

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	<p>Alice Fisher described some military detainee matters she worked on, including the (b)(5), (b)(6) case, the Padilla case and (b)(5),(b)(6) 20:19. Alice Fisher was aware of enemy combatants who were at U.S. Naval Base Guantanamo Bay, Cuba. 20:30. Alice Fisher was aware of enemy combatants in Afghanistan and Iraq. 20:48. Alice Fisher was involved in discussions about the release of enemy combatants from U.S. Naval Base Guantanamo Bay, Cuba. Alice Fisher was involved in getting information with regard to the detainees who were being interrogated and kept in places wherever they were. 21:04. Alice Fisher was provided with information about what detainees had stated - usually the info was provided by the Federal Bureau of Investigation but sometimes it came from others. 21:37. Alice Fisher stated detainee issues arose in the Moussaoui matter in connection with detainees held abroad. 21:53. Alice Fisher stated she had nothing to do with who would be caught or where they would be held. 22:16.</p>	Alice Fisher Interview 1
To Be Determined	<p>Alice Fisher stated that intelligence information came from Federal Bureau of Investigation (mostly), Central Intelligence Agency, and others. There was no one point of contact. 25:36. (b)(5) Information came up from Counterterrorism Section - DOJ through the prosecutors. Some of that came from Federal Bureau of Investigation field offices or USAO-SDNY. 27:30. Alice Fisher also went to specific case briefings. 28:00.</p>	Alice Fisher Interview 1
To Be Determined	<p>Alice Fisher stated that morning threat briefings were attended by the Federal Bureau of Investigation Director and his staff. The staff changed over time: John S. Pistole, Pasquale D'Amuro and DAG and AG. 30:00. On the other briefings, ITOS was frequently there. (b)(6),(b)(7)(C) and Andrew G. Arena participated LNU and LNU also</p>	Alice Fisher Interview 1

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

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

	participated. From Criminal Division it was (b)(6),(b)(7) and David Nahmias. These were meetings to update people and coordinate U.S. investigations and prosecutions. 31:52. Alice Fisher also attended meetings on terrorist financing. 32:00.	
To Be Determined	<p>Paul Zimmerman asked when Alice Fisher first heard about any concerns relating to treatment of military detainees, including interrogation tactics or methods (from a source other than the press). 35:02. Alice Fisher said she was excluding (b)(1) from her answer. [Further discussion of scope of OIG's investigation (b)(1) (b)(1) FisherA stated she first heard about concerns about treatment of military detainees in the (b)(5) (b)(5) FisherA stated she became aware "at some time" about an issue relating to the FBI's concerns about effectiveness of DOD's interrogations at GTMO. 35:57. FisherA she does not recall being made aware of concerns about physical abuse while she was working at DOJ. She learned about it from the press (AGP scandal). 36:27. ZimmermanP asked when FisherA first learned of the FBI's concerns about the effectiveness of DOD interrogation tactics. FisherA stated she cannot recall "how" she knew it, or "when" she knew it. 37:13. She does not know if she learned it from the FBI directly, or from NahmiasD, but she learned that the FBI was concerned that GTMO was not set up as an effective place to get intelligence information from detainees there. 38:01. She remembers learning that there were no incentives available ("carrots") to induce better cooperation. 38:06. The way it was explained to her, Detainee "A" who cooperated fully would go back to the same conditions he came from before it cooperated, and Detainee "B" who did not cooperate at all would go back to the same conditions he came from (with the same food, etc) as before. She was told that this was not a good way to induce cooperation and get more intelligence. 38:55. FBI believed they got cooperation and good intelligence in the 1993 WTC case through rapport building, a technique that was "tried and true." 39:28. FisherA does not recall any specific discussion with the FBI about this. 40:30.</p>	Alice Fisher Interview 1
To Be Determined	Alice Fisher stated there was one particular detainee where the Federal Bureau of Investigation had the concern about effectiveness previously described. 41:25. The conversations described previously may have come up in the context of this one detainee -- she cannot recall if that was the case or not. 41:34. Alice Fisher stated she recalls one briefing that the Federal Bureau of Investigation provided on this one particular detainee and about what the Federal Bureau of Investigation's field investigation had been. 41:52. [FisherA stated that this information has been	Alice Fisher Interview 1

