## MEMORANDUM FOR THE RECORD

Event: Joe Billy, Special Agent in Charge for Counterterrorism, New York Field Office

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## Background

Billy entered on duty with the FBI in 1978 as a support employee in the Newark		
Division. After become an agent, he was assigned to the FBI's New Haven Division, to		
the New London Resident Agency. He has served in multiple capacities in the New York		
office, serving in that office three separate times in his career. In NY, he has worked as a		
street agent, squad supervisor, ASAC, and now as the SAC for Counterterrorism. While		
in the NY Field Office, he supervised as well as a newly created		
squad. Prior to being promoted to his current position, he was a Section		
Chief at the FBI Academy. He was the acting Assistant Director of the Training Division		
for four months, from October 2001-February 2002, when he transferred back to NY. He		
has also had several other tours at FBIHQ; during one of these tours he worked as a		
supervisor in Overall, most of his FBI career has been on the		
national security side of the house.		

## Career Track for CT/CI agents pre 9/11

Billy didn't face any difficulties in rising through the ranks working primarily national security matters. This may have been because in NY, they played up and focused on national security matters. It may have been different for him, trying to get promoted working national security in another FBI field office. Billy stated that the smaller FBI offices were primarily focused on criminal matters pre 9/11. Billy noted that FCI should concern the FBI throughout the country, since foreign governments are trying to steal our secrets in all parts of the U.S.

### New Agent Training

Since 9/11, they've increased the emphasis on CT and CI training. However, this is a difficult issue. If the new agents are spending more time on CT and CI during new agent training, this means that they will have less time to spend on other important matters, such as firearms training and courses on the U.S. Constitution. Pre 9/11, there was only a "smattering" of FCI and CT training in new agent training. In Billy's view, "that's the way it was." Under the old model, the agents went through the 16 weeks of training, and they would receive more specialized training, such as CT or CI when they went to a field office. There wasn't really any effort to increase the CT or CI training in new agent courses pre 9/11. It "was what it was."

After 9/11, the curriculum changed. During Quantico, a lot of the training revolves around an integrated case scenario. This case now incorporates CT elements into it. They have also increase the amount of standard CT instruction during Quantico. They don't receive training on cultural awareness, and interviewing in different communities during Quantico.

Billy made the recommendation to the Assistant Director who took over the training division that FBI should be willing to consider performing a major overhaul of the basic new agent training. The FBI shouldn't be locked into the notion that the training has to be four months long. They should consider making the training a one year course, which includes time at FBIHQ. Billy knows that Director Mueller wanted to make sure that the new recruits had some leadership training. There is the misperception that the new agent recruits are all cyber proficient. This isn't always accurate. They make know how to use a computer but not understand more sophisticated aspects of computer forensic investigation. The FBI needs to be "in that world" and this needs to be included in the training.

#### Benefits of crossover between criminal and national security

As far as whether agents should begin their careers learning how to be good criminal investigators first, Billy says that there is something to that. He worked criminal matters while at the New London RA, and it was helpful to him to have this background when he started working FCI in NY. Billy said that when he was transferred to an FCI squad, he was initially not happy about it. However, after a year, he grew to like working FCI matters. Billy also said that with new agents, the FBI sometimes wants to wait and make sure that they make it through the 2 year probationary period before bringing them into the top secret world of FCI.

They are getting a lot of agent volunteers to go onto the JTTF. Billy likes to bring over talented criminal investigators. He likes the agents to have the ability and knowledge to "jam" people up. He wants to attack the terrorism problem like they did with organized crime: go after the lower level people, secure their cooperation, and work

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their way up the chain. A good portion of the CT supporters are involved in criminal activity. They are not all like Mohammed Atta: perfectly funded and under the radar.

Billy did acknowledge that a lot of the FBI's mystique comes from the traditional criminal investigations. Most recruits want to work these programs initially to "get it out of their system."

# College of Analytic Studies/Analytic Training

When Billy was the Section Chief in Quantico, he began the College of Analytic Studies. The College was his idea. He thought that it was a good idea and would allow analysts to train side by side with the agents. The college was conceived in 2000 and was first launched in 2001 (pre 9/11). Jeff Higginbothom, the Assistant Director of the Training Division, came to Billy and told him that the FBI's analytic program needed to be sharpened and professionalized. The FBI was not equipped to develop its analytical cadre at that point. Further hurting the FBI's analytic program was that the FBI had been in situations where they had been forced to hire analytical personnel from within the FBI.

