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Commission Sensitive

**MEMORANDUM FOR THE RECORD
PART I**

Event: Interview of Doris Meissner

INS Commissioner October 1993– November 2000

Date: Tuesday, November 25, 2003

Special Access Issues: [none]

Prepared by: MFR prepared by Janice Kephart-Roberts on Nov. 25, 2003

Team Number: 5 (Border Security)

Location: Migration Policy Institute, 1400 16th St., Washington, D.C.

Participants - Non-Commission: Doris Meissner

Participants - Commission: Janice Kephart-Roberts, counsel
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Note: no classification required

Documents provided.

Documents requested. 1993 confirmation hearing testimony

Recording: yes

NOTES:

Background.

Job as Commissioner- recruited for job, I had no intention of returning to gov't. I had been in government from '73-'86 and didn't want to do it again. I'd originally come in as a WH fellow and that was supposed to be for a year, but I didn't leave. One of the things that developed when I was at DOJ was working on immigration issues in '74-'75 and so although I had been in Republican years at DOJ, I transitioned into the Carter administration on immigration and was working as staff to AG or Assoc AG. In Ronald Reagan years, there was a big a flap over the nominated INS Commissionerr, and I was asked to go in as the Acting Commissioner, but ended up as acting for 1 ½ years and took agency thru RR budget. I was then asked to stay on as the Executive Associate Commissioner, new #3 position created for me when the new nominee came in. I was responsible for intl'l activities , asylum/refugee program, and automation (no field management), policy and planning, basically headquarters operations. I stayed on until 1986.

By this time, I had a lot immigration experience. Immigration had become my career expertise, and that's how my name came up. But I had never worked in a campaign, had no connection Clinton campaign or people, I came to learn WH recruited based on two things: (1) classic appointee and (2) tech knowledge acquired. It was desirable that the commissioner candidate have some issue expertise, and that's surely how I got onto a list. I came in after interviews at WH and with Janet Reno, and my understanding was that Reno had the final call.

Meissner priorities in 1993. The issues that came up and made me be interested in returning to gov't, were: reforming the asylum system, focusing agency efforts on naturalization and improved processing of applications, automating the agency, policy leadership (plenary power of Congress, but I felt exec branch had responsibility to exercise leadership here, so I wanted very much to have Exec branch to have a stronger voice). Shortly after I got there, the issue of border control emerged very quickly, and that became the add'l agenda item, and that came by as a result of AG's concern about the US/Mex border. I always felt it was important as a country that we remain a welcoming to legal immigration and thus cut off illegal immigration; and that balance needed to be maintained. We tended to focus too much on the illegal side, and we needed to keep the two sides of the spectrum more fully connected. (1 in 10 people are from an immigrant family; 1 in 7 workers are immigrants, and 1 in 5 low paid workers are immigrants.)

Reporting requirement. Formally, I answered to the Deputy AG, then AG. As a practical matter, both of them. During my entire time as Commissioner, the AG was very interested in the subject.

Meissner reorganization in 1994. I didn't intend that reorganization. My basic view was that it would be disruptive, and that the more important element was clear policy guidance than where the boxes fell on the organization chart. When I got there, I held a series of meeting throughout agency to hear from everyone in and out, within hdqtrs and the field, and that combined with a whole series of papers that were provided to me upon my arrival. In the end, structure was the most important thing people felt hampered by. Critique was that predecessor had reorganized in a way where all the responsibility was in DC, with a traditional chain of command. The traditional command was not working, and the field had very little authority to do their work, and that created a paralysis. I listened very carefully, came to my conclusion, that I had to do something about this. The proposal in many ways restored the organizational structure prior to my predecessor. My reorganization was as follows:

1. The basic idea was to establish a standard management practice to push authority to field. INS workloads required a very decentralized organization, so my effort was to realign.
2. In earlier structure, a number of key operating positions were non career, and I wanted more career employees to have an incentive that able to be selected for SES positions, and so I reduced the number of non SES slots. For the size of the agency, the number of SES positions were out of sync, 1 to 350 EEs. FBI has 1 to

every 75. Customs has 1 to every 80 or 90. We did get add'l SES positions during my tenure, due to agency resource growth, but never brought into real parity with other agencies. What kind of problems it poses not have SES positions: can't get middle management folks to move forward, b/c a career ceiling for them. You also can't recruit specialty talent from outside, and then there's the problem on sheer workload and being forced to make the most informed decisions without adequate support b/c senior managers so thin. I was able to increase Miami, Houston and a few other large districts to an SES grade level. I wanted to put these positions in the field jobs where the real work of the agency takes place. With the way immigration grew in the 90s, we needed more. FBI SACs, for example, are SESs.