	<p>"made public" so she proceeded to describe it in the presence of her attorney, who does not hold a security clearance. 41:52.] Alice Fisher explained that (b)(1) had tried to get into Florida and had been turned back. 42:22. The Federal Bureau of Investigation had done a lot of field work and the Federal Bureau of Investigation (a woman) briefed Alice Fisher on what they found. The briefing took place in the conference room at the Criminal Division. 43:00. [Fisher then asked her attorney to step out of the room because the rest of her answer might include classified information. 43:49.] There was a lot of interest in (b)(1) because "some people thought he was the 20th hijacker." The Federal Bureau of Investigation had found links between (b)(1) and the other hijackers, including Atta. 45:03. He was not providing information, and at some point Department of Defense took over the interrogation and starting reporting on it. Alice Fisher was told from the Federal Bureau of Investigation or another source that Department of Defense was reporting information as if they had gotten it, but it was not new information. 46:00. Alice Fisher does not recall if this was in connection with David Nahmias's trip to U.S. Naval Base Guantanamo Bay, Cuba. Paul Zimmerman if she learned this in connection with a dispute between Federal Bureau of Investigation and Department of Defense over interrogation tactics. It is possible, but Alice Fisher does not remember that. 48:09. Paul Zimmerman asked if Alice Fisher recalls knowing about what Department of Defense's interrogation methods or plan was? Alice Fisher said no, she does not recall being aware of what their plan was on techniques or interrogation methods. 49:07. The information Alice Fisher got regarding the Department of Defense's reporting of information that was not new as if it was new could have come from (b)(6),(b)(7)(C) but Alice Fisher does not have a specific recollection that he was the source. 50:00.</p>	
<p>To Be Determined</p>	<p>(b)(5) (b)(5) she had dinner with David Nahmias, who mentioned some kind of interrogation plan -- she believes it was a plan for (b)(1) Alice Fisher asked David Nahmias if he recalled discussing that plan with her, and he said he did not recall a specific discussion with Alice Fisher about it. She does not recall such a discussion either. 54:44. Alice Fisher did not, at that point, talk about the substance of the plan. She does not know if the plan was a document. She said David Nahmias is a friend. (b)(6) (b)(6)</p>	<p>Alice Fisher Interview I</p>

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

To Be Determined	Paul Zimmerman asked if Alice Fisher could recall receiving any info re: Federal Bureau of Investigation concerns, observations or disagreements with the treatment of Padilla, [redacted] and [redacted] or other detainees? Alice Fisher remembers one comment that could have been related to Padilla or [redacted] (b)(1) Someone told her that there was a strategy to stop interrogating a detainee for 20 or 30 days, and the theory was, once they go back in, all the information will come flowing out. She does not know if they did that. She believed the Federal Bureau of Investigation said that would not work. She does not know if she heard about it from the Federal Bureau of Investigation, or from some other source. 58:53.	Alice Fisher Interview 1
To Be Determined	Alice Fisher stated she does not know if Federal Bureau of Investigation was involved in the interrogation of Khalid Shaikh Mohammed, which played a role in the Zacarias Moussaoui case, because he sought to depose those who had made statements about him. 1:00:14. She said she thinks the Federal Bureau of Investigation might have been there.	Alice Fisher Interview 1
To Be Determined	Alice Fisher stated Criminal Division's role was to review information from an "intelligence/threat perspective" and also to be aware of it in case it affected a criminal case. 1:02:31. They considered bringing criminal Article III charges against a couple of U.S. Naval Base Guantanamo Bay, Cuba detainees. Alice Fisher does not recall any issue coming up as to voluntariness, other than the fact that they were not Mirandized. 1:03:00.	Alice Fisher Interview 1
To Be Determined	[FisherA's attorney returned.] Does Alice Fisher recall anyone concerned about the conditions at U.S. Naval Base Guantanamo Bay, Cuba in terms of how that would affect a potential criminal proceeding? 1:05:15. Alice Fisher recalls that there were discussions that, if we brought charges in the U.S., there would be discovery into conditions of confinement, not the voluntariness of confessions, necessarily, but the "whole package." Alice Fisher can't recall the content of these discussions. 1:05:13.	Alice Fisher Interview 1
To Be Determined	(b)(5)	Alice Fisher Interview 1
To Be Determined	(b)(5) Khalid Shaikh Mohammed? (b)(5) She recalls a	Alice Fisher Interview 1

