

MEMORANDUM FOR THE RECORD

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Special Agent on detail to FBI OGC.

Participants – Commission: Barbara Grewe, George Delgrosso, and Peter Rundlet

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Background. Kevin Cruise is a third-generation Agent. He joined the FBI in April 1988 and was first posted in Beaumont, Texas. Before that he attended West Point Academy and spent six years in the Army Infantry – in both Korea and Ft. Bragg. In Beaumont, he worked on everything, including criminal and foreign counterintelligence (FCI) work. Cruise came to the New York field office in June 1991, and has been here ever since.

Initial NYFO Work. For the first 8 months, he worked FCI matters. In NYC there is the United Nations (with representation from every country). Next, he focused on State sponsored terrorism on what was then squad I-25, focusing especially on Iraq and Syria.

After the 1993 World Trade Center (WTC) bombing and related cases, he focused more on specific terrorist groups; in particular, he focused on Egyptians, Sudanese, and Libyans. Cruise said that at the time (after 1993) they expanded the international terrorism (IT) squads and their primary concern was threats to NY. Cruise said that in the late 1970s Al Gamat and the Egyptian Islamic Jihad (EIJ) split and he became the case agent focusing on Al Gamat and continued this role until 1998. Cruise said that FBI Headquarters (HQ) directed who would be doing what for this work – because of the overseas nature of the work.

Initial focus on UBL. In 1995, they started looking at Usama Bin Laden (UBL) as an off-shoot of al Gamat. They were trying to figure out who was responsible for or supporting several of the incidents around the world. At the time, they understood that

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UBL was not directing terrorist incidents, but that he financed them. Cruise said that UBL's advantage now is that had fought with the Egyptian extremists in Afghanistan – so that he was helping them to conduct attacks outside of Egypt. UBL had been in Sudan and “over time, we saw more of UBL's network.” In early 1996, Dan Coleman was assigned to [the CIA's UBL-focused] **Alec Station** in northern Virginia to focus on hunting UBL. Even then, UBL was not directing events, just supporting them. In August, 1996, UBL declared war on the United States and then he started directing. Cruise was the principal relief supervisor on the squad then. In the summer of 1996, TWA 800 occurred and so the squad supervisor, [REDACTED] was pulled to work on that case until December 1997. By the time [REDACTED] returned, the squad had Afghanistan, Pakistan, Egyptian, Libyan, Sikhs, and UBL (they had a Full Field Investigation intelligence case on him, and one of the Anticev brothers was the case agent on it). So, Cruise ran the squad between the summer of 1996 and December 1997.

1998 Activity and Work. During this period, he and Dan Coleman got the first al-Qaida humint source as a “walk-in.” They developed and debriefed him extensively on al-Qaida, put him protective custody. UBL issued his first fatwa in January or February 1998 and his second in May 1998 [Is this correct? Our notes differ.] In August, 1998, the East African Embassies bombing occurred. At that point, the squad split into two squads: Cruise supervised the squad focusing on the embassy bombing criminal cases and [REDACTED] took over the al-Qaida squad. Cruise said that because Dan Coleman was at Alec Station, they had a good sense of what was going on there. Coleman was the liaison with the CIA in targeting UBL, acting as a CIA Operational Officer. “We generally knew what Danny was up to operationally.”

The first indictment, which was sealed, against UBL came in June or July of 1998 since UBL called for an act of terrorism. He was indicted again after the embassy bombings, although he was not charged with involvement in particular attacks. In the spring of 1998, **John Miller** met with UBL, but he didn't come in to brief the FBI about it – at least so far as Cruise knows. Cruise said that they knew about the East African cell – with **Wadiah el Hage** back in 1997. Later, el Hage came back to the U.S. through New York. El Hage spoke with the Grand Jury and lied. At that point, he wasn't charged – the U.S. Attorney for the Southern District of New York decided this and Kevin agreed. El Hage had only lied about a few details. The Dallas Office has a Full Field Investigation (FFI) on el Hage, since he went back to that area. “We knew he was cut out of the East Africa bombings because of what had happened in 1997.”

