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MEMORANDUM FOR THE RECORD

Event: Charlene Thornton (Special Agent in Charge, Phoenix Field Office)

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Background

Thornton joined the FBI straight out of law school. During law school, she interned in a prosecutor's office. She joined the FBI in 1979. She worked in the Indianapolis Division for 6 months, and then transferred to LA, where she remained for 5 years. She has worked FCI, white collar crime, SOG, and legal matters. She served in the Civil Litigation and Employment law units at HQ, and then to the Legal Research Branch. In that latter position, she reviewed FISAs, Title 3s and administrative subpoenas. She was then promoted to be the unit chief of that unit. She left the Legal branch for a tour in the Inspection Division, after which she transferred to Baltimore, where she supervised three different squads at various points. These included the applicants/civil rights squad, the white collar, and the violent crime squad. In 1995, she went to Honolulu as the ASAC, and she stayed there for about 2 ½ years. She returned to HQ as the Deputy General Counsel, in charge of investigative and administrative law and legal instruction. She remained in that position for 18 months, at which time she was promoted into the SAC spot in Birmingham. She was there for 2 ½ years, and came to Phoenix as the SAC in October 2002.

Honolulu CT program: Extraterritorial CT Investigations

In Honolulu, they were responsible for many of the FBI's extraterritorial investigations. They had responsibility for Asia and the Pacific Rim, including Philippines, India, and Pakistan. They had one squad which handled CT matters, and most of their work was extraterritorial in nature. It was difficult for the office to work

those investigations. In addition, it was hard to staff the Hawaii office, and the Division was a fairly small size. She was not in the office during the Manila Air investigation. She doesn't think that Honolulu has responsibility now for all of the extraterritorial investigation; a lot of it has been given to the San Francisco Division.

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Pre 9/11 Prioritization of CT

At the time, in Honolulu, CT was no higher than their 4th priority. However, when there was a significant event, it would get their immediate attention. The responsibility for extraterritorial investigation was given to them because of their geographical location. The Honolulu management wanted this responsibility. The top priorities in the office were white collar/public corruption, organized crime, drugs, and violent crime. She doesn't think that al-Qa'ida came on the radar screen at the time.

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She doesn't recall any connections between these groups and al-Qa'ida. The small groups were constantly changing. Some people in the office liked working CT. In the IT arena, basically they were investigative specific acts or incidents of terrorism. She doesn't remember the office working IT within Hawaii itself. Maybe they had some DT cases, but she's not sure.

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They Inspection Division would have the model for who they are expected to contact in the community. They would then have to report on it in the AFOR. It was required every other year but there were times that HQ suspended the requirement. For example, there was a point when HQ suspended it because they were developing a new and better model. In some offices, the analysts would put it together, but in Birmingham they didn't really have analysts. They just had two and one was really a data loader. In the smaller offices, the agents would put together the AFOR. In Phoenix, the analysts are responsible for putting the AFOR together.

Pre 9/11, in Birmingham they had a HQ analyst come down and work on a threat assessment. This was at their request. It was focused more on DT, and she's not sure they even looked at IT in this assessment. It was very helpful. She doesn't recall whether or not they shifted resources based on this assessment. It was done more to focus the efforts of the CT program. Pre 9/11, they had a pretty significant DT FSL in Birmingham. One reason is that they had the Eric Rudolph case. At the time, they were still spending a lot of resources on this. They probably had 4-5 agents working DT matters, but no one working IT full time. The office had about 80 agents. They did actually develop some IT sources though. They had some IT cases in the Huntsville RA. They did have a few 199 cases and sources.

She thinks it is a fair criticism to say that pre 9/11, the FBI was not aggressive enough in CT. This has changed though.

Current Prioritization of CT

HQ just came out with a new survey instrument last summer. It dictated who they should talk to. She doesn't think that the crime survey is an effective instrument to judge the CT or CI threat. It's silly to ask the locals about CT or CI. The information that they are going to give to the FBI probably came from the FBI originally. In terms of determining the CT threat, the key is knowing their own territory and knowing their own cases. They have to ensure that they put adequate resources into CT and take these from other programs. They currently have the mandate that they have no unaddressed CT matters. Phoenix has redirected 40 agents from other programs to CT since 9/11, and they are getting ready to direct even more. The FBI now has national priorities, which are totally dictated by the Director. These are: CT, CI, cyber, etc. The field office has some flexibility in setting the priorities beyond the top 5. CTD puts out the national strategy where they rank the programs within CT. But the field office has to work the threats within their territory. For Phoenix al-Qa'ida is the #1 priority. In Birmingham, they had no al-Qa'ida presence. Or at least, they didn't identify any al-Qa'ida presence. In that case, resources might be redirected to focus on other groups. The field offices do have discretion within the CT program. They work closely with HQ on these matters. There may be cases where HQ will tell them to consider something a high priority and dictate this to them. After 9/11, they were inundated by PENTTBOM leads in Birmingham. Their CT program was basically just out there responding to leads. This was their focus for several months.

