

1 IN UNITED STATES OF AMERICA
2 BEFORE THE FEDERAL DISTRICT COURT
3 FOR THE DISTRICT OF COLUMBIA

4 CIVIL ACTION NO.
5 1:0 3CV0 1551

6 BASSEM YOUSSEF,

7 PLAINTIFF,

8 ORAL DEPOSITION OF

9 vs.

10 EDWARD J. CURRAN

11 FEDERAL BUREAU OF INVESTIGATION,
12 et al,

13 DEFENDANT.
14

15 * * * * *
16 Thursday, April 21, 2005
17 * * * * *

18 Transcript in the above matter taken at
19 the Office of Counterterrorism Division, 240 West
20 State Street, Trenton, New Jersey, commencing at
21 2:00 p.m.

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1 A L S O P R E S E N T :
2 BASSEM YOUSSEF, CHIEF
3 COMMUNICATIONS EXPLOITATION UNIT
4 FEDERAL BUREAU OF INVESTIGATION

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1 W I T N E S S I N D E X

2 EXAMINATION OF MR. CURRAN BY MR. KOHN:

 PAGES 5, 106

3 EXAMINATION OF MR. CURRAN BY MS. WELLS:
4 PAGE 98

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1 E X H I B I T S

2 Exhibit 1: Recommendation for Quality Step
3 Page 22 Increase dated 3/25/94, three pages

4 Exhibit 2: Performance Appraisal Report dated
5 Page 26 3/31/93, five pages

6 Exhibit 3: Performance Appraisal Report dated
7 Page 27 3/31/94, four pages

8 Exhibit 4: Recommendation for Intelligence
9 Page 34 Community Award, nine pages

10 Exhibit 5: Inspection Report bates stamped
11 Page 55 DOJ007630 through DOJ007657

12 Exhibit 6: Excerpt from the Staff Statement
13 Page 80 Number 11 from the 9/11 Commission
14 entitled The Performance of the
15 Intelligence Community, two pages

16 Exhibit 7: Excerpts from the Joint Inquiry into
17 Page 83 Intelligence Community Activities
18 Before and After the Terrorist Attacks
19 of September 11, 2001. Senate Hearing
20 107-1086

21 Exhibit 8: Justice Department Briefing dated
22 Page 88 September 17, 2001

23

24

25

1 (E D W A R D J. C U R R A N, having been duly
2 sworn, was examined and testified as follows:)

3 MR. KOHN: Why don't we identify who is
4 in the room. Mr. Youssef, Mr. Curran, myself, and
5 the court reporter.

6 Carlotta, who's there with you?

7 MS. WELLS: I'm here by myself.

8 (EXAMINATION OF MR. CURRAN BY MR. KOHN:)

9 Q. Mr. Curran, you understand you've been
10 sworn to take an oath to tell the complete truth.

11 A. Yes, I have.

12 Q. Is there anything today that's
13 interfering with your ability to testify truthfully?

14 A. No, there's not.

15 Q. Would you please state your name and
16 address for the record, and you can give your work
17 address if you'd like?

18 A. Edward J. Curran. My home address is
19 133 Tuscan Road, T-u-s-c-a-n, Maplewood, New Jersey.
20 My work position is at the Office of
21 Counterterrorism. I'm the Deputy Director. It's
22 located at 240 West State Street, Trenton, New
23 Jersey, and that's where we are located today.

24 Q. Mr. Curran, when did you start working
25 for the FBI?

1 A. I started in a clerical position back in
2 November, 1962. I became an agent in July of 1969,
3 and I resigned from the FBI in December, 2000.

4 Q. And as an agent in 1969, when did you
5 become a supervisor for the FBI?

6 A. I was transferred several times. In '69
7 I went to Detroit for a year. I went to Chicago for
8 a year, and I transferred to New York, I think it's
9 around November, 1972. I worked in New York until
10 1984 where I was transferred to FBI headquarters and
11 I became a supervisor in a New York office, and I
12 believe it was around December, 1980.

13 Q. And when did you become an Assistant
14 Special Agent in charge?

15 A. From New York, I left New York in
16 October, 1984. I was transferred to FBI headquarters
17 as a supervisor. It was more or less a lateral
18 transfer. There's no promotion.

19 Q. In headquarters, what division?

20 A. It was in the same division, it was the
21 Intelligence Division at the time. They refer to it
22 as the National Security Division today. I think
23 that's what they refer to it as. It was the Counter-
24 intelligence Division. I was in the
25 Counterintelligence section at that time.

1 Q. Did you do Counterintelligence in New
2 York?

3 A. Yes, I did.

4 Q. When you said you were transferred to
5 headquarters and became a supervisor, what GS level?

6 A. A GS 14.

7 Q. And then when did you leave
8 headquarters?

9 A. I think, now, again, we're talking a
10 long time ago. I can get the specific dates. I
11 think I was there for a year and then promoted to a
12 Unit Chief which was a grade 15. I was in that
13 position for several months and then I was assigned
14 to the Inspection Staff. I spent a year on the
15 Inspection Staff, and I had come off that and I was
16 detailed to the On-Site Inspection Agency. I was the
17 Director of Counterintelligence at the D.O.D. for the
18 On-Site Inspection Agency for three years. I came
19 back to FBI headquarters -- let me catch up where I
20 am.

21 That would have been around 1987. Let
22 me just think. I went on to the On-Site Inspection
23 in 1987. I came back in about 1990. Then I was
24 assigned to, I was assigned as a Special Assistant to
25 the Assistant Director in Section Five which is

1 intelligence for a short while. In January, 1999 I
2 was assigned as ASAC in '91 or '92. This was
3 probably mid '92. It would have been January, '92.

4 Q. To ASAC in Los Angeles?

5 A. Yes.

6 Q. Did you have an area of expertise?

7 A. I would have had the program
8 responsibility not only for the foreign
9 counterintelligence program. Also civil rights which
10 was Rodney King at the time, the Chinese section, and
11 I also had the terrorism section. I had program
12 responsibilities for civil rights, foreign
13 counterintelligence and terrorism in Los Angeles.

14 Q. Now, you mentioned there was this, you
15 went to the D.O.D.?

16 A. Yes.

17 Q. What was that assignment?

18 A. That had to do with the I & F treaty,
19 the nuclear treaty where they agreed to eliminate
20 short-range missiles. They created a new agency, it
21 was called On-Site Inspection Agency, responsible for
22 the implementation of the treaty. The Russians were
23 coming here to destroy missiles, and we would go to
24 Russia to destroy their missiles, and we had a period
25 of three to five years to do that destruction. And

1 the agency was created by an executive order. In
2 that order, the FBI was assigned to put in a senior
3 person as the Director of Counterintelligence to
4 oversee the inspections both in the United States and
5 overseas, and that was where I was put.

6 Q. The Inspection Staff, was that dealing
7 with conducting inspections?

8 A. The Inspection Staff was required at
9 that time for any type of administrative advancement.
10 It was unusual I had gotten to Unit Chief before the
11 Inspection Staff. But I had to go on that staff for
12 over a year. I did about 26 inspections during that
13 time full time.

14 Q. You mentioned the National Security
15 Division at the time. Just explain.

16 A. I believe at the time it was called the
17 Intelligence Division. It's now the National
18 Security Division. I don't think there was a
19 Counterintelligence Division.

20 Q. At the time it was the Intelligence
21 Division, did it have counterterrorism and
22 counterintelligence, do you know?

23 A. It did not. When I was down there, it
24 did not. The counterterrorism was in another
25 division. It did not come under the Intelligence

1 Division.

2 Q. Do you know at some point did it go
3 under NSD?

4 A. I can't remember the date, but yes. It
5 was an issue, whether it should be in the Criminal or
6 Intelligence Division, and whatever date that was, it
7 was ultimately reassigned to the National Security
8 Division, the whole program.

9 Q. Now, so you were then the ASAC in Los
10 Angeles between when and when?

11 A. January '92 through August of '94.

12 Q. And then what position did you take then
13 from '94?

14 A. That was during the period of Walter
15 James by the FBI. There was an executive order or a
16 presidential decision they wanted a senior FBI
17 official to take over the counterespionage group
18 within CIA and asked me if I was interested and I was
19 transferred back to headquarters, and I was detailed
20 then out to CIA.

21 Q. Did there come a time when you joined
22 the Senior Executive Service?

23 A. It would have been on that transfer back
24 to headquarters.

25 Q. What was your official position?

1 A. It would have been the Chief of the
2 Counterespionage Group within the Counterintelligence
3 Center of the CIA.

4 Q. Then that would be actually an FBI
5 detailed position?

6 A. Correct.

7 Q. Do you know if at that point you were at
8 the Senior Executive Service, FBI?

9 A. Correct.

10 Q. How long were you there for?

11 A. I was there for three years. I came
12 back from there, I think it was sometime in the
13 summer of 1994, I believe. Did I say '94? Yeah, it
14 was '94. I went out there in '94. I left L.A. in
15 August of '94. So it would have been three years I
16 came back from there in August of '97, I think it
17 was.

18 Q. What position did you take?

19 A. A Section Chief at that time back in
20 headquarters for the Central Eurasian, Russian,
21 Chinese Counterintelligence.

22 Q. What was your next position?

23 A. My next position, I indicated I was
24 going to retire in December at the end of that year,
25 I was at full retirement. It would make no sense to

1 continue working. Director of the FBI, presidential
2 decision, they were looking for somebody else, they
3 asked me if I was allowed to retire, and then they
4 would rehire me as -- would I consider going out, as
5 a rehired annuitant. I was no longer a special agent
6 but an employee of the FBI. That way I could receive
7 my retirement plus an S.E.S. 5 position. I did that
8 for three years and then I finally resigned since I
9 earlier retired. I resigned in December of 2000.

10 Q. Now, the position you held prior to
11 December of 2000, what was that job?

12 A. Director of Counterintelligence for the
13 Department of Energy.

14 Q. And that was at the Senior Executive
15 Service?

16 A. S.E.S. 5.

17 Q. It was an FBI position?

18 A. Yes.

19 Q. And then you retired in December, 2000?

20 A. Correct.

21 Q. After you retired, did you ever return
22 to work in the law enforcement?

23 A. I retired, moved the family to Vermont.
24 After about a year I was asked to take a position
25 back here in New Jersey as the Deputy Director for

1 the Office of Counterterrorism. I grew up in New
2 Jersey, had a house in New Jersey. I took that
3 position and was able to commute back and forth on
4 the weekends. Since October, 2002, I've worked as a
5 Deputy Director for the Office of Counterterrorism in
6 the State of New Jersey.

7 Q. Is that your current position?

8 A. That's my current position.

9 Q. Describe what your current duties are.

10 A. With the Office of Counterterrorism, my
11 sole responsibility is to coordinate all
12 counterterrorism activity within the State of New
13 Jersey. We come under the Attorney General. All law
14 enforcement comes under us when it comes to
15 terrorism. We have criminal or criminal statutory
16 responsibility, we have State Police assigned, as
17 well as criminal investigators, State Police assigned
18 to the JTTF in Philadelphia and Newark. And we
19 actually conduct counterterrorism investigations for
20 the State of New Jersey.

21 Q. When you mentioned the Joint Terrorism
22 Task Forces in Philadelphia and Newark, what are
23 they?

24 A. They are composed, they are run by the
25 FBI and many federal and state agencies send

1 representatives to work on that task force. We have
2 something like, I think seven troopers, state
3 troopers assigned from our office up to the Newark
4 office, and then we have one assigned to the JTTF.

5 MS. WELLS: Off the record for a moment.

6 (Off-the-record discussion)

7 BY MR. KOHN:

8 Q. I'd like to show the witness a document
9 that we'll mark -- well, first do you know Mr. Bassem
10 Youssef?

11 A. Yes, I do.

12 Q. How do you know him?

13 A. I met him when, I think for the first
14 time when he came to L.A. I preceded him.

15 Q. Were you within his supervisory chain of
16 command?

17 A. Yes, I was not his immediate supervisor,
18 but his supervisor's immediate supervisor.

19 Q. Second-line supervisor then?

20 A. Correct.

21 Q. Did you while you were his second-line
22 supervisor have an opportunity to observe his work?

23 A. Yes, I did.

24 Q. And just briefly, just for the record,
25 explain how you would have had the opportunity to

1 observe Mr. Youssef?

2 A. Although Los Angeles was the second
3 largest field office or the third largest, our
4 division was made of maybe 60 or 80 agents and we
5 were located such where it became very easy for me to
6 not only discuss things with the supervisor, but meet
7 the agents. We were more or less on a first-name
8 basis with most of the agents in the division. There
9 was directives coming out of FBI headquarters saying
10 that terrorism was the number one target. They had
11 asked me, not asked me, they told me to reassign, I
12 believe it was 14 to 15 of my agents to work
13 terrorism in addition to what we had already going.

14 Based on discussions with Bassem's
15 supervisor and Bassem, it was apparent to me we had a
16 very, very serious threat posed by the various
17 terrorists groups in the state but mainly the Rahman
18 group. And that's how I came to know Bassem almost
19 on a daily, if not hourly basis, because it was very
20 clear to me that the threat in Los Angeles was very
21 significant and required my direct intervention in a
22 lot of that stuff.

