

CaseMap Facts Report

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Case: FBI in Military Zones

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Date & Time	Fact Text	Source(s)
To Be Determined	Valerie E. Caproni said she spends 1/2 her time on national security and 1/2 time on a list of other issues such as civil litigation, purchases for computers. Every subject matter that have supervisors deal with it. For National Security, lots of a variety of issues, including Office of Intelligence Policy Review, trying to figure out if you could use information from a FISA, etc. She said she reports to the Deputy Director, but in reality Robert S. Mueller, III is a "hand on" manager. She makes a judgment as to whether it's a DD or D issue.	Valerie Caproni Interview 2 at 8:00 - 9:00
To Be Determined	Valerie E. Caproni asked to review "Q & A re: Prisoners", draft by OGC for briefing book for S 20-04 Senate Judiciary Committee hearings.	Valerie Caproni Interview 2 at 12; Valerie Caproni Interview 2 Notes at 2; Bates at 10749
To Be Determined	Valerie E. Caproni explained that the whole thing started with the public outcry about Abu Ghraib, early to mid-May of 2004. At that point, the Director was already scheduled to testify on another point. The Director wanted to know what did we (Federal Bureau of Investigation) know about Abu Ghraib. Normally, that request would go to inspections; they were rotating substitutes through inspections. Director asked her because she was in TDY. Valerie E. Caproni was fairly confident that the Federal Bureau of Investigation did not know what was going on at Abu Ghraib. About that same time, she began to worry about U.S. Naval Base Guantanamo Bay, Cuba. Marion E.	Valerie Caproni Interview 2 Notes at 2; Valerie Caproni Interview 2 Notes at 17 - 20:00

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	<p>"Spike" Bowman gave him the May 30, 2003 EC from [redacted]</p> <p>[redacted] She is sure she talked to the Director about U.S. Naval Base Guantanamo Bay, Cuba. Suggested surveying agents about Abu Ghraib, but definitely, U.S. Naval Base Guantanamo Bay, Cuba is out there. *</p>	
To Be Determined	<p>Valerie E. Caproni then thought that Steven C. McCraw might have done the survey of Abu Ghraib during that time-period. She emphasized, it was fast, right to the point, got results back and done well. It all came back negative. They hadn't seen anything. Not even heard rumors.</p>	Valerie Caproni Interview 2 at 21.
To Be Determined	<p>Valerie E. Caproni was shown a document "Q&A Re Prisoners" (Draft by OGC for Briefing Book for [] Senate Judiciary Committee hearing.) She initially noted that the first two pages, Bates 30749-30750 is one document, but the next page, bates 30751, that had been stapled with the first two is a separate document. Valerie E. Caproni explained that the Q&A document was created in early May, before the Director was going to testify before the Senate Judiciary Committee. She emphasized that the "whole thing" started with the public revelation of what happened at Abu Ghraib in early or mid-May. The Director was already scheduled to testify before the Senate Judiciary. Immediately, the morning it hit, the Director wanted to know "what did we know about Abu Ghraib." She <i>thinks</i> the Director asked her to do this was because the person who usually ran inspections was gone and a new person had not been appointed. They were in a "TDY" situation with inspections and she was acting like the head of inspections at that time. At the same time, the counter-terrorism division started reaching down to find out what happened. *</p>	Valerie Caproni Interview 2 at 12 - 18; Valerie Caproni Interview 2 Notes at 2; Bates 30749
To Be Determined	<p>Valerie E. Caproni said that she quickly became fairly sure that NO Federal Bureau of Investigation agents knew about what had happened at Abu Ghraib. About the same time, she got a visit, phone call or e-mail from Marion E. "Spike" Bowman, and he gave her the 5/30/03 EC</p>	Valerie Caproni Interview 2 at 17:45 - 20; Valerie Caproni Interview 2 Notes at 2

	from U.S. Naval Base Guantanamo Bay, Cuba. (See, 5/6/04 e-mail from Marion E. "Spike" Bowman to Valerie E. Caproni.) Valerie E. Caproni said she thought that even if they could contain the issues at Abu Ghraib, it would not matter, because the issues at U.S. Naval Base Guantanamo Bay, Cuba would have to be dealt with. She is confident that she told the Director at that time, that she was pretty comfortable that they didn't know anything about Abu Ghraib, but that they should survey the employees to make sure, but that we have this issue at U.S. Naval Base Guantanamo Bay, Cuba. *	
To Be Determined	Valerie E. Caproni said she thought Steven C. McCraw handled finding out what happened at Abu Ghraib, who was there, etc. It was handled the way you want it to be done, fast and thoroughly, completed within a few weeks. Limited to people at Abu Ghraib. It all came back negative. Federal Bureau of Investigation agents had not even heard rumors. (Valerie E. Caproni speculated that if Steven C. McCraw was the person who handled the Abu Ghraib survey, then her recollection of why the Director assigned her to the task must be wrong.) (Valerie E. Caproni said that there should be an EC or e-mail from this time period; we did not have one to show her.) *	Valerie Caproni Interview 2 at 20-22; Valerie Caproni Interview 2 Notes at 2
To Be Determined	Valerie E. Caproni said that when she got the 5/30/03 EC, she immediately wanted to know what had been done in response because the EC did ask for assistance. She said she learned that nothing was done in writing, although on a parallel line, in late 2001 - early 2002, the Director made a decision that the Federal Bureau of Investigation was not going to be participating in aggressive techniques. "Whatever Department of Defense or [redacted] can do, we're not going to do it." Valerie E. Caproni said she heard that from a lot of people that was everyone's marching orders, do not do a technique outside the Federal Bureau of Investigation way. Valerie E. Caproni said she was looking for anything in writing that explained this position, but found nothing; this was the genesis of the 5/19/04 EC.	Valerie Caproni Interview 2 at 21-24; Valerie Caproni Interview 2 Notes at 3.