Even before she got to Phoenix, she met with the acting SAC. It was clear that they needed to devote additional resources to CT. ASAC Churay came up with a reorganization to put more people in CT. It involved dissolving the drug squad and establishing a second CT squad. Pre 9/11, they just had one CT squad in Phoenix. They added a second one in September 2002. The Division also had only one SOG group which was based in Tuscon. They had been TDY'd to Phoenix since 9/11. One of the first things she did was to create an SOG squad in Phoenix. It also became clear that even after these changes they still needed more resources for CT. They cut back even more resources from drugs. [REDACTED]

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[REDACTED] They have a separate al-Qa'ida squad, which had [REDACTED] They need more manpower and an additional supervisor for al-Qa'ida. They are dissolving the white collar squad. They will also take personnel who are working bank fraud and put them on CT. They have also requested additional resources from HQ. They asked for an additional 50 agents. There is a risk that by diverting these agents to work CT, that Phoenix will lose the resources permanently in those other programs. They recognize that there is that risk, but they have to work CT. The Bureau has to decide as a whole which things they can't continue to work. Thornton does not think that the FBI can continue to do all of the work that they have always done. They can't do CT, CI, telemarketing fraud, identity theft, etc. They should let DEA take over the drug investigations.

She certainly made some changes when she arrived. At the time, they were just temporarily TDY'ing people from other programs to CT (instead of making any permanent changes). This was something that all field offices did right after 9/11, TDY'ing people to CT, because they needed people immediately. The problem was in Phoenix, that the more they were working CT, the more of a presence they were identifying. Despite this, Phoenix has not been granted any additional resources since 9/11.

The diversions from CT to other programs are few and far between. The diversion now are from everything else to CT. They are getting tasked to send agents here and there but don't divert agents from CT to do so. They divert from lower priority programs. This is not a realistic problem, and it's not happening that agents are being diverted from CT.

Authority of SAC to set priorities

The SACs don't have much discretion to set priorities at this point. With the threat today, it makes sense that the top priorities are established by HQ. Increased communication between the field and HQ is a good thing. There is increased direction and tasking, but this is not necessarily bad. As long as HQ is listening, it's ok. Sometimes the HQ taskings are a little burdensome, and sometime HQ will tell them that they have to be on a target 24/7. As far as why this happens, sometimes there are inexperienced agents at HQ and sometimes it's the non agents making these calls (IOSs). There is so much movement at HQ that there are people at HQ without field management experience. Sometimes they make these requests, and they don't really understand what

it is they are asking the field to do. Thornton deals mostly with the ADs or the DADs, but does deal with Section Chiefs as well. She deals with them on initiatives, such as the "scuba" tasking, and on specific cases as well.

As far as the responsiveness of SACs to HQ, it's possible that an SAC's performance in this regard would not come to HQ's attention until after an inspection. HQ might not know until after an inspection as to whether or not the field office is focusing adequately on CT.

Patriot Act/Legal Changes

The biggest change from the Patriot Act has been delegating authorization for NSLs to the field. As a result, they can get phone and financial records much more quickly. It used to take months to get NSLs. They also have the ability now to share information more readily. 9/11 Classified Information They can share more information now that the walls are down. They have periodic legal training and other training for all CT and JTTF members. For the most part, she thinks that the agents and JTTF members have a pretty good understanding of the legal environment and issues. Phoenix has taken initiative and done a lot of this themselves (training-wise). HQ has also provided some training. They have paired agents with the Arizona police, and are providing training to the state and local as well, which includes a CT course for the patrol/beat cop. She's requiring that all agents attend the CT training. They've also made it available to all support employees as well.

Local Law Enforcement interest in CT

Thornton does not know about the level of interest in CT at the beat cop level. She deals with the Chief of Police and at the high levels. Their interest has not dropped off. The CT training was very well accepted by the participants (mostly at the patrol level).