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“The FBI had a good source (“Junior”) in protective custody – in the witness protection program -- for two years. We were watching everything that el Hage did. [REDACTED] El Hage wasn't doing anything. When the fatwa came, we were looking everywhere we could; we were especially focused on New York. We looked Ali Mohamed, but we didn't uncover anything.” Before the embassy bombings, Cruise said that they knew in June 1998 that UBL had issued his final warning. Experts had told them that an attack would happen. “We did everything we could – including with the Agency – to discover it in advance. Then, on August 7, the embassy bombings occurred. All pointers were on bin Laden.” The NY field office had

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Office of Origin since they had an indictment on UBL, since anyone associated with him would come to that office.

His Squad and the JTTF. In 1995, his squad became I-49, a squad on the Joint Terrorism Task Force (JTTF). There were approximately 8 FBI Agents and three task force members (outside agency representatives) on the squad. They were from the New York Police Department (NYPD), the New York State Police (NYSP) and an agent from the INS. All were full-fledged investigators. Cruise explained that the JTTF has two types of outside representatives: (1) the liaison types (like the CIA) and (2) the investigator types that were like full-fledged agents. Cruise said that the FBI benefits from the extra bodies, but also because of the easy inroads to the databases of the outside agencies (e.g., INS record, NYPD records, etc.). Cruise said that back then, the INS representative could access his database from the FBI office, but the NYSP and the NYPD reps could not. The three outside representatives were [Louis] Napoli, [redacted]

Cruise explained that the outside reps had to go through their own chain-of-command at the office in order to share information with their home agencies, although they could share immediate threat information directly and immediately. For general working matters, though, the NYPD had more senior officers located on the JTTF.

History of the NY JTTF. Cruise said that the NY JTTF began 23 years ago and was formed because of attacks on police officers that were occurring then. There were bombings at One Police Plaza ("1 PP"), and a Brinks armored car robbery. Later, the JTTF expanded to its IT role. For a long time, the JTTF was divided into two sides – domestic terrorism (DT) and international terrorism (IT). In 1992-93, there was a push by the Police Commissioner to pull people out of the JTTF because they needed their personnel to focus on other work. Then the 1993 WTC bombing occurred and they couldn't pull out. Ever since then, the NYPD has been fully integrated on the JTTF and he had a Detective on his squad after that. Neil Hermann worked on WTC1 and TERRBOM. He was a senior supervisor at the time. He worked on TWA 800, too.

Back then, the distinction between DT and IT as blurry. The DT squad was getting the reactive work and domestic groups (e.g., the Klan, El Alf). On the intelligence side, Cruise said that they were trying to be proactive.

Early Wall Issues. He noted that this was before "the Wall" was erected. Cruise indicated that there were some "Wall" issues with Rule 6(e) and FISA – that they could not give information to the criminal agents unless there was a direct threat. During the period from about 1993 until the embassy bombings, according to Cruise, the Department of Justice (DOJ) erected a "translucent wall" between the intell and criminal agents. "OIPR made us all sign agreements that we wouldn't share information with prosecutors and prosecutors couldn't direct our investigations."

Pre-East Africa Embassy Bombings. Cruise said that in early 1995, the Intelligence side took over criminal cases. They opened up a FFI on al Gamat – which was an FFI on

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a group, and they got HQ approval to do this. This primarily helped them open FFIs on individuals, particularly on individuals tied to the Blind Sheik and the TERRSTOP case. In the pre-embassy bombing period, Cruise indicated that they tried to pursue as much as possible, watching anyone they knew to be associated with these groups. The CIA tried to interdict something in Albania (he said Dan Coleman would know more about this). Dallas was watching Wadih El-Hage, but he was not doing anything "except trying to get his life together." El Hage was brought back before the Grand Jury again and he lied again. Then, the FBI decided to indict him. Then the information from Africa came in and we learned about more lies. [redacted] Dallas informed the NY agents (especially Dan Coleman) about what they were learning. The FFI on El Hage was run out of HQ.

