



**Statement for the Record of Wayne M. Murphy  
Assistant Director  
Directorate of Intelligence  
Federal Bureau of Investigation  
Before the Constitution, Civil Rights and Civil Liberties Subcommittee  
and Crime, Terrorism and Homeland Security Subcommittee  
of the House Judiciary Committee  
July 19, 2007**

Good morning, Chairman Scott, Chairman Nadler and Members of the Subcommittees.

I am pleased to be here today to discuss the Federal Bureau of Investigation's (FBI's) Confidential Human Source Program. As the FBI relies heavily on its large contingent of human sources to collect information not accessible by other means, both the Attorney General and the Director have made clear their expectations that the FBI's Confidential Human Source Program must rise to the challenge of our current mission, integrate fully with the broader Intelligence Community, and set a standard for integrity and quality.

As the Assistant Director for the FBI's Directorate of Intelligence, I am responsible for coordinating and establishing standards for human source development, source validation and evaluation, and targeting and exploitation across the FBI and ensuring standards are met. I set the framework in place for policies and procedures that translate our authorities and the direction set forth by the Attorney General, into guidance upon which we spot, assess, recruit, sustain and validate FBI human sources.

On December 13, 2006, the Attorney General signed Attorney General Guidelines *Regarding the Use of FBI Confidential Human Sources*, mandating FBI compliance by June 2007. To that end, the FBI formulated an implementation plan to ensure compliance with the Attorney General Guidelines as they pertain to the utilization and administration of FBI confidential human sources. This implementation plan consists of a number of initiatives that have reshaped the FBI's Confidential Human Source Program, both in respect to its processes but also in its application to our mission. Today I would like to talk briefly about these endeavors.

**Confidential Human Source Re-engineering Project**

In October 2004, the FBI initiated the FBI's Confidential Human Source Re-engineering Project. Described as the "one-source concept," its key goals were to enhance the consistency, efficiency, and integrity of our Confidential Human Source Program across the FBI and better align source management with our current mission.

The one-source concept focused on creating a Confidential Human Source Program that operated consistently across locations and across investigative programs. Aside from the direct goal of implementing more efficient operation and oversight of the program, this approach allows for greater efficiency in training and continuity of performance as personnel work across individual mission boundaries. Moreover, this enables the FBI to more effectively contribute to partnerships as we increase our focus on joint operations.

Core elements of the re-engineering project included the development and deployment of a new policy manual, a disciplined validation process, and rigorous training and oversight to ensure compliance with the guidelines. The guidance set forth in the *Confidential Human Source Policy Manual* and the *Confidential Human Source Validation Manual* went into effect in June 2007.

The *Confidential Human Source Policy Manual* establishes FBI policy and procedure for the operation and administration of confidential human sources. This manual ensures the FBI fulfills its intelligence collection and information dissemination mission in compliance with the Attorney General Guideline requirements, protocols, rules, regulations, and memorandums of understanding with various law enforcement and Intelligence Community partners governing the FBI's Confidential Human Source Program. Specifically, the manual defines issues such as the criteria for source administration, the development and use of privileged and sensitive sources, source participation in otherwise illegal activity, joint operations with other agencies, source payments, a source's domestic and foreign travel, witness security, and immigration-related matters.

The *Confidential Human Source Validation Manual* establishes standardized policy and guidance regarding the validation process for confidential human sources. Specifically, this manual codifies the process and standards by which the FBI assesses the reliability, authenticity, integrity, and overall value of a given source. The new validation procedures also provide for a comprehensive and objective FBI Headquarters review. In conjunction with the one-source concept, the validation process will ensure every FBI source is subjected to a level of validation and provides the capability to evaluate sources in a broader national context and make decisions accordingly.