They were slow to get clearances for state and local initially, but she thinks that this has been resolved. There was a long time when the police chiefs were not cleared. When she got to Phoenix, the chief of Phoenix police had not even submitted the paperwork. The chief said he hadn't gotten around to it, that the paperwork was lengthy, and he didn't seem genuinely concerned about it. He was satisfied that he was getting the information he needed. She pushed a little bit to establish an executive committee for the JTTFs. She explained to the chief that he needed the clearance to attend these meetings, and he then submitted the paperwork. They meet every other month. It is a valuable group. There is also a group consisting of the seconds in command. That's probably even more valuable. It's awfully difficult though to try and get all the chiefs together, from a scheduling perspective.

JTTFs

They established a JTTF in Birmingham after 9/11. They had ATF, USSS, INS (part time), and the Sheriff and police departments

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Thornton noted that as of 9/11, they only had one INS agent for the entire state of Alabama. They got a second one after 9/11. She thinks that they had plans for a JTTF even pre 9/11. She doesn't recall getting specific guidance from HQ on how to set up the JTTF, but they were certainly involved because they had to fund it. She thinks that post 9/11, there are agents in both Birmingham and Huntsville working IT full time.

The Phoenix JTTF has expanded. It's more than doubled in size since 9/11. They now have branches in Tuscon and Flagstaff.

Field Intelligence Groups

Every field office received guidance from HQ that they should have an intelligence squad. Phoenix already had one. They had created one without guidance from HQ. Phoenix had a JDIG in place. With the shift of resources from drugs to CT, they dissolved the JDIG and turned it into an intelligence squad. They brought the analysts into the main field office (they were at an offsite) and redirected them to CT. They were already working CT before they were officially designated as an intelligence squad. Currently, the intelligence squad is just working CT but eventually they should support criminal and other investigations as well. The members of the squad are working in teams and developing their expertise. They work closely with the JTTFs to identify intelligence and to make sure it's disseminated. They are becoming experts. They are developing intelligence products for field agents and also receive tasking from other squads and from HQ. 99% of their work is currently CT-related. She has been impressed by some of their products. Phoenix has one of the strongest intelligence groups in the FBI. They had a good supervisor as well. The JDIG model translated well to CT from drugs. They have produced the crime survey, threat assessments, and presentations and briefings for the executive committee of the JTTF.

Role of Analysts

The analysts have to be involved with the agents. They need to have someone looking at all of the information and determining what needs to be passed on. The agents are so busy they don't have the time to consider this or to look at the big picture. The analysts should be looking at the big picture, and looking at trends and strategic analysis.

She thinks that all three type of analysts (strategic, tactical, and reports) are needed in the field and at HQ. There is a greater need at HQ for strategic analysis, but it's needed in the field as well.

Reports officers

They are still trying to figure out the function of reports officers. They are still learning. They need reports officers more at HQ than in the field. Her understanding is

that they are supposed to take information and disseminate it to the intelligence community, through appropriate channels at HQ. Her understanding is that all of the reports officer products would go out through HQ.

There have been some issues with reporting. The CIA is able to report more quickly than FBI. [REDACTED]

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information is not making it to high enough levels at the FBI quickly enough.

Office of Intelligence

Baginski and the Office of Intelligence are still developing. There have been presentations to the SACs conferences. She's not sure that the messages and what they are doing have gotten out to the general agent population very well at this point.

Collection Requirements/Role of HQ

It doesn't really make sense for HQ to drive CT intelligence collection. The field is in a better position to know what's going on in their territory. [REDACTED]

[REDACTED] It doesn't fit well with the criminal mission of the FBI. They are collecting information to prosecute cases. [REDACTED]

[REDACTED] She's not an expert on this. She thinks that the FBI is making the shift to preventative. They have made substantial progress. [REDACTED]

[REDACTED] She doesn't see how they would be better off splitting the CT mission. They are now devoting many more resources to CT at the FBI. They gain so much by having the criminal tools available in CT investigations. It's essential, and they have used it to disrupt terrorist cells and to prevent terrorist acts. Without these tools, it would be difficult to do so.

The level of guidance and service from HQ in CT is way above pre 9/11 levels. They've been helping in pushing FISAs through and giving input on operations. They work with SSA Dennis Baker on a daily basis. He's very responsive.