East Africa Embassy Bombing/New Squad. The new embassy bombing squad (run by Cruise) was set up in September 1998. Teams were sent from the NYFO to east Africa immediately and so NY became the lead office [although this was unclear; later Cruise said that initially the Washington Field Office (WFO) had the lead since the Extraterritorial squad was run out of WFO]. Cruise opened a Command Post by 8:30 a.m. the morning of the bombings and it was open "24/7" for the next six months. At the time, John O'Neill was the SAC. Teams left NY by 11:00 p.m. that night for Edwards Air Force Base and they were on the ground in Africa within 24 hours. FBI personnel from many different offices (including foreign offices) were sent to East Africa, including Evidence Recovery Team (ERT), Arabic speakers, and SWAT personnel. Sheila Horan, who was the SAC in the WFO was the on-scene commander, and Pat D'Amuro, who at that time was the ASAC in the NYFO, was her Deputy. John O'Neill stayed back in New York. There were more than 500 FBI personnel deployed overseas for a few months, before the case was brought back to NY as the "office of origin," since the case was UBL related.

The FBI brought people back to New York in renditions with the approval of the DOJ/S.D.N.Y. Cruise's squad was initially formed with 22 people, but all investigative work was in Africa. Cruise said that his job was to consolidate evidence back in NY to prepare it for trial. There were separate Major Case Support Groups for each of the bombings (Tanzania and Kenya) for administrative reasons (*i.e.*, command and control, liaison with local government and other U.S. government agencies and with intelligence officials). Pat Fitzgerald and Michael Garcia were the two U.S. Attorneys working on it, and Fitzgerald was the lead prosecutor on UBL. Ken Karris and Mary Jo White have also worked on it, and Cruise said that with their help they were able to "push the envelope" on extraterritorial prosecutions. Cruise said that James Comey has also been as effective and that in general the U.S. Attorney's Office for the S.D.N.Y. has been "very smart and aggressive."

Cruise said that the analytical support was based at HQ and that the support personnel on the ground in Africa were more administrative. Cruise said that they used Case Form 262 (used for overseas homicide cases) for the embassy bombings cases. These two cases were the only cases on Cruise's squad until September 11. Cruise indicated that his squad size fluctuated, but eventually settled down to 15 people

(including one NYSP officer, two NYPD Detectives, a State Department Diplomatic Security Service officer (James Minor, who stayed through the trials)). When asked what benefit these individuals were to their "home agencies," Cruise responded that the FBI wanted them because of their experience.

Later in the interview, Cruise said that the number of people in East Africa was much smaller. His squad was handling the investigation and had 2 to 20 people over there at a given time. They went to trial in 2001; 2000 was spent preparing for trial. He said that John Ligouri and John O'Neill went to Yemen in 2000.

JTTF Today. The JTTF now includes more than 500 personnel. There had been only two JTTF squads (one IT, one DT) up until 1995 when the JTTF expanded to five squads. It increased to seven squads in 1998 and continued at that size until 9/11. Today, there are representatives from 35 different agencies and the JTTF in NY is bigger than all but two FBI field offices. *[We noted that the 35-agencies figure was substantially different than the 16-agencies figure that the Commission was given in our document request. Cruise said that he would give us his most updated list from April of this year. Cruise reviewed our list and said it was outdated.]*

CIA representation on the JTTF.

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After the embassy bombings, the JTTF got another CIA representative and that they now have [] CIA representatives (although they have had up to [] he said). "John" was a long-running CIA rep who left recently. Cruise noted that there is a CIA [] in NYC. The primary role for the CIA reps was to pull intelligence out of their databases. Cruise said that if some things were really "hot" the CIA reps would bring it to him directly, but that the usual practice was for them to make a reading file available [] for each squad to read. Cruise mentioned that his squad analyst, [] did this for his squad. *[Note: [] said during her interview that she was too overwhelmed to [] to review the reading file very often. She said "several weeks can go by" []* Cruise said that he knows that reporting for the CIA is done by Reports Officers in the field and that it comes back to CIA analysts. "Someone at the CIA decides what the FBI should get and sends a CIR."

Cruise said his biggest complaint about information sharing with the CIA is the incompatibility of the two agencies' computer systems: "the CIA has to pass us intelligence via paper hardcopies – through the CIR [Central Intelligence Report]." He said that they can pass information via the BIX [guessed by those present to stand for Bureau Internal/Information Exchange]. Cruise said that the majority of his agents have SCI clearance or are in the process of getting it. He requests it for everyone that comes to his squad.