23 Q. When you say the Rahman group, also
24 known as the Islamic group?

25 A. Yes, involved in the '93 World Trade

1 Center bombings.

2 Q. The time frame you were there with Mr.
3 Youssef would have been before the World Trade Center
4 bombings and after the World Trade Center bombings?

5 A. Yes.

6 Q. They occurred in New York?

7 A. Yes.

8 Q. And I understand there was a cell in
9 Newark?

10 A. Correct.

11 Q. And the Blind Sheikh -- when you say
12 Islamic, the Blind Sheikh was the leader of that?

13 A. Correct.

14 Q. How then does Los Angeles get involved
15 in something from Newark?

16 A. I'm going back ten years. I need help
17 to refresh some of my memory. It was my
18 understanding that the Blind Sheikh had already been
19 to Los Angeles on one or several occasions before I
20 got there, and then he was there or he visited there
21 while I was there. And at that time, there was a
22 great deal of interest in him and attention by not
23 just Los Angeles, the headquarters was interested,
24 the FBI, and a lot of groundwork that had been
25 developed and the understanding of our network out

1 there had been developed mainly by Bassem was the one
2 that went out and did that.

3 Q. When you say the groundwork on that was
4 done by Mr. Youssef, what do you mean by that?

5 A. Basically that cell would have been
6 there and nothing would have happened if nobody was
7 there investigating and identifying the cell members
8 and these activities. As far as I was concerned,
9 Bassem was the only one really doing that.

10 Q. And did you directly either supervise or
11 work with Mr. Youssef on this matter?

12 A. On many occasions I worked very, very
13 obviously closely with Corey Hart, who was the first
14 -line supervisor. Most of the time it was Bassem,
15 myself and Corey. And that would have been for an
16 ASAC to work directly with the case agent. The
17 matter was that serious and imperative, I don't think
18 Corey had any problem with it. It was kind of a
19 joint discussion between the three of us and what was
20 going on. Bassem was doing most of the investigation
21 or all of the investigation that was incurring this
22 information. We had to rely on Bassem for a lot of
23 this, both Corey and I.

24 Q. Did you ever travel with Mr. Youssef?

25 A. Yeah, I think on two occasions, I think

1 on two occasions I did, and that was based on a
2 potential source and it was in the Rahman group. It
3 was my understanding at that time that the FBI did
4 not have any live sources within that group at all.
5 And Bassem had been working on the development of
6 this particular person for months at a time trying to
7 develop him and whatever. And he was deported but
8 that did not dissuade him. He worked with this
9 person's wife and set up negotiations directly with
10 Bassem, and we were able to travel twice overseas to
11 try to get this person to work for us.

12 Q. You went with Mr. Youssef overseas?

13 A. I think there were several trips. I
14 know I went on two of these trips.

15 Q. You were able to observe his work
16 performance on these trips?

17 A. Absolutely.

18 Q. In terms of this source that was being
19 developed, I understand your testimony at this time
20 there was not live source within the Islamic group?

21 A. That was my understanding, on a national
22 level there was no live source.

23 Q. Were you able, without divulging
24 anything confidential, were you able to obtain, was
25 Mr. Youssef able to obtain information from this live

1 source that was helpful?

2 A. Again, this is based on my recollection
3 ten years ago, but the trips were very, very
4 productive. They were very, they were very, very
5 difficult, because there was a lot of personal issues
6 with the source himself. But it's my understanding
7 that the source had developed a relationship or what
8 I had seen between the interaction between them, the
9 source had developed a certain relationship with
10 Bassem that he trusted him and they were able to talk
11 together in a very professional manner. I also
12 believe that based on the cooperation he had provided
13 at the time there were numerous cells that had been
14 developed, phone calls were made, both overseas and
15 in the United States that gave us an opportunity to
16 identify dozens of these people, not even worldwide
17 but back in the United States. It was a first-hand
18 experience working with Bassem. There was a
19 polygraph examination involved. It was a very, very
20 difficult assignment. But his tenaciousness, his
21 skills was just the thing that brought us through on
22 that.

23 Q. And --

24 A. I think that was recognized on a
25 national level. This is not just Los Angeles. This

1 was going back to FBI headquarters. They were keenly
2 interested in what was happening and what was being
3 said and so on.

4 Q. In terms of the Blind Sheikh, was Mr.
5 Youssef able to do anything that furthered the
6 ability of the FBI to monitor him?

7 A. It was my understanding that the
8 information that was developed by Los Angeles, mainly
9 by Bassem, that information was provided back to
10 headquarters obviously and that allowed headquarters
11 to get additional FISAs on Rahman, on him directly or
12 part of his members, the Mosque itself. It was based
13 on Bassem's information that they were able to get
14 FISA going on the person or persons.

15 Q. So the information --

16 A. They had not gotten it or had it before.

17 Q. The information provided by Mr. Youssef
18 permitted the Newark or Newark to obtain a FISA
19 related to the Blind Sheikh and --

20 A. Correct and his group.

21 Q. You mentioned identification of cells.
22 What does that mean, to obtain a live source and
23 existence of cell?

24 A. You can't even begin to describe it.
25 First of all, you have a source who is trusted within

1 the organization who is willing and able to provide
2 you with other members of that cell. For you to be
3 able to get that information without having to do
4 months, years of investigation, it's invaluable
5 information that you may never have been able to find
6 out through any other means. Working with foreign
7 governments and knowing these people and having a
8 much better idea, at least I have a much better idea
9 how these people work today, it's not a local issue,
10 it's a global issue, and these cells are all over the
11 world. That was the first time we were able to
12 identify a lot of these people overseas and Los
13 Angeles ourselves.

14 Q. Do you know if Mr. Youssef's work in
15 that, on that matter was recognized in any formal
16 way?

17 A. I know, I was only there -- I don't know
18 what happened after I left. He got the D.C.I. award,
19 one or two of the -- what do you call them, Most
20 Valuable Player awards, Q.S.I. award, Quality Service
21 awards, which means a lot to the people. Not very
22 many of them are given out. It acknowledges not only
23 from a monetary point but also acknowledges the high
24 performance that person has conducted themselves over
25 the years and months.

1 MR. CURRAN: I am going to have marked
2 as Curran Exhibit 1, it's a three-page
3 document, it's the Q.S.I. award dated 3/25/94
4 for Bassem, on the top, From: SAC, Los
5 Angeles. Subject: Recommendation for Quality
6 Step Increase. It does not have the D.O.
7 numbers on it. You should be familiar with
8 that one. If you can mark that as number one.
9 I'm going to show the witness this.

10 (Exhibit 1, Recommendation for Quality
11 Step Increase dated 3/25/94, three pages, is
12 marked for identification.)

13 BY MR. KOHN:

14 Q. Is this the document you were talking
15 about a minute ago, in terms of the M.V.P?

16 A. Yes, it was.

17 Q. Was this Q.S.I. given in or about the
18 time when you were the ASAC in Los Angeles?

19 A. Yes, it is.

20 Q. On page two of that exhibit, where it's
21 discussing -- in looking at this, it appears, and you
22 can tell me, page one seems to be a standard form?

23 A. Correct.

24 Q. And then the pages two and three seem to
25 be a write-up --

1 A. Correct.

2 Q. -- for which this award is based on.

3 First you notice certain information
4 here is blacked out?

5 A. Correct.

6 Q. To your knowledge, is any of that
7 information, was it classified at the time this was
8 written?

9 A. From my understanding at the time,
10 again, you could not put classified information into
11 a Q.S.I. It's going to the administrative division,
12 it's going to components within FBI headquarters, and
13 not all those people had access to that information.
14 In fact, I believe, you could not put classified
15 information in there.

16 Q. And you have no knowledge as to why this
17 may be deleted at this time?

18 A. No.

19 Q. Today, do you remember, without
20 divulging what's inside the deleted sections, do you
21 remember today what it is, what was written there?

22 A. Well, it looks like the case-specific
23 information for the real guts as to why he was being
24 recommended has been deleted because a lot of this
25 other stuff is good and noteworthy. In addition to,

1 you know, he conducted briefings to senior
2 representatives in Los Angeles, the police
3 department, which is very, very well and good, but a
4 lot of people do those things. And it appears to me
5 the crux of why he would have been recommended for
6 has been taken out. Again, you did not put in
7 classified information, but it would certainly give
8 you an understanding of why he's being recommended
9 for the Q.S.I.

10 Q. Calling your attention to, again, page
11 two of the exhibit, the first line says: Due to his
12 Middle Eastern background and his inherent knowledge
13 of that region's traditions, customs, and languages,
14 S.A. Youssef has on a daily basis assisted other SAs,
15 and it goes on and then it says, Youssef has assisted
16 other field divisions with similar needs.

17 Do you see that?

18 A. Yes.

19 Q. First off, why would having a Middle
20 Eastern background and inherent knowledge of the
21 region's traditions, why would other people have come
22 to ask him or seek information from him about that?

23 A. I can only speak for L.A. Basically
24 Bassem was the counterterrorism program. He was the
25 entire program. Because of the knowledge he brought

1 with him as to how these terrorist groups work, how
2 to talk to these people, the direction of
3 investigations, how they should go, the language
4 ability that they did have, the daily traditions of
5 these various groups, remember, you had many
6 different kinds of group, the customs, it is
7 absolutely essential that an agent know that when
8 he's looking at a target. It's the same if I'm
9 looking at a Russian target, I have to know how that
10 Russian thinks if I'm going out and targeting that
11 person for an arrest or intelligence. From that
12 point, he was the entire program in L.A. From these
13 other comments, I can see the other offices probably
14 felt the same way with Bassem, whether it was San
15 Francisco or St. Louis or previous assignments, he
16 had probably developed a reputation within those
17 offices as an expert, and they would be calling him
18 and asking for advice, the same I would do if he was
19 at another office and I had known he was in L.A. I
20 can basically say that's my impression of why that
21 would have been in there. It's invaluable. We had
22 no one in the office or bureau that I know that could
23 bring these issues to the table that Bassem brought
24 through based on the knowledge of the group, the
25 demeanor, his attitude and judgment, and his ability

1 to get along with people. It was just invaluable.

2 Q. And also in the part that's not
3 classified, it references that he gave briefings to
4 other law enforcement departments, the sheriff's
5 department on international terrorism?

6 A. Right.

7 Q. Why would Mr. Youssef be the person used
8 to give such briefings?

9 A. He brings the credibility. There's no
10 agent or even myself, if I gave talks, that would
11 have the credibility that Bassem would have because
12 he's been there, he's done that, he's grown up in
13 that area. When he speaks, he knows what he's
14 talking about, and I think that is very clearly made
15 known by people and Bassem is being used like this
16 certainly gives credibility to the FBI when you send
17 someone out like that. You would not hesitate
18 putting Bassem out front.

19 MR. KOHN: I'm going to show the
20 witness, I'll mark as Exhibits 2 and 3, these
21 are the performance reviews. Exhibit 2 will be
22 the 1993 review. And Exhibit 3 is the 1994
23 performance review.

24 (Exhibit 2, Performance Appraisal Report
25 dated 3/31/93, five pages, is marked for

1 identification.)

2 (Exhibit 3, Performance Appraisal Report
3 dated 3/31/94, four pages, is marked for
4 identification.)

5 BY MR. KOHN:

6 Q. Exhibit 2 is a performance review for
7 Mr. Youssef. It is dated March 31, 1993. It is
8 three pages long. And it contains on pages two and
9 three, there's initials of employees, again, each
10 dated 3/31/93. If you look at Exhibit 2, under line
11 number eight, is that your signature?

12 A. Yes, it is.

13 Q. And did you, in fact, review this
14 performance review?

15 A. Yes.

16 Q. Is this performance review accurate?

17 A. Yes, other than being classified. I
18 don't know any Performance Appraisal Report that has
19 been classified. This one would not have been

20 classified. I don't know when it was.

21 Q. Again, if you can turn to the second
22 page, you'll see a large section of it has been
23 blacked out?

24 A. It was signed in, I signed it on March
25 of '93. So that's when the performance review would

1 have been written. It was classified in July of
2 1997, four years later.

3 Q. And at the time when you wrote this,
4 would classified information have been placed in a
5 performance review?

6 A. No. I did not write this. The
7 immediate supervisor would prepare the performance
8 review. I would review it as the reviewing official,
9 not the rating official. And that would be true of
10 every special agent in my division. I would write
11 the performance review for the supervisor, and the
12 special agent in charge would be the reviewing
13 official. But, again, there's no way it would have
14 been classified.

15 Q. So although you didn't write it at the
16 time, what's your basis for understanding that the
17 information in the review would not be classified?

18 A. They just -- because it goes in the
19 personnel folder and the personnel folder is not a
20 classified document.

21 Q. Exhibit number two consists of one, two,
22 three, four, it consists of five pages. And just to
23 describe them for the record, the first page is a
24 cover sheet, the second page has the numbers one and
25 three -- one, two and three. The third page appears

1 to be a continuation of the second page. The fourth
2 page appears to be a continuation with additional
3 information, and the last page is essentially a
4 summary of the ratings in the different categories.

5 Now, I'm going to show the witness
6 exhibit number three which is the performance
7 review for 1994, and for the record it's dated
8 -- it's apparently signed by Mr. Corey Hart on
9 3/22/94, and signed by Mr. Youssef on 3/31/94.

