

Commission Sensitive

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MEMORANDUM FOR THE RECORD

Event: Cliff Landsman, former Assistant Commissioner for Intel

Date: Monday, October 27, 2003

Special Access Issues: [none]

Prepared by: Janice Kephart-Roberts on October 27, 2003

Team Number: 5 (Border Security)

Contact information: FDL in McLean, VA

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Location: GSA

Participants - Non-Commission: Cliff Landsman
Sarah Kendall, Chief National Security Law
Division, ICE 514-3201 on Eye St.

Of interest: Sarah Kendall has details on detainees and every SIOC mtg. post 9/11 and did all special interest cases pre 9/11 after Laura Baxter went to DAG's office. Is the nat'l security law point of contact. Has eight boxes of materials noting every detainee interview and every tasking. Willing to come back and talk to us.

Participants - Commission: Janice Kephart-Roberts
Susan Ginsburg

Note: no classification required

Documents received:

Documents requested at interview under pending document request:

Will pull PL 110, section 7, National Security Act of 1952.
Proposal on expanded FDL.

Recording: yes.

NOTES:

Background of Landsman.

Education. Brooklyn high school.
Cornell 1973. Masters in immunology didn't finish.
1976. INS as sp agenc't/ deportation officer Newark NJ.
1978. supervisory deport officer
1983. came to DC as sr staff advisor on assistant deportation staff.
Summer 86. transferred to Intel as liaison officer.
Fall 87. deputy ass't comm'r for INS intel program.
1996-March 2003. Ass't comm'r of INS Intel.

March 2003. Director of Forensic Services ICE in McLean Va at Forensic Document Lab.

So 15 years in INS intel, seven years as head of intel.

Director of Intelligence with INS Structure.

- 1996. We fell under an Assoc comm'r of Enforcement. Initially **Ray Klaiser** (sic), and then **Bud Coster** (sic). This was back when enforcement and exams under two different comm'rs.
- 1999. Reorganization where services and enforcement merged under Mike Pearson. Remember working with Pearson on the Millenium scare. Thinking was to coordinate effort to eliminate stovepiping and create greater liasioning. For example, we were in enforcement, but fed inspectors needed intel too and that portion of the agency fell under Exams.
- 2003. DHS reengineering of intel. Customs, INS combined, but ICE intel basically absorbed INS intel which absorbed Customs as well. CBP has its own as well, which is much smaller.

When DHS first stood up, made two acting intel for legacy INS (me) and Customs (**Robert Neekel** (sic)). Where I stayed until April of this year. Now is acting director Jeff Casey at ICE and Roy Surrett at CBP.

Who reporting to INS Intel.

Analytic Unit. Basically those persons who put puzzle together from field reporting and put together common links for venues, methods of operations, and worked with intel officer staff on alien smuggling and link charts to put out to field managers to better deal with alien smuggling. We did little specific case support. Back in 1996, had maybe five analysts only at headquarters; nobody in the field. I was desperate to do tactical case support, but with minimum resources, but could only do strategic support. Did produce reports. Alien smuggling was the priority. Predominately a policy decision, but really the main job of the INS from statute. Who set policy? Mike Pearson set out that policy and told him to spend resources on alien smuggling. I wanted to do narcotics smuggling too, but not primarily our venue. On site case support; couldn't send out to work with district director and felt we should've done; and I always tried to justify that in budget? Terrorism for most part was handled by NSU, and NSU handled CT driven intel.

Who did the intel unit receive intel from ? CIA, NSA, FBI, DIA, DOS DS and Visa Fraud, and own field. Form of intel: some secure phone, others paper. Later had a T-1 trunk line to NSA in late 90s. Didn't receive all reporting Office of Transnat'l Mobility at CIA. They had been doing alien smuggling and got out of it around 2000. That function got reassigned. Still received intel from Alien Affairs Unit. INS had two detailees at CTC 9/11 Closed by Statute The agency had asked for INS people to be there. Liaison b/w INS databases and agency. That expanded as time went on, so went from record checking to more operational issues (info about potential aliens or groups). I never had any field agents. Reporting from CIA was sporadic after stopped reporting alien smuggling.

Operations Unit. Six people. Liaison b/w field and intel shop. My concept was that border patrol agents like to talk to border patrol, inspectors to inspectors, special agent to special agent. So rewrote personnel, so had each border patrol, inspector and special agent to link with own. Pair of each to link with own. One of special agents with Mark McGraw. Inspector Tommy Durand (CIA). Deborah Condon inspector. Border Patrol: Robert Harris (now deputy chief); Mark Hollens.