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Cruise noted that the **NYPD** has the same problem with the FBI that the FBI has with the CIA: "In order to protect sources, I've classified it out of their realm. And we can't see the intell reports that the CIA generates."

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However, Cruise said the Wall prevents him from seeing the traffic. Cruise suspects the traffic itself has the "caveat" (that the information cannot be shared with criminal agents) right on it. Nonetheless, Cruise said that he gives the [] "credit" because he will alert the agents to go to the supervisors to get the important and urgent intelligence that has come in. Cruise said the [] would get fired if he passed the information directly.

Access to intelligence community databases. Cruise said that there is one connection in the whole field office to Intelink and CT Link [] * [] which is not near the squads, he said). Cruise said there is no squad SCIF. Cruise mentioned that the FBI is building new space [] * [] and they are pushing to have a large SCIF there.

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Cruise explained, is that the electric grid where the FBI is currently located shuts down during a crisis and that they need a separate stand-alone place. [] * [] 3 floors eventually. They expect to occupy the first floor by November or December, 2003. They would like to build the rest by the end of 2004. **[Note, however, that we learned in subsequent interviews that, at present, only the DT squads will go to [] * [] although there is a desire – yet to be funded – to move the IT squads over, too.]** Cruise said they have been working on this since 9/11 – on a fast track. He said the current plan is not to SCIF the whole space, but there will be SCIF on the DT floor. The reason is that the number of SCI clearances that they are allowed to have is limited.

Cruise said that there are seven IT squads in the division and that he has to be able to work with the CIA [] and so they need space and "clearances are essential."

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FBI Liaison at CIA. Cruise said that Mark Rossini is an FBI Agent detailed to the CIA. He said Mark was on squad I-49 after the East African embassy bombings. Rossini became the representative to Alec Station, which had moved back to CTC. When asked whether he had ever used Rossini or Dan Coleman to run a search for cable traffic on CIA systems, Cruise said that he had and indicated that they both search whatever system they are on at the CIA. He said that sometimes they will have to do it through a CIR and ask permission to conduct the trace. But, they have never sent raw traffic. "They'll get approvals and fax the info over" (as Groupwise e-mail only goes to Secret level, he said). He said that Rossini has been with the CIA since 1998. Rossini is now a HQ Supervisor, he is not longer assigned to NY. When asked why Rossini, if he had access to all of the intell traffic, did not tell Cruise about significant meetings in the world (i.e., Kuala Lumpur) and why he did not follow-up on the Yemenese phone number,

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Cruise said that he did not know the answer. Cruise said that he understood Rossini to be playing a liaison function and speculated that he did not let him see everything. He also said that the agency would not let him pass some information that originated with other agencies. "I don't think our guys are getting unfettered access." Furthermore, Cruise said that he did not have access to a Top Secret STU phone – only Secret, which he has on his desk. Cruise said that John Ligouri supervised Rossini and that he and Ali Soufan know the specifics about what was not shared.

Chuck Frahm (sp?) was an agent assigned to Cruise's squad; now he is the GS-15 representative for the FBI at the CIA. Cruise said that now he has no NY person assigned to the Agency. He said that this has not hurt him, though, because he know those who are there. He noted that all FBI personnel assigned to CIA are GS-14 or higher (*i.e.*, supervisors).

Information Sharing to the CIA. Cruise indicated that the FBI passed on a lot of intelligence regarding the embassy bombings to the CIA via their Form 302. This was usually done through Chuck Frahm directly. Sometimes we had to do it through an IIR to get it in the system. Chuck would ask for a copy of the 302 and I'd e-mail it to him. Now – "for the past couple of years" – HQ has ACS running at the CIA's CTC. 302s are not classified.

Information Sharing from the CIA. When asked if the CIA will create tearlines for him, Cruise said "yes, but the information on a tearline is useless; I need new information." Tearlines are at the Secret level and Cruise said he needs the SCI-level intelligence. He said that the CIA representatives' system is very restricted, too: "I see what they are allowed to see." For urgent pertinent information, Cruise said the CIA will call him, and he'll go [] SCIF and they will show it to him.

