

CaseMap Facts Report

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Case: FBI in Military Zones  
 Created: 2/24/2009 12:14:16 PM

Date & Time	Fact Text	Source(s)
To Be Determined	(b)(6) (b)(7)(C) said that, as counsel to GC, he was aware of Federal Bureau of Investigation operations at U.S. Naval Base Guantanamo Bay, Cuba and elsewhere, and that Federal Bureau of Investigation may have been interested in certain detainees, but no sense of Federal Bureau of Investigation operations in these zones. (U)	(b)(6) (b)(7)(C) Interview Notes 2/4/05 (b)(6) (b)(7)(C) Interview 1
To Be Determined	(b)(6) (b)(7)(C) said that, at some point, he became aware that [redacted] was at U.S. Naval Base Guantanamo Bay, Cuba. (U)	(b)(6) (b)(7)(C) Interview Notes 2/4/05 (b)(6) (b)(7)(C) Interview 1
To Be Determined	(b)(6) (b)(7)(C) said he could not recall when he first learned about Federal Bureau of Investigation presence in military zones. (U)	(b)(6) (b)(7)(C) Interview Notes 2/4/05 (b)(6) (b)(7)(C) Interview 1
To Be Determined	(b)(6) (b)(7)(C) said that, when he served as (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) was not aware what, if any, advice was sought re. Federal Bureau of Investigation's presence in overseas venues. (U)	(b)(6) (b)(7)(C) Interview Notes 2/4/05 (b)(6) (b)(7)(C) Interview 1
To Be Determined	(b)(6) (b)(7)(C) said that, at some point, he became aware of conversations between Office of the General Counsel - FBI and Counter Terrorism Division - FBI, but not extent or content. (U)	(b)(6) (b)(7)(C) Interview Notes 2/4/05 (b)(6) (b)(7)(C) Interview 1
To Be Determined	(b)(6) (b)(7)(C) said he was aware, while in Office of the General Counsel - FBI, of the Behavioral Analysis Unit. (U)	(b)(6) (b)(7)(C) Interview Notes

(b)(6) (b)(7)(C)

		2/4/05, (b)(6),(b)(7)(C)
To Be Determined	(b)(6),(b)(7)(C) said that a lot of detainee-related issues popped up -- Federal Bureau of Investigation would bring them to DOJ. Also, if a USAO wanted access to an individual detainee, Criminal Division would help. (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview I
To Be Determined	(b)(6),(b)(7)(C) said that David Nahmias was his predecessor as counsel to the AAG for Criminal Division; then David Nahmias became Deputy AAG. (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05
To Be Determined	(b)(6),(b)(7)(C) said one issue he was aware of was the Department of Defense was taking "forever" to get military commissions going, and to get detainees into the pipeline for release. (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview I
To Be Determined	(b)(6),(b)(7)(C) said there was a regular Policy Coordinating Committee meeting, chaired by the National Security Council at the White House; then issues could get bumped up to the Deputy's meeting -- either the DAG personally or his designee, like Pat Philbin (ADAG for Intelligence/National Security); then elevated higher to the Principals meeting. (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview I
To Be Determined	(b)(6),(b)(7)(C) said he was aware of concern about the ineffectiveness of Department of Defense interrogation techniques; not aware of concerns re legality. (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview I
To Be Determined	(b)(6),(b)(7)(C) said (b)(6),(b)(7)(C) told him U.S. Naval Base Guantanamo Bay, Cuba did not work well in terms of intell gathering; Department of Defense personnel lacked training and experience. For example, Department of Defense interrogation specialist might be reservist who in real life runs a Dunkin Donuts store, with no sense of what it took to build rapport, so he would just scream at the detainees. (U) *	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview I
To Be Determined	(b)(6),(b)(7)(C) said (b)(6),(b)(7)(C) told him (b)(6),(b)(7)(C) was aware of rumors of "goofy" stuff, (b)(6),(b)(7)(C) word, sophomoric, unprofessional, but not abusive, i.e., Israeli flag incident. (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview I
To Be	(b)(6),(b)(7)(C) said the Policy Coordinating Committee re. detainees met every 2 weeks or	(b)(6),(b)(7)(C)

cc Per FBI  
b7C

b6 Per FBI  
b7C

	happened. She thinks the "weekly" meetings with Department of Justice -- she thinks may actually have been Policy Coordinating Committee meetings not meetings with Criminal Division attorneys. [redacted] references Bruce Swartz having communicated concerns to DOD/OGC -- she just recalls the John Bellinger telephone call. There may be other things where his memory was a little foggy.	1:46:25 - 1:47:27
To Be Determined	Parsky requested that a copy of our draft report go directly to the Criminal Division for its review.	Laura Parsky Interview 1 at 1:50:35
To Be Determined	Laura Parsky said [redacted] and [redacted] were two people at Department of Justice whom we could talk re. the get a better understanding of the 1984 MOU with Department of Defense regarding the investigation and prosecution of certain crimes.	Laura Parsky Interview 1 at 1:51:20 - 1:54:05
Thu 08/25/2005	(b)(5),(b)(6)	Laura Parsky Interview 1 at 1:05:14
Thu 08/25/2005		Laura Parsky Interview 1 at 1:08:10 - 1:11:00

