15 calls per day. He decided, in coordination with SAC O'Neill and the ASAC whether and how to respond. He turned some over to the NYPD because the FBI could not cover everything (but covered 90%). In the end, every lead was covered; nothing sat overnight. They notified FBI HQ of certain things but HQ did not try to run investigations from there. The NYPD was involved because they were represented on the JTTF. The Squad consisted of approx. 17 SAs, 7 or 8 NYPD detectives, 1 representative each from ATF, State police, USDS, and INS. He thinks the value-added came from the relationships built, the fact that every agency brought something to the table, and that they worked well together.

At that point in time the NYPD was not allowed, per its own rules, to handle terrorism investigations. Now, post 9/11, the NYPD Intelligence Division has gotten more involved, occasionally in instances where they shouldn't have. This becomes a problem when they are both investigating the same individual.

In 2000, he became the Coordinating Supervisor (CSSA, a GS-14 admin/ops position created by SAC O'Neill in 1997 that was between the ASAC and the Squad Supervisors) and supervised 8 IT and DT squads. Now the NYO is planning to have a CSSA for DT and one for IT.

After 9/11 HQ allowed the creation of a second ASAC position in the CT area, so now they have an ASAC for IT and one for DT. The ADIC had wanted three - IT, DT and Intelligence. Donlon became the first DT ASAC in 11/02. He believes that the Intelligence Division being created under an Administrative SAC is similar to NY's original proposal, but is not sure. This Division is now supervised by Tim Herlocker, who Donlon speaks with on a daily basis.

Intelligence Squad

The Intelligence Squad led by Herlocker supports the IT and DT Divisions, disseminating information to each, such as Intelligence Information Reports (IIRs). His supervisors are to go to Tim with any useful IIR/intelligence information and he thinks they know what to be looking for (it does not appear he's given them any guidance in this area). Donlon does not approve the IIRs for dissemination, Herlocker does.

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Donlon believes it is helpful for everyone to be seeing the same information because there is so much of it and this ensures that things "do not fall through the cracks."

Relationship with NYPD

The FBI argues with NYPD about 3rd agency issues. When the FBI obtains information from a 3rd agency it needs to get permission to share or do a tearline, but the FBI does share and always has. It is a myth that the FBI has not shared relevant information with the NYPD. All members of the JTTF had access to all FBI information – maybe not direct access to ACS, but access to the information through SAs.

The mission of the NYPD Intelligence Division is to gather intelligence for the NYPD, which it then funnels to other NYPD entities and/or the FBI for investigation. Donlon does not believe there is much competition between the FBI and NYPD for sources or conflict in the source development area.

Before 9/11, the NYPD was not very supportive of CT cases, although the FBI always shared information regarding these cases with the NYPD. For example, the NYPD would not increase the number of detectives on the JTTF. Also, when Donlon was in Yemen working on the Cole Investigation, he tried to arrange for a detective to go, and the NYPD would not allow it because it would have necessitated overtime pay. The NYPD did not want to have to pay any overtime beyond the \$8,000 that is paid for by the Federal Govt. Also, JTTF detectives did not get promoted. Donlon stated that overtime is no longer an issue with the NYPD.

It used to be that the NYPD did not understand the FBI's CT Program. For example, in 1993 (WTC), Ray Kelly never showed his face at the NYO, although you hear that he was "in charge" of the investigation. There were no detectives assigned to the WTC investigation, in fact. NYPD Lieutenants [redacted] were assigned to the JTTF administratively (they were not assigned to a particular squad) and did not understand the CT Program. They fought the FBI on assignments and their NYPD bosses were angry at them for not reporting enough information.

It was the responsibility of the NYPD Lt assigned to the JTTF to brief the Commissioner, but the Commissioner did not care. He was not supportive of the JTTF. SAC O'Neill had a good relationship with Kelly and would brief him himself occasionally. O'Neill would advise the JTTF Lieutenant of this, but would not go through the Police Chiefs to get to the Commissioner. Some NYPD managers had clearances, some did not. Some had been given paperwork to complete to obtain clearances but never put it through. The FBI does not have the resources to clear all of these personnel fast enough anyway.

Donlon feels NYPD supervisors are not in a position to criticize because they've not been supportive of the JTTF or involved. Their personnel on the JTTF get what they need and it's their job to in turn brief their supervisors.

