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MEMORANDUM FOR THE RECORD

**Event:** Interview of Dr. Robert Bach, former INS Executive Associate Commissioner for Policy, Planning, and Programs

**Date:** Friday, May 14, 2004

**Special Access Issues:** None

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**Team Number:** 5 (Border Security)

**Location:** 9-11 Commission Office, GSA

**Participants - Non-Commission:** Robert Bach

**Participants - Commission:** Tom Eldridge, Susan Ginsburg, Joanne Accolla

**Background:**

PhD. Sociology, 1978 – Duke University; university professor, joint creator Carnegie endowment for International peace in 1986-87; Doris Meissner was principal and invited me to join her; now is the Migration Policy Institute; formally with government since 1994 – 2000. Spent several years as consultant, DOL; spent 2 years at Rockefeller --- in NY. Bach had an interest in immigration going back to the publication of his PhD dissertation on Mexican Immigration.

While at Carnegie, Bach said he worked a lot on projects that Doris Meissner also was involved in (“we were colleagues”) but never worked directly with Meissner on the same project.

Bach’s Understanding of his job at the INS

We asked Bach what was his understanding of what his job would be at INS. Bach said the offer was to create an office of strategic planning and policy – to be the overall strategist of various directions – policy work. One of Meissner’s goals was to make immigration policy cross-agency; and to elevate the INS’ role in formulating immigration policy; another goal was to have the policy unit manage internally as the “OMB” of the agency, i.e. to run the performance quarterly reports, and reviews.

According to Bach, “there was no such office when I arrived.” We showed Bach the organizational chart with the four Executive Associate Commissioner positions. He agreed this was the setup when he was there, but added that the INS was under reorganization “virtually the entire time” he was there. Bach added that there later was created a Director of Research, after a request by Congress and the administration.

Bach said he served from June or July 1994 through the beginning of June 2000. Bach said that he recalled that in 1999, his duties were changed to add “programs” in addition to policy and planning. So it was policy, planning and programs.

### Priorities

We asked Bach what were his priorities, the highest ones, when he was there. Bach said that "when I arrived in 1994 the service was finishing multi-year strategic plan process." Bach recalled that the plan covered seven major areas of service. This was a plan begun before Bach arrived and indeed before the 1992 election by former INS leadership. Bach described it as a good consensus document on INS priorities; Bach was not able to recall all the areas, but said they included: Border management, effective interior enforcement, better customer service, management priority (professional development), policy leadership, community relations, and naturalization.

Bach said this strategy -- a green book -- may have been intended to cover the years 1994-2000. These were the INS' priorities and the administration's priorities in his years at the INS. Each priority had subcategories, such as strategic planning and budget.

We asked Bach if he recalled approving an Inter Enforcement Strategy in 1998. He said he did.

Bach said INS' priorities were formed by DOJ since INS was an agency within a larger department. Bach also said immigration policy "became a national political issue," so their policy formulation role had a high profile. He recalled that early on in the administration, "we were on the front line to develop answers to asylum, and mass migration."

On naturalizations, Bach said, Commissioner Meissner came in because of her strong support of naturalization as a piece of the immigration picture; Bach said this view was consistent with the Clinton Administration. He said Vice President Gore's views were well documented in a speech he gave, i.e., the nation's immigration policy is you have to stop illegal immigration in order to remain open to legal immigration and promise of citizenship. Bach said this overall approach drove the relative balance of our activities.

As Bach readily agreed, counterterrorism was not one of the seven major areas; rather it was embedded in the enforcement priority. Bach said that there was a counterterrorism national security unit that reported to operations "and I had very little to do with it although it was in our priorities." We asked Bach if he ever saw a draft INS counterterrorism policy. Bach said, "if I did, it was because of interest, not to approve of it." He said Dan Cadman was the person who headed up the NSU and would have produced this document. We asked Bach why counterterrorism would have fallen outside his purview. He said that not all of it did, and mentioned his role in trying to get better intelligence for alien smuggling as an example of his role in the intelligence field, but that --in general--the sense was that the NSU had a relationship to others in the intelligence community, and that it "had to be kept in that bubble."

### Chain of Command and Access to the Commissioner

We asked Bach to describe his chain of command. Bach said he reported to the INS Deputy Commissioner, Chris Sale, then a long period when there was no deputy, then Deputy Commissioner Mary Ann Wyrsh. Bach said he also had "good access to the Commissioner."