10 BY MR. KOHN:

11 Q. On page one, can you identify your
12 signature on line eight?

13 A. Yes, that's my signature on 3/31/94.

14 Q. Was this signed, and was this Mr.
15 Youssef's performance review for that time period?

16 A. Yes, it was.

17 Q. Again, to the best of your information,
18 was everything in this review accurate?

19 A. I would presume it's accurate. A lot of
20 it is blacked out. I would presume that that
21 information I assume at the time it would have been
22 accurate.

23 Q. Would you have signed the performance
24 review at the time if you thought it was not
25 accurate?

1 A. No, I would not.

2 Q. Information is deleted?

3 A. Yes.

4 Q. At the time you signed this, was it your
5 understanding that nothing in the document was
6 classified?

7 A. Correct, and again, this was
8 reclassified -- it was not reclassified. It was
9 classified on 7/17/97 and signed in '94, again, three
10 years later.

11 Q. In looking at Exhibits number two and
12 three and again without now disclosing what's in this
13 section blacked out, is it possible for you to review
14 them and describe it any way, what type of
15 information was deleted? Another way of saying that,
16 would the information deleted, upon looking at this,
17 would it be important to understand what his actual
18 skill level was and performance was at the time?

19 MS. WELLS: Objection to the form of the
20 question.

21 THE WITNESS: On Exhibit 3, I cannot
22 tell what was blacked out. I can't tell if it
23 was a new paragraph or a continuation of a
24 paragraph, but on page one, it says: And in
25 one instance, assisted FBI Minneapolis with the

1 interview of a potential drug source and was
2 subsequently commended in writing by S.A.C.
3 Minneapolis. And the next it looks like 12 or
4 13 lines have been blacked out. I don't know
5 if that's referring to Minneapolis or referring
6 to something else.

7 Then it says: During the course of his
8 investigation activity, S.A. Youssef has shown
9 creativity and relentless initiative in
10 pursuing his international terrorism cases and
11 as an example has, as a result of numerous
12 pretext telephone calls, obtained valuable
13 information which otherwise would not have been
14 elicited. And it looks like the next two or
15 three lines were blacked out and classified
16 secret which would have probably been some type
17 of sentence as to what that information he
18 solicited would be.

19 On page -- the last page is almost
20 completely blacked out so I can't tell what
21 that is.

22 Critical element number two starts with
23 a blacked-out paragraph. So I can't tell what
24 that is. In addition, on several occasions,
25 S.A. Youssef has conducted briefings to senior

1 representatives of the Los Angeles Police
2 Department. I don't know. I can't tell what
3 was blacked out.

4 BY MR. KOHN:

5 Q. What about in Exhibit number two?

6 MS. WELLS: I object to the form.

7 BY MR. KOHN:

8 Q. In terms of Exhibit 2, if you look at
9 that, by looking at the document, if you can tell
10 what type of information was deleted?

11 A. Again, on page one, the last sentence
12 before the black-out: Assisting other field offices
13 in a similar fashion with their investigations when
14 called upon, sometimes on very short notice. And
15 then it's blacked out, it looks like five or six
16 lines. It's a continuation, but I can't tell. It
17 probably is a description of some description of how
18 he helped him and the entire next paragraph which is
19 half the page is blacked out. I can't tell what that
20 is. And that's all I can tell on that one.

21 The last page, under Critical Element 3:
22 Sometimes on difficult circumstances and permitted
23 him to achieve significant accomplishments in the
24 international terrorism program. The last paragraph
25 consists of like five or six lines blacked out which

1 would have been the closure to that critical element.
2 I can't tell what that's about.

3 Q. In terms --

4 A. Most all of these paragraphs reflect on
5 the agent's abilities and his performance over the
6 previous 12 months, and critical element, again, I
7 didn't know what critical element, one, two and
8 three, but the rater or the official who's doing the
9 rating has to be specific as to addressing the
10 critical elements. So critical element number one
11 gives specific -- I don't know what that was. But,
12 again, they have to be specific when they are
13 referring to a specific critical element without
14 going into detail in the case, investigation, or
15 whatever. You can't do that.

16 Q. Do you know what a D.C.I. award is?

17 A. Yes.

18 Q. What is that?

19 A. Director of Counterintelligence, CIA
20 where the Director of Counterintelligence gives out
21 so many awards per year to not the CIA, not just the
22 CIA but individuals in the intelligence community who
23 have achieved outstanding success through either
24 investigations or performance or objectives or
25 whatever. It's a very prestigious award.

1 MR. KOHN: And if we can have marked --

2 THE WITNESS: The award is given --

3 offered, it's eligible to the entire

4 intelligence committee, 12 different agencies.

5 You are competing against everyone else in that

6 field. That's why.

7 MR. KOHN: If we can mark as Exhibit

8 number four. Carla, this is the recommendation

9 for the D.C.I. award and the D.C.I.

10 documentation.

11 (Exhibit 4, Recommendation for

12 Intelligence Community Award, nine pages, is

13 marked for identification.)

14 BY MR. KOHN:

15 Q. If you could please look on page one, I

16 see here on line 13, I see your name, Edward J.

17 Curran.

18 A. Correct.

19 Q. Is that you?

20 A. Yes.

21 Q. Did you, if you could please look at

22 this document, did you review and approve the

23 recommendation?

24 A. Yes.

25 Q. Before we go into the details of this

1 document, why -- were you among people that thought
2 Mr. Youssef deserved to be nominated for this award?

3 A. In this particular case, I probably told
4 Corey Hart, the immediate supervisor, to put him in
5 for it, yes.

6 Q. Now, why did you think Mr. Youssef
7 deserved this award?

8 A. Based on my contact with him during that
9 period of time he was in Los Angeles, the impression
10 he left on me, the work that he did, his
11 accomplishments, his initiative, his judgment, he was
12 probably in my opinion, and I had been around for
13 quite some time during that, one of the most
14 conscientious, productive, professional agents I had
15 ever met. D.C.I. award was more than appropriate for
16 what he had been for the past year or two years.

17 Q. In terms of his contribution to
18 counterterrorism within the FBI, how would you
19 describe that?

20 A. Based on what I knew at the time and the
21 seriousness of the situation that the FBI
22 headquarters was placing on terrorism, I was placing
23 on terrorism, Los Angeles, New York, I thought Bassem
24 was probably one of the brightest and most qualified
25 agents in that whole area.

1 Q. Now, you testified earlier, and I just
2 want to understand how this would happen. Mr.
3 Youssef is in Los Angeles?

4 A. Correct.

5 Q. The Blind Sheikh, the World Trade Center
6 attack is in New York, correct?

7 A. Correct.

8 Q. And you testified that the Los Angeles
9 division was the second largest division in the FBI?

10 A. Yes.

11 Q. New York would be the first largest?

12 A. Correct.

13 Q. Now, why would Los Angeles be involved
14 in obtaining information to get a FISA on the
15 activities of the Sheikh if the Sheikh is operating
16 out of New York and the New York division has all
17 their agents and all their expertise. Why get it out
18 of L.A.?

19 MS. WELLS: It's been asked and
20 answered.

21 BY MR. KOHN:

22 Q. You can answer.

23 A. Can I answer?

24 Q. Just so you understand the lawyers can
25 raise objections. Since there's no judge to rule on

1 them, you're free to answer the question. She's
2 saying the objection for the record. If this is used
3 in the future, she can object to my question.

4 A. There was no question in my mind that
5 any of these terrorists group located in New York,
6 Los Angeles, Detroit or Chicago, they are all
7 connected. They are not only connected domestically,
8 they are connected internationally. You're talking
9 about a network, not just an isolated cell that
10 happened to be run out of New York. We had known
11 that Rahman had been out of L.A. in the past. We
12 know he had his own cell in L.A. and was comfortable
13 out there. These people don't travel to L.A. or San
14 Diego for the sunshine or whatever. They travel for
15 a purpose. He was a bad actor. The people he was in
16 contact with, every person he came in contact with
17 would have been a suspect or a bad actor. That was
18 our goal when he had been out there previously, who
19 was he in contact with, where did he go. I want to
20 know what he's doing every minute of the day, every
21 day that he's in Los Angeles. The New York end was
22 interested in his travel. I think we had the World
23 Trade bombing, he was a suspect or at least a party
24 of interest at the time. He got the hell out of New
25 York because the heat was on. It gave us a better

1 opportunity to know who he is talking to, who he is
2 in contact with in order to totally penetrate his
3 network. There's not a handful of people. It's an
4 entire network worldwide. Everybody, every person he
5 comes in contact with is suspect, and that was our
6 objective.

7 Q. What role, in terms of understanding
8 what you've just testified to and understanding how
9 you could potentially infiltrate or arrest or
10 whatever the bureau, the government would want to do
11 in terms of a law enforcement mission, what role did
12 Mr. Youssef have in educating you or working with the
13 other agents in essentially taking -- just strike
14 that whole question.

15 Was this type of law enforcement
16 mission, i.e., looking at someone like the Blind
17 Sheikh in the context of a domestic terrorist attack
18 like the World Trade Center, was that something new
19 to the FBI or was there a lot of expertise and
20 experience?

21 A. In my opinion, there was very, very
22 little expertise and experience not only in the field
23 but also in FBI headquarters. There was a lot of
24 terrorists' acts taking place overseas prior to the
25 World Trade Center. Obviously, the World Trade

1 Center was the first attack in the United States.
2 That was the first time it brought it home that we
3 are also vulnerable. It's not in Europe or London or
4 Paris. That was a wake-up call. Their intention was
5 to take down that building at that time. They failed
6 at that. In my opinion, we should have stopped
7 everything, because we realized these people are
8 coming after our homeland at that point. That's how
9 important it was to me. Where Bassem, I appreciated
10 his talents, not because of only his background but
11 the knowledge of the different groups. You have to
12 approach something not from a criminal end, although
13 a criminal act has taken place, there's no question,
14 people have to be arrested, but counterterrorism is
15 to prevent that from happening. It happened. So you
16 have the act itself that has to be investigated, but
17 what led up to that, where are the cells, the people,
18 what was the planning, the support group, you're
19 looking from an intelligence point of view. You're
20 not looking to go out and make an immediate arrest or
21 bust. Bassem understood that. I understood it
22 because I had 30 years of intelligence. We made very
23 little arrests of Russians or whatever, and most of
24 the time we arrested because they arrested one of
25 ours, and we need to arrest one of theirs. You had

1 to get inside the organization, you had to get
2 informants. And when you're dealing with this type
3 of group, and I think you can recognize it today, we
4 do not have people on the inside. We had or he
5 developed somebody on the inside that was telling us
6 what was going on. Since the last 9/11 it's apparent
7 the intelligence community does not have advocate
8 sources, live sources, within this group. It's a
9 very, very difficult group to penetrate. He did it.
10 He did it day and night. He was out on the street,
11 was taking opportunities where they presented itself.
12 He knew where the opportunities were, he knew how to
13 exploit them more than any other person in the
14 office. That's where the big difference came from as
15 far as I was concerned.

16 Q. In terms of Mr. Youssef understanding as
17 you've testified the difference between doing an
18 investigation based upon intelligence gathering
19 versus a standard criminal arrest, I mean, just why
20 was Mr. -- now, Mr. Youssef understood that in the
21 terms of counterterrorism?

22 A. Correct.

23 Q. Did other people in counterterrorism
24 understand fully the importance of using that for
25 intelligence purposes as opposed to arrest?

1 A. No, and this is not to degrade them.
2 Most of the people other than the Intelligence
3 Division were criminal agents. Their whole culture
4 was from a criminal investigation point of view and
5 it still is today. We were the minority. We had the
6 intelligence. It doesn't tell you or give you any
7 group, if you're going to go out an arrest three
8 people in a cell that are planning operations. You
9 arrest those people, you disrupt that event, but yet
10 how many other events could that have led to if you
11 kept developing that. That's the difference. And I
12 think that's how we got along so well. We were
13 looking at it from intelligence, from a counter-
14 terrorism to prevent something from happening. And
15 there's many ways. You can arrest somebody to
16 prevent something and that's not the only way. And I
17 think FBI is still dealing with that.

18 Q. What do you mean by that?

19 A. We deal with the FBI and their whole
20 focus is the arrest, have that person rather than
21 trying to get into the organization, develop other
22 assets in the organization, find out what the
23 organization is. It always appears the first thing
24 they want to do is arrest somebody. That's my
25 opinion.

1 Q. Would you, based upon what you said,
2 would you say that the skills an effective
3 counterterrorism manager would need, would be the
4 same skill set as a -- someone coming from the law
5 enforcement background, white collar crime, bank
6 robberies, or would they need a different
7 perspective?

8 A. A different perspective. We were
9 working counterintelligence in New York, and get
10 agents in, and a lot of times they were criminal
11 people coming in. That person was not productive for
12 at least three to five years. It's a mentality
13 approach. The closest division that you come to, the
14 Intelligence Division in the criminal side is the
15 organized crime side of the house. They work it as
16 an intelligence-gathering activity. They don't go
17 out and arrest the first person they find. They want
18 to develop something, get to the next guy, get to the
19 next guy, it's long term, day in and day out. You
20 give up the arrest when appropriate and penetrate
21 that organization. It's extremely difficult in that
22 the mind set you can't change, even today. Even with
23 the terrorism investigation, they are looking for the
24 arrest.

25 Q. It's your testimony that even as far

1 back as '93, '94 in Los Angeles, Mr. Youssef had a
2 different perspective, understood the need for
3 intelligence?