	About that same time, they were putting together briefing books for the Director. The Q&A is one iteration of the Q&A for the Director. Also, at about the same time, John Ashcroft was going to be testifying. For some reason, they were coming up with Q&A for the Director and for the Attorney General.	
To Be Determined	When reviewing the Q&A document, Valerie E. Caproni said that the comments in brackets were probably ones that she put in. For example, one bracket states: [The short answer is yes, but not officially.] Federal Bureau of Investigation has never officially told Department of Defense that someone in the Federal Bureau of Investigation [redacted] had a belief that Department of Defense's techniques were illegal. Valerie E. Caproni tried to explain how and why she was trying to anticipate questions from Hill and how best to answer these questions without starting a "war" between Department of Justice and Department of Defense.	Valerie Caproni Interview 2 at 25 - 39 ; Valerie Caproni Interview 2 Notes at 3; bates 30749 - 30750
To Be Determined	Valerie E. Caproni said she was trying to avoid getting the Director into the position in which he was going to say that the Federal Bureau of Investigation thought that Department of Defense was torturing people. (Or even in a position where people might "perceive" that the Federal Bureau of Investigation thought Department of Defense was torturing people.) She did not think the Federal Bureau of Investigation was in a position to say that. Valerie E. Caproni said she was trying to make it clear through the questions and answers, that the Federal Bureau of Investigation was not participating and that if they wanted to know what the Department of Defense was doing, they should ask Department of Defense.	Valerie Caproni Interview 2 at 30 - 36:00; Valerie Caproni Interview 2 Notes at 3 - 4.
To Be Determined	Valerie E. Caproni was asked to review her handwritten notes. She pointed out that some of these were out of order; the dates were out of order, etc. She also thought there were other hand-written notes that would have reflected her conversations with others. This is post-Abu Ghraib, in anticipation of Director and AG testifying, trying to get facts	Valerie Caproni Interview 2 at 38 - 41; Valerie Caproni Interview 2 Notes at 4.

	in case questions went to U.S. Naval Base Guantanamo Bay, Cuba and Afghanistan. She stopped collecting information once she learned that the Office of the Inspector General was conducting our investigation.	
To Be Determined	<p>Valerie E. Caproni reviewed her notes [REDACTED] (Bates 4134.) Valerie E. Caproni thought this was "psych ops." She thinks T.J. Harrington told her this was "psych ops." Valerie E. Caproni said that she knew that the [REDACTED] had been allowed to do worse than was what described in the notes. Valerie E. Caproni emphasized that her main focus, as always, was, "what were we, the Federal Bureau of Investigation, involved in?" "Did we have any involvement?" "Do we have any concerns about our involvement?" Valerie E. Caproni said that her belief was that whatever the [REDACTED] was doing was cleared and approved and well within their rules. When asked by the Office of the Inspector General, Valerie E. Caproni said she was not thinking about the Torture Convention at all. When asked by the Office of the Inspector General whether she had consulted Marion E. "Spike" Bowman or the National Security Law Branch about the Torture Convention because rendition does violate the statute, Valerie E. Caproni simply stated that she was not thinking about the Torture Convention at that time.</p>	<p>Valerie Caproni Interview 2 at 42 - 446; Valerie Caproni Interview 2 Notes at 4 - 5</p>
To Be Determined	<p>Valerie E. Caproni said she learned that certain agents were assigned to [REDACTED] that the [REDACTED] was authorized to do techniques the Federal Bureau of Investigation is not allowed to do. Valerie E. Caproni explained that [REDACTED]</p> <p>The question is one of [REDACTED]</p>	<p>Valerie Caproni Interview 2 at 47 - 50; Valerie Caproni Interview 2 Notes at 5</p>

