

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	From May 2001 through Sept or early October 2003, Larry Thompson served as Deputy Attorney General under John Ashcroft.	Larry Thompson Interview 1 at 1:30
To Be Determined	Larry Thompson does not recall ever getting, receiving or learning about concerns regarding overseas detainee treatment. Larry Thompson was aware, in the aftermath of 9/11, of some Federal Bureau of Investigation concerns about the need to "clear" detainees who had been arrested and were being held in the U.S. (they needed time to conduct necessary interviews, etc.) 4:00 Larry Thompson also recalls an issue coming up about whether detainees overseas should be interrogated by the Federal Bureau of Investigation versus [REDACTED] the military. Larry Thompson said that the Federal Bureau of Investigation's position was that the other people don't really know how to do it - we know how to do it - this is how we're trained - this is what we do for a living. Larry Thompson recalls getting examples of "clumsy" interrogation by [REDACTED] the military. He does not recall anything abusive or "torture." He does recall that they were planning to not interview the person for a long period of time -- not interviewing them for 2-3 months at a time (though he said some might consider that abuse). Some of this, Larry Thompson said, he "discounted" some of this as rivalry between people. One of these examples of "clumsy" handling was with Padilla. 6:30.	Larry Thompson Interview 1 at 2:30 - 6:30
To Be Determined	Re: FBI030689CBT (White House Briefing papers). Larry Thompson recalls advocating for civilian control of prisons in Iraq (and he notes that if that had been the case, the Abu Ghraib Prison scandal would likely not have happened). Larry Thompson also stated that, if the topic of unlawful combatants or the Geneva Conventions came up during a Deputies meeting, then they probably would not have discussed anything but that. Armitage and Paul Wolfowitz	Larry Thompson Interview 1 at 6:30 - 13:30

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	would have just argues about those issues. 13:30.	
To Be Determined	The Office of the Inspector General asked whether Larry Thompson could recall learned of Federal Bureau of Investigation interaction with [redacted] and Federal Bureau of Investigation concerns that developed based on their observations of him and his treatment. Larry Thompson said he remembered "something like that" but did not know which detainee it related to. 14:30	Larry Thompson Interview I at 13:30 - 14:30
To Be Determined	According to the Department of Justice org chart, the Federal Bureau of Investigation Director reports to the DAG. Larry Thompson said he had a good relationship with Mueller and Mueller was not difficult to work with. 15:30. Larry Thompson said the issue of whether the Federal Bureau of Investigation would use "alternate" methods was not brought to him for a decision. He said he recalls some discussion, not sure with who, in which a concern was expressed about agents having Giglio problems if they were exposed to non-law enforcement techniques. 17:00	Larry Thompson Interview I at 14:30 - 17:00
To Be Determined	Someone from the Federal Bureau of Investigation, Pasquale D'Amuro or someone else from the Federal Bureau of Investigation, would attend Deputies meetings with Larry Thompson, if the topic was relevant to the Federal Bureau of Investigation. 18:00.	Larry Thompson Interview I at 17:00 - 18:00
To Be Determined	Larry Thompson Interview I became aware in 2002 that other non-traditional law enforcement techniques were being used, though he does not know exactly when he became aware of that. He recalls discussing them with Michael Chertoff or someone from Office of Legal Counsel - maybe John C. Yoo. 18:55. The only specific techniques Larry Thompson could recall discussing was waterboarding (which was approved) [redacted] 20:30. Larry Thompson never approved any of these things, but he got the impression they were approved. He does not recall seeing memos approving these techniques. Larry Thompson got the impression that there were things to which Department of Justice had said no. 21:30. He also got the impression that the approved techniques has been effective. 21:55.	Larry Thompson Interview I at 18:30
To Be Determined	Larry Thompson recalls going to U.S. Naval Base Guantanamo Bay, Cuba for a visit on two occasions (FBI040689CBT reflects a visit in September 2002). 22:30. Larry Thompson does not recall issues coming up, during the trip, relating to interrogation techniques. He looked at the facilities. Larry Thompson does not think there were any confidential briefings at which such issues would have been discussed. It was more of a tour. 24:30.	Larry Thompson Interview I at 21:50 - 24:30
To Be	Re: DOJ015614CRM (Dec 12 email from [redacted] to Nahmias with military memo attached).	Larry Thompson

