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FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY

Date: 03/10/2003

To: All Field Offices

Attn: FCI/IT SUPERVISORS
IRAQI PROGRAM MANAGERS

From: Counterterrorism
MEU/ITOS II/4383
Contact: [Redacted]

Approved By: Frahm Charles ^{ef/03}

[Redacted]

Drafted By:

[Redacted]

Case ID #: ~~(S)~~ 199E-HQ-1404383 (Pending)
(S) [Redacted] (Pending)

Title: ~~(S)~~ DARKENING CLOUDS
IT - IRAQ

(S) [Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 01-27-2009
CLASSIFIED BY 65179 dmh/baw
REASON: 1.4 (c)
DECLASSIFY ON: 01-27-2034

Synopsis: (U) To provide additional guidance to FBI field divisions regarding administrative issues pertaining to captioned matters.

~~(S)~~ Classified By: 11344, ITOS 2 /CTD
Reason : 1.5(c)
Declassify On: X1

Reference: ~~(S)~~ 199E-HQ-1404383 Serial 353
(S) [Redacted]

Details: ~~(S)~~ On 3/3/2003, FBIHQ advised the field by referenced ECs that subfiles had been designated for each field office pertaining to captioned 199 matter (Darkening Clouds). All matters regarding DARKENING CLOUDS, except for Phase II interview results were directed to be worked out of these subfiles.

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Re: ~~(S)~~ 199E-HQ-1404383, 03/10/2003

~~(S)~~ In order to facilitate appropriate handling and retrieval of information obtained from Phase II interviews, FBIHQ provided the following guidance: FBIHQ designated additional subfiles for each field office intended for the Phase II interviews. These subfiles are to be used exclusively for the filing of interviews. The file will be an unclassified 302 subfile, e.g., for the Albany Division, it would be 199E-HQ-1404383-AL-302. Interviews conducted should be documented on FD-302s and uploaded in the 302 subfile. Uploading of the FD 302s will also facilitate intelligence reporting to the US intelligence community. Further direction indicated that if for whatever reason, an interview discusses classified information, the result of this interview must be memorialized in a classified EC and uploaded to the classified subfile (e.g., 199E-HQ-1404383-AL), not the unclassified 302 subfile (e.g., 199E-HQ-1404383-AL-302).

~~(S)~~ Some field offices have contacted FBIHQ and voiced confusion over this guidance. The confusion involves referring to FD-302s with a classified case number as an "unclassified 302" or referring to the subfile containing classified 302s as an unclassified subfile. It was not the intension of FBIHQ to suggest that the FD-302 would not be "classified" or that the subfile containing classified documents is "unclassified". Due to the classified file number on the FD-302, it would be a "classified document", however, the body of the FD-302 can and should contain unclassified information, thus the FD-302 was being referred to as the "unclassified FD-302". More appropriately, the FD-302 should have been referred to as the "classified FD-302 with the unclassified body". To ensure that FD-302s are handled properly, the following additional guidance is provided: the FD-302 should be classified appropriately ("~~secret~~" due to the 199E field number) as well as have the following caveat: "All information contained herein is unclassified except where shown otherwise." This renders the information unclassified, but the file number renders the document itself classified.

~~(S)~~ It is important that documents are not unnecessarily classified when they do not contain information of a classified nature. The FBI was criticized after "Desert Storm" for classifying interviews and other documents that did not contain classified material. This required the needless expenditure of resources to declassify said documents. FD-302s containing only unclassified information will make the

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process of declassifying the document simpler, if required in the future.

~~(S)~~ Any interview that contains classified information will be documented on an EC and properly classified and uploaded in the field's subfile.

~~(S)~~ The guidance regarding interdivision communications referred to FD-302s not summary ECs. The Manual of Administrative Operations and Procedures (MAOP) Part 2 10-13.8(2) and MAOP Part 2 2-4.3.2(4) states that a 302 may be sent to the OO without a cover EC. If additional investigations are to be conducted then an EC is required. Copies of the interview do not need to be forwarded to the office setting the lead as a matter of routine. A copy should only be provided to the office setting the lead if information from the interview is pertinent to the lead-setting field office.

~~(S)~~ Field offices were advised that they should ensure that unnecessary information is not placed into the 199E main or subfiles. This guidance was to emphasize that the captioned FBIHQ investigation is not a "catch-all" file. Matters that do not have a direct nexus to this investigation should be opened and investigated under separate file numbers.

~~(S)~~ Any lead set through [redacted] with a nexus to the Darkening Clouds investigation that requires an interview should have the interview documented on an EC. If

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[redacted] Only Phase II unclassified interviews (interviewees from the field-generated interview list of Iraqis of interest) should be documented on FD-302s. All other 199E interviews are documented on ECs per normal investigative documentation procedures.

~~(S)~~ Questions regarding this matter should be directed to SSA [redacted] or IOS [redacted]

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LEAD(s) :

Set Lead 1 (adm) :

ALL RECEIVING OFFICES

~~(S)~~ Read and Clear.

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