Donlon stressed that the NYPD detectives are good, by and large, but the institution itself and the leadership are problematic.

Post 9/11, everyone's a CT expert and wants to be involved. The FBI is pursuing all leads now as it always did, it is not doing everything completely differently now as some have alleged. He characterized the cooperation with outside agencies as "outstanding."

Donlon views all members as equal; he does not distinguish between FBI and NYPD. He wanted cops on these cases because they are good. On the other hand, he does not think the FBI would lose anything if there were no cops on a particular squad/team as long as that team had enough SAs. (In other words, he seemed to be saying that they need cops primarily because they are additional resources, not because they're cops).

Briefings

The Thursday 3 pm briefing involves a greater number of outside agencies than the daily briefing to the ADIC. The NYPD is allowed to take back whatever they wish from this briefing to their chain of command. [REDACTED]

9/11 Classified Information

[REDACTED]
9/11 Classified Information

IT-7 (Herlocker's Squad) has all the intelligence information and drafts the briefing. It's incumbent upon all squads to provide any additional input and what goes in is determined in a coordinated fashion. Significant cases and leads are always included.

Most everything discussed at the daily 9 am briefings is also discussed at the Thursday 3 pm [REDACTED] of IT-7 presents the top few items.

Relationship with FBIHQ

The ADIC, SAC and ASACs decide what is communicated to FBI HQ. All lead information is provided through ACS to the CT Watch/National Threat Center at HQ and HQ personnel incorporate it into their own briefing materials for the FBI Director, etc. Donlon would like to see this briefing book, though (he currently does not), because it might contain errors.

Pre-9/11 you had the time to study things more in-depth before deciding whether to disseminate. Now, you need to get the information to HQ right away because otherwise they may get the wrong story.

HQ is not micromanaging. It's a different FBI today – you have to call HQ before they call you. There are so many different agencies involved today that if FBI NY does not advise HQ right away they will likely get the wrong story from another agency and go with it, or contact NY all upset. Therefore, HQ is getting raw as well as finished reporting. Donlon does think the President needs to see some of the raw data because it makes the national news. In short, the media drives some of this. The involvement of

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outside agencies might bring an investigative advantage because they might have additional relevant information that the FBI would not otherwise have.

It's good that experienced field supervisors are going to HQ and then back to field to mentor field SAs.

HQ has not bothered Donlon or interfered with his investigations, but they may interfere more on the IT side. He does not feel HQ is looking to take control of cases.

Call Center

The Call Center is on Donlon's side of the house. He characterized it as a joint FBI-NYPD effort. The FBI began its move out to the area housing the NYPD Call Center yesterday (Sept 4th), the ACS lines are out there, etc. It is a work in progress at this point, and is more like a clearinghouse than an operational center even though it is staffed with SAs. Leads go to the NYPD or JTTF or the substantive squads as appropriate. The Center tracks how the leads are covered and everything is documented and covered. The SAs look for patterns, analyst do not do this. There is a separate Rapid Start database that he'd like to connect with Philadelphia, Albany and Boston divisions to their database. There is an Orion system that the NYPD has that the FBI will be using, and all JTTF members will be connected to it – that is the vision, anyway. It must be unclassified so all members can get access, therefore Trilogy cannot be used for this purpose.

Resource Requirements

The FBI needs to make changes in the info technology area – they need more computers in NY.

The FBI needs more people – analysts, SAs, secretaries, LSs, etc.

Information Sharing & Dissemination

Donlon wants us to let people know that NY was not the big bad wolf pre-9/11. People have this misimpression. NY personnel did their jobs, although the intelligence/criminal "wall" was an issue then. The FBI has prevented terrorist attacks, and the JTTF plays a significant role in that. The people who are making these allegations were not involved on 9/11 and do not know what they went through. Sharing information sometimes takes a while, but you cannot compromise sources. This misimpression exists because the FBI does not sell itself. Donlon thinks that under the new Director, it will. The media is not a big fan of the FBI; it's a bigger fan of the NYPD. Also, the FBI does not respond to news articles.

There is jealousy between the FBI and NYPD. The NYPD and other agency heads should come over to the FBI office to meet with JTTF if they want to, but they do not.

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People in the NYO have been hurt by this bad publicity. The JTTF is not perfect but it's the best law enforcement entity in the country.

DHS

The Department of Homeland Security (DHS) is "a mess" now.

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