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Determined	Larry Thompson said he does not recall that memo, but he recalls the general discussion about whether unlawful enemy combatants would be subject to the Geneva Convention. 26:25. Larry Thompson said that when he gave a speeches about this topic, when discussing the limits of what we do in the war on terror, he used the example of interrogators posing as persons of a foreign nation. Larry Thompson said this was in reference to someone captured by the Phillippinos who was planning to blow up planes over the pacific ocean and who provided information on Ramsey Yusef (46:00). Larry Thompson said the Phillippinos put out cigarettes on his skin and they put sticks up his "private parts" and he would not talk. Then they told him they would turn him over to Israeli intelligence (Mossad), and then he started talking. Larry Thompson said he gave this as an example of the limits of what we can do as a society. Larry Thompson said he also mentioned in his speech the 1999 decision of the Israeli Supreme Court which decided that moderate physical pressure would not be permitted. The decision was hugely unpopular, according to Larry Thompson. Larry Thompson said there was a huge paradigm shift after 9/11 from prosecution to prevention and there was a big push to share information, so you had to do things differently, but you still had limits. "How do you strike a balance?" was the focus of his speech, he said. 31:30.	Interview 1 at 24:30 - 31:30
To Be Determined	Larry Thompson said that the problem in terms of "loosening" the rules for Federal Bureau of investigation agents is that it bleeds over into our criminal justice system. 32:45. Larry Thompson said he would not worry about this if we had a "ticking bomb" situation, but going forward you do not want to expose Federal Bureau of Investigation agents to interrogation techniques if it would cause the country problems. 33:00.	Larry Thompson Interview 1 at 31:30 - 33:00
To Be Determined	Larry Thompson remembers the name (b)(1) and the connection between (b)(1) and the 9/11 conspiracy seemed familiar to Larry Thompson. 35:30. Larry Thompson recalled discussions relating to Lindh, Padilla and Zacarias Moussaoui, but did not recall specifically a discussion of whether or not the "end game" with (b)(1) would include the possibility of a criminal prosecution. 37:00. Larry Thompson recalled some friction between the Federal Bureau of Investigation and Department of Defense, but primarily relating to Padilla. Larry Thompson said the Federal Bureau of Investigation thought the military's techniques were clumsy (such as the tactic of not interrogating someone for a long time with the expectation that they would then open up and begin speaking). 39:00. Larry Thompson kept wondering why it was taking so	Larry Thompson Interview 1 at 33:00 - 40:30