To Be Determined	(b)(6),(b)(7)(C) said he worked with Counter Terrorism Division - FBI, John S. Pistole on these issues. He said there was a daily Secure Video Teleconference in which Criminal Division, Office of the Deputy Attorney General, Office of the Attorney General, Office of Intelligence Policy Review, and the Federal Bureau of Investigation Director participated. (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05
To Be Determined	(b)(6),(b)(7)(C) said that, at some point, there was an attempt to do "public diplomacy" on U.S. Naval Base Guantanamo Bay, Cuba. (b)(6),(b)(7)(C) said that David Nahmias said to be mindful of the case of (b)(7)(C) because Department of Defense would not be in a position to defend how they treated him. (b)(6),(b)(7)(C) said it was not clear if it was "indefensible" because of poor supervision or because Department of Defense had deliberately made a decision it was unwilling to defend. (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview 1
To Be Determined	(b)(6),(b)(7)(C) said Office of Legal Counsel gave advice generally on interrogation, and thus could have been involved. He said the Field Manual (FM) 34-53. itself is inconsistent with law enforcement practice. He said Behavioral Analysis Unit wrote a critique of what was happening in U.S. Naval Base Guantanamo Bay, Cuba; he said David Nahmias gave (b)(6),(b)(7)(C) a copy of it after (b)(6),(b)(7)(C) came on board at DOJ. [Catherine pls. decipher notes here] XXXX (b)(6),(b)(7)(C) "It had happened. No significant changes. Not sure what level it was shared." "One person - big deal - let Federal Bureau of Investigation have a crack at him. Federal Bureau of Investigation (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview 1
To Be Determined	(b)(6),(b)(7)(C) said that, post Abu Ghraib Prison scandal, he first heard Federal Bureau of Investigation policy that it did not want to "take advantage" of Department of Defense tactics.	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview 1
To Be Determined	(b)(6),(b)(7)(C) said Department of Defense had many important responsibilities -- it cares about all important issues but some issues it can't resolve. [implicitly saying interrogation problems being among them]	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview 1
To Be Determined	(b)(6),(b)(7)(C) said he was not aware of abuse -- just "crazy" stuff. He said (b)(6),(b)(7)(C) told him rumors of crazy stuff, but (b)(6),(b)(7)(C) never heard (b)(6),(b)(7)(C) say rumor was a detainee was beaten up. (b)(6),(b)(7)(C) said he did not hear details about any female interrogation. (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview 1

2/24/05

DO For FBI  
DO (b)(6) (b)(7)(C)

To Be Determined	Catherine -- pls add some context to make meaningful: "Review other agency rules for comparison of rules." (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05
To Be Determined	When asked what he would have done had he known about allegations of abuse, (b)(6),(b)(7)(C) said Department of Defense is a "heavily lawyered" organization and that, much as it would be easy for him to say he would have written memos and made phone calls immediately, he thinks that Department of Defense believed it was doing what it thought it could do legally. When asked at what point the Criminal Division would have become interested from a prosecution perspective, (b)(6),(b)(7)(C) said there were many problems with applying US criminal law against military personnel on an overseas base, though he said that Uniform Code of Military Justice would apply. (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview 1
01/??/1991 - 12/??/2002	(b)(6),(b)(7)(C) said he served as (b)(6) (b)(7)(C) on detail to Executive Office for (b)(6) (b)(7)(C) (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview 1
10/??/2003	(b)(6),(b)(7)(C) said he served a counsel to the (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) Previously he served as an attorney in the Federal Bureau of Investigation OGC from (b)(6) (b)(7)(C) First 5 months of that he was (b)(6) (b)(7)(C) GC Kenneth L. Weinstein, then 2 months as (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) which included (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) then 3 months as (b)(6) (b)(7)(C) (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview 1
10/??/2003 - 7/??/2006	(b)(6),(b)(7)(C) said that, as soon as he started as (b)(6) (b)(7)(C) he got involved in detainee issues. He said he served on an inter-agency working group for assessing detainee status -- whether they would be released, transferred to their country of citizenship, or held at U.S. Naval Base Guantanamo Bay, Cuba b/c of threat or intell. Every couple of weeks (b)(6) (b)(7)(C) said he would receive a package from (b)(6) (b)(7)(C) - or (b)(6) (b)(7)(C) (?) when he was acting -- related to detainee status. He said when he arrived at Criminal Division, it was s transitional time, and that, prior to his arrival, Federal Bureau of Investigation would bring GTMO issues to DOJ. [p.z. last point is confusing] (Late (b)(6) (b) said (b)(6) (b) would sometimes attend Policy Coordinating Committee's meetings in his stead.) (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview 1

b6 Per FBI ETC

10??/2003 - ??/??/2006	(b)(6),(b)(7)(C) said that he would sometimes get involved in educating U.S. Attorneys' offices about the fact that they could not use detainees as witnesses. Problems with bring them into the country -- they get lawyers and we can't speak to them anymore -- and we have a continued need to get intel from them. (U)	(b)(6),(b)(7)(C) Interview Notes 2/4/05, (b)(6),(b)(7)(C) Interview 1
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