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	<p>participation. Valerie E. Caproni said she learned this from Louis B. Price.</p> <p>[redacted]</p> <p>Valerie E. Caproni stressed this was important because if the Federal Bureau of Investigation was not allowed to participate in those types of techniques, then there was no reason for the agents to be around. * [red diamond]</p>	
To Be Determined	<p>Valerie E. Caproni agreed that one reason to keep the agents away is so that they will not have problems when they are testifying in other cases. She said that was one of the reasons she heard articulated. Valerie E. Caproni said that isn't her opinion as to why it shouldn't be done. Valerie E. Caproni said she did not think it was "willful" blindness. She explained, start with the position that the [redacted] is authorized to do what they are doing. Next, should the Federal Bureau of Investigation take the position that the Federal Bureau of Investigation having nothing to do with it. We're not going to get any intelligence from it. We're not going to sit outside the box and listen to what the [redacted] is saying and help them get the intelligence we need. Valerie E. Caproni said in her opinion she thought that was wrong - "we have a job to protect the people." The executive made the decision that these types of techniques were going to be permissible. Whether the Federal Bureau of Investigation would have made the same decision is moot at that point -- the decision was already made. Then, how do we, Federal Bureau of Investigation, do our job consistent with the Director's position that we're not going to participate in these techniques. The middle ground of saying that we're not at the location where the techniques are being used, we're at another location where we can assist the [redacted] to get information. According to Valerie E. Caproni, that decision was made before she joined the Federal Bureau of Investigation. *</p>	<p>Valerie Caproni Interview 2 at 50 - 53 ;</p> <p>Valerie Caproni Interview 2 Notes at 5 - 6.</p>

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To Be Determined	When asked how the Federal Bureau of Investigation could be protected from situations like [redacted] Valerie E. Caproni said the only thing she could think of would be for the Federal Bureau of Investigation to be present at the site and that would be worse.	Valerie Caproni Interview 2 at 53.
To Be Determined	Valerie E. Caproni said she thought there was a written agreement between [redacted] the Federal Bureau of Investigation and [redacted] that relates to this topic, but that it does not necessarily address all the relevant issues. <i>She was asked to provide a copy to the Office of the Inspector General and agreed to do so. *</i>	Valerie Caproni Interview 2 at 53 -54
To Be Determined	Valerie E. Caproni was questioned about her testimony, 7/14/04, before the House Permanent Select Committee on Intelligence. She was asked about her statement that the May 19, 2004 EC, "added a reporting requirement for instances of known or suspected abuse or mistreatment of individuals... by non-FBI personnel...." Valerie E. Caproni said there was an expectation that if an agent saw someone at Department of Defense, etc. torturing a detainee, that the agent would go to someone and report what they saw. Although there was an expectation, there wasn't anything in writing about that expectation.	Valerie Caproni Interview 2 at 55 - 57; Valerie Caproni Interview 2 Notes at 6. Bates 25180-25185, at 25185.
To Be Determined	Valerie E. Caproni agreed that other than misprison of felony there was no legal or regulatory requirement for an Federal Bureau of Investigation agent to report. Valerie E. Caproni said the purpose of the May 19, 2004 EC, specifically was to reiterate policy, also, to make it clear under the A-X memo some things might be okay for others, but not Federal Bureau of Investigation agents, and to make it clear that the agents should report if they saw something. She never saw any real confusion about the reporting requirement. This is Washington - we had to document what we wanted the agents to do. Valerie E. Caproni said it was not her thought to write an EC that would get them "set up."	Valerie Caproni Interview 2 at 57 - 1:00; Valerie Caproni Interview 2 Notes at 6
To Be Determined	In response to an e-mail sent by Edward H. Lueckenhoff, 5/22/04, in which Edward H. Lueckenhoff asked for further guidance re: the 5/19/04 EC, Valerie E. Caproni noted that her office is still working on	Valerie Caproni Interview 2 at 1:01 ; Valerie Caproni Interview 2 Notes at 6; Bates 4673-4674

	another advice memo, more than a year later. (Bates 4671-4674) She said her problem is that, sitting in her office as a lawyer, she cannot come up with every scenario that the agents might face and they have to rely on the agent's judgement. She said she doesn't think agents should feel like someone was trying to "set them up" for discipline because the 5/19/04 EC uses language such as "must" and "should." She said if someone did try to discipline an agent for failure to report, she would most likely be on the side of the agent because there is so much judgment involved. *	
To Be Determined	Valerie E. Caproni said the key part is, "what do you mean by participation." She thinks this is the part that is difficult to define. When asked what "prism" agents should use when reporting, particularly after the 5/19/04 EC, Valerie E. Caproni said as far as she knew there were no reports. There may have been reports through other chains, but not through her.	Valerie Caproni Interview 2 at 1:02; Valerie Caproni Interview 2 Notes at 7
To Be Determined	Valerie E. Caproni is not sure if the Director saw the 5/19/04 EC before it went out. (She did forward it to him on 5/28/04. Bates 1030586.) She knew the Director did not want the agents to be involved and wanted the agents to "phone home" if they saw something wrong. Valerie E. Caproni said she was SURE she wasn't thinking that agents could get punished if they did not follow the policy.	Valerie Caproni Interview 2 at 1:07; Valerie Caproni Interview 2 Notes at 7.
To Be Determined	Valerie E. Caproni recalled having an e-mail to discuss Edward H. Lueckenhoff's e-mail. OGC and Counter-terrorism, maybe [REDACTED] but she is not sure who else was at the meeting. Valerie E. Caproni said that she and Gary M. Bald were not on the same page. They had a meeting to discuss specific facts. Valerie E. Caproni thinks that if the agent knows it's in the other agency's realm of approved techniques, then they should not have to report. Valerie E. Caproni said they did not want agents to assume that Department of Defense employees were lying when they told the agents that the plan was approved. *	Valerie Caproni Interview 2 1:12 - 1:14