4 A. Absolutely.

5 Q. Are you familiar with the various
6 reviews of the law enforcement and the FBI regarding
7 the 9/11 attacks?

8 A. Yes, I am.

9 Q. Were there issues raised about the FBI
10 needing in terms of counterterrorism, to shift its
11 focus towards intelligence versus a standard law
12 enforcement practice?

13 A. I think it was discussed because I used
14 to sit in the meetings. But I don't think it was

15 ever effected. I think you had the same people doing
16 the same criminal investigations. I don't think they
17 approached the investigation from an intelligence
18 aspect. They were looking -- an event took place
19 like the Khobar Towers, they need to arrest someone.
20 I am not disagreeing, you don't need to arrest
21 someone. What was the group before the Khobar
22 Towers? What did you do as an agency, an FBI agency
23 to penetrate that group before the Khobar Towers.
24 And I would say nothing. The FBI waits until
25 something happens and then they are great. They are

1 not good at penetrating and stopping things from
2 happening. That's my opinion.

3 Q. Now, what about in terms of knowledge of
4 the target, would you agree that, say, a criminal is
5 a criminal and understanding, say, the mind set of a
6 Middle Eastern Terrorist like Al-Qaeda would be
7 similar to the mind set of a bank robber?

8 A. No, there's absolutely no comparison
9 whatsoever. A bank robber is a local thug, a
10 criminal. Al-Qaeda or whatever is an ideologue. He
11 is doing this because this is what he totally
12 believes. He believes in killing the enemy. He's
13 going to heaven or wherever the hell he's going to
14 reach. There's no negotiations. It's an entirely
15 different mind set you're addressing other than
16 criminal. These people don't perceive themselves to
17 be criminal. How do you attack a target like that?
18 You have to have somebody that understands the
19 target. When I was ASAC, I didn't understand the
20 target. I knew how to do it from intelligence.
21 Bassem knew how to do it from an intelligence point
22 of view but he also knew the target. How to
23 interview people, turn one against the other, what
24 direction should we go, what does this mean when they
25 do this when you uncover this money or this

1 transaction. I didn't know that, Bassem knew those
2 things. That's where you save a lot of time and you
3 go in the direction you want to go. He not only
4 brought the intelligence to it, he also brought the
5 knowledge and the culture and the history and the
6 expertise that you have to have to attack an enemy
7 like that.

8 Q. In terms of understanding the target, in
9 your view, when you were there, did the
10 Counterterrorism Division of the FBI understand what
11 I'll call the Al-Qaeda/Islamic group target?

12 MS. WELLS: Object to the form.

13 THE WITNESS: In the meetings, as a
14 section chief when I was representing the
15 Russians, I never heard Al-Qaeda, the IRA, the
16 Khobar Towers mentioned, I never heard anything
17 about any other group being discussed. I
18 think, again, this is my opinion, but it
19 appeared that with the Khobar Towers, an act
20 had been taking place, the FBI does investigate
21 and once that happens, they do a good job.
22 They bring all their resources in to accomplish
23 that. I think with the, for instance, the
24 Irish Republican Army, it's an easier target.
25 Al-Qaeda and these other groups, it's a very,

1 very difficult target, and it's more difficult
2 because you don't have the people that
3 understand the target or the culture or
4 whatever. We did not. I doubt very much with
5 any of those people, again, it's an opinion,
6 they even read a book on Al-Qaeda or terrorism
7 or different cultures or Muslims or whatever.

8 BY MR. KOHN:

9 Q. When you were working with Mr. Youssef
10 in the Los Angeles division, how would you compare
11 his knowledge of the target to anyone else within the
12 FBI that you are aware of?

13 A. There's nobody in my opinion that could
14 hold a candle to Bassem, the knowledge of the target,
15 whether an assistant director, a unit chief. He had
16 that knowledge and impressed the hell at me with
17 that.

18 Q. In terms of your current position,

19 Deputy Director for Counterterrorism for the State of
20 New Jersey, Homeland Security, and all of your prior
21 experience working with the FBI, where would you rate
22 Mr. Youssef's knowledge of the target and
23 understanding of how to penetrate or effectively
24 police that target compared to anyone else in the
25 FBI?

1 MS. WELLS: Object to the form of the
2 question.

3 THE WITNESS: I'll repeat what I just
4 said. I don't think then or today the FBI has
5 anybody, essentially today, there's a lot of
6 people I knew then had already left, at least
7 had some knowledge of terrorism, but not
8 knowledge of the groups and culture. I don't
9 believe anybody today, it's even less specific
10 today than it was then. We have a very intense
11 investigation in the State of New Jersey on the
12 Muslim brotherhood and I know that was right up
13 Bassem's alley. We have several investigations
14 where we've identified money laundering going
15 directly from New Jersey Mosque back to Hamas.
16 Over a year ago I had asked FBI headquarters if
17 they would be willing to send Bassem to talk to
18 the investigators, look at our cases, give us
19 an opinion whether they were going in the right
20 direction or wrong direction or where we should
21 be going, are we on the right track or wrong
22 track. I thought he would be outstanding.
23 These are seasoned investigators. But, again,
24 they don't have the experience in terrorism
25 -related fields. I had asked that and they

1 came back and said no. That to me, the FBI has
2 been noted for cooperating with law
3 enforcement, and I thought that was a very,
4 very minor request and it was turned down.

5 BY MR. KOHN:

6 Q. Now, did they offer you Mr. Art
7 Cummings(ph) as a substitute? Did you know Mr. Art
8 Cummings?

9 A. Yes, I did.

10 Q. Was he in your supervisory chain in Los
11 Angeles?

12 A. Yes, he was.

13 Q. How would you compare Mr. Cummings, what
14 you were looking for in terms of knowledge and
15 expertise in Middle Eastern terrorism, with Mr.
16 Youssef?

17 A. It was a joke. I mean, I couldn't even
18 believe they would mention Cummings' name in the same
19 vein. I didn't even respond to the letter. I threw
20 it out. Cummings would provide absolutely nothing.
21 That was my opinion. He's a Chinese agent, he knew
22 nothing about terrorism, nothing.

23 Q. If you can then look at Exhibit number
24 four. It's my understanding this would have to be
25 approved by the Director of the CIA and the director

1 of the FBI; is that your understanding of D.C.I.? I
2 don't think it needs to be approved by the FBI.

3 A. Oh, yes, it does.

4 Q. Line 17, do you recognize that as Mr.
5 Freese(ph) signature?

6 A. Yes, it had to be approved by the
7 Director and then Assistant Director, Bob Brian and
8 myself and Corey Hart.

9 Q. And the recommendation would then be
10 approved by the Director of CIA that's on the very on
11 -- on page one?

12 A. He would consider this along with the
13 other nominees. This is not a shoe-in. Probably
14 each department had two or three nominees that they
15 could present. Every department within the
16 intelligence community, they would only give so many.
17 The fact that the FBI sent it up doesn't mean he's
18 going to get it. D.C.I. would review all of them and
19 make a decision.

20 Q. And I understand that these awards can
21 be given both to an entire unit for their work or to
22 an individual?

23 A. Correct.

24 Q. Why did you nominate Mr. Youssef as an
25 individual as opposed to, say, the Los Angeles

1 Division, the Counterterrorism Section as a
2 collective unit?

3 A. Well, I mean, to me, the counter-
4 terrorism unit, my whole division worked very, very
5 hard on this whole target. Bassem was the backbone
6 of the target. He developed the information, he
7 oversaw the information. I mean, he's the one that
8 developed the information. And in my opinion, this
9 was not a unit citation, although we thank everyone
10 for their work. Bassem went above the average
11 performance in that particular area. I had never --
12 I don't think I ever had recommended for this award
13 that I can recall.

14 Q. And if you could turn to the third page
15 of the award and this is essentially the beginning of
16 the narrative discussion of the reasons for the
17 award. And in the beginning it talks about in the
18 very first sentence, if you see that it says: Due to
19 his Middle Eastern background and his inherent
20 knowledge of that region's traditions, customs, and
21 languages. . . Do you see that?

22 A. Yes.

23 Q. Why did you -- why was that the
24 springboard for discussing, why does that come first?

25 A. That sets him out above and beyond all

1 the other applicants that don't have this capability
2 or background.

3 Q. In terms of -- now, you were a member of
4 the Senior Executive Service?

5 A. Yes.

6 Q. For a number of years?

7 A. Yes.

8 Q. And you also, as I understand, I want to
9 jump ahead a little to September 11, 2001. After
10 that attack, what was your understanding of the FBI
11 and its new priorities and focus?

12 A. After September 11?

13 Q. Yes.

14 A. Terrorism was their number-one priority,
15 but I mean, I thought it was before the September 11
16 attacks. I know it was when I was out in L.A. in
17 '94. I don't know what happened since that time. It
18 might have been terrorism. I always thought it was
19 the number-one or number-two priority not just after
20 September 11. We have been attacked before. This is
21 the first time, in '93 they attacked our homeland.
22 It should have been the number-one priority.

23 Q. In terms of someone working as an S.E.S.
24 level post 9/11 in headquarters, counterterrorism, is
25 there anything about Mr. Youssef's background and

1 knowledge of the traditions, customs and languages
2 that could contribute to a manager within
3 counterterrorism?

4 A. There's no question in my mind if Bassem
5 was back there then prior to 9/11, after 9/11, his
6 background, his knowledge would have been, you can't
7 even begin to describe the value that would have
8 brought to the FBI investigations.

9 Q. Is that just at the case agent level?

10 A. No, this is on a program-type level.
11 The senior people back at Washington decide who are
12 the targets, how are you going to do this. That
13 would have been more important than actually on a
14 case level or street level. Maybe if Bassem was back
15 there, we would have been investigating Al-Qaeda or
16 after the '93 Trade Center bombing, we would have
17 focused our attention to Al-Qaeda then. This is
18 what they did, they could do it again. I don't know
19 if it happened. I know with Bassem back there it
20 would have happened.

21 Q. You're aware of there's certain criteria
22 that's often looked at when recommending an
23 individual to the Senior Executive Service?

24 A. Correct. There's a list there.

25 MS. WELLS: Just one second. Off the

1 record.

2 (Off-the-record discussion)

3 (Brief recess)

4 BY MR. KOHN:

5 Q. I'd like to call your attention to the
6 document marked Exhibit 4 which sets forth the basis
7 on which you had recommended a D.C.I. award for Mr.
8 Youssef. Is the information, if you look at that,
9 contained in that document, to the best of your
10 knowledge, truthful and accurate?

11 A. I'd say it is very accurate and it's
12 very detailed. To submit an award like this, it has
13 to be detailed; otherwise, you lose out, because your
14 competition is very, very keen for this. So I would
15 say that's probably the most accurate one we've
16 written.

-- PGS 53 - 54 REMOVED, SUBJECT TO PROTECTIVE ORDER --

24 Q. In terms of Mr. Youssef's -- I want to
25 show the witness a document which we'll mark as

1 exhibit number five. And this is the inspection
2 report for DOJ number 7630 through 7657.

3 (Exhibit 5, Inspection report bates
4 stamped DOJ007630 through DOJ007657, is marked
5 for identification.)

6 BY MR. KOHN:

7 Q. As I understand you were not his
8 supervisor during this inspection, correct?

9 A. Correct.

10 Q. But you -- are you familiar with
11 inspections of the FBI?

12 A. Yes, I am. I was on the inspection
13 staff for a year. I did 26 of them.

14 Q. Twenty-six inspections?

15 A. Right.

16 Q. Are inspections designed to be, say,
17 flowery, complimentary documents or are they designed
18 to identify flaws?

19 MS. WELLS: Object to form.

20 THE WITNESS: They were designed to
21 determine flaws. Basically, that's your
22 wording, but they were there to be critical or
23 identify areas that needed improvement.

24 BY MR. KOHN:

25 Q. Would it be unusual to find in an

1 inspection report various criticisms or deficiencies
2 within any office?

3 MS. WELLS: Object to the form.

4 THE WITNESS: No, it would not be.

5 That's what the inspection was about.

6 BY MR. KOHN:

7 Q. And would the fact that some
8 deficiencies were noted, would that mean there were
9 performance problems with the manager?

10 A. I think it depends on what deficiencies,
11 specifically what deficiencies you are finding.
12 There's different levels of deficiency. Deficiency
13 in itself would not necessarily reflect the overall
14 rating.

15 Q. In looking at this document, can you
16 determine whether as a result of this inspection
17 there were, you know, deficiencies noted were so
18 serious as to, say, result in a bad evaluation? I'm
19 not sure. If you can explain it. Look at this
20 document and tell me how it should be interpreted.

21 MS. WELLS: Object to the form.

22 THE WITNESS: I looked at the Inspection
23 Summary. The Inspection Summary did identify
24 some areas that needed improvement such as the
25 last -- the last sentence: Additionally, based

1 upon Bin Laden's reported involvement in the
2 planning of the East Africa bombings, the Legat
3 had been preoccupied with Bin Laden's current
4 status and whereabouts. Although all funds
5 were accounted for, a deficiency was noted in
6 the Field Support Account.

