

DECLASSIFIED BY 65179 DMH/MJS
ON 07-28-2009

BOWMAN, MARION E. (OGC) (FBI)

From: Caproni, Valerie E. (OGC) (FBI)

Sent: Thursday, May 27, 2004 8:05 PM

To:

BOWMAN, MARION E. (OGC)

Subject: RE:

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~~CONFIDENTIAL~~

RECORD 66F-HQ-A-1258990

Maybe I am being too much of a softie, but it seems to me that the word of "stand clear" just doesn't work in the environment [] has described. Plus, I just saw in Iraq that what happened with a detainee is that we got some info and then DoD immediately took the prisoner away to use harsh techniques on him. It is sort of the reverse of what he was talking about with the agent from Phoenix. While it isn't our intent to do mutt and jeff, DoD is effectively pulling us in to a participatory role.

-----Original Message-----

From: [REDACTED] (OGC) (FBI)

Sent: Thursday, May 27, 2004 8:01 PM

To: [REDACTED] Caproni, Valerie E. (OGC) (FBI); BOWMAN, MARION E. (OGC) (FBI);

Subject: RE:

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RECORD 66F-HQ-A-1258990

I think the concerns voiced by agents such as [redacted] is that we were never trained to use these interrogation techniques; therefore, although lawful, they are anathema to our way of doing things. This is a public perception issue - we take pride in what we do (not casting any judgment upon DOD because we recognize their mission needs). Furthermore, if we were to engage in these techniques, we would be disciplined or even fired. I think [redacted] is correct in his 3rd an 4th bullets - the agents want to hear from their leadership (probably Pistole on up) that they are authorized to "participate" after DOD techniques are used. For the FBI to do so, they need to say with some confidence that the benefits outweigh the risks.

-----Original Message-----

From: [REDACTED] (OGC) (OGA)

Sent: Thursday, May 27, 2004 7:08 PM

To: Caproni, Valerie E. (OGC) (FBI); BOWMAN, MARION E. (OGC) (FBI)

Subject: RE:

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RECORD 66F-HQ-A-1258990

For what it's worth these are my opinions:

1-So long as the DOD interrogation techniques are lawful, I do not believe it is unlawful for FBI agents, consistent with FBI guidelines, to question detainees after DOD techniques are used.

2- FBI is participating (or certainly will be viewed as participating) in aggressive but lawful DOD techniques where FBI agents are embedded with the military interrogators and merely as a policy absent themselves from the rough stuff and then come back in (minutes, hours or days later) to question the detainee;

3- If there is a decision that the FBI's continued involvement in the interrogation of detainees is in :

the best interests of the Nation, that decision must be confirmed at the highest levels of the Department in order to give the men and women of the FBI the comfort that down the road they will be hung out to dry.

4-Without clear statement of benefits versus the risks, I believe that extreme forward deployment of FBI must be reconsidered.

-----Original Message-----

From: Caproni, Valerie E. (OGC) (FBI)
Sent: Thursday, May 27, 2004 6:43 PM
To: BOWMAN, MARION E. (OGC) (FBI); [REDACTED]

Subject: RE: [REDACTED]

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RECORD 66F-HQ-A-1258990

I am not sure this really ups the ante in terms of the read advice it gives someone, but I also think that, to some extent, the GTMO "stand clear" advice may simply not work in theaters like Afghanistan and Iraq. I want to think a little bit about it, but I am sort of coming to the view that if we want to protect the public perception of FBI, we need to steer clearer of DoD battlefield tactics than we are currently.

Thoughts?

-----Original Message-----

From: BOWMAN, MARION E. (OGC) (FBI)
Sent: Thursday, May 27, 2004 12:29 PM
To: Caproni, Valerie E. (OGC) (FBI)
Subject: FW:

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RECORD 66F-HQ-A-1258990

Sorry, this is the correct one.

-----Original Message-----

From: [REDACTED] (Div09) (FBI)
Sent: Thursday, May 27, 2004 12:12 PM
To: BOWMAN, MARION E. (OGC) (FBI)
Cc: [REDACTED]

[REDACTED] (CTD) (FBI)

Subject:

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Change to last line in last para.

[REDACTED]

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