Billy also administered the "GETA" training program. If an analyst was a self starter, there was training out there that they could have signed up for. There were some analysts who took advantage of this, while others were content and weren't as concerned about improving their own capabilities.

When Billy decided to create the college, he organized focus groups, reaching out to the private sector and the CIA for their input and advice. He also brought in some first rate analysts for their views on the type of training needed by analysts. The curriculum was shaped by the FBI, CIA, consulting groups, and the new agent training instructors. The college was a 10 week course at Quantico. The analysts would learn how an FBI investigation was put together. Having lived and trained at Quantico would also give them credibility with the agents. The hope was that they would also get to know some of the new agents during training, and that these relationships could be developed for when everyone assumed their positions. Both new analysts and on board analysts were supposed to attend the course.

One of the problems the FBI faced in establishing this course, which they hadn't really considered, was that for many support employees it was difficult to leave their homes and families for 10 weeks. There was some talk then of taking the college on the road, but this wouldn't be the same experience. In addition, the instructors didn't have the time to go on the road at that point because the FBI was in the process of training so many new agents. Billy's recommendation is that the FBI should be doing whatever it can to take this on the road, even if this means doubling the number of instructors assigned to Quantico.

The first iteration of the College of Analytic studies took place before 9/11. Billy thinks that there may have been one additional iteration before the attacks. They did quite a bit of tweaking to the curriculum after the first run through was completed. The

college is fairly basic, and is the same course for all analysts, whether they are working CT, CI, or criminal matters. They do have extensive blocks in the course on CI, CT, financial fraud, and other specialized areas though. The goal of the college is to "build" an analysts who has the basic analytic skills and could potentially move between programs.

The FBI does need specialization. They need people who know their stuff. But they have to start with something. The analysts need to develop the basics first, before specializing, particularly for the new hires. The first and foremost thing that the analysts have to learn is about the rule of law, and how the FBI operates.

### Training for agents

The agents have a little training on how to use analysts, but not a lot. They receive some very basic training on this, just some familiarization with analysis.

They have talked about beefing up the training for agents on using analysis. This is going to become more necessary as the FBI's analytic cadre gets bigger and better. At that point, the agents will have to learn to rely on the analysts. During the college of analytic studies, they set up "enrichment" nights where the new agents and analysts would get together informally after hours. This was a stop gap attempt to bring them together, so that when the new agent hit the streets they would know how to use analysts.

Billy thinks that they should incorporate analysts into the integrated case scenario at Quantico. They should begin to make the agents dependent on the analysts at that point.

The agents have had cultural training. They have had imams come in and lecture. They have been telling the agents to go right up to the guidelines, and they will support them.

They do have some veteran CT investigators, but he wishes they had more. This is hurting the FBI. When Billy took over an FCI squad in NY, he brought 7 or 8 agents with him. They did not know much about FCI and needed training. Billy was able to arrange training for all of them.

## Reports Officer program and Information Dissemination

The FBI's fundamental mission is to gather information and to document it. The FBI does this well, both on the criminal and intelligence side of the house. The trick for the FBI is to understand intelligence for what it is. The CIA reports everything. FBI agents generally feel that they need to gather all of the facts before they can disseminate the intelligence. FBI agents by nature don't want to disseminate uncorroborated, raw intelligence. The agents have to think like reports officers. In the interim, the analysts/reports officers will be responsible for disseminating intelligence. However, this is just a stop gap, and in the future the agents themselves will be doing the dissemination.

When this occurs, the role of the reports officers and analysts will be diminished in this arena. The reports officer and agent will be one and the same. It will be the role of the agent to gather and then to disseminate information. The reports officers will have other angles. They will be more focused on the collection requirements than the agents, and ensuring that those are met. The analysts will know the bigger picture and will be able to make sure that the information gets to the right people.

The FBI is not where it needs to be in terms of internal information sharing. Are agents in Ohio aware of developments in NY investigations? This is why they need a nationally managed program. Locally, within a particular office, things work well

## FBI integration into the US Intelligence Community

The FBI also has to be a larger player in the US Intelligence Community. For a long time, they weren't really a part of the US Intelligence Community (other than WFO and NY Field Offices). The FBI was basically a bit player in the intelligence community. It's important that the FBI continue to integrate other intelligence community representatives onto the JTTFs. Having CIA on the JTTF in NY in great. They are trying to SCIF a new workspace. This would be a good change.