7 What they are doing would be, you're
8 identifying areas that need to be addressed and
9 focused on. However, you're mitigating those
10 deficiencies because of other matters. That
11 Legat was involved or whatever it happened to
12 be. You can write in without mitigating and
13 they would be deficiencies. The fact they are
14 mitigating here is not an issue. It would be
15 very unusual if we go in to inspect any site
16 and you're not finding some deficiency. I
17 never heard of that before. That's the
18 Inspection Summary which would address the
19 entire office, the executive summary.

20 BY MR. KOHN:

21 Q. Again, just looking at the Inspection
22 Summary which is on page 7631, what is the meaning
23 of: Management and operations were effective and
24 efficient?

25 A. That is the overall rating. If you're

1 being inspected, that's what you're looking for.
2 You're effective and efficient. You could be
3 effective and inefficient. You're looking for you're
4 doing the job as you're required to do it. That's a
5 good rating and he's saying the Legat is effective
6 and efficient.

7 Q. Is there a higher rating?

8 A. No, that would be the highest rating.

9 Q. If we could turn to Executive
10 Management, again, in reviewing an inspection report
11 and looking at that, what does -- how would you
12 interpret vis-a-vis an inspection and the findings?

13 A. Every inspection, what you would do, you
14 look at the overall office, whether it be the field
15 office or Legat, and you write that up as effective,
16 efficient, or whatever your findings, and identify
17 the deficiencies you find. Then you go to the
18 executive management of the office, field office, the
19 SAC, the ASACs and whatever, and you write them up
20 individually. In this particular case, they wrote up
21 Bassem in the Executive Management and it's probably
22 one of the best ones I've seen. You can't get a
23 better write-up than that as Executive Management.

24 Q. Page 7634. You testified of your
25 perceptions of Mr. Youssef's abilities when you were

1 his second-line supervisor in Los Angeles?

2 A. Right.

3 Q. In looking at the way this inspector
4 evaluated Mr. Youssef, was that consistent with the
5 Mr. Youssef you knew in Los Angeles?

6 A. Absolutely. And, again, to take this
7 write-up in the context that it was made where he was
8 the Legat in Riyadh which was the first one or the
9 number one in a sensitive position in Saudi Arabia
10 which is such an important ally with so much going on
11 there. To get a rating like that is phenomenol.
12 They felt he did an outstanding job. That would have
13 been an extremely difficult target to get at.

14 MR. KOHN: And just for the record, it
15 would reflect he was the first Legat, he set up
16 that office in Riyadh. The record will reflect
17 that.

18 Q. Under Administration, I would like to
19 call your attention to page 7636. At the bottom
20 paragraph where the inspector is writing that: Legat
21 Youssef established relationships with members of the
22 Mabahith, the Saudi equivalent to the FBI, which was
23 unprecedented.

24 What is the significance of establishing
25 good relations with the sister organizations to the

1 FBI in a foreign country?

2 A. That is basically what the Legat is
3 there to do, is to get your counterpart to do things
4 that you're asking them to do. For him to be the
5 first one to come in here and establish a
6 relationship such as this with that organization is
7 phenomenol. That means that they trust him, he had
8 credibility with them, and they were willing to work
9 with him. For that period of time, short period of
10 time he was there to come out with an inspection
11 write-up like that is phenomenol.

12 Q. Once again, in terms of I'm going to use
13 liaison, his ability to work with others is that
14 consistent with what you saw in Los Angeles?

15 A. Yes, his ability to get along with
16 people, his demeanor and his approach to things, as a
17 Legat, that is your primary responsibility.

18 Q. I'm looking at page 7639, of the
19 inspection report, that's the DOJ page number, and
20 it's talking about in the second paragraph: Major
21 General Adul Aziz Al-Huwairini, Director of Liaison,
22 Mabahith, indicated that the FBI was the only western
23 law enforcement agency having direct liaison with his
24 office, and characterized the relationship with the
25 FBI as exceptional.

1 Do you see that?

2 A. Yes.

3 Q. Given your knowledge of counterterrorism
4 and counterintelligence and the need to work with
5 foreign partners, how significant would Mr. Youssef's
6 ability to establish this relationship with the FBI
7 counterpart, how significant is that?

8 A. You can't overstate it. It was a very,
9 very significant partner in the war against terrorism
10 that the United States had to work with. For him to
11 go over there and establish this relationship and be
12 acknowledged, I would expect nothing less from Bassem
13 than this, and obviously the person who sent him here
14 had the same expectation.

15 Q. When it says: The only western law
16 enforcement agency having direct liaison with his
17 office, would there be other western law enforcement
18 agencies, say, for example, the CIA or agencies from
19 other countries that would have attempted or wanted
20 to have that type of rapport?

21 MS. WELLS: Form.

22 THE WITNESS: CIA is not law enforcement
23 and they probably had, I would say they did
24 have a presence here, not knowing that fact.
25 However, if I would be very surprised if they

1 had the same type of relationship that Bassem
2 had with these people, and if he's having it
3 and they are not, they certainly would have
4 been very concerned about it. It's extremely
5 significant, because, again, Saudi Arabia was
6 the key country involved in terrorism, and
7 there's nothing we could have done without
8 their cooperation. You have a key person like
9 Adam, that's his cover name, or Bassem, then
10 you are achieving your objective.

11 BY MR. KOHN:

12 Q. This report, for the record, written in
13 1999. Question for you: In terms of executive FBI
14 management, people working in counterterrorism at an

15 SES level, from a section chief on up, would there be
16 any need for those managers to have this type of
17 relationship or rapport with a nation like Saudi
18 Arabia?

19 MS. WELLS: Objection.

20 THE WITNESS: Absolutely. Saudi Arabia
21 was the key to all our terrorism activities.
22 They knew the 9/11 people came out of there, we
23 knew they were using it as a center for funds,
24 whatever. There was no way we could have
25 satisfactorily addressed the terrorism problem

1 without their cooperation. If you have a
2 person like Bassem there who has established
3 these relationships, the credibility and the
4 trust who's able to get the director of the FBI
5 to meet high level officials, it's phenomenol.
6 To do it that quickly, it's phenomenol, period.
7 But to do it in that period of time is
8 outstanding.

9 BY MR. KOHN:

10 Q. Now, in terms of the current needs and
11 your understanding in terms of the position you hold
12 in the Counterterrorism Office in New Jersey working
13 with the FBI, is there a current need for good
14 liaison with Saudi Arabia?

15 MS. WELLS: Object to the form.

16 THE WITNESS: From my experience, I'm on
17 a state level now, not federal, Saudi Arabia is
18 still the center of the terrorism activity in
19 the world. If the FBI does not have that
20 relationship, we are in big trouble, big
21 trouble. But, again, on a state level, not
22 federal. I assume they would have that
23 capability.

24 BY MR. KOHN:

25 Q. I'd like to now, based on your knowledge

1 of Mr. Youssef, from the D.C.I. award and working
2 with him and also the information contained in
3 Exhibit number five, the inspection report, I want to
4 go over with you these criteria that appear on the
5 S.E.S. or in most of the Senior Executive Service
6 promotion sheets when they are evaluating for
7 promotion.

8 Based on your experience as a member of
9 the S.E.S. in the FBI and your current working
10 relationship with the FBI, did Mr. Youssef have
11 management-type skills or we can look at all five of
12 those -- it makes life easier -- on that sheet:
13 Management, leadership, liaison, problem solving,
14 interpersonal relations. Did he have skills that
15 would make him an effective manager at the S.E.S.
16 level within a counterterrorism division of the FBI?

17 MS. WELLS: Object to the form.

18 THE WITNESS: I would say, you know,
19 again, I was in Los Angeles, I was ASAC and he
20 was a street agent at the time. He was a
21 relief supervisor and he worked, we're talking
22 about management now, because I did not have
23 the opportunity to view him in a management
24 position for very long, but as a relief
25 supervisor he was fine. I had absolutely no

1 problem with that. Subsequent to his career,
2 after he left Los Angeles, he became, he went
3 to headquarters and Saudi Arabia, he developed
4 management skills. I would have, if I had to
5 rate him one to five in any of these positions,
6 I would give him the top rating of five in all
7 of them. Because with the management,
8 leadership, liaison, problem solving,
9 interpersonal skills he had all those in L.A.
10 And that has not changed and he's developed the
11 management level where he's actually
12 supervising people or whatever. I would assume
13 to get to this position, he's there because
14 he's qualified in his area of expertise which
15 is terrorism. When.

16 I was selected for my positions, detail,
17 DOD, CIA and DOE, I was selected because of my
18 experience in the area of counterintelligence
19 and my ability in these areas. And I would say
20 the same thing for Adam. He would be the most
21 experienced in the area of terrorism and also
22 have these skills.

23 BY MR. KOHN:

24 Q. You referred to Mr. Youssef as Adam.

25 Did Mr. Youssef have a second name given by the FBI?

1 A. I get Youssef and Adam -- it was always
2 Adam to me, Adam Sukgreen(ph). We decided from the
3 beginning, because he was married, had a family and
4 his investigative area in the terrorism, and even
5 within the office, we thought it would be better to
6 have him under a pseudonym than his true name because
7 of the type of work he was doing and the people he
8 was coming in contact with. So most of the time in
9 L.A. I always referred to him as Adam and most of the
10 people referred to him as Adam.

11 Q. Did he have FBI credentials made up in
12 that name?

13 A. Yes.

14 Q. Was that unusual?

15 A. Very unusual. It's not unusual in the
16 area he was working in and the people he was meeting.
17 There's no confusion in my mind that that was the
18 appropriate thing to do.

19 Q. My question is -- I don't quite
20 understand. If he was doing an undercover operation,
21 I can see he would have a different name for that.
22 Why would he have -- why would you be referring to
23 him within the FBI under a different name and have
24 actual credentials in a different name?

25 A. Because we were concerned about his

1 overall security and safety. We did not want his
2 true name even discussed in the office if people
3 called or asked for him or whatever. We were
4 concerned about his safety and security. We wanted
5 him to operate under the pseudonym of Adam Sukgreen.

6 Q. Would people in the FBI know him as that
7 name and not know his real name?

8 A. I really didn't know his real name in
9 L.A. I get mixed up between his real name...

10 Q. You knew it was a pseudonym.

11 A. Yes.

12 Q. Were there other offices in the FBI that
13 would have thought his name was Adam Sukgreen?

14 A. Yes.

15 Q. In terms of these five criteria to be an
16 effective manager or leader in counterterrorism, do
17 you need to know operational counterterrorism?

18 A. Absolutely. If you don't, you don't
19 have the credibility of your peers, the credibility
20 of agents you are supervising. It's absolutely
21 essential. Absolutely. All my positions, I had the
22 experience in counterintelligence. I'm telling
23 people what to do, how to do it. They are constantly
24 asking me why do this or that. I knew the answers to
25 that. From a management point of view, if he's

1 supervising 20 agents and they are asking him for
2 direction, he better know his subject matter or it's
3 going to take them a week to realize he doesn't know
4 what the hell he's talking about. Then he's an
5 ineffective manager. The more you know about the
6 subject matter, the better you're going to do.

7 Q. In terms of liaison and problem solving?

8 A. He solved the liaison thing with Saudi
9 Arabia. He had a great relationship in L.A. with the
10 police departments, anyone he came in contact with.
11 The problem solving, you can't get any more
12 complicated than some of the cases he was working on.
13 He was able to digest, not digest, take apart and
14 solve these issues. Very, very complicated
15 investigation, there's no question. And inter-
16 personal skills, I never heard anybody say anything
17 negative against him.

18 Q. In terms of liaison and problem solving,
19 is it important to be a subject matter expert in your
20 area?

21 A. Absolutely. How are you going to solve
22 a problem in terrorism or the Al-Quaeda if you don't
23 know the subject matter at all. How do I solve a
24 complicated foreign counterintelligence problem if I
25 don't know the target or I don't have the experience

1 or the background in intelligence. You lose total
2 credibility with the people you're dealing with, the
3 people on your squad, the fellow supervisors, your
4 ASAC. It's just you have no credibility unless you
5 know the subject matter.

6 Q. I'm going to read to you from a
7 deposition and it's the deposition, for the record,
8 of Gary Bald. It's page 77. And it's from line --
9 question is on lines two and five and the answer is
10 lines seven through twelve. I'll read it: Isn't
11 true a strong background in international terrorism
12 is essential for someone to be selected in the S.E.S.
13 for terrorism? Do you know? Ms. Wells objected to
14 form.

15 THE WITNESS: I disagree. The reason is
16 because you need leadership. You don't need
17 subject matter expertise. The subject matter
18 expertise is helpful but not a prerequisite.
19 It is certainly not what I look for in
20 selecting an official for a position in a
21 counterterrorism position.

22 The question is based on your knowledge
23 of the FBI. Do you think that's a truthful
24 statement or do you think that's what I would
25 call a pretext --

1 MS. WELLS: Object to form.

2 BY MR. KOHN:

3 Q. -- something that someone is making up
4 to justify not hiring someone?

5 MS. WELLS: Object to form.

6 THE WITNESS: I can't discuss the
7 motives. The statement is absolutely
8 ridiculous. It's asinine to consider that as
9 an option. I can't comment on the motives or
10 the person saying it. It's asinine.