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To Be Determined	Valerie E. Caproni noted that U.S. Naval Base Guantanamo Bay, Cuba is new - we've never held people in limbo before. They're in Department of Defense custody, they had information we needed and their "rights" were subject to constitutional litigation -- this is a unique situation. Historically, the Federal Bureau of Investigation has worked with Department of Defense on cases before. Valerie E. Caproni said she doubted there were very many where we interviewed people in Department of Defense custody. With [redacted] Federal Bureau of Investigation has worked with them, particularly with the first World Trade Center, but [redacted] did not get approval to use extraordinary techniques until after 9/11.	Valerie Caproni Interview 2 at 1:17 - 1:19
To Be Determined	Valerie E. Caproni emphasized that even without anything in writing, she is sure that 99.9% of agents would have done something if they had seen the bad things going on at Abu Ghraib. Valerie E. Caproni wanted to be clear, however, that the more involved she became with the matter, she learned that the [redacted] and Department of Defense had been given great latitude as to what they could do with the detainees. She thought you would have to get to the level of conduct by [redacted] and [redacted] before going over the permissible line.	Valerie Caproni Interview 2 at 1:19 - 1:20
To Be Determined	Valerie E. Caproni emphasized that she did not think there was a "requirement" to report -- she did not think that was the right word. She said she had an "expectation" that if agents saw the egregious things that occurred at Abu Ghraib, like piling up naked people, she assumed the agent would have done something. The agent might not have done something right there. They have no authority in the prison except for moral authority. Still, she is certain that almost all agents would have placed a call to report what was going on. She does not think that is in writing anywhere, that it is just part of being an agent. There was no "requirement" in the way that Office of Professional Responsibility-FBI or Office of the Inspector General could look at and	Valerie Caproni Interview 2 at 1:17 - 1:20

	<p>say that an agent had not done what was "required." Valerie E. Caproni emphasized that the longer she "nuked around" in the subject area, she became convinced that you would need to get to conduct like [redacted] and [redacted] before you would find something that was not authorized. Department of Defense and [redacted] were given a very broad range of permissible authority.</p>	
To Be Determined	<p>Valerie E. Caproni said she did not want to write a policy that is too specific because then some people will say, "but you didn't tell me I had to do that." She thought writing a more general policy was better because then you could rely on the good judgement of the agents to know when they needed to consult with their On-Scene Commander.</p>	Valerie Caproni Interview 2 at 1:22
To Be Determined	<p>Valerie E. Caproni was shown an e-mailed from [redacted] to [redacted] re: Valerie E. Caproni, John S. Pistole, Marion E. "Spike" Bowman and Elaine N. Lammert, 5/28/04. She remembered talking about this topic with John S. Pistole. She thought they had decided that they would not take a detainee back after they had been interviewed. When asked if an agent has an affirmative duty to make sure that the detainee was not tortured before being turned over to the Federal Bureau of Investigation, some kind of due diligence, Valerie E. Caproni noted that this is a war situation with Department of Defense in control. Valerie E. Caproni said that her advice is premised on the basis that if agents see something occurring that it's clearly unauthorized, the agents will know it. She posed a "devil's advocate" scenario -- the idea of an Federal Bureau of Investigation agent going to the military and asking questions, seeking the basis for their determination that the detainee had been treated appropriately and lawful. Are we going to impose a waiting period? A day? An hour? Why?</p>	<p>Valerie Caproni Interview 2 at 1:23 - 1:28; Valerie Caproni Interview 2 Notes at 9; Bates 7566</p>
To Be Determined	<p>Valerie E. Caproni said she did not want to "legislate" for the small percentage of bad things agents might see. There is no background that</p>	Valerie Caproni Interview 2 at 1:30-1:32.