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

DOIG-INTV-000515

	<p>general concern about efficacy of U.S. Naval Base Guantanamo Bay, Cuba being raised to a deputy general counsel at Department of Defense, or someone like that. 1:18:19. Alice Fisher could not recall any particular response. 1:18:30. Fisher only interacted with OGC at Department of Defense. 1:18:59. David Nahmias and Alice Fisher would meet with Department of Defense and Central Intelligence Agency to coordinate about cases such as [redacted] or Padilla. 1:19:26</p>	
To Be Determined	<p>(b)(5)</p> <p>(b)(5)</p> <p>She remembers people were interested in (b)(1) 1:13:35. Alice Fisher said she has seen an email that mentions Behavioral Analysis Unit. 1:13:55. Alice Fisher does not recall an allegation about a detainee being taken on a helicopter ride while she was at Department of Justice. 1:14:05. Alice Fisher also noted that -- in the context of her confirmation hearing, she got a lot of questions about the email with regard to Department of Defense tactics. 1:14:41. Alice Fisher noted the her written answers (first and second round) during her confirmation were vetted by David Nahmias, Bruce Swartz, Laura Parsky (b)(6),(b)(7)(C) and Rena Comistock. She said she was not seeking to conform her memory to theirs, but she wanted to know if they saw something really wrong in her answers. In this context, David Nahmias mentioned something to Alice Fisher about a Department of Defense plan involving a helicopter. Alice Fisher said she replied, "I don't remember anything about that; are you sure that happened while I was there." David Nahmias said he did not know the timing. Alice Fisher said she thought she would remember something about an operation involving a helicopter. Alice Fisher says she has thought about it further and does not recall anything about a helicopter. 1:16:29.</p>	Alice Fisher Interview I
To Be Determined	<p>Alice Fisher does not recall anything about a helicopter other than the conversation she described with David Nahmias. Bruce Swartz would have called John Bellinger, if he was contacted. 1:17:33.</p>	Alice Fisher Interview I
To Be Determined	<p>(b)(5)</p>	Alice Fisher Interview I
To Be Determined	<p>Alice Fisher became aware of the August 1, 2002 memo because her boss Michael Chertoff commented on the draft. Alice Fisher did not see a draft or advise on it, but she knew there was a memo. 1:22:59. (b)(1)</p> <p>(b)(1) Alice Fisher believes she got a copy of the memo. (b)(6),(b)(7)(C) was assigned to work with the Central Intelligence Agency -- Office of the Inspector General in that context. 1:24:26.</p>	Alice Fisher Interview I

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

	Alice Fisher does not recall that any of those cases were declined while she was at Department of Justice. 1:25:19. Michael Chertoff was very clear that Criminal Division was not giving any kind of advance immunity for any actions by government officials. 1:25:53	
To Be Determined	<p>Does Alice Fisher recall a meeting in Michael Chertoff's office at which Alice Fisher, David Kelley, Pasquale D'Amuro and Michael Chertoff may have been present at which an High Value Detainee was discussed -- and the issue was who would take the lead on the interrogation (Federal Bureau of Investigation or another agency)? Alice Fisher said David Kelley was in her office all the time. 1:27:38. She said she has no specific recollection of that, but it is possible. 1:27:56. Does Alice Fisher recall Pasquale D'Amuro making a case that there will be issues/problems if the intelligence agencies do it, and the Federal Bureau of Investigation believed there was a nexus to domestic terrorism, but the Federal Bureau of Investigation could not have anything to do with it if certain tactics were used? Alice Fisher does not recall Pasquale D'Amuro in a meeting with Michael Chertoff like that. 1:29:34. It is possible that, if it was in regard to Khalid Shaikh Mohammed. Kenneth L. Wainstein may have been at a meeting where we talked about whether Federal Bureau of Investigation was going to participate. I thought it was Khalid Shaikh Mohammed, but it could have been someone else. 1:30:16. Alice Fisher says she "kind of remembers" a meeting at which Kenneth L. Wainstein was present where they discussed that the Federal Bureau of Investigation</p> <p>(b)(5)</p>	Alice Fisher Interview 1
To Be Determined	<p>(b)(5)</p> <p>Alice Fisher does not recall discussing specific interrogation techniques with the Federal Bureau of Investigation. 1:35:20. Alice Fisher was aware that the Central Intelligence Agency had requested advice and Office of Legal Counsel was working on that. 1:35:20. Alice Fisher was aware of the Jay Bybee memo and another memo that discussed specific techniques, but it did not "relate to the Federal Bureau of Investigation." 1:35:51. Alice Fisher did not draft it or work on it. 1:36:18.</p>	Alice Fisher Interview 1