11 BY MR. KOHN:

12 Q. Why would you consider that to be an
13 asinine statement?

14 A. You could have the background, the
15 knowledge of your area of expertise and still have
16 leadership, but could you be a leader with -- I don't
17 know how you could be a leader with no expertise.
18 The people you are supervising and coming in contact
19 with would know within 24 hours that you don't know
20 what the hell you're talking about. So how are you
21 going to lead and address people and have them follow
22 you if you don't have a clue what's going on. To say
23 that, that you don't need to have expertise in your
24 field, is absolutely ridiculous. I think that's why
25 we had two bombings in the FBI. We have people in

1 there that don't know their field. You think after
2 the first bombing we would have solved the problem
3 rather than waiting for the second one. The problem
4 right now, we have people that don't know what they
5 are supposed to be doing. Excuse me. I get a little
6 excited about this crap.

7 MS. WELLS: That answer should be
8 stricken, and it's not responsive to the
9 question.

10 MR. KOHN: I would disagree but that's
11 fine.

12 BY MR. KOHN:

13 Q. On page 21, lines 12 through 19.

14 QUESTION: To give leadership in counterterrorism, if
15 in your mind to give leadership in counterterrorism
16 as it relates to Middle Eastern counterterrorism
17 organizations, do you think having detailed knowledge
18 of Middle Eastern history and culture is important?

19 ANSWER: I think it's helpful, not
20 required. I wouldn't say it's important, although I
21 wish that I had it. It would be nice.

22 Again, do you think that that statement,
23 that answer reflects what types of skills are
24 necessary to supervise or manage a Middle Eastern
25 counterterrorism program?

1 MS. WELLS: Object to the form.

2 THE WITNESS: I think if you said that
3 to your squad or a forum of expert people from
4 the intelligence community, they would laugh at
5 you, absolutely laugh at you. Here is this
6 joker, where is he coming from. It's the most
7 asinine statement I've seen or heard.

8 BY MR. KOHN:

9 Q. I'm going to call your attention to
10 again, it's the same Bald deposition, page 26, lines
11 17 through 21:

12 QUESTION: Do you think that's something
13 that a person in any of the positions you've held
14 dealing with -- we'll go back. The question on line
15 13: What about the knowledge of Arabic? This is in
16 the context of a manager of counterterrorism.

17 Do you speak Arabic?

18 ANSWER: I do not. Do you think that's
19 something -- this is the question -- that a person in
20 a -- in any of the positions you've held dealing with
21 counterterrorism, that would be to their advantage to
22 speak Arabic?

23 ANSWER: No, no.

24 QUESTION: What about at the Section
25 Chief level? Do you think that would be advantageous

1 to speak Arabic?

2 ANSWER: No.

3 QUESTION: How about the Unit Chief
4 level?

5 ANSWER: No.

6 QUESTION: So essentially Arabic would
7 not be helpful for a field agent.

8 ANSWER: Yes.

9 In terms of the counterterrorism program
10 focused on the Middle East, do you believe that that
11 testimony accurately reflects the type of
12 qualifications that would be necessary?

13 A. No. I think the fact that you're saying
14 -- I don't speak Arabic either, but for me to say it
15 wouldn't be helpful in my position, again, it defies
16 my imagination. Do you need it to be a leader, to
17 have a good understanding of culture? No. But if
18 you have it and you're a leader and you have an
19 understanding of the culture, it has to be a total
20 benefit to you. I can't see how a person can say no,
21 no, no, but only on a street level. It doesn't make
22 sense.

23 Q. Just explain for the record how the
24 knowledge of Arabic could be helpful to a manager?

25 MS. WELLS: Object to the form.

1 THE WITNESS: A manager such as this,
2 and I don't know if you're in the field or in
3 headquarters. One of your major functions in
4 headquarters is your liaison with Foreign
5 Intelligence Services or whatever
6 counterterrorism forces. You have to address
7 the terrorism issue jointly with your
8 friendlies, not-so friendlies. Could you
9 imagine the benefit if you had a section chief
10 or assistant director who could go to Egypt and
11 talk to his counterparts in Saudi Arabia. Do
12 you have any idea what credibility that would
13 bring to those foreign intelligence. For a
14 senior official who does travel, who does meet
15 liaison services and say the fact that I don't
16 have Arabic does not help me with my
17 credibility of my foreigners, it's. . . I'm

18 working Russians for 30 years. If I were to go
19 over and liaison and spoke Russian, was able to
20 debrief people in Russian, the credibility and
21 the effectiveness of my job is ten times over
22 better. For a senior officer, if this is a
23 person who meets foreign intelligence services
24 all the time and say that wouldn't help me in
25 my area, it is ludicrous.

1 BY MR. CURRAN:

2 Q. I'd like to call your attention to the
3 invitation you gave to Mr. Youssef to speak to the
4 Homeland Security here in New Jersey.

5 A. Correct.

6 Q. First, why did you select Mr. Youssef as
7 the person you wanted?

8 A. I selected him because of my
9 relationship with him in Los Angeles as an expert in
10 the area. He's the ultimate expert as far as I'm
11 concerned. We have some major investigations being
12 conducted here in the state right now, in the Muslim
13 Brotherhood with the Egyptian Intelligence Services,
14 they are canvassing our neighborhoods. We have some
15 significant sources, I have well-seasoned
16 investigators. These are 20- and 30-year experienced
17 investigators out there developing. What they don't
18 understand is the culture and the history of the
19 organizations that we're investigating. I would
20 think that would be very effective for them, for
21 Bassem to come in, look at our investigations, look
22 at how we're proceeding, provide input into our
23 investigators, are we on the right track, wrong
24 track, should we be going here, should we be going
25 there. We have a very significant terrorist issue

1 here in New Jersey. To use him as an expert in this
2 field could only enhance our investigations. There's
3 no other expert I would bring in. He's an
4 investigator, he has tremendous judgment, he knows
5 the target, and whatever he could provide would be a
6 tremendous benefit to the State of New Jersey.
7 That's why I asked for him to come in.

8 Q. Now, excluding this one episode, is
9 it -- I noticed in the earlier performance reviews,
10 there was reference to Mr. Youssef went and spoke to
11 the sheriffs or the police in Los Angeles?

12 A. Correct.

13 Q. Is it something highly unusual for the
14 FBI to speak to local law enforcement?

15 A. No. What it does, you're promoting the
16 FBI by doing that. That's the purpose of liaison and
17 the field office. You're trying to cooperate with
18 law enforcement offices. If you could bring
19 something to the law enforcement they are lacking,
20 knowledge, instruction, that's your purpose as a
21 senior manager. That was one of mine, to make sure
22 we have good liaison with our counterparts in law
23 enforcement, intelligence, or whatever. If you're
24 talking about China, I would bring out certain
25 people. For terrorism, I would bring out Bassem.

1 Q. How many years did you work for the FBI
2 approximately?

3 A. Thirty-eight.

4 Q. In the 38 years you worked for the FBI
5 other than this one -- well, since this happened, did
6 you know of an instance that you were aware of that
7 when someone from local law enforcement asked for
8 someone or a specific assistance, asked for an agent
9 to come and speak, that that was vetoed or blocked?

10 A. I can't speak --

11 MS. WELLS: Object to form.

12 THE WITNESS: I can't think of any
13 specific incident from an FBI point of view.

14 That's what you're reaching out to do. We
15 provide a great amount of information.

16 BY MR. KOHN:

17 Q. To the local law enforcement?

18 A. The local law enforcement. We provide
19 all leads that come in, we have cooperative
20 arrangements. We have State Police assigned to them
21 full-time at our cost, we're paying for that. And to
22 ask for one favor like that, which is not very
23 significant, we would be willing for him to come down
24 and pay for it, and for them to say no, it's a slap
25 in the face.

1 Q. Would that be something usual or
2 unusual?

3 A. Very unusual.

4 Q. I'm going to, again, I'll call your
5 attention for the record to the Bald deposition, page
6 56, line 16. A statement was made regarding Mr.
7 Youssef and that it wasn't necessary to come here
8 because you can go to the university and get the same
9 thing. That's the quote.

10 Do you believe you can go to the
11 university and get the same thing as you were looking
12 for with Mr. Youssef?

13 MS. WELLS: Object to form.

14 THE WITNESS: We put on seminars for all
15 law enforcement, our officers, we pay for it.
16 We bring in expert scholars from all over the
17 world, Princeton University, people that have
18 written books on it and whatever. So these
19 scholarly experts do provide a very significant
20 learning curve for the lower-level police
21 officer on the street. What I'm looking for is
22 from an investigative side, I'm not looking for
23 people or somebody to come in and lecture our
24 people on the way Muslims act or whatever. I'm
25 looking for Bassem to come in and look at our

1 investigations, serious investigations, serious
2 money laundering investigations, and to give us
3 advice as to where we're going, how we should
4 get there, are we going on the right track, and
5 give encouragement and advice to my
6 investigators that do not have the background
7 that he has. So, yes, it's not the same
8 information a scholar could give me that I was
9 asking for. We use scholars all the time, but
10 a scholar wouldn't -- let me be gentle. A
11 scholar wouldn't know how to investigate a
12 case. He knows the general overview and
13 whatever, but that's not what I was asking for
14 and we do that all the time with scholars.
15 Again, this individual who is saying this just
16 disconnected.

17 BY MR. KOHN:

18 Q. Did anybody ever tell you -- strike
19 that.

20 THE WITNESS: I guess I shouldn't write
21 and ask for guest speakers from the FBI again,
22 should I?

23 BY MR. KOHN:

24 Q. In terms of -- strike that.

25 I'm going to mark as -- it's going to be

1 an excerpt from the Staff Statement Number 11 from
2 the 9/11 Commission. The first page of the exhibit
3 consists of, it has the 9/11 Commission stamp and
4 it's entitled The Performance of the Intelligence
5 Community, Staff Statement Number 11. The second
6 page has a section called Management Priorities and
7 Strategy. For the record, this I downloaded from the
8 Internet from the 9/11 web page.

9 (Exhibit 6, excerpt from the Staff
10 Statement Number 11 from the 9/11 Commission
11 entitled The Performance of the Intelligence
12 Community, two pages, is marked for
13 identification.)

14 BY MR. KOHN:

15 Q. I want to call your attention to page
16 two. All the hand markings on this, it's the only
17 copy I have, they are mine. The original document is
18 only the timed version. If you could look at the
19 last paragraph where it says -- and they are talking
20 about the FBI here: Many field agents felt the
21 supervisory agents in the Counterterrorism Division
22 at headquarters lacked the necessary experience in
23 counterterrorism to guide their work.

24 Do you see that?

25 A. Yes, I do.

1 Q. Based upon your knowledge of the FBI and
2 both as an employee and in your current capacity,
3 does this statement here reflect a criticism you have
4 heard?

5 A. I heard that when I was in the FBI. I
6 can't obviously express to it now because I don't
7 know.

8 Q. And in terms, if you look at those early
9 performance reviews and ratings of Mr. Youssef, you
10 make reference to other offices calling and asking
11 him for guidance and suggestion. Do you find it
12 strange or was it unusual in any way for people in
13 need of calling headquarters, would be calling the
14 Los Angeles division to Mr. Youssef?

15 MS. WELLS: Object to form.

16 THE WITNESS: I find it unusual that a
17 person -- I find it unusual that the FBI would
18 not have the expertise for the field office to
19 call the FBI. But that was the same situation
20 I was in when I was in the FBI. The FBI did
21 not have a cadre of people back at FBI
22 headquarters who had sufficient knowledge and
23 investigative experience before they went to
24 headquarters.

25 BY MR. KOHN:

1 Q. In terms of management, in terms of the
2 S.E.S. level or above?

3 A. I think what they are saying here, the
4 vast majority of expertise counterintelligence or
5 counterterrorism or organized crime is in the field,
6 not in FBI headquarters, and you don't go to FBI
7 headquarters to ask what should I do, because they
8 don't know.

9 Q. If Mr. Youssef was in -- or let's put it
10 this way: Based upon this finding, do you think
11 there would be any justification for having someone
12 in the post 9/11 counterterrorism of the FBI at the
13 Senior Executive Service level with the knowledge and
14 expertise of Mr. Youssef?

15 A. Well, we had the '93 bombings and 9/11;
16 and if they haven't gotten the message yet, there's
17 something wrong. Yes, absolutely. They should have
18 people back there that know how to run these
19 investigations.

20 MR. KOHN: We're going to mark this as
21 Exhibit number seven. Exhibit number seven,
22 for the record, are excerpts from the Joint
23 Inquiry into Intelligence Community Activities
24 Before and After the Terrorist Attacks of
25 September 11, 2001. Senate Hearing 107-1086.

1 (Exhibit 7, excerpts from the Joint
2 Inquiry into Intelligence Community Activities
3 Before and After the Terrorist Attacks of
4 September 11, 2001. Senate Hearing 107-1086,
5 is marked for identification.)

6 BY MR. KOHN:

7 Q. I'm looking at the photocopy excerpt
8 from the official committee print, it's coming from
9 Wednesday, September 18, 2002. It's page 430. The
10 testimony I'm looking at deals with page 457 of the
11 print, and it's from a report being given by Eleanor
12 Hill, Staff Director, Joint Inquiry Staff.
13 It's a report apparently she wrote on or about
14 September 24, 2002. If you could please look at page
15 457 and for the record this is a discussion of the
16 way FBI handled something known as the Phoenix E.C.
17 and other information for which they had prior to the
18 9/11 terrorist attacks. And it has a general
19 description of what occurred and about a field agent
20 and what they were saying, and I'm looking now to the
21 -- at the second-to-last paragraph, if you can review
22 that.