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	the military routinely "tortures" people so the assumption should be that the military is complying with their rules. As a lawyer, she would like to have the agents do a "due diligence" before interviewing someone. But that would make the agents completely useless and then they should just come home. Valerie E. Caproni said that she thinks we should just bring the agents home, but that others disagree and think that the intelligence being gained is worth the risks to the individual agents and to the Bureau as a whole.	
To Be Determined	Valerie E. Caproni was shown a copy of a draft of another EC re: legal advice about treatment of prisoners and detainees. She noted that it was a draft with writing on it and it had not gone out.	Valerie Caproni Interview 2 at 1:32; Bates: 30015-30019
To Be Determined	Valerie E. Caproni said her first e-mail in the chain was 6/10/04 to [REDACTED] she was just asking whether observations about [REDACTED] had been reported. By this time, she had seen the 5/30/03 EC and spoken to [REDACTED] She was in the mode of cleaning up the paper trail that we did not have. When asked why some of what [REDACTED] raised was put in the letter to Donald J. Ryder and other things were not, specifically Lt. Col. ^{(b)(2), (b)(7)(C), (b)(7)(D)} Valerie E. Caproni felt like there was nothing specific about Lt. Col. ^{(b)(2), (b)(7)(C), (b)(7)(D)} other than attitude and that [REDACTED] did not like him. She thought that Department of Defense would take care of that if they opened an investigation.	Valerie Caproni Interview 2 at 1:32 - ; Bates 10926-10927
To Be Determined	Valerie E. Caproni said she was concerned when xx raised the issue that only three incidents were seen. She said that was why she went ahead to survey the people at U.S. Naval Base Guantanamo Bay, Cuba.	Valerie Caproni Interview 2 at 1:38; Valerie Caproni Interview 2 Notes at 9 - 10; Bates - 10926 - 10927; 7/14/04 (draft?) letter from T.J. Harrington to Donald J. Ryder - no bates stamp.
To Be Determined	Valerie E. Caproni was asked about the Special Administrative Inquiry conducted to canvass all agents who were at U.S. Naval Base Guantanamo Bay, Cuba to see if they had witnessed or participated in any abuse. Valerie E. Caproni said she was not concerned about	Valerie Caproni Interview 2 at 1:43 - 1:48; Valerie Caproni Interview 2 Notes at 11 - 12; Bates 23203-23204; 18698-18699; 18691; 2148-2149.

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	<p>"exposure" for the Federal Bureau of Investigation or any individuals agents, she simply wanted the facts. [redacted] and [redacted] argued that the agents could not be interviewed because of the potential for criminal exposure. Valerie E. Caproni said that as a prosecutor for ten years, she did not see any possible criminal exposure. She did speak to the head of public integrity to seek a declination. (She could not remember the name of the person.) The only crime that seemed possible was misprision and they were sure it was not that. Valerie E. Caproni then asked [redacted] to research misprision; his conclusion was that it really did not apply to the situation the agents were in at U.S. Naval Base Guantanamo Bay, Cuba. [redacted] to Valerie E. Caproni e-mail, 9/3/04). They were confident that there was no criminal exposure.</p>	
To Be Determined	<p>Once the issue of criminal exposure was "off the table", then Valerie E. Caproni was asked how to be sure the agents would not be exposed to administrative discipline if they failed to report something they saw. Valerie E. Caproni knew there was almost no requirement to report and any requirement was vague. Valerie E. Caproni emphasized that it was much more important to conduct the inquiry and not worry about potential administrative discipline for six agents. She was very concerned that it was September and they still did not know what had been going on at U.S. Naval Base Guantanamo Bay, Cuba. Finally, someone gave the "magic words", "Special Administrative Inquiry" and then they went forward with the review. Valerie E. Caproni said she had no idea why these were "magic words." She did not do any further investigation as to why inspections thought this was sufficient. She was just anxious for [redacted] to obtain the information. She said she did speak with Bruce J. Gebhardt and he approved this decision. She said there was no question of keeping the Office of the Inspector General out of the loop. Valerie E. Caproni said she just did not think about it. In her view, the Office of the Inspector General can</p>	<p>Valerie Caproni Interview 2 at 1:48 - 1:52; Valerie Caproni Interview Notes 1/12/05 at 11 -12, Valerie Caproni Interview 1</p>