### Role of Bach's Office

Since policy development occurred at the INS in several locations, we asked Bach what the role of his unit was relative to those other policy-making units. Bach said his office had primary authority to formulate policy regarding relationships outside the INS. Bach also said he was the representative to the White House Domestic Policy Council. Bach said it was either Bach or the INS General Counsel who reporting on INS developments to the DPC. Bach said he often served in the interagency process as the lead person in terms of overall policy. For example, Bach said that he often was involved in legislative affairs issues because it was a very busy legislative period for the INS.

Internally, Bach said he was involved with large policy questions. i.e. border management, "although the plan was written by border patrol, the expansion of it, the strategy, and linkage was in my office. So broader questions of where agency would go was in my office."

We asked Bach if he believed that this reorganization that consolidated policy and planning within the INS worked, and was it effective? Bach said he felt it was a terribly needed office; that things were not coordinated. "I believe it was extremely effective not only the support of it but the criticism of it." In other words, Bach felt that the criticism his office engendered showed they were making progress consolidating INS policymaking. We asked Bach if it had negative consequences for some of the other executive associate's positions portfolios. Bach said "yes and no."

Bach said that the INS before the restructuring had over 13 direct reports on the program front and was stove piped. Often, the Commissioner would not know what was going on. The reorg in 1990s was to get away from stove piping by distributing duties to four categories—the four EACs; Bach also said the goal was to have a "matrix management approach." Bach said he felt his office helped the other EACs do their jobs. "In fact, the role that I was able to play enhanced their work." For example, Bach said he was "convinced the border patrol would not have gotten the support they did without multiple leadership at the top."

### Interior Enforcement

We asked Bach about his view of interior enforcement. Bach said that interior enforcement—as understood to be investigations within the immigration service--was always the weakest part of the INS. Bach said that didn't change throughout the period he was at the INS, though this was "not for lack of trying." Bach said you could see that INS management sought to improve this aspect by comparing budget submissions by INS with budget approvals by DOJ and by OMB to see that INS did not receive the money for

interior enforcement they believed they needed. Bach said he believed that the historic split between everybody being program versus operations really divided the investigators' chain of command. Bach said his policy unit was not the real problem, that the tension between Bill Slattery and Jim Puleo was real and pre-existed Bach's involvement. Bach said he felt the reorganization creating his policy unit was effective because his office shaped INS priorities to be assigned to the various INS missions.

[Bach's view was that the Program Office reorganization was a good thing as well. interior enforcement had every district reporting to not efficient use of LE; it wasn't coordinated with US attorneys; it was scattered all over the place. The hope was that a program branch would give it some coherence. She insisted USAs had to be part of work. Direction around performance.]

Bach said that some District Directors resisted the changes. He also said that some people involved in interior enforcement helped to write the strategy and loved the idea that the approach to interior enforcement would be changed and they would get to do real law enforcement rather than just chase people. Bach said he viewed this tension as part of the transition.

#### Interaction with Main DOJ

Bach said he had substantial interaction with DOJ. There were substantial, weekly meetings with the AG and DAG. Bach said that they "eventually got to the point where the Deputy and Commissioner were on the hot seat." Bach said he recalled many "large group meetings to bring good ideas." He said often these meetings were "driven by events" such as the Golden Venture, or a boat - also with illegal Chinese aliens-- that ran into the Golden Gate bridge. He also said there was incredible focus on the South West border. "So border management and border control were a prominent, very big, long term project." Along with the S.W. border issue were U.S./Mexico relations; state/local relations and border control. Bach said the S.W. border policy was "an affirmative policy." Bach said that the budget reflected overall growth in border controls.

#### INS role in the Intelligence Community

We asked Bach why there was never a permanent head of intelligence for INS hired from 1995 until the time Bach left in 2000. He said he didn't know, but that he thought it resulted from a number of factors. First was INS's own internal problems sorting out what the intel chief should do. For example, the Border Patrol insisted that they do their own intelligence. Second, was figuring out and arguing over who would be best for the job based on who had the best contacts with the intel community. Third, was sorting out what others in the intel community thought about what the INS intel chief should do.