	<p>While Alice Fisher recalls at meeting with Kenneth I. Weinstein where they discuss the Federal Bureau of Investigation not being present at a Central Intelligence Agency interrogation, but she does not recall any techniques being discussed. 1:36:52. Alice Fisher said Michael Chertoff was very clear with her that the Criminal Division was not giving advice on interrogation techniques and was not "signing off" on techniques because of "criminal intent" issues and things like that. 1:37:33</p>	
<p>To Be Determined</p>	<p>Alice Fisher stated she was not aware of an allegation that a female Department of Defense interrogator exposed her breasts to a detainee at U.S. Naval Base Guantanamo Bay, Cuba during interrogation. She does not recall being aware of an allegation that an Israeli flag was used in connection with an interrogation, except that she read about it from a public source. She does not recall an allegation that pig's blood being used in an interrogation. 1:38:35</p>	<p>Alice Fisher Interview 1</p>
<p>To Be Determined</p>	<p>Paul Zimmerman showed Alice Fisher DOJ-024700PR, which includes an EC dated 5/30/03. Fisher says she does not believe she saw this document while at Department of Justice. 1:42:02. Paul Zimmerman flipped to the written interrogation plan for (b)(1) 1:42:45. She said it does not look familiar. 1:43:10. Paul Zimmerman flipped to DOJ-024745PR which has comments by Federal Bureau of Investigation about the interrogation plan including "Phase IV." 1:45:18. Alice Fisher has a vague recollection that (b)(1) (b)(1)</p>	<p>Alice Fisher Interview 1</p>
	<p>(b)(1) - but Alice Fisher she did not believe that was done. 1:45:30. Alice Fisher does not know where she learned about this. 1:46:42. Alice Fisher said she thinks no one thought it was a good idea. 1:48:25. It would not have been within Criminal Division's jurisdiction to "sign off" on something like that. 1:48:40.</p>	
<p>To Be Determined</p>	<p>Paul Zimmerman asked about Alice Fisher's OPR responses in which she stated she participated in discussions about Federal Bureau of Investigation concerns about effectiveness of interrogation techniques with members of DOD-OGC. 1:50:35. The meetings would have been with David Nahmias, Whit Cobb (Deputy General Counsel) and others. The meetings were about detainees, enemy combatants, Padilla, etc. to make sure we were coordinate. Sometimes Central Intelligence Agency attended those meetings. Sometimes Office of Legal Counsel was at those meetings. 1:51:54. These were informal to talk about enemy combatants or criminal prosecutions. 1:52:21. These meetings started after the Padilla case, where there was miscoordination on the front end. 1:52:39. Alice Fisher remembers discussing (b)(1) and two others who</p>	<p>Alice Fisher Interview 1</p>

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	related to criminal cases. 1:53:17. Alice Fisher does not recall any discussion of mistreatment or voluntariness (in terms of an impediment of bringing them into the Article III system). The whole legal strategy about whether they had habeas that came into play, but not abuse or mistreatment. 1:54:36.	
To Be Determined	(b)(5)	Alice Fisher Interview 1
To Be Determined	Alice Fisher discussed the Federal Bureau of Investigation's concerns that U.S. Naval Base Guantanamo Bay, Cuba was not "set up" for cooperation (no possibility of pleas, etc) with Michael Chertoff, David Nahmias and possibly (b)(6),(b)(7)(C):59:11. Alice Fisher does not recall what Department of Justice's assessment was of those concerns. Alice Fisher would not have felt that Criminal Division could get in the middle of a dispute between Federal Bureau of Investigation and Department of Defense on how to interrogate. 2:00:03. Alice Fisher says she thinks they eventually set up a system of incentives (though she may have read about it in the press). 2:00:28. Alice Fisher does not know if anyone discussed it with the DAG's office or the AG's office 2:02:07. Alice Fisher does not recall if high-level Department of Justice officials raised it outside the Department of Justice. 2:02:51. Alice Fisher believes Federal Bureau of Investigation and Department of Defense were coordinating at U.S. Naval Base Guantanamo Bay, Cuba. The issues with each of the options (Article III vs. Tribunals) etc was discussed. It would not have been up to us to decide because intelligence gathering was not our main purpose. We were focused on criminal prosecutions. 2:04:20.	Alice Fisher Interview 1
To Be Determined	Alice Fisher does not recall discussing treatment or interrogation techniques with the Federal Bureau of Investigation. 2:07:09. Fisher does not recall hearing of such concerns from another source -- though she mentioned again the Central Intelligence Agency referrals. 2:07:54.	Alice Fisher Interview 1
Tue 07/31/2001 - 07/??/2003	From approx July 31, 2001 to July 2003 Alice Fisher stated she was the Deputy Attorney General in the Criminal Division. She has not held any other prior service with Department of Justice. As Dep AG, Alice Fisher supervised certain sections. She initially managed multiple sections, including Counterterrorism Section - DOJ. 9:00 Michael Chertoff was Alice Fisher's boss until he became a judge in May or June 2003. 11:02 At that point, Christopher Wray became Acting Asst AG for the Criminal Division. 11:40. There were four other Deputy Asst AGs at the time, Jack	Alice Fisher Interview 1

	Keeney, John Malcom, Marilee Warren, and Bruce Swartz. 13:38. Bruce Swartz had responsibilities as liaison with other agencies. 14:00. David Nahmias was a counsel to the AAG for Criminal Division. 14:22. After Alice Fisher left, David Nahmias took her job as Deputy Asst AG under Christopher Wray. David Nahmias focused on terrorism issues. 15:26. Their offices were right next to each other. They worked together a lot. 15:40. Michael Chertoff, Alice Fisher and David Nahmias would all do the morning threat briefings for the AG and Federal Bureau of Investigation Director. David Nahmias reported to Michael Chertoff not Alice Fisher. 17:20.	
Tue 09/20/2005	Alice Fisher stated she is currently Assistant Attorney General of the Criminal Division. 7:30.	Alice Fisher Interview I