	long to make a decision about what to do with Padilla. 39:20. Larry Thompson said he did not have contact with the military about this. 40:00. He said the discussions he had with it were mostly internal to Department of Justice. Larry Thompson said he asked for briefings to find out what was taking so long. 40:30.	
To Be Determined	Larry Thompson said that there were times when the military made a decision that people would be deemed "combatants" and then it was a military issue. Larry Thompson does not recall such a decision specific to (b)(1) 42:00.	Larry Thompson Interview 1 at 40:30 - 42:00
To Be Determined	There were some documents that Larry Thompson's office received relating to Deputies meetings. 44:00. He would review the documents before the meeting, and would meet with Mac to discuss it, and then go to the meeting. 44:30. Larry Thompson did not attend every meeting. 44:30.	Larry Thompson Interview 1 at 42:00 - 44:30
To Be Determined	Re: AGLetter.doc, Larry Thompson said that he had not previously seen this document. Larry Thompson said he has no recollection of a proposed strategy such as the one described being proposed or debated at Department of Justice. 48:00.	Larry Thompson Interview 1 at 44:30 - 48:00
To Be Determined	Re: 6/7/2003 EC that mentions his travel to U.S. Naval Base Guantanamo Bay, Cuba, Larry Thompson said he did not go more than twice. Larry Thompson does not recall the purpose of this second trip to U.S. Naval Base Guantanamo Bay, Cuba, or what was discussed. 50:00	Larry Thompson Interview 1 at 48:00 - 50:00
To Be Determined	Does Larry Thompson recall going to repatriation meetings with Alice Fisher? Larry Thompson said "it could have happened." 51:00. He cannot recall anything that was or was not discussed at such a meeting. 51:30.	Larry Thompson Interview 1 at 50:00 - 51:30.
To Be Determined	Re: 5/30/03 EC, does Larry Thompson recall seeing that document while he was at Department of Justice? Larry Thompson said no, and it would be very unlikely that as DAG he would get anything as detailed as the 5/30/03 EC with attachments. 53:00	Larry Thompson Interview 1 at 52:00 - 53:00
To Be Determined	Larry Thompson reviewed the agendas of the National Security Coordination Committee which were provided to the Office of the Inspector General by David Laufman. He noted that the topic of interrogation techniques does not appear on the agendas. 55:10.	Larry Thompson Interview 1 at 53:00 - 55:10.
To Be Determined	If an issue were going to be raised by Department of Justice at the Deputies Committee or the Principles Committee regarding a dispute between Federal Bureau of Investigation and Department of Defense as to who would take the lead on an interrogation and what techniques	Larry Thompson Interview 1 at 55:10 - 58:30.

	would be used in connection with an unlawful enemy combatant, what documents would normally be created and who would be the custodian of those records? Something as case-specific as to who would be the lead on an interrogation would be an issue the prosecutor would raise. Where there is no prosecutor, Larry Thompson said maybe justice wasn't as involved with the overseas people. He said the issues may have been dealt with by Office of Legal Counsel, in terms of what was legal. 57:00. With respect to the policy questions, the Deputies focused more on the macro issues. Getting down to the details of the actual interrogation techniques would probably come to Office of Legal Counsel. 58:00. If it involved someone on US soil, such as Padilla, then a lawyer or the Federal Bureau of Investigation might raise an issue. 58:30.	
To Be Determined	Larry Thompson does not recall anyone raising an allegation regarding a person being taken in a helicopter or boat in such a manner that the person might develop the impression that he or she would or could be thrown out or thrown overboard. Larry Thompson recalls working with Bruce Swartz, but does not recall hearing of this incident. 1:00:34. Larry Thompson said the one he remembers is the idea of burying someone, and the decision was made (not by Larry Thompson) that we would not permit that. 1:01:00. Does Larry Thompson recall, generally, that the Federal Bureau of Investigation reported hearing about techniques they disagreed with and that Department of Justice tried to raise these types of concerns with the National Security Council but that Department of Justice did not make much headway? Larry Thompson says, no, he does not recall that. Larry Thompson said he does not recall Robert S. Mueller, III coming to him with those types of concerns. 1:02:30.	Larry Thompson Interview 1 at 58.30 - 1:02:30.
To Be Determined	Larry Thompson would expect that the agency who has custody and control of a combatant would follow their rules. Conversely, if a person was being prosecuted, then Department of Justice practices would be followed. 1:05:00. Larry Thompson recalls that, once a person was being prosecuted, Department of Justice would not depart its practice. Larry Thompson mentioned that some advocated, in the Lindh case, that Department of Justice should not disclose information it had been ordered to disclose by a judge. Larry Thompson advocated for using the court system -- appeals, mandamus, etc. 1:07:00.	Larry Thompson Interview 1 at 1:03:00 - 1:07:00
To Be Determined	Larry Thompson noted that it is not unusual for different agencies to have rivalries -- he would be very bothered if the techniques used were really "over the top" and the kinds of things "we wouldn't countenance." 1:08:30. Larry Thompson also noted that, after 9/11, there was no	Larry Thompson Interview 1 at 1:07:00 - 1:09:00.

	"play book" to go by on how we would deal with public safety and law enforcement issues. He said "we did our best." He said he and others made mistakes, but they did their best and were trying to do it in good faith. 1:09:00.	
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