Bach said he got involved with the intel office in a small way. "We in policy wanted to test whether you could come up with different border strategy then lining green shirts throughout border. Is there a smarter way to do this? I reached out to intel section of INS and only through personal contacts of commissioner did I get contacts - did a test with the CIA - and demonstrated the power of intelligence." [REDACTED]

[REDACTED]

When we told Bach that this failure by the INS to be able to sort out what its role should be in the intel community or what should be the role of the INS intel chief did not reflect well on the INS or its senior management, he did not disagree, but pointed out that the intel chief selection was "not just INS decision." Bach went on to elaborate that DOJ's view was that intel was better left to an entity within main DOJ focused across the government than in a small agency of government. Bach said main DOJ resisted the strategic use of intelligence by the INS.

When we asked Bach from whom he received this impression, he said that it was "not so much one person;" rather, this was "my interpretation – based on who got invited to meetings for what purposes and how proposals were received." For example, Bach mentioned that when the Clinton administration revised its intel strategy that led to PDD – the direction of which was to do intel and interdiction as far away from the coast as possible – a copy of the draft PDD was provided to the INS only once it was close to completion. Senior policymakers did not view the INS as critical for figuring out policy to combat alien smuggling emanating from the pacific rim. Bach said the reason it was brought to his attention at all was that he sat on the NSC anti smuggling group. It was through this group that he later was brought in on the discussions about student tracking.

#### PDD-9

Bach recalled that PDD-9 was in place when he arrived, and that the INS was preparing a strategy document to implement PDD 9. Susan pointed out that PDD 9 directed policy for smuggling and trafficking – and that, therefore, the INS was quite involved in alien smuggling. She asked Bach whether he was involved in discussions. He said he was "to some extent but" international affairs might also have been.

#### Budget

We asked what role Bach played in the INS budget. Bach said not a "hands on" one. Bach said that each program sent forward its request. "I did not coordinate" budget requests. We then asked what if any role he played in allocating resources. He said "I played a role for example in SW border operations which drew heavily on budget."

Once again, Bach emphasized his role in attempting to shape the overall strategy, not the budget. Bach said that he pushed a strategy that flipped the paradigm from one of interdictions to one of deterrence. Bach describe how the first model of this set up in El Paso, TX was called operation hold the line; that it was an initiative of the local border chief; that San Diego was the next target; and that the emphasis of these programs was on deterrence – which is why, Bach said, intelligence became so important. At this point, Bach said he believed the intelligence function at INS was understaffed and underutilized. "My view is intel is terribly under staffed in the government."

When we asked Bach what role he played in funding for counterterrorism, he said “none that I can remember as a specific financial activity.” However, he said that since counterterrorism was a high priority of the interior enforcement strategy, the funds could have been used that way.

Bach mentioned that he oversaw a program that field-tested facial recognition technology at a border crossing in El Paso. Bach said he demonstrated the program for the media on the border using a picture of terrorist Carlos the Jackal. Bach said this demonstrated the ability to find terrorists at border crossings even if the photos were taken years before the terrorist attempted to cross. Bach said the program was then run in San Diego as well. Bach said the technology came from DARPA, and was then used in Atlanta for the Olympics.

### The INS Policy Council

Bach said the idea behind the Policy Council was to allow for collective and disciplined input into the INS policy recommendation process. The concept was that anybody from the different INS offices could bring forward a proposal and have it vetted. It would then be forwarded to the Commissioner. This was an integration mechanism. Bach disagreed with the suggestion, however, that the Policy Council was responding to the congressional criticism about INS spending money inefficiently. Rather, he said, it was established during the interregnum between the departure of Deputy Chris Sales and the arrival of Deputy Mary Ann Wyrsh.

We asked if Wyrsh began setting policy after her arrival or if the Policy Council continued to work through the issues. Bach clarified and said that the Policy Council was not a priority setting entity. It simply vetted issues that emerged someplace in organization – i.e. international affairs brought a couple forward on how to treat asylum seekers – and suggesting the use of expedited removal. “All we did was make recommendations.”