Cruise said that frequently they would request information from the Agency and would receive a statement along the lines of "he is a bad guy," and nothing more. Cruise complained that he needed more information than that. When asked if he requests additional information, he said that he does but that "nothing comes back." Cruise elaborated and said that he was concerned that if he gets information from the Agency, it is frequently raw and uncorroborated – "and they expect me to corroborate it." He said that he needs to know more, like where their information comes from. He said, "the Agency picks and chooses when and what they will show us."

Cruise described the BIX system, whereby they will request information from the [] or the CTC. Cruise said the BIX is an Electronic Communication (EC). Cruise said that with the CTC rep, he will make the request verbally and then document the request later in an EC. Cruise **suggested** that it would be better if he could electronically submit the request directly to the CTC, without any other hoops or barriers. Cruise said that a large percentage of the responses from the CIA are "no information available." He said that frequently, he will wait for months before getting any information back.

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Example: Cruise said that he requested information from the CIA in 1998 regarding the Yemenese phone number. He said that no response came back – “not until something happened.” The number came from the pocket litter of Alawahi (sp?). We later found out what the number was connected to. By December, 1999, it became clear that the number had terrorist connections. Cruise said that Special Agent Ali Soufan had the details on this situation, but indicated that they were very frustrated that they couldn’t get more information from the Agency on this. When asked how much of this was a CIA problem versus a country (Yemen) problem, Cruise said, “some of both; Yemen is being more helpful now – but not helpful enough.” In contrast, during the African embassy bombings, Cruise said that the Kenyans and Tanzanians could not have been more cooperative. “They had never been attacked like that. We worked side by side.” Cruise said that during investigations, he passed intelligence (specifically phone numbers) to the CIA, but the CIA did not pass intelligence back to him or tell him what was done with the information he provided.

Regarding Hazmi and Midhar, Cruise said that the Agency did not share intelligence regarding their activities and whereabouts with the FBI. “Shame on them. They didn’t tell us until afterward. The people on my squad that needed to know this didn’t know it.”

Post-9/11 Relations with CIA. Cruise said that the access to CIA information has not improved since 9/11. He said that the Agency still has the mentality that it is “our game overseas.” Cruise said that the CIA actively engages in operational rhetoric to smear agents to prevent them from being deployed. [!!] There is a lot of criticism of Special Agent Ali Soufan that is unwarranted, he said. Cruise said Soufan is an effective interviewer and that he has a perspective that CIA guys do not have. “We get squat from KSM. Ali could get it. They won’t let Ali interview Neshouri. It is their turf and they don’t want us playing in it.” Cruise said that the CIA relies on foreign liaisons to get their sources and Cruise was critical of this and the CIA’s own efforts: “They need to be hooking us up, and they are relying on others to do this. I am getting better information from my sources [in the U.S.] than they are abroad.”

Cruise mentioned that the 1999 Inspection Report stated that the NYFO was weak in “source work.” He said this was “crap.” He said that most of the good sources were developed by the FBI and given to the Agency. The CIA’s analysis is “ineffective and egotistical.” He said that the CIA passes on raw information and the world overreacts. The FBI, he said, only passes on intelligence that has been corroborated. The CIA passes on uncorroborated information received from foreign liaison services. “I haven’t seen anything from the detainees that is worth a damn. . . . The CIA needs to be spies – not only foreign liaison officers.” Cruise said that the FBI has people that can do this work, but “they can’t be shut out.”

Cruise said that the relationship with the CIA has “never been worse. Their egos are getting in the way. They don’t take us up on our offers to help. They aren’t producing anything.” The Abu Zabadah information came from Ali Soufan – he was invited (?) by the Agency, Cruise said.

Cruise mentioned that it was a Presidential decision to try Moussoui and he said that it was a mistake; this is the CIA's impression: the FBI gets involved and the case ends up in court.

Regarding the CIA's involvement domestically, Cruise stated that with respect to U.S. persons, the CIA can ask about them, but it cannot act up the information. The CIA cannot collect information about U.S. persons, "we can."

On MI-5 proposal. Cruise said that CIPA protects the interviewees. Intelligence is paramount, Cruise said, and "I am all for that. I have the benefit of having the hammer of prosecution, if I need it. Terrorism is a criminal act. We need all the tools we can get. It is a mistake to go the MI-5 route. We have an additional hammer. You might as well put the CIA in charge of everything. My job is to gather intelligence. I use my law enforcement abilities as a tool toward that end."