In preparation for the implementation of the Attorney General Guidelines in June 2007, the FBI set forth in its implementation plan training for all personnel involved in confidential human source matters. Central to this effort was an emphasis on training the FBI Confidential Human Source Coordinator personnel located in each of the 56 field divisions. The FBI hosted two identical Confidential Human Source Coordinator conferences in Quantico, Virginia, to accommodate personnel. These conferences were

interactive train-the-trainer sessions based on a comprehensive curriculum that included presentations, information-sharing resource tools, job aids, and group exercises on the new Attorney General Guidelines, FBI confidential human source policy, validation, and other pertinent issues related to policy. The conference materials and resources were made available to the Confidential Human Source Coordinators so they could return to their field offices to conduct training by the compliance date of June 13, 2007.

In addition to the above initiatives, the FBI has worked closely with our Intelligence Community counterparts to ensure we are building standards that will meet or exceed the expectations established for the Intelligence Community regarding the handling of human sources. The FBI recently developed a comprehensive human intelligence (HUMINT) development and collection course to significantly enhance our ability to routinely and systematically identify, target, develop, and operate human sources of high intelligence value. The Domestic HUMINT Collectors Course is a six-week certification course designed to inculcate Special Agents with the ability to engage in the full cycle of clandestine human source acquisition, to use passive and aggressive countersurveillance techniques, and to conduct clandestine acts from an overt platform. The first iteration of the Domestic HUMINT Collectors Course began in June 2007; participants included 26 HUMINT collectors from five field offices and two task force officers—one from the New York Joint Terrorism Task Force and one from the Washington Field Joint Terrorism Task Force.

### **Commitment to Joint Operations**

The success of our Confidential Human Source Program is dependent upon a strong and trusted partnership with our Intelligence Community and state and local law enforcement colleagues.

Over the past year, the FBI enhanced its relationships with the CIA and various military entities, to include Counterintelligence Field Activity, Foreign Counterintelligence Activity, Special Operations Command, and the US Army, US Air Force, Office of Special Investigations, and Defense Intelligence Agency. In particular, the FBI is building upon its relationship with the CIA and the US Department of Defense to ensure we undertake a program that leverages individual strengths, incorporates the benefit of our collective experiences, and supports the goals of the Intelligence Community. These efforts at increased cooperation are made with due regard for the appropriate role of the CIA and the military in the United States.

We have engaged across a range of fronts to strengthen our own program and contribute to the broader human source capacity of the Intelligence Community at large. Efforts to date have included establishing trusted professional working relationships with our counterparts, joint training and training development, joint duty assignments, joint targeting and source development, and joint reporting. Our relationships are marked by recurring meetings at the working level and a commitment on the part of leadership to meet the expectations for a truly national service.

Furthermore, the FBI recognizes the need to engage our state and local law enforcement counterparts. We have begun training federal, state, and local law enforcement agencies that provide representatives to the Joint Terrorism Task Forces and the Field Intelligence Groups located in field offices around the country. The FBI utilizes Confidential Human Source Coordinators in the field as trainers to instruct all FBI agents and task force officers regarding compliance with the Attorney General Guidelines, the *Confidential Human Source Manual*, and the *Confidential Human Source Validation Manual* as well as techniques in the identification, assessment, recruitment, and operation of human sources. Task force officers are co-case agents for numerous confidential human sources operated by FBI agents and jointly manage sources' activities in counterterrorism, counterintelligence, cyber, and criminal investigations. The ability to address HUMINT in a cooperative working environment encourages other law enforcement agencies to share their intelligence base with the FBI, resulting in an enhanced macro view of the local and regional domains.

### **Conclusion**

The American people have entrusted us with a tremendous responsibility, and we are committed to living up to their expectations. To that end, we must be an engaged, forward-leaning partner in the broader Intelligence Community as well as with our state and local law enforcement counterparts; we must ensure our standards and processes meet the criteria of integrity and quality; and we must conduct our mission with an unwavering commitment to the defense of civil liberties and the protection of privacy rights.

Thank you for time. I look forward to answering your questions.