### Delegation to State and Locals

We asked Bach about this authority. Bach said delegation of authority was an “incredibly contentious part of the legislation.” It “still is,” he added. Bach said the idea grew out of a tragic event – a young boy in Storm Lake, Iowa, was killed as consequence of the local arrest of drunken driver, an undocumented immigrant who was released because local law enforcement couldn’t hold him and INS didn’t show up. After his release, he killed the boy. This was an attempt to expand resources available to do immigration law enforcement. The idea of local enforcement enforcing federal immigration law had been argued before that; DOJ’s position was that they were opposed to local LE enforcing immigration law; Bach said this was based on the idea that local LE was untrained in immigration law and unprepared to respond to difficult immigration issues.

Bach said his office proposed a pilot program "where we would get volunteer local LE to agree to program, funded by FedGov and we would see how it would work." Bach said that he held several meetings in Houston, TX. He also said they ran a pilot program in Salt Lake City, Utah, but that the proposal was voted down by the local government. tried to do it in other locations, and they voted against it. When I left, same contentious issue now. We thought we were dealing with it urgently and responsibly.

T: relationship with State?

B: worked ins several ways; INS has international affairs section reporting to operations – did a lot of work with State because people assigned overseas – we always pointed to that and growth of international affairs as an achievement; it wasn't enough although proposal got funded to send more people overseas; Second way we worked with state is very much on visa issues but laser visas – border crossing cards – and exit/entry, which is now US Visit. I was the representative from DOJ – and immigration service worked more closely with State – had special relationship on INS/State on Mexico. Often brought Doris and Mary Ryan together with people in Mexico. One place where we both struggled on common ground, was on reform of visa process, i.e. who would pay for machines, new cards, etc. and remember 1996 law moved the authority for visa waivers from state to the AG – run out of office of National Security – and my office rant that – and we had to review 10 different countries – and DOJ clearly under the direction of Congress had a much more LE point of view.

T: and the FBI played a role?

B: we took a strong position – we recommended against several of the countries – the kind of pressure DOS would be under if they were still running a program – we did it – we recommended against Greece – no protection and we said no. You could see how DOS would be hard pressed to say know – only by having LE approach on it could you sustain it.

We told Portugal when they join the EU and the EU agrees that their passport system is sufficient, then we will agree; but we are not going to agree before the EU community.

S: was there also contact over alien smuggling;

B: there was contact with INL; where doing the things we are particularly good at; most counties don't define it against the law as we do. It was up to LE community to do this. Ran operations in South America and with local LE busted .

S: sine there was a PDD , that would have meant all relevant departs, including state and justice and customs would have been at table at NSC when PDD was constructed.

B: The ambassadors were given us the OKs

T: relationship with DOD?

B: DARPA that I mentioned – Cuban/Haitian crisis which I had little to do with but INS had direct relationship with DOD; we had healthy continuing discussion on how military and civilian legal enforcement worked at the border; continues discussion re military always wanted to be there often at urging of Governors; military built fences on borders

T: why were you so opposed to them being there

B: a training mission – the border mission is carefully constructed about what you can ask somebody; what you say to people; what you can do with them; very complicated law enforcement; military mission was shoot to kill.

The military laid the sensors in the ground; now using some of the military overflight (?).

T: anybody else?

B: did a lot with NSC. Dick Clarke on foreign students; on organized international crime; Cuban/Haitian; [redacted] staffer at NSC – did some work with him – Scott from INS we put him over there – [redacted] – the person INS worked most with at NSC. He was the one through which we wrote the trafficking piece that the president announces in 1998 that commits the US to aggressive action.

Not involvement with CSGs.

The two meetings clearest in my mind were around visas and foreign students – 2/3 people from his staff was there.

Whole bunch for domestic, service side issues discussed with DBC.

S: in terms of PDD 9, 32, and 63 and 62 – sounds like the focus was international crime and not terrorism.

B; we were interdicting Chinese boats – understood that you could put anything in there – potentially terrorism –

T – did you get the PDDs

B: the one we were most after, we didn't get – we wanted alien smuggling and trafficking women to be one of the priorities – a higher tier - and it wasn't – and when you went to field, I went with deputy of INS intel and met with [redacted] and said we don't report on any of it because it is not on top tiers.

T – did you get copies of PDDs to read

B: yes

9/11 Closed by Statute

9/11 Working-level Employee

SENSITIVE INFORMATION DELETED

T – in terms of their formulation, you mentioned INS was an after-thought.