Arizona State/local CT Center

The Arizona Terrorism Center is moving fast. She's not sure of the mission because it's moved so fast. The state now has a few million dollars for homeland security/CT, which has helped push this effort. The vision is to have a CT center that will have a 24 hour intelligence component. Basically, it will be a CT center. The JTTF will be collocated with this entity. She's not sure that she sees it helping overall. But if they didn't participate, it would hurt a lot. The state is planning to do it whether the FBI is a party to it or not. The state is looking to different agencies to have a presence. Many agencies wouldn't be able to have personnel on both the JTTF and there, so the FBI has to participate. She thinks that the state does recognize that the FBI has the lead role on CT. They want the FBI to be a part of the center. All of the state and local entities are

developing homeland security groups with emergency response and consequence management capabilities. The state and locals in Arizona are content with the FBI taking the lead. She hasn't seen the state and locals really running their own independent programs outside of NY.

315 Classification

The 315 classification makes sense. It made no sense to have parallel criminal and intelligence investigations. She's not sure that this will really be that significant a change though. She doesn't think that it will have the impact of deemphasizing the criminal aspects of CT. They do need more specific guidance on the 315 category. They have been using it as of October 2003.

Source Development

There are ongoing efforts to improve source development. They have appointed a new informant/asset coordinator. The ASAC is very much involved in monitoring the ongoing efforts to emphasize source development with the supervisors. They have done things to make it easier to administratively handle sources. They have seen an increase in the number of sources recently and hopefully this will continue to improve. In the past, with sources maybe there was too much focus on numbers. They are putting documents on the shared drive.

All of the offices have been tasked with doing a back to basics on source development. They are taking the opportunity to have intelligence groups do this training.

Understanding of CT threat in their territory

She thinks that they have a pretty good handle on terrorist activity in their territory at this point. They are aware of a lot of activity with physical, electronic and source information. As far as why there's so much terrorist activity there, Arizona is a lot like the Middle East. She thinks that it makes sense that there could be a support cell structure in Arizona.

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Keeping abreast of IT developments

She keeps abreast of things through weekly squad reports. They report to her on all cases, and she reviews this very closely. She also has daily interaction with the IT ASAC. She signs all of the NSLs. Only she can sign the NSLs. This can be difficult with her schedule and travel, and there are sometimes delays. When she was TDY'd to HQ, they sent them by mail to her. She reviews FISA applications, but she doesn't have to sign off on renewals. She gets a copy of all of these. She is able to keep a good handle. She also meets with the IT squads fairly regularly.

Covering every lead Strategy

No lead can go uncovered. They still do have discretion to decide how to handle the lead and what the appropriate response might be. It might just require a phone call. They don't have to go full speed on every possible threat. They need to handle every lead. In the past, when they received some of these complaints they would have looked at it, and put it into the control file. Now they have some discretion, but they at least have to follow the lead. Maybe less on some leads than others, but still some action. She would prefer to have more discretion.

Reporting to highest levels

There is some truth to the complaint that things are being reported to high levels so fast. Oftentimes things are reported up the chain and it would be better if they held off and waited to report it. But there is great pressure to ensure that HQ learns about the threat from them, and not through other sources. For example, a while ago, the office got a piece of paper that had been found in the desert with Arabic writing. They reported and worked it fast, and it turned into a crisis. There is pressure to report quickly, but the fact are not always accurate at that point.

Legal/Policy Obstacles

She doesn't think that there are really any legal/policy obstacles now. It would be nice to have broader authority to get business records through NSLs. They have significant delays in non-emergency FISAs at DOJ. This is primarily a volume issue. They have the same number of attorneys there and more volume. At times, the hold up is at OGC. But there are substantial changes at the FBI which have improved the flow. The primary problem is at DOJ. The FBI could definitely use administrative subpoena power in IT. This would greatly streamline their efforts

NJTTF

She doesn't have much dealing with the NJTTF. They are supposed to coordinate information with local JTTFs and the national entity.

Relationship with the CIA

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Resources

The biggest problem overall has been that there is no increase in resources. The FSL was 10-11 pre 9/11, now it's 21. They are using 60. For the extra 10, they are using 8 former drug agents. Maybe they need to reallocate resources among FBI field offices to give more to the offices which need them, but there is reluctance to do this. Every office has to now have a CT squad. FBIHQ has gotten lots of additional resources.