## Intelligence training for FBI agents

Billy heard about the pilot project to send FBI agents It didn't happen due to issues about time constraints for the FBI agents. The premise in doing so, was that the FBI and CIA have to work together overseas, so it's good to develop these relationships.

Billy has not heard of the proposal to certify FBI agents as intelligence officers.

The FBI is doing joint training with the CIA. They are getting FBI personnel to \_\_\_\_\_\_

for specialized training.

## Role of analysts

Billy thinks that the three different types of analysts will each have different roles. Right now, the analysts are pulled from one thing to another, so every time they pull an analyst from strategic to tactical matters (for example), they lose more strategic capability. Tim Herlocher is currently the ASAC in NY who is responsible for all of the analysts and for NY's Office of Intelligence. He had been the squad supervisor of the intelligence squad.

#### FBI's Preventative Efforts

The NY Office of the FBI has always been about prevention. That's what they always strived for. If it doesn't happen, then you have to respond with all of the force that you can. Years prior to 9/11, they would have debates about when a case should be brought down. As an intelligence guy, he would always want a strong intelligence case

to be run until the last possible minute. He would want the information which might lead to uncovering the next plot. During the TERRSTOP investigation, they had long debates about when to arrest the subjects. Billy does not think that the line has shifted, in terms of where they might come out in the debate. Billy cited the example of a recent Newark case. They had reporting that a certain individual might be a suicide bomber. NY kept asking for the case to be brought down. It turned out that the reporting was fabricated. The Newark SAC kept the case open because he wanted additional intelligence information. They ended letting the case run for intelligence purposes. Of course, they wouldn't have let the subject get on a bus. Terrorism though is a crime, and the FBI is being asked to prevent crime from happening.

One thing that has helped is they haven't had a major deployment from NY in the last 2 ½ years. This has allowed them to build their capacity. They are "all about prevention" now. While the FBI has always tried to prevent terrorism (and on the FCI side, to prevent secrets from being stolen), the capability in that regard is better now. They have built a better capacity to get ahead. They have build their information sharing and analytic capabilities.

The FBI is doing more than they were pre 9/11. It's not because they are trying to prevent more. They are just more engaged with the intelligence community, and are running down threats more aggressively. They try to resolve every threat report to the "Nth" degree. They are more anxious now about the threat from al-Qa'ida, and more aware of the magnitude of the threat.

It's been portrayed in the media that FBIHQ did not care about terrorism pre 9/11. This was never the case. It was a matter than it was difficult to act against a shadowy group like al-Qa'ida who was 7,000 miles away. The leads with connections to NY were always run down aggressively.

## Preemptive Interviews of terrorism subjects

Mueller has tried to centralize the CT program. They will get a sense from Mueller as to how the case will be handled. There has been a push by FBIHQ to let people know that the FBI is looking at them. When the threat level has gone up, HQ asked the field to consider interviewing all of their CT subjects. But sometimes, in Billy's view, it is best not to have people know that the FBI is looking at them. And interviewing subjects doesn't always work. Prior to the first World Trade Center attacks, they interviewed a few of the eventual perpetrators under a pretext. It didn't stop them. Billy doesn't know what would have happened if the FBI had gone and interviewed someone like Mohammed Atta prior to the attack (had they known about him). Would he have gotten scared? He doesn't know.

#### Role of HQ and White House in high profile investigations

There is a lot of oversight on the high profile cases. Some of his cases get briefed to the White House and to the Hill. It does force the field to be more engaged, Billy

noted, on the positive side of things. He doesn't feel though that his investigations are being run out of Washington. He is very much in control of his own cases. If a plot is being discussed or if a weapon of mass destruction is potentially involved, then this will be high on Washington's radar screen. The routine CT cases do not get a lot of second looks fro Washington. In those cases, they rely on people in the field to run them. But a lot of cases, Billy noted, can make the daily threat matrix.

WMD investigations, in particular anything concerning a plot using poisons, industrial chemicals, etc get the most attention. This will get the interest of the White House. He doesn't feel though that people are looking over their shoulders.