B: yes

T: relations with CT coordinator – NSU –

B: No dealing

T: review CT strategy for approval

B: correct

T; interact with Dan Cadman

B: not in a formal way

T; role of staffing of JTTFs

B; - none

T: - staffing of detailing to CIA

B: only in the sense that person who was detailed to agency was technically from programs; so when I became supervisor of programs, I had to say yes when it was to be renewed.

T: Congress: - relations and their priorities –

B: pretty much my role reflected agencies – I had a very direct – brought in by congressional liaison office to explain some issues, would testify and would brief senators and congressmen on SW border; verified on administrations' position on legal immigration and on interior enforcement strategy; Commission on Immigration Reform recommended changes in immigration admission policies and administration had slightly different view – worked through my office. Employment verification program – I was lead briefer and program ran out of my office. Program has disappeared – hasn't seen results of test; still going on – I wouldn't call it a failure

S – enough resources

B – in test mode so never had enough resources to go beyond a few states

B – you can beat system if you have a perfect fake card. Connection with simultaneous look at social security records. Get immediate approval or disapproval. You can go to immigration office and resolve your case if data is bad.

T – what efforts made to improve security of documents

B – common problem in immigration – what do you do with documents – all of the improvements supported by immigration service – biometrics, etc.

You would need employment immigration document and you had a right to work it was a EAD(?) – its not so much counterfeited as it is used repeatedly. Electronic system would pick up bad cards -

Big debate in OMB – had vision jumping generation and going to micro chip – made technological sense – but would not give you access to legacy systems of INS – constant debate – didn't get resolved until 2000.

T: - other Congressional things

B: Delegation authority – I went out to Storm Lake – to be at meetings with Congressman Latham; we ran community meetings around country.

T: the 90s all about the SW border??

B: clearly dominant view; the asylum problem lumping with Cuban/Haitian was big problem; technology;

The kind of systems that you would need to do effective, continuous checks requires technology that INS was never close to getting; systems not interactive – could talk to one another; virtually impossible to do checking even if you wanted to.

T: role of IDENT programs – you advocated stand alone systems?

B: - No = I supported IDENT very strongly – the issue was 2-fold; one was we never have known how many people cross the border – ident system would have been able to tell us -; there was no other system like that. 2<sup>nd</sup>, the connection to other systems you were creating new pathway. Purpose was to drive people out of area – whole design was to spread it around including airports, the Caribbean, etc. so the fingerprints. In fact it was critiqued

T: relations with private sector groups, airlines

B: I primarily interact with them when I took over programs, Carol Halot, was the head of ATA, and they had several outstanding issues with INS that was not being resolved; relationship with INS staff person a source of the problem; it primarily around mitigation of funds; airlines fined – outstanding millions of dollars of fines – INS not collecting – not working with airlines to mitigate it. One of my jobs was to try to break log jam. I talked to Carol – it's a new day – what do we do. First round of answers wasn't good. Called meeting of CEOS of all airlines and it changed Carols' position because she didn't

want the meeting to take place; so we came to table with different people, - the airlines did not pay dollar for dollar fines.

Entry/exit at airports – I traveled to look at US Airways – pilot airlines –

T: colleges and universities

B: when I took over programs, almost the same time Arlene Johnson became president (in 1998?), she asked for meeting; she described situation of INS relationship as potentially good but stagnant and so we tried to change relationship. Took longer.

T: one could see why relationship with divergent interest wouldn't always be good

B; we understood that part of it; the hard part was try to figure out – they had influence on Hill to block our efforts on foreign student program.

T – one person said they refused to play any role to run program.

B; - 10 or 12 issues that were involved; that all seemed to be totally not resolvable – we got it down to one issue where NASA – that was collecting fees overseas – NASA was willing to do it if we would solve this issue – INS even designed lock box procedure to allow this to happen overseas. If we had gotten that thru the administration, it was a done deal.

T: - the government would be collecting overseas

B – yes and that was the second problem – State did not want to collect fee.

T: then why doesn't INS pay at POE

B – their position was what I remember – we are not funded to do this (DOS) – we protect our MRV fee. We don't want to do this without being paid for our services. Our position is we don't enforce immigration policy once the person is already here because once they are here, it is far harder to get them out. Pushing border out, etc – why would we agree to reverse that decision. The schools said frankly if DOS refuses to do it and INS refuses to do it, we are not going to do it.