Forensic Document Lab. (31)

Command Center. Only interaction with TIPOFF and John Arriza was because I was in charge of command center and I would make a patch to the Lookout Unit to Bob Neighbors. (15 people)

EPIC. This charter created narcotic and alien smuggling in El Paso. Today reports to??? DEA always SAC. And ASAC rotate b/w Customs, Coast Guard and INS and rotational periods 2-3 years. Under DEA's budget. Permanently assigned positions from INS. And sometimes moves some people out. Never looked at terrorist smuggling. (15 people)

Whatever terrorist intel we got we passed to intel unit and did not analyze it.

Interpol. US Central Bureau (2 people).

Liaison projects unit. Job liaisoned b/w INS and other intel agencies

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Liaison officer in Ottawa. One person operation where she interacted with Canadian immigration. She would handle intel liaisons. When the International Affairs Unit stood up, she went to that. Then I no longer had someone sitting there for me. Then had to liaison with immigration attaches in embassy. Had no one in Mexico. No where else. Didn't have anyone in Mexico City office.

DID NOT RECEIVE ANY TERRORISM INTEL FROM ANY OF THE INTEL AGENCIES.

No knowledge of 2001 Terrorism Conference. Thought maybe West region would know. Ben Bell may know; he was my deputy. Think was at TSA. Adele Fansano, district director of San Diego, may know of; at CIS now.

Contact with Main Justice. OIPR would do policy oversight, but a nonchain of command relationship, as much as keeping us in the loop. Only met with DAG's office on section 7 PL110, and only every once in a while. They very interested in these. No other discussions with DOJ on terrorism whatsoever.

Sole work on terrorism.

Only link with terrorism was records check on a terrorist from INS detailees at CIA. *Never briefed by CTC INS detailees on CTC activities.* So no tasking and we were only second line supervisors.

Budget.

Every year, asked for enhancement. Sometimes asked for analysts, and field intel groups; wanted strategic locations of officer and analyst to work with field to do both strategic (for national picture) and onsite case support. INS supported it. Never got them; don't know who squashed requests.

Interaction with the Commissioner.

Infrequently briefed DM. Mostly, section 7 cases, and only thing was regular was quarterly priority briefings, on progress on goals in meetings with her. Legacy INS had a priority system where each year had quantitative goals and policy goals and you'd talk to see whether on track: green on track, yellow behind but could still make goal, and red, not going to make it. DM wanted alien smuggling indicators to help determine success of anti-alien smuggling efforts. So the Intel Unit (smuggling fees as indicator of activity, b/c subject to supply and demand) very adept at changing operation. They would watch us to know and would outwait us. For many years, focus on SW, but after saw lots of \$ thru northern border with tractor trailer Asian smuggling. Worked the Golden Venture off Long Island in great detail. Spent most resources on trying to figure out who doing what and where and how much \$ spending. Watched Cuba and Haiti constantly. Had a Carribean Unit in San Juan which is still there b/c of fear of hotspot of Cuba and Haiti. We had little on Cuban smuggling, and would depend on debriefings of rafters. Complexion of smuggling changed from rafting to expensive organized smuggling. There was enforcement but wet foot dry foot policy made it impossible.

1. SW
2. Carribean, DM very concerned about knowing about boat lifts
3. northern border
4. air lifts were so small not a big issue

Does recall one incident that may have been terrorism related in Vermont, where alien walked around checkpoint with explosives on his person. Thinks this occurred before Ressay.

DM a 3d or 4th line of command; not worried about not briefing her; would've been inappropriate for me to do that. She had no problem when I needed to see her seeing me. I had a good relationship with her. Was incumbent on my superiors to make that recommendation that I brief her regularly or on what topics.

Work with the NSU.

Dan Cadman and I worked on a regular basis together. We'd meet with Pearson to set out the policy, and Pearson explicit about who doing what. We both had more than we could handle. Dan's unit did task CTC detailees at times.

Even prior to creation of NSU, didn't entertain NSU type of responsibility on CT. Pretty much took commands from Pearson, and Pearson's priority was alien smuggling.

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HEARD NO CHATTER IN THE SUMMER OF 2001.

HAD NO CONTACT OR KNOWLEDGE OF THE WATCHLISTING OF HAZMI OR MIDHAR.

EVEN AFTER 9/11, NEVER ATTEMPTED TO DETERMINE WHETHER TERRORISTS USED OF ALIEN SMUGGLING TO ENTER THE US.

Work with the FBI.

Section 7 cases and often on "Letterhead Memos" on individuals they thought may be involved in alien smuggling. These LHM are not signed by any particular individuals; only contain info. Rarely sent intel.

Work with DOS.

A little with DOS Diplomatic Security, but vast amount of work was with Consular Affairs, and that generally directed at the FDL, and tremendous amount on what they were seeing at posts. Prior to downsizing, their info very valuable; had fraud detection at every major post and we had a great resource in them in getting info back to the posts.