## Relationship and Coordination with the CIA

Billy provided an example of an FBI subject traveling overseas to Iraq. They told the CIA and the military about this individual so that they could pick up the trail. Billy thinks that they would have told the CIA and military about this person even pre 9/11, so this is not a new example of information sharing. He thinks that the CIA would share similar information, for example, if a CIA source were traveling to the U.S. The FBI gets this type of information a lot. He thinks that the CIA has been forthcoming with the FBI., but you don't know what you don't know.

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The CIA has increased their complement on the JTTFs. They now have	
officers on the New York JTTF. There is more willingness now (than pr	е
9/11) to divulge the identity of an FBI informant to CIA	
Agents and detectives have also been traveling overseas more.	*
As a side note, Billy noted that they just a source for the Israelis.	Te.
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He has a great relationship with the CIA's in NY. Billy hold	ls
nothing back from her. There is a CIA representative at the FBI's daily threat briefin	ng.
Billy doesn't know what the difference is between the CIA personnel being "assigne	es''
versus "detailees." Maybe the CIA is trying to be careful and maintain some of their	
restrictions on domestic spying. The CIA personnel are participating in source	
debriefings in the U.S. He thinks that generally the CIA-NR personnel are focused on	
assessing whether a source could travel overseas and how the sources can be of benefit.	
They are more involved in that process than they were pre 9/11. E.O. 13526, s	action 1 4(c)
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Billy would like to increase the number of CIA personnel on the JTTFs. He would like to see CIA operational officers on every IT squad. He would like CIA in debriefings. He would like CIA analysts assigned to the FBI as well.

#### Al-Qa'ida's presence in the U.S.

As the US makes it more difficult to get into the country, the belief is that these groups will be looking to use US persons to become more involved. These might include African American Muslims who are in prison. Billy has wondered whether these might

be the next wave of operatives. Or maybe the animal rights groups? The FBI has to be more focused than it has been on what's going on in this country. They have to develop sources here as well.

Bin Ladin has supporters and sympathizers in NY. But as to whether these people are actually willing to perpetrate a terrorist act? He's not so sure. O'Neill was concerned about the people in the US who were supportive of Bin Ladin.

Billy is in favor of a centralized approach to CT. 1 office can't have all of the expertise. This is a national problem. They've heard from informants that the "heat" is on in NY, and terrorist group members and supporters have been told to go to other cities with less law enforcement attention.

NY's focus today is trying to identify people in the U.S. who could be facilitators for al-Qa'ida. They are doing the phone work and this type of investigation in an effort to identify them.

Billy thinks that pre 9/11 they were focused on al-Qa'ida too narrowly. They were always looking narrowly at al-Qa'ida involvement, and not at other groups influenced by al-Qa'ida. WFO was focused "a little" on al-qa'ida pre 9/11

## NY FBI focus on overseas pre 9/11

Billy thinks that it's a fair criticism that the New York FBI office was more focused overseas, and less on what was in their own backyard prior to 9/11. From 1993-2001, NY's focus was overseas. Even in the Oklahoma City bombing, everyone thought that it was a Middle East terrorist group initially. There were only 6-7 JTTF squads pre 9/11 and the personnel spent a lot of time overseas. If they are overseas, that means that they are not here developing contacts in the communities and building relationships at the mosques.

The FBI's focus as of 9/11 was in being hit overseas. It's interesting that even John O'Neill thought that 9/11 was an accident. It didn't occur to him that the attack was al-Qa'ida. Initially, he thought that it was an accident, because everyone was so focused on an overseas attack. The potential to be attacked overseas was far greater. In NY, they looked at the threat pre 9/11 primarily as an overseas threat against US interests. It was a shadowy cast of people operating mainly outside of the U.S.

Billy is trying to get D'Amuro to send fewer NY agents overseas. They still have the expertise, but they can't afford to deplete NY. They have to keep the NY agents in touch with the local communities.

Billy's big concern is a simultaneous al-Qa'ida attack in the US and overseas.

#### Progress of SCIF to house CT personnel

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The agencies are still far from fully integrated because they are not all physically located together. It will be a while before the new SCIF is ready. They need all the entities to be located together. CT work is all about bits and pieces of information. The agencies need to talk to each other. They are hoping to start moving the DT squads by March of 2004. They still don't have the other two floors. The funding for those has still not been allotted.