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	come in anytime, point or place. She expected that the Office of the Inspector General would come in at some point given the amount of information already public.	
To Be Determined	Valerie E. Caproni was asked to review an EC dated 9/23/04, "Provide results of captioned special inquiry to the office of the General Counsel for review." The last paragraph of the cover EC states that the "interviews resulted in a determination that no Federal Bureau of Investigation personnel were involved in any mistreatment or aggressive behavior of detainees at U.S. Naval Base Guantanamo Bay, Cuba." Valerie E. Caproni agreed that the inquiry had not been done to obtain the answer to this specific question. They did not even ask the question and, therefore, did not answer the question despite what was written. Valerie E. Caproni emphasized that she had NO knowledge that any Federal Bureau of Investigation agents had mistreated detainees. She said if they had ANY indication that Federal Bureau of Investigation agents were involved in misconduct, they would have taken a different route.	Valerie Caproni Interview 2 at 1:52 - 1:57; Valerie Caproni Interview 2 Notes at 12; Bates - 10679
To Be Determined	Valerie E. Caproni reviewed a letter she sent to John M. Smith, Deputy General Counsel (Intelligence), 1/6/05. Transmittal letter with survey results from the U.S. Naval Base Guantanamo Bay, Cuba review. Did not attach the negative responses, only the affirmative responses. She determined there were 26 possible issues; she decided it was probably only 8 or 9, but she sent all 26.	Valerie Caproni Interview 2 at 1:57; Valerie Caproni Interview 2 Notes at 12; Bates 9849-9850
To Be Determined	Valerie E. Caproni said that information Federal Bureau of Investigation learns about abuse by a detainee should be documented in 302. She assumed a military person would be sitting there while the interview was on-going. Memorandum 2/28/05 from [redacted] to Valerie E. Caproni, Julie F. Thomas and Elaine N. Lammert, re: reporting process for detainee abuse allegations at U.S. Naval Base Guantanamo Bay, Cuba. Memorandum states that the process was instituted because an Assistant General Counsel from Federal Bureau	Valerie Caproni Interview 2 at 2:12 - 2:16; Valerie Caproni Interview 2 Notes at 13; Bates - 18432-18434

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	of Investigation reviewed the 302s and found allegations by detainees of mistreatment by US captors. This was begun in August 2004, in response to Abu Ghraib. Valerie E. Caproni said she did not think this would work well in Iraq or Afghanistan, the way it works in U.S. Naval Base Guantanamo Bay, Cuba. Her concern was that reading the 302s, this was the first time they heard about these allegations of mistreatment.	
To Be Determined	Valerie E. Caproni reviewed the time-line, page 4, entry for 11/27/02, stating [redacted] faxed his legal analysis of interrogation tactics being used at U.S. Naval Base Guantanamo Bay, Cuba to OGC for review. When asked whether she was satisfied with HQ's response to [redacted] concerns, Valerie E. Caproni stated she was not sure what was done with the reports. She does not think Marion E. "Spike" Bowman responded adequately to [redacted] concerns. (That was the response on the part of Office of the General Counsel - FBI.) She knows that Marion E. "Spike" Bowman raised the matter with the military contacts, and that he thought it would be solved. In retrospect, Marion E. "Spike" Bowman thought the military was going to do what they should have done. Marion E. "Spike" Bowman did not know that the military did not do what they should have done. Valerie E. Caproni suggested that [redacted] could have improved the way he reported his concerns. (Valerie E. Caproni contacted [redacted] after the interview to modify her answer to what could have been done differently.)	Valerie Caproni Interview 2 at 2:16 - 2:20; Valerie Caproni Interview 2 Notes at 14
To Be Determined	Valerie E. Caproni reviewed the time line entry, page 8, 1/20/04 re: MLDU Memo re: repatriation issues to DOJ/AAG. Detainee [redacted] claimed an Federal Bureau of Investigation agent hit him in the face after his arrest while on a plane en route to Bagram Air Force Base. NSLB comment: it is unknown what action, if any, was taken in response. (Bates 28971 - time line). This is an allegation against an Federal Bureau of Investigation agent. Valerie E. Caproni	Valerie Caproni Interview 2 at 2:23 - 2:27;

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	said she did not know if it was reported and that yes, it probably should have been reported. She does not know if the people working on this time-line had tried to follow-up further with the allegation. *	
To Be Determined	Valerie E. Caproni said she knew who [redacted] is. She recalled the incident about [redacted] and [redacted] where she sent the e-mail to two of the individuals who were potentially involved in wrongdoing. Valerie E. Caproni noted that [redacted] clearly wasn't thinking that an investigation might occur after [redacted] complained. The agents were not thinking that every time a detainee makes a complaint it needed to be reported. Now, there is a process at U.S. Naval Base Guantanamo Bay, Cuba.	Valerie Caproni Interview 2 at 2:26 2:31; Valerie Caproni Interview 2 Notes at 15.
To Be Determined	Valerie E. Caproni said 10/5 or 10/6 she and [redacted] spoke. Whatever he told her was inadequate. E-mail between Valerie E. Caproni [redacted] and [redacted] 10/6/04. Initially, Valerie E. Caproni referred to the FOIA request that included excerpts from memos that are written to Department of Justice as a part of the repatriation process. One included allegations by detainee [redacted] Valerie E. Caproni stated that once the information is released, people would want to know whether the Federal Bureau of Investigation did anything after learning these facts. Valerie E. Caproni noted that [redacted] answer was not "sufficient", although it told her what she needed to know, that no investigation was done. She said she was talking to Gary M. Bald; that there should be a system to that when we learn of allegations against our agents, even if we believe them to be untrue, someone needs to run it down so we have a record that we did so. If the military is investigating allegations against the Federal Bureau of Investigation, I would want to know that as well." (Bates 24469 - 24478) (During the interview, Valerie E. Caproni agreed to check to see if she has a note about her conversation with [redacted] She later contacted [redacted] and told him she could not find any written record.) *	Valerie Caproni Interview 2 at 2:31-2:40; Valerie Caproni Interview 2 Notes at 15.