23 MR. KOHN: The witness is taking a look
24 at that for a moment, that page. The way I
25 marked Exhibit 7, the first page is the

1 photocopy of the hearing report itself. It has
2 in bold print: Hearings Before the Select
3 Committee on Intelligence U.S. senate and the
4 Permanent Select Committee on Intelligence
5 House of Representatives. The second page and
6 the third page are the -- it has table of
7 contents on the second page, it says Volume I,
8 Hearing held in Washington, et cetera. On the
9 third page of the exhibit, on the left side is
10 the end of the table of contents, and the right
11 side is page one from Wednesday, September 18,
12 2002. The next page of the exhibit are pages
13 436 and 437, which is the first page of that
14 report by Eleanor Hill. And then the last page
15 of the exhibit are pages 456 and 457 which is
16 the excerpt from that report. And we're
17 looking at page 457. The witness is examining
18 that.

19 MS. WELLS: Thank you. Let me know when
20 you're done looking at that.

21 BY MR. KOHN:

22 Q. I want to call your attention, and based
23 upon what the findings are there, on the
24 second-to-last paragraph, the last sentence says:
25 The same unit at FBI headquarters also had the

1 Phoenix E.C. but still did not sound any alarm bells.

2 I understand that unit would have been
3 the Counterterrorism Unit, but my question for you is
4 what is the relationship between having a manager at
5 the S.E.S. level in counterterrorism with the
6 knowledge and skills of Mr. Youssef and the ability
7 of any law enforcement, be it the State of New
8 Jersey, the FBI, to review information like that
9 reflected on page 457 and have that information sound
10 alarm bells --

11 MS. WELLS: Object to form.

12 BY MR. KOHN:

13 Q. -- as reflected in the report?

14 A. It's hard for me to sit here and say why
15 didn't it set off alarm bells. It obviously set off
16 alarm bells in the field where they had concern. My
17 question, why didn't you act on it? What was the
18 downside of acting on this information even if you
19 didn't agree with it. What harm was it to further
20 explore it? I think if you had, again, I don't know
21 who was receiving this at headquarters. To me this
22 is not very difficult. Action should have been taken
23 on it. My question, why wasn't it and why didn't the
24 alarm bells go off? Why couldn't you act on it?
25 It's not like you're spending 50,000 dollars or

1 whatever. It's something that headquarters should be
2 doing and putting together for the field.

3 Q. My question is, would it be important to
4 have a manager with the type of knowledge and
5 expertise that Mr. Youssef had in order to understand
6 this type of information and insure that the alarm
7 bells are sounded?

8 A. Absolutely.

9 MS. WELLS: Object to form.

10 THE WITNESS: Absolutely. I can't
11 imagine Bassem sitting there looking at this
12 information and saying no, we're not going to
13 do anything with it. It doesn't make sense. I
14 can't imagine anybody with the basic
15 understanding of counterterrorism would not
16 have reacted to that.

17 BY MR. KOHN:

18 Q. Now, if you had a Counterterrorism
19 Division which -- reflected in the earlier testimony
20 which I read, and again, just calling your attention
21 to that, if I need to, from Mr. Bald's deposition.
22 If that was the criteria they had, in other words,
23 you didn't need the expertise, you didn't need the
24 knowledge of Arabic or the culture, do you think if,
25 in fact, you had a Counterterrorism Division with

1 that level of hiring criteria for management, would
2 the problem identified in this exhibit have a chance
3 of reoccurring?

4 MS. WELLS: Object to the form.

5 THE WITNESS: Absolutely. I don't see
6 -- if this is a caliber of people you're
7 getting down at FBI headquarters that cannot
8 even see this as a potential lead, I don't know
9 where you're going. What I would ask from
10 Minneapolis, if this had happened in Los
11 Angeles, you had a field supervisor, say that
12 was Bassem and he brought it to Corey Hart and
13 they sent this response to headquarters and
14 that's the response they would have gotten, I
15 think the next step, they would have brought it
16 into me, and I would have gotten on the plane
17 to Washington and said this is unacceptable,
18 period. So I don't know what broke down in
19 Minneapolis to accept that response. It's just
20 unacceptable, especially when they had that
21 inkling or incentive. I would like to know why
22 that person did not react to that. I don't
23 know what the answer to that is. You would.
24 And what harm does it do to react to it.

25 BY MR. KOHN:

1 Q. Are you -- I'd like to show you now a
2 document which we'll mark as exhibit, this is Exhibit
3 8. It's from the Internet, it's the text of a
4 briefing given by Ashcroft and FBI Director Mueller
5 directly after the 9/11 attack. It's dated September
6 17, 2001. The exhibit is eight pages long, and it's
7 -- it comes from an eMediaMillWorks, Monday,
8 September 17 from washingtonpost.com.

9 (Exhibit 8, Justice Department Briefing
10 dated September 17, 2001, is marked for
11 identification.)

12 BY MR. KOHN:

13 Q. I'd like to call your attention to the
14 fourth page of this exhibit, and this is where
15 Director Mueller is making an announcement to the
16 American people that they are seeking and recruiting
17 people who can speak Arabic and Farsi at a
18 professional level, and he's giving the FBI web page
19 and an 800 number. My question for you, were you
20 aware that the FBI lacked agents who could speak
21 Arabic and Farsi?

22 MS. WELLS: Object to the form.

23 THE WITNESS: Yes, I know in the
24 investigative field we were definitely.

25 BY MR. KOHN:

1 Q. Have you heard of a director of the FBI
2 going on national television to the American people
3 asking them to call a number to offer their services
4 because the bureau didn't have --

5 A. From a Counterintelligence point of view
6 I wouldn't recommend that. Every hostile
7 intelligence service would be trying to input their
8 own people in. It's an invitation, it's hard enough
9 to keep intelligence services out of your
10 organization, but to announce that you're willingly
11 accepting anybody, that's not the course I would have
12 taken, no.

13 Q. Were you and it says here, that within
14 the FBI they put 500 personnel in headquarters from
15 32 agencies working 24 hours a day coordinating what
16 was the 9/11 investigation right at headquarters.

17 My question for you is, were you aware
18 generally that the FBI had a need for competent
19 agents and professionals to assist in the immediate
20 aftermath of the 9/11 attacks?

21 A. Yes.

22 MS. WELLS: Objection to form.

23 THE WITNESS: Yes, I was.

24 BY MR. KOHN:

25 Q. Based upon your direct knowledge of Mr.

1 Youssef and what you're able to learn from Mr.
2 Youssef by reviewing the inspection report from Saudi
3 Arabia, would you have expected the FBI to seek his
4 services on the 9/11 investigation following that
5 attack?

6 MS. WELLS: Objection to form.

7 THE WITNESS: I absolutely would. I
8 would have expected it prior to 9/11.

9 BY MR. KOHN:

10 Q. Focusing on 9/11, the attack occurs, the
11 Trade Center collapses, at that point do you believe
12 that Mr. Youssef had skills which would have helped
13 the United States?

14 A. He has more skills than anybody I know
15 that was down at FBI headquarters during this period
16 of time in the terrorism field. He has more
17 knowledge than any of them. So if you're not going
18 to use that, then explain why. I don't know.

19 Q. What about in terms of liaison with
20 Saudi Arabia, would you think that again by --

21 A. For someone to say nine out of twelve of
22 the hijackers were from the Saudi Arabia area, in
23 Riyadh, and he had an outstanding relationship with
24 the intelligence service, and to not use that, I
25 don't know how you explain that.

1 Q. Again, after the 9/11 attack, you could,
2 if you were going to use Mr. Youssef's services, you
3 could use him as a street agent, as a manager, to
4 oversee --

5 A. You could have used him -- both
6 statements would be wasting his talents. Use him as
7 a bridge between FBI and Saudi Arabia, which was the
8 focus of your major investigation at that time.

-- PGS. 91 - 93 REMOVED, SUBJECT TO PROTECTIVE ORDER --

18 (Off-the-record discussion)

19 MR. KOHN: On the record. Carlotta, I'm
20 on the record and in order to avoid a conflict
21 over the use of this document, I'm just going
22 to reserve my right to have this witness
23 execute a privacy -- one of those Privacy Act
24 Waiver Forms, and what I may then do, submit it
25 to him either by deposition, by written

1 interrogatory or by affidavit, my questions
2 regarding this document that we've been talking
3 about. But I don't need to -- it will take too
4 much time. It's too late to do that.

5 MS. WELLS: Okay.

6 BY MR. KOHN:

7 Q. I'd like to call your attention, I just
8 have a question for you. Would you agree or disagree
9 with this statement.

10 A. You're asking me?

11 Q. Yes. Looking at the Oklahoma City
12 bombing and the Khobar Towers, those embassy bombings
13 that occurred in Africa, would it be a fair
14 comparison to say, truck bomb, Oklahoma; truck bomb,
15 embassy bombings?

16 MS. WELLS: Object to form.

17 BY MR. KOHN:

18 Q. In looking at those two criminal acts,
19 truck bomb, truck bomb?

20 MS. WELLS: Object to form.

21 THE WITNESS: In my opinion, it's not
22 fair to say. You rob a bank, you rob a bank.
23 Who was involved in the truck bomb, what type
24 of explosives, where did they get the truck,
25 who was the subject who drove it, a suicide

1 bombing, you know, a parked car. To me, and
2 I'm not in criminal investigations, to me
3 that's very, very important. You can't say one
4 truck bomb is the same as another truck bomb.

5 BY MR. KOHN:

6 Q. What about a truck bomb that is
7 initiated from a Middle Eastern terrorist
8 organization religiously motivated?

9 A. Correct.

10 Q. Versus, say, a bombing done by an
11 extortionist or --

12 A. The ideologue, he's willing to sacrifice
13 his life. Where on the domestic terrorism side, they
14 don't have the gumption. The ideologue receives
15 rewards for killing himself and the number of people.

16 It's a different mentality you're dealing with.

17 Q. In terms of understanding what I would
18 call the target of, say, an investigation -- just
19 strike that. I think I covered that.

20 MR. KOHN: Carlotta, do you have any
21 questions?

22 MS. WELLS: Are you done?

23 MR. KOHN: How long do you think you
24 have?

25 MS. WELLS: Probably about ten minutes.

1 MR. KOHN: I have a couple more
2 questions.

3 BY MR. KOHN:

4 Q. Mr. Curran, you testified that Mr.
5 Youssef had -- has certain skills that you viewed as
6 essential or unique and which would be helpful within
7 a counterterrorism program, correct?

8 A. Correct.

9 Q. Now, what about FBI agents, say, who
10 also worked this counterterrorism and did, for
11 example, would be deployed to Nairobi on the embassy
12 bombing to review the crime scene, you know, who
13 would work on getting a FISA for a counterterrorism
14 suspect. What is it about the background and
15 experience and expertise of Mr. Youssef that agents,
16 say, performing counterterrorism functions like being
17 at a crime scene in Nairobi wouldn't learn through
18 on-the-job experience?

19 MS. WELLS: Object to the form.

20 THE WITNESS: I am not quite sure I
21 understand the question. The people who are
22 being dispatched to a crime scene or an
23 incident or an explosion that has already
24 occurred are conducting a crime scene
25 investigation. It's a gathering of evidence

1 for future prosecution. There's a whole system
2 you go through. The World Trade Center
3 bombing, the Nairobi bombings. There's a set
4 pattern you go through to collect evidence for
5 prosecution. What Bassem brings and the other
6 agents would lack to do at the crime scene is
7 the penetration of the network prior to the
8 explosion. He brings the intelligence-
9 gathering ability of an investigator to develop
10 informants, techniques, to conduct
11 investigations, to identify the cell members in
12 order to prevent the explosion from taking
13 place. That would be the big difference. The
14 FBI is very, very good at conducting an
15 investigation once the bomb goes off. Where I
16 think we're lacking is that we don't have the
17 capability or the agents with the proper
18 experience that Bassem brings, to conduct the
19 investigation to prevent the bomb from going
20 off.

21 BY MR. KOHN:

22 Q. And are the skills that Mr. Youssef has
23 in that area that you've just testified to, skills
24 that you would be, say, wanting only in a street
25 agent investigator or would those be skills you want

1 in a management level?

2 A. Definitely on a management level.

3 Again, it's credible. Do you know the subject
4 matter? Do you know what you're talking about? You
5 could talk about leadership all you want, but if your
6 subordinates know that you do not know the subject
7 matter or the investigative process or the
8 intelligence process, they recognize that very, very
9 quickly. You could say you're a leader, but
10 leadership comes from demonstration, from you acting
11 as a manager and knowing your subject matter and
12 knowing how to direct people, utilize people,
13 communicate with people, and Bassem brings that to
14 the table.

15 MR. KOHN: Nothing further.

16 (EXAMINATION OF MR. CURRAN BY MS. WELLS:)

17 Q. Mr. Curran, I just have a few questions
18 for you.

19 A. Okay.

20 Q. Going back at the beginning of the
21 deposition Mr. Kohn asked you a lot of questions
22 about your experience with the FBI.

23 A. Yes.

24 Q. Am I correct in my understanding that
25 with the Los Angeles field office in August of 1994

1 you left?