Information Sharing within the FBI. Cruise disagreed with the suggestion that most of the FBI does not know what he is doing. He said that even the CIA has people all over the world who report back. Now the FBI is controlled by HQ. Agents are supposed to be trained to decide what is significant, he said, but then conceded that they were not actually trained to do this. He said that the benefit of having 56 field offices is that you have agents everywhere who are supposed to report to HQ. Cruise conceded that they do need to share information better within and between FBI offices, but said that it would not be solved by switching to an MI-5 approach. Cruise said, "Give us the Agency's communication system." He said the CIA HQ just sets the priorities and now the FBI is doing the same thing. "We need to train our people better, sure. But we all know the priorities."

When asked about Mueller's lack of knowledge about the informant living with the hijackers until June 2002 and the handling of the Phoenix EC, Cruise said that "these are internal issues that need to be fixed."

The Wall/Legal Issues. Cruise described the "Wall" as a huge barrier: "people who knew the most were kept away from the target." He said that, even on 9/12, they were trying to keep the NSA away from Cruise, because of the Wall, which, he said, was based on an erroneous legal foundation.

Cruise said that a FISA was done on an al-Qaida case in Washington state. He said they had a 199 and a 265 (with a subfile that served as a repository of intelligence on the case, which is how they typically set these cases up). He said that the U.S. Attorney there learned of this practice and Judge Royce Lamberth, of the FISA Court determined that they must keep the intelligence and criminal cases separate. Cruise said that this was frustrating because "we had a criminal file, not a criminal case," but the Wall went up. So, "the folks that knew the most – the criminal agents – were shielded from intelligence information. Cruise said that until the FISA Court opinion, they were seeing everything. Afterward, no FISA information was shared with criminal investigators. They were so

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overprotecting that the guidance became "no access to NSA material." Cruise said that the Wall was restrictive, the AG guidance developed was even more restrictive, and then, the FBI MIOG was even more restrictive to make sure that the line was not crossed. He said the AG Guidelines and the MIOG always went short of what the law allowed (example: no physical surveillance under a Preliminary Inquiry (PI); need to have a full field investigation (FFI)).

Cruise noted that the dual 199/265 case structure will soon be replaced by Form 315. Cruise was asked what would happen to supervisors who had both criminal and intelligence officers on their squad and he said that "some supervisors would not know what their intelligence officers knew." Cruise said that Jim Baker at HQ told him on September 12 that he could not have some information because he was on the other side of the Wall.

When asked whether lawyers at the National Security Law Unit (NSLU) could go back and determine whether the intelligence was actually FISA derived to let him know when it was not, in order to deconflict and therefore get around the Wall, Cruise said that they could not as far as he was aware. He said that OIPR had to give information for information to pass. What about crucial information? "I have no knowledge of anyone saying that I need to know this and then getting it to me."

Patriot Act. Cruise said that now the Patriot Act allows physical searches on a PI and the information learned there can be used to justify opening an FFI. Also, now they can get telephone toll records under a PI.

NSLs. Cruise called the National Security Letter (NSL) process "the most laborious, bureaucratic process you've ever seen in your life." He said that the Special Agent in Charge (SAC) and the Chief Division Counsel have to approve and the SAC has to sign the NSL, as a designee is not allowed. Cruise said that he himself can write an administrative subpoena if he sees a dealer sell drugs. He said he cannot do this on an intelligence case against terrorists. He said it does not make sense that he can do this on a drug dealer, but not a terrorist.

Interaction with/Direction by Headquarters. Cruise mentioned that Dina Corsi [redacted] were the analysts at HQ that worked on the Cole bombing case. Cruise said that no one within the FBI wants to be a career supervisor at HQ, but that it is a ticket that has to be punched for career progression. He said that Freeh had decentralized everything and that the power was in the field offices. Cruise said that he is for "centralization - across the board," which, he said is happening now. Cruise said that his HQ supervisor was Kevin Cassidy (now in Milwaukee) at the time. Cruise said that he talked to HQ analysts "a lot" and that they rotated through the NY office every 30 days. Cruise said that having the analysts in the NYFO helped him manage the discoverable documents. He said that he could micromanage what they produced (and that the Southern District of NY would manage him). Cruise said that he spoke to his HQ supervisors a lot, too. He said that Bill Kurtz was a HY Supervisor then, too (he is now the head of the Fly Squad). As an aside, he said that the Fly Squad was the "right idea"

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because lots of offices are not set up to handle the work and HQ "still does not have the infrastructure to do investigations."