### Relationship with the NYPD

The NYPD makes his job easier. There are on the front lines, and they need the intelligence information. They have the resources to provide a deterrent. The NYPD will sometimes move hundreds of officers to respond to a threat. The JTTF's job is to provide them with information that they can pass to the Commissioner and his staff, so they can move resources around, as need be. NYPD also has 140 detectives on the JTTF. The NYPD knows that at the end of the day, the FBI has the lead on CT, and these are FBI investigations. They have made this clear to the NYPD. On the other, the NYPD "owns" and is responsible for the city.

The CT Bureau has responsibility for protection issues. For example, they protect Wall St. from terrorist attack. They have the specialized operations types. They report back to Mike Sheehan.

#### Relationship with NYPD's Intelligence Division

There are 450 detectives in the Intelligence Bureau working CT. The FBI has asked for assistance because they can't do it alone.

The FBI has tried to bring NYPD intelligence personnel onto the JTTF and onto NY's intelligence squad. This hasn't happened though. They made an offer to Dave Cohen for an FBI agent to be detailed to his division, and D'Amuro is trying to put a deputy in place at the field office from NYPD intelligence. They are trying to build a bridge to NYPD intelligence. The relationship with the NYPD chiefs is getter better.

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There is a huge divide between the NY Intelligence and CT Bureaus. They have traditionally disliked each other. The intelligence bureau detectives were always viewed by other NYPD personnel as "grade B" detectives. The FBI is now serving as the marriage counselor between the two. The detectives on the JTTF are assigned to the CT Bureau.

### Information sharing with state/local law enforcement and with industry

Billy thinks that in terms of information sharing with state and local, you have to err on the side of providing information. The FBI has to get out as much as possible at the law enforcement sensitive level. This information has to come from the classified intelligence. They need to get the information out to the patrol officers and to private industry (such as the chemical industry, the banking industry, etc). Billy grew up in the close hold environment of FCI, so this is a change for him.

They do have weekly intelligence meetings in NY. They don't give out everything at these meetings. They don't get into sensitive ongoing operations. They will give out a lot of threat information. They give a lot of information to the security directors of companies. They continue to encourage the intelligence community to get as much secret information down to the law enforcement sensitive level, for dissemination. They can give the secret information to the high level state/local officials with a clearance, but they have to be able to get out the information more broadly, in an unclassified manner.

Billy mentioned the commander of the port of NY. He has been terrified of sharing information with the shipping industry. But they know that the shipping industry is one of the terrorist targets. They were finally able to get the information down to a level where they could get it out. He was nervous about passing the information. They told him to err on the side of giving the information, so that these shipping companies can develop a security posture.

#### Role of Department of Homeland Security

DHS is still trying to learn their role. He thinks that they have a central role to play. They should be engaged. The FBI needs to interact with private industry. They are just getting ramped up in that regard. They are still trying to deal with these issues. DHS has been more focused on funding issues for state and local. But fundamentally, people still look to the FBI. The US Government has to be in step when these advisories go out. They need to coordinate. To what extent are they coordinating? They are trying very hard to build a coordination process. Billy has not known much in advance when the threat level is going up or down. He usually can guess, but there are times that he's been wrong.

#### Threat Reporting

The FBI receives a lot more suspicious activity calls when the threat level is up.

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Billy cited one example where this paid off. There was a plot to explode a backpack on the subway. A kid here on a tourist visa heard his neighbors talking suspiciously about this plot. As discussed above, the FBI handles threat information very aggressively now and they try to resolve every threat report.

### Access to Detainees

With regard to access to the detainees, the decisions on this were made by the President. He doesn't necessarily agree with the decision, but he understands it, and he has to accept it. His belief is that the FBI could add value to the interview of the detainees. For example, the world's expert on KSM is at the FBI, and he hasn't been involved in the debriefings. He has heard that a lot of times they haven't had the experts in these debriefings. Billy does not see the government getting everything they could out of these interviews. The Director has made the call to honor the protocol for enemy combatants. As far as why the Director agreed, he thinks that it's because it was overseas, and therefore the CIA and DoD should get the first shot. Billy has heard that their will be a shift, and that the FBI may be allowed in.