2 A. Correct.

3 Q. You were detailed to the CIA?

4 A. Yes.

5 Q. Is it fair to say as of that, from that
6 point forward, you no longer worked on a day-to-day
7 basis with Mr. Youssef?

8 A. That would be fair, yes.

9 Q. Another thing that struck me about your
10 background, it seems, again, correct me if I'm wrong,
11 it's my understanding that most of your experience
12 has been in the counterintelligence area; is that
13 fair?

14 A. Correct.

15 Q. I didn't hear you.

16 A. Correct, yes.

17 Q. How much counterterrorism experience do
18 you have?

19 A. As I said in the beginning, my
20 counterterrorism experience where I was directly
21 responsible for was in Los Angeles.

22 Q. Just as your capacity as a supervisor?

23 A. No, as an ASAC.

24 Q. Not an area where you had expertise; is
25 that correct?

1 A. I don't know what you're referring to as
2 expertise. My expertise was intelligence,
3 intelligence gathering. And you use the intelligence
4 no matter what the target is, and I think probably
5 the problem with the Counterterrorism Division, they
6 are working it as a criminal activity as opposed to
7 counterterrorism. But my experience was in
8 counterintelligence, and you use the same approach in
9 counterintelligence that you would use against the
10 Russians, the Chinese, that you would use against
11 terrorism networks.

12 Q. So if I understand what you're saying
13 correctly then, you would use the skills that you got
14 in working counterintelligence over the years and
15 then apply that to what was a new area in terms of
16 the players involved, the nature of the
17 investigation, what you might be looking for in the
18 Counterterrorism Division?

19 A. Correct.

20 Q. How about civil rights, is that
21 something similar where you did not have a background
22 or did you have a background?

23 A. No, I did not have a background. I got
24 very well acquainted with it as soon as I got to Los
25 Angeles since I had the second Rodney King trial.

1 Q. What was involved with Rodney King, is
2 it fair to say you felt competent and capable of your
3 ability?

4 A. I had reached a certain point. When
5 you're appointed ASAC Program Manager, you're
6 bringing to the table those critical elements that we
7 referred to earlier, the leadership and management
8 ability, and that's correct.

9 Q. Is it true also you were appointed as an
10 ASAC in '92, January of '92, I believe you said?

11 A. Yes.

12 Q. And that was approximately, what, how
13 many years after you became an agent with the FBI?

14 A. Well, I became an agent in '69. I
15 stayed in New York for close to 12 to 13 years, five
16 years as a supervisor.

17 Q. Okay, so you became an ASAC at the GS-15
18 level?

19 A. Correct.

20 Q. You were a GS-15 as a Unit Chief in
21 headquarters?

22 A. Correct.

23 Q. Do you remember the year of that?

24 A. I think probably around 1986, but it
25 could be '85, '86

1 Q. So approximately 17 years after you
2 became an agent with the FBI, you became a GS-15 Unit
3 Chief?

4 A. Correct.

5 Q. Mr. Curran, do you have any firsthand
6 experience or knowledge with the FBI dealing with
7 either your field offices, counterterrorism
8 investigation?

9 A. Repeat the question, please.

10 Q. Based on your experience when you were
11 employed with the FBI, did you have any firsthand
12 interaction or knowledge of the work the New York
13 field offices were doing with counterterrorism
14 investigations?

15 A. No, I did not.

16 Q. I want to ask the same question. Did
17 you have based on your tenure and experience, did you
18 have any firsthand knowledge or experience working
19 with the Washington field office in their
20 counterterrorism investigations?

21 A. While I was in New York?

22 Q. No, while you were anywhere with the
23 FBI, with the Washington field office.

24 A. With terrorism matters?

25 Q. Right.

1 A. Only in relation to the fact that we had
2 several countries, Iran, Iraq, Pakistan, that were
3 under the terrorism division, but also we were
4 interested in them from a counterintelligence
5 position. And they subsequently came over under our
6 jurisdiction, because you had intelligence officers
7 assigned to those missions and whatever. So we did
8 work, we did have a general working relationship with
9 the Counterterrorism Division at that time, because
10 they were working them from a counterterrorism
11 position and we were looking at them from a counter-
12 intelligence position. So there was information
13 going back and forth on those particular countries.

14 Q. And during what time frame are we
15 talking about?

16 A. That's when I would have been at
17 headquarters, and I was there from '87 or '84 to '87,
18 and then when I got back from the CIA was it the CIA?
19 Yup, I believe. It's Section Chief of the Russian
20 section.

21 Q. How long were you Section Chief for the
22 Russian section?

23 A. I think around six months.

24 Q. It didn't seem like it was long when you
25 were going through your background. Am I correct in

1 understanding you don't speak Russian?

2 A. I do not.

3 Q. Did you feel that hindered you in your
4 ability to be an effective manager in the --

5 A. I think it would have been very, very
6 helpful. I don't think it hindered me, but I think
7 it would have added a little bit more credibility to
8 my performance, especially when I was talking to the
9 Russians in Washington and New York. I think it
10 would have helped. I was told very soon after
11 training school that I had no adaptability to foreign
12 language.

13 Q. Right. I can sympathize with that.
14 Knowledge of Russian would have been helpful but was
15 not a requirement for your job?

16 A. It was not a requirement, but it
17 certainly would have been very, very helpful.

18 Q. I just want to clarify for the record
19 that you left the FBI, is this correct, let me strike
20 that question.

21 So the record is clear, you were not
22 employed with the FBI or after September 11, 2001?

23 A. That's correct.

24 Q. Therefore, you have no firsthand
25 personal knowledge of things that have gone on at the

1 FBI since that time; is that fair to say?

2 A. That's correct.

3 Q. Mr. Curran, during your tenure with the
4 FBI --

5 A. Let me caveat that. When I took this
6 job in October of 2002, we got back in because I
7 worked very closely with the FBI, the field division
8 both in Newark and New York.

9 Q. No. I understand. So the record is
10 clear, your interaction with the FBI has been as a
11 state law enforcement interacting?

12 A. Correct.

13 Q. And not in the FBI making decisions with
14 respect to anything to do with FBI management or
15 investigations or whatever?

16 A. That's correct.

17 Q. Okay. Have you, Mr. Curran, have you
18 ever served in a Legat office?

19 A. I did not.

20 Q. Is it fair to say you have no firsthand
21 knowledge about what a Legat office does or what a
22 Legat is, individual Legat attache does day to day?

23 A. When I worked in the Russian section, I
24 worked very closely with them. That was a lot of our
25 bread and butter.

1 Q. Is it fair to say you would then send
2 them leads to get them information?

3 A. Absolutely and we would visit different
4 locations and whatnot. I also had experience on the
5 inspection staff, two or three on the inspection
6 staff.

7 Q. Do you recall which ones?

8 A. One was Bonn, Brussels. I don't know if
9 we had Brussels. I think we did two at the same
10 time. One in either Sweden or Switzerland or Bern
11 and Bonn.

12 Q. All the Bs?

13 A. All the Bs.

14 MS. WELLS: That's all I have.

15 (EXAMINATION OF MR. CURRAN BY MR. KOHN:)

16 Q. I just want to go back on this issue of
17 your experience in counterintelligence. In terms of
18 your knowledge of counterterrorism, are there certain
19 specific skills that are related to counter-
20 intelligence that are directly applicable to counter-
21 terrorism?

22 A. Yeah.

23 Q. In other words, I'm not talking about
24 general things, like knowledge of whatever, I'm
25 talking about specific things. If you're an expert

1 in C.I. is that immediately adaptable to
2 counterterrorism?

3 A. That's the point I tried to make before
4 between Bassem's relationship and myself. He had the
5 detailed expertise in the various groups, the
6 make-ups of the groups, the various countries
7 involved that I did not have that. What I did have
8 was the intelligence background that no matter what
9 the groups were, you would approach it from the same
10 direction. As opposed to a criminal investigation,
11 where you're gathering evidence, you're writing 302s,
12 you're interviewing witnesses for prosecution. That
13 is not your goal in a counterintelligence
14 investigation. The terrorism targets in my opinion
15 had to be approached. And this is what we had said
16 earlier about Iran and Iraq, they were being worked
17 as a criminal investigation whereas you had consulate
18 in Washington and New York being run by these
19 countries, you had intelligence officers out doing
20 their things, and they were not being addressed, they
21 were not using FISAs. You would perhaps in my
22 opinion gather more information on the operations of
23 that consulate, the intelligence officers, and I
24 don't want to go too specific on the phone here.
25 There's special techniques that were available to us

1 in a counterintelligence area under separate orders.
2 The FISA packages they could not do, and these are
3 basic standard things that you would do against any
4 target in the counterintelligence area. That's what
5 needed to be done against the various countries and
6 the various organizations where your threshold to get
7 these techniques approved was lower than it was for a
8 criminal investigation. So that's what I would bring
9 to the table and that's what Bassem understood, how
10 to approach these investigations.

11 Q. To summarize that, there would be a way
12 of looking at a crime from an intelligence
13 perspective versus a criminal prosecution
14 perspective, correct?

15 A. Can I say looking at a target rather
16 than a crime. Once a crime has been committed, you
17 have to investigate the crime. What you're looking
18 at is the target. And you would use all these
19 investigative techniques that you had under the A.G.
20 guidelines, that you had a lower threshold, such as
21 the FISA as opposed to Title III that would not be
22 used in a criminal investigation. It's used to
23 gather intelligence. In my opinion that's what
24 should have been done, no matter what terrorist group
25 or whatever country.

1 Q. And at the time when you were in the Los
2 Angeles division, did the FBI, was their
3 headquarters, the counterterrorism and
4 counterintelligence programs managed under one
5 office? In other words, counterterrorism and
6 counterintelligence part of the same division?

7 A. I don't think it was at this time. I
8 think counterterrorism was in the Criminal Division
9 at that time. It wasn't until later, after I had
10 come back, that they finally moved, because it was
11 always a big discussion that the counterterrorism
12 should be in the Intelligence Division, not in the
13 Criminal Division. But even when they moved it over,
14 all the criminal people came with it. They didn't
15 know what a FISA was. That's the point I'm trying to
16 make. They didn't know how to apply for a FISA, for
17 a search warrant, all that. Those are special
18 techniques that were being applied on a daily basis
19 in the Intelligence Division that were not being
20 applied in the Terrorism Division.

21 Q. In terms of the application of law
22 enforcement skills, as you move up the career ladder,
23 would it be fair to say that the skill set of someone
24 who's become, has developed expertise in intelligence
25 gathering is different from the skill set of someone

1 who had been conducting traditional criminal
2 investigations?

3 A. Absolutely.

4 Q. And now -- so thinking in terms of
5 counterterrorism, if you have a skill set of
6 intelligence gathering, that's applicable to C.I. or
7 C.T.

8 A. Correct.

9 Q. What about knowledge of the target,
10 what's the difference between, say, what you were
11 doing in C.I. and understanding that target versus
12 counterterrorism and the knowledge of the target and
13 I'm talking Middle Eastern counterterrorism.

14 A. Well, again, the knowledge of the
15 target, for instance, the Russian target, it took
16 years and years of experience working with these
17 people and getting background information to
18 understand how these people think, act, what they
19 need, what they want. What you're always looking for
20 is to exploit weaknesses in any area. To exploit
21 weaknesses for the purpose of recruiting, that's your
22 primary objective, recruitment of informants. The
23 knowledge of that is, what are their weaknesses. You
24 know from a background, you already know, I have to
25 go out and learn that. But if you have someone who

1 has grown up in that atmosphere, aware of these
2 people, knows how to talk to them, approach them,
3 knows how to not offend them, I'd rather learn that
4 from someone who has that experience than spend six
5 months making all those mistakes myself.

6 Q. In terms of managing a counterterrorism
7 program, what is the importance of the managers to
8 have extensive knowledge of the target?

9 A. Well, again, it has to do with
10 credibility, it has to do with the focus of your
11 investigations, the manner of your investigations,
12 how do you do certain things. That person who has
13 that understanding, that capability does it
14 immediately. Whereas a manager who does not makes
15 all these mistakes. They go down different alleys
16 they shouldn't be going down. To understand the
17 target, know the culture is just so important to the
18 FBI and the investigation. I can't describe it any
19 better.

20 MR. KOHN: In terms of -- nothing
21 further.

22 (Witness excused)

23 (Testimony concluded)

24

25

1 C E R T I F I C A T E

2 I, Theresa DiStephano, a Notary Public and
3 Certified Shorthand Reporter of the State of
4 New Jersey and a Commissioner of Deeds of the
5 State of Pennsylvania, do hereby certify that
6 prior to the commencement of the examination,

7 EDWARD J. CURRAN

8 was duly sworn by me to testify to the truth,
9 the whole truth and nothing but the truth.

10 I do further certify that the foregoing is
11 a true and accurate transcript of the testimony
12 as taken stenographically by and before me at
13 the time, place and on the date hereinbefore
14 set forth.

15 I do further certify that I am neither a
16 relative nor employee nor attorney nor counsel
17 of any of the parties to this action, and that
18 I am neither a relative nor employee of such
19 attorney or counsel and that I am not
20 financially interested in this action.

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THERESA DiSTEPHANO, C.S.R.
NOTARY PUBLIC, STATE OF NEW JERSEY
MY COMMISSION EXPIRES JANUARY, 2007
CERTIFICATE NO. X101115
DATE: May 3, 2005