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To Be Determined	Valerie E. Caproni asked if she knew [redacted] She thinks he was not a source or asset, although he tried to be one. Valerie E. Caproni said she learned about his problems in Afghanistan, in the newspaper. July 14, 2004, entry in time line - page 19, (Bates 28765)	Valerie Caproni Interview 2 at 2:44 - 2:46
To Be Determined	[redacted] told Valerie E. Caproni he was not comfortable there. He didn't have any specifics, just that it is not a good place for Federal Bureau of Investigation agents. Valerie E. Caproni took him seriously because he had been Green Beret. *	Valerie Caproni Interview 2 at 2:46
To Be Determined	Valerie E. Caproni recalled speaking with Gary M. Bald about Federal Bureau of Investigation's presence in Afghanistan. She felt that the Federal Bureau of Investigation probably should not be there, for a number of reasons. Gary M. Bald told her the same things she had heard from others - that the Federal Bureau of Investigation was "value added" and that things would not be done if the Federal Bureau of Investigation was not present. This might translate to added security for the United States. Balancing between not being able to give people bright lines vs war zone.	Valerie Caproni Interview 2 at 2:50 - 2:52
To Be Determined	Valerie E. Caproni said she had a conversation with [redacted] III about the Office of Legal Counsel opinion. She wanted to be sure that [redacted] was okay with the [redacted] memorandum. She did not have a copy of the memorandum. It was public knowledge that there were Office of Legal Counsel opinions. Before Abu Ghraib, some time in the summer of 2004. (??DATE) She wanted to be sure that Office of Legal Counsel was standing behind their memorandum. She thought [redacted] came after the memorandum were written; it would give her comfort if he was "okay" with those memorandum. At the time, she had not seen the memos. She asked [redacted] if she could see the memos and he asked "which one." She said, "I don't know which one." I just wanted to be sure that [redacted] was still comfortable with advice given to the the White House and Department of Defense and [redacted]	Valerie Caproni Interview 2 at 2:53, Valerie Caproni Interview 2 Notes at 16

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	<p>_____ She thought all of this had been vetted through Office of Legal Counsel. Before Abu Ghraib, there had been a leak of _____ techniques and the newspaper reports suggested that it had all been blessed by Office of Legal Counsel.</p>	
To Be Determined	<p>Valerie E. Caproni said that at one point she asked _____ about the helicopter incident. (Valerie E. Caproni thought at that time _____ was acting almost like _____ deputy. _____ said the incident never happened.</p>	<p>Valerie Caproni Interview 2 at 2:58; Valerie Caproni Interview 2 Notes at 17</p>
To Be Determined	<p>Someone told Valerie E. Caproni there was an interrogation plan pending with Office of Legal Counsel and Valerie E. Caproni tried to follow up. Her understanding was that they wanted to use the techniques that were "starred" on A-X memo. She thought that Office of Legal Counsel was giving an opinion about whether the techniques could be used. Ultimately, Valerie E. Caproni said she thinks that never actually occurred.</p>	<p>Valerie Caproni Interview 2 at 3:00; Valerie Caproni Interview 2 Notes at 17.</p>
To Be Determined	<p>Valerie E. Caproni said that some of the Q&A's were vetted through Department of Justice and _____ had comments. (Valerie E. Caproni did not know if it was the same Q&A discussed earlier.) He had a series of comments. Valerie E. Caproni said that the Q&A they wrote should have alerted _____ that the Federal Bureau of Investigation had documents showing concern by the Federal Bureau of Investigation agents.</p>	<p>Valerie Caproni Interview 2 at 3:01; Valerie Caproni Interview 2 Notes at 17</p>
To Be Determined	<p>Valerie E. Caproni said she was present when John Ashcroft was prepared for his testimony that was going to include testimony about the treatment of detainees. Majority of time was _____ and _____ explaining to John Ashcroft why Geneva Convention did not apply to Al Qaeda, including at U.S. Naval Base Guantanamo Bay, Cuba. Also, discussion of reservations of United States when they adopted the Conventions on Torture, and what those reservations meant, etc. Very little time spent on what the Federal Bureau of Investigation knew. Valerie E. Caproni said she did not really</p>	<p>Valerie Caproni Interview 2 at 3:01 - 3:03; Valerie Caproni Interview 2 Notes at 17.</p>