T; stepping back, you have passage of law in 1996 that requires this to be set up and we have CIPRUS program,

B: Senator Simpson is the source of making connection between foreign students and terrorism – and using immigration as tracking – in speeches and testimony – the briefing that I used to do – if you don't see national security concerns – we are failing –

T – not negotiable – the notion that the

B: So you are saying doing student tracking is not negotiable. The administrative system still had to be negotiated.

Foreign tracking is done at the request of the government; not required to collect intelligence – voluntary for the benefit of their students – government now making it a requirement and how much we track it.

Some people said we are not fingerprinting people; well you are not going to win on that.

T: then task force to create CIPRUS – Maurice Berez – what was your role

B –one of the things I inherited; know issue from policy perspective; reorganization responsibility now;

T – had you been at presentations of program

B – if I was I don't remember it.

Some kind of biometric – p[point of discussion – what you do with it – one example of a larger issue for me in policy of the same discussion you had on laser, digitize face, fingerprint, etc.

T – you don't recall March presentation

B – if it was in 1996 I might have been there.

T – pilot in October of 1996 –

B – I was involved afterwards – educated myself about it

T – briefing in Aug. 1998 on proposal to have CIPRUS developed nationally.

B - probably was – got a personal briefing early on activity

T tell us about that

B – reaction of pilot program was going well from his briefing but from schools involved; went to briefing in Denver I think or San Diego where Clemson was demonstrating pilot program and they were all high on it. I remember acknowledging all the INS people publicly – even the people who disagreed with it – because there was disagreement in the school community – head person at Duke supported it. And often had to defend herself in her own community. It looked good.

T – gather things didn't t work out –why that happened  
Maurice Berez not in charge; goes into dormancy; revived after 9/11

B – when I took over programs, I set out to elevate a number of issues, customs, exit/entry; Mike Cronin (head of inspections) who was losing some of his tasks because things moving to operations side, we moved several people because we felt there was stalemates in programs, not enough focus and not running well enough. At the same time Jackie Bednarz was being freed up from task force; she was a career star – elevated her to special assistant to me; and put her in charge of foreign students to run that interaction. Incredibly well schooled and effective in dealing with community.

T; other people validated what Maury was going then you replaced him

Making commitments independently with the program; to the point complaints coming back without anybody knowing or approving what he was doing – commitments about what deputy commissioner was going to do – common card for all visas – so that got so out of hand that repeatedly I was called by chief of staff that he could not go to briefing, Mike Cronin talked to him; I removed him as head of the program;

T: you have him getting positive feedback for the pilot; and all of sudden he is free lancing – behavior of someone stifled?

B: he was already doing it, as I took over program I saw good work on the ground but free lancing all over the place – I started to going to the briefings – he went and made a proposal and sold it to a NSC person – I got a phone call – what's going on – I had know serious question about the pilot – opposition from school community was there – Maurie was out of control – Duke and Clemson said he works fine with us –

The real thing was where it broke down was between the DC and consular affairs at state trying to figure out how they were going to work together with a common card, process, with shared costs, and of the program. I felt overruled when decision was made because it broke my deal with NASA.

We had a deal . all state had to do was to collect. DC Wyrsh and CA agreed not to pursue.

I though I had a deal with private sector – one sticking point is who collects overseas – that got taken off the table – I was delivered a demarche and issued in person a demarche restating the DOS fundamental opposition to model we had created; so there is a personnel issue – we made decision under evidence that it was getting us into trouble –

T: any pressure to replace Maurie Berex

B the only possible pressure was from Dc – did you know about this – what's going on there? No one suggested – my decision to replace him and put Jackie in charge. I took the person off of entry /exit because it was going fast enough; Cronin agreed to make her his special assistant; the airlines were starting to protest; INS operations starting to protest so we moved her to the side. Still functioning but not the person in charge. Similarly across 3-4 programs

T: Terry Hartle – ask you to replace Maurie?

B; - he was their congressional affairs guy? I don't remember anyone asking me to replace him. Did people tell me to replace him? – No.

T: did MAW tell you problems existed replace him

B: no – that's my recollection.