When asked how much input HQ had on a day-to-day basis on the embassy bombings cases, Cruise said "very little. They let me lead. The cases were directed by my squad." He added that it "would be different today." He said that prior to 9/11, he helped HQ with his deployment budgets, MOUs with the NYPD, and overtime agreements. Now, he said that all major cases under Mueller will be directed out of HQ (examples include PENTTBOM, Amerithrax cases). Cruise called this "an administrative nightmare." Reporting issues all the way up the command for daily briefings to the Director seven days a week is demanding. He said that squad management will come out of HQ, since they have no rotors (file clerks), no files, no cars, no one to upload and serialize the documents; no one to handle operational travel and credit card reimbursements, etc. He said a lot of related paperwork needs to be done, but that HQ is not set up to do this. He said that it could be restructured so that they set up a physical and management infrastructure to do this. He said that it would require "substantial change."

Cruise said that PENTTBOM is a New York "OO" [Office of Origin] case, but that "it should be a HQ case." Cruise has the file in NY. He said it was a "nightmare": over a million documents sitting in boxes. He said there was a need for a clear mission for what HQ can do. When asked if KENBOM and TANBOM (embassy bombing) cases would be handled by HQ if they happened today, Cruise said that it wasn't clear – that it would be up to the Director.

When asked what it means to have CT run out of HQ, Cruise responded that the Director says the new focus is on prevention. But Cruise said (with some vitriol) that he has been doing prevention for the past 10 years. He said that there is a lot that the JTTF is doing – and has been for the past 8-10 years – that the public never sees. Elaborating on this, Cruise said that prior to 9/11, they could not go after an Arab in a flight school. He said that hundreds had been through flight schools. "These guys [the hijackers] were all legal. How do we prevent this? We're not even sure if all the hijackers knew what they were up to."

Criminal v. Intelligence Caseload. Cruise said that for every 10 people working criminal cases, there are 30 doing intelligence cases on the JTTF. But, he said, when criminal acts occur, the FBI has to respond. He said that since 9/11, his squad is back to doing intelligence cases.

Relations with the NYPD. Cruise said that a unified chain of command was needed and that the CT effort should not be bifurcated (with the NYPD). "I have a global responsibility; I need a chain of command directly to the Director. I don't want the NYPD to micromanage these cases." Cruise said that it created a problem to have what he called "Blue Spies" (*i.e.*, the NYPD) abroad. He said the NYPD should be running down threats. When asked how many cases NYPD Deputy Commissioner for CT David Cohen has referred to the FBI, and Cruise said that the FBI had asked them for specific

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information and got nothing back. Cruise said, "It's our sandbox. If they don't want to play in it, they should leave. I can do without them."

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Problems with the NYFO/Recommendations. Throughout the discussion involving communication and coordination issues with the CIA, Cruise recommended putting the CIA and FBI on the same electronic system. Cruise also said that the NYFO needed to get the new [] space done quickly and to move the whole JTTF over to it. He said it is important to co-locate the squads. In addition, Cruise said that a legal mechanism for records checks needed to be established; in particular, he reiterated the need for administrative subpoena authority in terrorism cases. Cruise said that the FBI had a public relations problem that needed to be addressed (more than a substantive problem). He said it is important to counter the attacks from Ray Kelly (Commissioner of the NYPD), among others. He said the Director needs to start saying what we're doing right. "The outreach program has been too little, too late." He said that 9/11 was not the FBI's fault, it was the hijackers fault.

Cruise said that they needed more effective training, which should be centralized, cohesive training for the overseas work that they do. He said that they do not have the training they need for the overseas work, and that the Fly Team is not the answer. "There are too few to do too big a job."

Cruise said that they are changing the good-old-boy culture.

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