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	remember, but the way they had decided to explain the problems between the Federal Bureau of Investigation and Department of Defense at U.S. Naval Base Guantanamo Bay, Cuba, was that the Federal Bureau of Investigation thought their way was more efficacious. No knowledge of John Ashcroft knowing about IP of 63.	
To Be Determined	Valerie E. Caproni recalled a meeting right after Abu Ghraib, with [redacted] present (maybe [redacted] FNU). The meeting was about something else. At the end of the meeting, [redacted] asked, should we be concerned about truthfulness of statements that would be incorporated into FISA statements. Valerie E. Caproni said she voiced the opinion that she would be concerned and [redacted] said he would not be concerned. [redacted] later talked to [redacted] [redacted] gave him something that gave him comfort about the statements used in the FISA applications. Later, [redacted] asked Valerie E. Caproni for all documents provided to American Civil Liberties Union. When asked why he wanted the documents, [redacted] said something about wanting to make sure nothing had gotten into the FISA applications. Valerie E. Caproni said she wasn't going to give a copy of the documents and told him to go to the website. She said if they found out anything, she would let him know.	Valerie Caproni Interview 2 at 3:05 - 3:08; Valerie Caproni Interview 2 Notes at 17.
To Be Determined	[redacted] said that about six months ago, in connection with Southcom investigation, the Federal Bureau of Investigation learned that people at U.S. Naval Base Guantanamo Bay, Cuba had done things to [redacted] that were similar to what had been done at Abu Ghraib. Then it took Federal Bureau of Investigation awhile to find out whether anything [redacted] said was used in a FISA application. Valerie E. Caproni went to [redacted] and told him that if anything [redacted] said was used in a FISA application, then there was a problem. [redacted] said that [redacted]	Valerie Caproni Interview 2 at 3:07; Valerie Caproni Interview 2 Notes at 18.

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	had been used in FISA application.	
To Be Determined	Valerie E. Caproni said that early on she heard that Department of Justice knew what Department of Defense was doing, they understood Federal Bureau of Investigation's discomfort, and someone, maybe David Nahmias, said, "go talk to Department of Defense." She heard there were weekly meetings with the Department of Justice Criminal Division, and that the Criminal Division knew about the Federal Bureau of Investigation's concerns, but also understood that the resolution was "stand clear." Valerie E. Caproni said she may have heard this from [redacted] but she recalls hearing about it from sources other than just [redacted]	Valerie Caproni Interview 2 at 3:10 - 3:12; Valerie Caproni Interview 2 Notes at 18
To Be Determined	Valerie E. Caproni said that, in hindsight, she thinks that when she spoke with [redacted] about the helicopter incident, they were not talking about the same thing. She was talking about the larger picture of whether there were plans to do all sorts of things to the detainee, and [redacted] was just answering the question of whether the helicopter incident actually occurred.	Valerie Caproni Interview 2 at 3:13
To Be Determined	Valerie E. Caproni was asked whether the briefing she received when she started at General Counsel in 2003 included anything about the detainee issues. She said the briefing did not. She said she was not sure she even knew the Federal Bureau of Investigation had agents at U.S. Naval Base Guantanamo Bay, Cuba until Abu Ghraib hit. She said she may have known, but was not sure.	Valerie Caproni Interview 2 at 3:15
To Be Determined	At the end of her interview, Valerie E. Caproni stated that with 20/20 hindsight, she thinks the Federal Bureau of Investigation did a good job overall. She noted that with some exceptions where some people dropped balls, overall, Federal Bureau of Investigation did the right thing with the general policy of standing clear. She said she would have preferred to have the Attorney General pound the table and say that they were not going to send "my people" down there if Department of Defense was going to be allowed to do things to detainees. The	Valerie Caproni Interview 2 at 3:16 - 3:17.

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	<p>battle between the way the Federal Bureau of Investigation's way of doing things and parts of the military who captured Donald Rumsfeld attention, the Federal Bureau of Investigation lost that battle. (Valerie E. Caproni noted that there were many people in Department of Defense who did not agree with the position that Donald Rumsfeld took.) She thinks the Federal Bureau of Investigation did a good job balancing the need to get information to protect the United States with the decision that was made, at a level higher than the Attorney General, as to how things were going to proceed.</p>	
Fri 07/30/2004	<p>Valerie E. Caproni asked about consultation with Department of Justice. One e-mail from [redacted] to [redacted] says [redacted] witnessed a detainee draped in an Israeli flag. Bates 2044. Valerie E. Caproni identified her handwriting on the e-mail: "No, consistent with Department of Defense policy. Israeli flag is over the top, but not abusive." Valerie E. Caproni said that she read the A-X memo and that given the things the military could do, draping the Israeli flag did not seem problematic.</p>	<p>Valerie Caproni Interview 2 at 2:51 - 2:53; Valerie Caproni Interview 2 Notes at 16; Bates 2044-2049</p>
Thu 10/27/2005	<p>Valerie E. Caproni was informed that she was no longer a subject. She EOD in August 2003 as General Counsel.</p>	<p>Valerie Caproni Interview 2 at 2-3:00; 4:00 - 5:00; Valerie Caproni Interview 2 Notes at 1.</p>

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