T: Tom Cook – involved also in this process – what do you recall

B: Tom is like Mike Cronin – along term, effective career government person; knew a lot about benefit side and I consulted those folks, Mike, Tom Jackie, etc. about all the 3-4 people involved. And also under Congressional pressure another restructuring inside INS – separation of operations and programs in 1994 hadn't gone far enough. So program people were asked to be less operational and more program.

T – entry/exit – you have told us that on student tracking was not negotiable and would occur; view on entry/exit?

B: INS leadership in the middle on this one – Congressional mandate to do it – INS trying to implement – just continually failed – airlines community didn't want it – border communities went crazy – foreign govt opposed it – Canada and Mexico – we were in the middle and we took delegation of authority and set out to see if concept of entry/exit would work – sent up lab at GLENCOE – mock POE and hired actors to play role of travelers, deployed different technologies and calculated speed of moving people; contracted with model firm and you could see on screen assumptions on how long it took people to move if you added another booth. Congressman Smith invited people to rewriting process of law. We took that to relatively good due diligence. Our own view was that entry/exit probably good not work because of infrastructure – because if it is easy to come in it is easy to go out. I didn't argue aggressively against it.

T – student tacking front –

B: not same concerns on entry/exit. Discussion with Dick Clarke at that meeting proposed to fingerprint a set of countries of interest. Looked very close to what became NSEERS . statement made we are not going to fingerprint students form Japan because it is not necessary. You have NSC with a group of countries of interest and wanted to use foreign student program to identify and track those students. State opposed for collection reason; and INS said ---- - that's when I got the demarche [ Nancy from State – Deputy Under].

T; only fee collection issue?

B: fees collection.

B; select group of schools – it wouldn't go to scale – work not done to get big universities to go for it – technology changes by schools that these programs would have to incur – University presidents were telling reps on Hill that this is not a done deal. I heard discussions – asked by some congressional staff.

S – did senators or congressman speak to you directly?

B: I think I had to go to meeting or 2 on hill as the govt. rep. while university presidents complained.

B; Clarke meeting is later. Idea here is that we needed senior leadership to commit the service to a course of action. We didn't want the independent going around independently.

T: the yes at the NSC meeting

B – he went around the table with the proposal and asked for approval – I said INS supports it and will do it –

T – and this is after Maruie Berez is off the program

B – we felt we would not have gotten that degree of orderliness if we hadn't elevated people.

Meeting with Dick Clarke is late 1999.

T – decision to back off by DC?

B; after Clarke meeting – after I was demarche.

S – questions about student tracking with Millennium and Rexam in 2000?

B: not of . .

B: I am now out of the issue the DC is calling the policy shots.

T; you are disappointed

B yes

Never understood – and they go to OMB and get money for program – we never thought state should pay for the activity – This is a classic issue that was solvable –

T – Mary Ryan pushing this or deputy?

B: my opinion, discussions are with deputy – never spoke to Mary.

Trying to implement this thing continues to be underestimated.

T: admission periods – length of stay

B; don't recall

T; customer service lines – how long wait should be

B: no

The shortest amount of time is an advantage – we started with everything federal agencies needed to do – kiosks

T: deputy ag oversight – criticism of INSD increased in 1990s – oversight increased/

B: tremendously – I think it was effective – I think it drove performance.- added an urgency.

T- CT topics discussed with

B: not while I was there

S – heard of UBL

B: No

S – after Ressay incident, discussions – involved?

B: the Canadian US group actually reached one of the first information exchanges – signed MOU – Mary Ryan cosigned – and that was around a concern of sharing data on people of concern (maybe 1999, 2000). That same group – the POE Vermont/New Hampshire border – and they were going to NYC – and we thought there was smuggling ring – we went with our IDENT machines to the Canadians and we work that issue with them directly and out of that connection that the hit was on Ressay that one of Canadians involved in it. Danielle \_\_\_\_ was one of the active persons.

S – in summer of 200 – aware of increased urgency

B – I left in June 2000 – I was wrapping up initiative with Mexico and some other things. I heard all the buzz in meetings but wasn't involved.

T: Tom Cook was Maruie's boss. Did you tell TC that you made decision to replace Maruie>

B; - I wouldn't be surprised that it was one of the reasons I gave him. He was a controversial figure. This was making commitments to NSC group that agency had not made decision to live up to.

T: after he was replaced he was still working on regs

B; yes

T; - when you learned about that you asked Cook to get him off project entirely

B; - don't remember that.