## Role of Southern District of NY in Combating al-Qa'ida

NY was committed to combating al-Qa'ida pre 9/11. SDNY played a big role in this. If SDNY had not been so aggressive, the FBI's NY office would not have been able to build up its al-Qa'ida program so much pre 9/11. In all other US Attorneys' Offices, there was no separate CT unit. In NY, there was. The prosecutors developed an understanding of al-Qa'ida. They developed cases against al-Qa'ida that would have been out of the "comfort zone" of other US Attorneys' offices. It was a good combination: an aggressive field office and an aggressive US Attorney's office.

#### First World Trade Center attack and rise of international jihad movement

A watershed event for the NY office was the first World Trade Center attack. This taught the FBI about the international jihad movement. There was an Iraqi, Kuwaiti, Egyptian, US person, etc. involved. People from all different countries. Now, looking back, there are events which didn't seem like terrorism but which were. For example, Dvora Halberstam's son was killed on the Brooklyn Bridge in 1994. He was a hasid, and was shot while in a bus. The killing was not characterized as terrorism at the time. It was classified as a random killing. Some time later, they learned that the shooter was influenced by the rhetoric of the Blind Shaikh.

## **Embassy bombing**

Billy was not in NY at the time of the USS Cole attack. During the Embassy bombing occurred, O'Neill ran into his office that morning and said that the attack had been perpetrated by Bin Ladin. There was some reluctance though to identify it as such right away, though they knew that it had the trademark of a Bin Ladin attack. It was 10 days before they determined that it was.

There was a battle between NY and WFO over who would serve as the office of origin for the embassy bombings. Under Freeh, the FBI was very focused on the office of origin concept. Originally, WFO was selected, but it was transferred to NY after the link to Bin Ladin was made. The link was made pretty early on, so much so that Clinton launched missiles into Afghanistan, but the case wasn't transferred to NY for a little while after that. Billy and Piernick were in Tanzania. Early on, Billy deferred to Piernick, since WFO was in charge.

The fact that al-Qa'ida used suicide bombers in the USS Cole attack changed the FBI's thinking about the group. In the embassy bombings and first World Trade Center attack the perpetrators fled the scenes.

### **USS Cole Attack**

Billy does not know whether O'Neill had identified any Yemeni government officials involved in the USS Cole attack. The Yemenis have been difficult to deal with though. There was a Yemeni politician who was a financier for al-Qa'ida. He's now in jail. \_\_\_\_\_\_ where he was arrested. Director Mueller just went over there in an effort to engage them.

## Office of Intelligence

The HQ Office of Intelligence is absolutely an essential reform for the FBI to move to the "next level." The biggest obstacle has been the difficulty in hiring analytic personnel. NY did just get word that they could hire 10 analysts. The 10 they've identified and are going through the process come from the intelligence community, private industry, the DEA, and 2 from within the FBI. They have strong education and relevant work experience. They are trying to mirror the office of intelligence concept in NY. It will take the FBI years to build this capacity though. The Office of Intelligence concept will help. For every piece of information, the FBI needs to first ask: is there a CT link.

## Information technology

The technology has to come together. Relational databases will be a huge step for the FBI. They are not quite there yet. The problem is that the FBI is trying to renovate the house, while they're living in it. This makes it difficult.

# Separate Career Tracks/prioritization of CT

Billy thinks that the specialized career track is an interesting concept, though he hasn't heard this proposal. In a big agency like the FBI, every program is always competing for resources, so it's an interesting idea.

There are only 178 FBI agents in NY working CT. They are augmented by the JTTF presence, so there are 450 investigators in all (from 36 different agencies). There are 280 agents in NY working white collar crime. There are 170 working organized crime. The FBI still has many other things on its plate aside from CT.

The FBI has to say that maybe they will get away from working some of these other violations. They have done that a little bit. They might have to make other calls on what their mission is going to be. He is sure though that if he had a big problem, D'Amuro would give him additional agents for CT.

At the time, CT was a branch within the National Security Division in NY. It was only recently established as a separate branch in NY. O'Neill served as the SAC for National Security in NY, which comprised both CT and CI at the time. There was no huge bump in resources in CT during that time period. They did add 3 additional JTTFs after the 1993 attack. The real bump in resources didn't come until after 9/11. The CT branch then tripled in size. When NY was deploying all of these agents overseas, they were leaving their flank exposed. They did not think that there would be an attack within the continental U.S.