Always interested in our expertise: info from POEs on inspection at primary, and FDL expertise. Great circular information and they were very helpful and we to them.

TIPOFF not handled by us and so no real contact with INR.

Ressam had NO IMPACT ON PRIORITIES FOR INTEL UNIT.

Work of Intel Unit immediately after 9/11.

My involvement on 9/11 unique. I was in El Paso to attend an EPIC advisory bd mtg.. I woke up Tuesday morning, and saw on TV what happening. As couple of hours went by, I couldn't contact my office b/c phones not working. Got hold of Jim Woosley at EPIC, who told what he knew. Everything locked down. By midday, realized would be hard to get home. So Jim and I took a gov't car to get home. Took 2 days to get home until friday, went into office. I was out of pocket. Ben Bell was running intel office at this time.

Commissioner briefings. First thing found out were doing a 24 hr watch at command ctr: 2 briefings per day, one early in morning and one later in afternoon for exec staff and daily brief for Ziglar and classified and consisted of classified briefing from the Joint Chiefs of Staff and Bell had gotten an exec briefer from CIA that providing info to Ziglar. Only Ziglar allowed in mtgs; so Becraft not allowed in, nor Landsman. We were mostly manning phones, do timeline, and work with inspections Gary Bradford on bios of hijackers. Bios were work intensive to do it, and the names and DOBs were difficult and to obtain; identifiers not easy to come by.

From the CIA, the exec briefer, Susan _____, was one of the CIA briefers to Ziglar. I told my staff that our job was to keep our exec personnel briefed, manage the increase in traffic, and bio folders, and target folders. Our traffic increased manifold amount from intel community, mainly via the command center. All the sudden, types of information that hadn't been passed previously were being sent over.

The exec briefings: first month every day, then every other day, then one a week, and then stopped altogether after 4-6 months. Initially, huge numbers in target folders, and probably still continues to this day, although numbers dropped significantly. Never incorporated terrorist info into alien smuggling

Later on, worked with NSU the **target folders**: leads on "criteria nationalities" that NSU needed to look at to pursue to potential terrorist ties, either past or present. (This term came from an inspection term for referrals to secondaries.) We put together work on databases. We had pulled 100% of everyone off they were doing and still didn't have enough bodies. All we were doing prior to 9/11 came to an immediate standstill for several months post 9/11.

We were tasked with creating the target folders and filling them with content at a very high level, I think with the FBI, to try and find investigative discovery. We were provided names by the NSU, and then we gave back info in folder of everything we know for NSU. We had about 15 people from the field detailed in; at one point had 30-40 people working 24/7 at least a month, if not longer.

Mission in immediate aftermath. In 4-6 months after 9/11, we were to be as supportive as possible to intel community on immigration information on aliens as well as reporting up the chain on intel acquired from the community.

Post 9/11 intel analysis. Were only given names of individuals, and never told where the name derived from or that alien's status, so intel unaware of which names were from NSEERS, detainees, material witnesses. Nor was any analysis conducted of the detainees, NSEERS registrants, or material witnesses.

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Work as Director of Forensic Services at DHS.

When DHS came, going 5 or 6 hrs a day in mtgs and incorporated Customs into work as Interim Intel Director for ICE.

Landsman is seeking to expand the mission of forensic services capability within ICE. The FDL is doing a lot of liaison with CBP. He's got a blue print to put together a *document training institute*, dream is to create an institute in residence similar to the training now done on the road. Doherty has given green lite. We do a lot of work for DOS in helping try to create counterfeit resist documents for DOS. No budget link b/w DOS and DHS. We are as responsive as we can be to DOS. Under CT supplemental of '02, have allocated 67 slots from the 36 originally had. Now at 51 employees. The FBI facility does DNA, weapons, crime scene, so the FDL Lab will not pursue those capabilities. The FDL analyzed the original of Atta's passport,

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Doherty asked Landsman and take the FDL Landsman had built and further the issue of training and looking into working crime scenes (a response DOC EX team). I oversee Katherine Sheehan to expand the FDL on training role and expand capability; chemistry unit (chemical analysis of docs, not destructive) that can know what US passport ink looks like, and graph v. doc under analysis.; want to create a forensic analytic unit via geographic locations whose job will be to review forensic cases from a link analysis point of view to see trends. Not specifically looking at Al Qaida.

We do trap know much use photophone gets per POE. Don't know who may have trapped use of fraudulent docs.

Demand is greater than can meet at FDL. About a 2000 case backlog. Detained cases are biggest priority, so waiting time is smallest here. We very few terrorism cases. When we do have one, report back up to Garcia and Doherty through John Clark, his boss. Level of demand increases, but so has our personnel, so backlog not as bad. Good PR since Atta and Richard Reid. We get involved in breeder docs as well as travel docs.