3. Reduced the number of regions to reduce intermediate management division. Were four regions supposed to oversee work but not in chain of command, so I restored the chain of command but reduced from 4 to 3 the number of regions and distributed them more evenly into the East, Central and West regions.
4. The next objective was to strengthen policy and analytic capability and I did that by: separating "field programs" from "field operations" and elevating the organizational position of the policy and planning function to the Executive Associate level. The reason I thought that program oversight should be separate from field was b/c always my experience was that operations drive out policy and planning and if that work done solely through prism of operations, creativity is lost, and we needed creativity and new ideas. I can't say I was ultimately satisfied with way it worked out, but good intentions.
5. Other things in reorganization were improving information technology (paper watchlists were being used at POEs when I started as Commissioner), record keeping, and we tried to elevate and strengthen the ability of agency.
6. In field operations, the objective was to have a seat at the table for field operations at a senior management level in DC, so I created as well the Executive Associate Commissioner for Field Operations. I did the same for Programs, Policy, and Mgmt, with all these efforts reporting to a deputy commissioner and then to me. The three regions in the field reported directly to the Executive Associate for Field Operations.

INS CT budget. The process was: INS, to DoJ, to OMB. We never requested money in the terms of CT. We were a growing agency, and that growth was heavily on enforcement activities of agency, which included a whole range of responsibilities regarding potential threats, so we asked for intel resources, to help work more effectively on threats which included terrorism.

One of the interesting things about INS is what is classified as enforcement: border patrol, detention, interior enforcement. Things that tended to be the "soft side" of the house, like asylum and benefit applications, and inspections, also are very vulnerable if not doing work properly. These legal processes are often subject to misuse and much more available and difficult to counteract, and b/c these are things you want to do as a country, if misused, fall into category of threat. We made that case all the time.

One good example of this was asylum reform. I justified my asylum resources as an enforcement vulnerability, and the whole way the serious political issue arose was b/c of three incidents all in the spring of '93: the WTC bombing, the CIA shooting, and the Golden Venture drowning off of Long Island. Individuals in all these incidences had hooks into asylum and were in a que for processing. Because the cases hadn't been adjudicated for years on end, these people had done things like getting work authorizations and therefore were able to stay for years on end. It happened to coincide with my priorities was a result of these experiences. In terms of budget and the growth of the agency, there was a political response calling for stronger enforcement. We still asked for resources in an evenhanded way in order to not create vulnerabilities on the service side.

Relationship with DOJ. We had a formal mtg once a week for at least an hour, which included usually key staff for AG and myself. Usually both DAG and AG attended these meetings. It was not unusual that I would talk to them during the week on an issue percolating. With the AG, she and I did a pretty substantial amount of travel together, and interagency settings with one or the other of them. Key staff of AG worked with included: AG relied on Mgmt Assoc AG **Steve Colgate** for budget and more. Reno was 7th or 8th AG I had worked with, so I'd seen a lot of styles, and Reno unusual in relying so heavily on Mgmt, as other AGs tended to rely upon the DAG or counsel. In AG's office directly, the staff she relied upon was staff in DAG's office, which is consistent with our reporting requirement. Therefore DAG staff staffed both the DAG and AG on immigration. **James Castello** and **Brad Glassman**, and prior to that **Seth Waxman**, **Amy Jeffress** and **Gerri Ratliffe** (during Seth's time), were staff we worked with.

The AG's priorities. The AG's priority was the SW border and that never waivered, with all its elements (effective training, technology, field headquarters, personnel numbers (recruiting and hiring) which was an enormous beast that had to be fed. Had to create a whole new training academy, whole new way of doing security clearances and all things she was interested in. New academy was located in SC, for border patrol only. We continued to train in GA as well. And BP responsible for own training and reported to an interagency Glencoe training.

INS weekly meetings. It was a preestablished agenda in advance by my COS and typically Steve Colgate and maybe Seth and Becraft. The agenda wasn't rigid, and I could add things, and DOJ would often add issues on the Hill. The idea was to know what to prepare for, and bring key staff, that I could help me report. But a lot of agenda was guided by issues of AG's interest, b/c she tracked thru Steve and Mgmt office tracked a lot of management items, a lot of substance was a function of that tracking system. Agendas primarily set by AG, especially as time went on. **Jamie** was a much more assertive DAG with me than was **Eric**, and so there certainly were add'l things **Jamie** was interested as compared with **Eric**. When Jamie and Eric working together, I think more communication with **Jamie** than when **Eric** was deputy, but that was essentially handled b/c DAG staffing INS. So from my vantage point, it was a pretty seamless reporting structure.

National security issues coming up in these mtgs: then national security meant NSC items. As compared with DOS, on matters of ongoing nature of admitting people to the US (Consular affairs and INS) with exception of refugee with INS doing it abroad, so national security the guts of our ongoing work, and most took place in regs, in field, clearing cables, coordinating new policy, and a lot of that is based on security concerns. You can argue whole INA is security law; basic underpinnings are bringing good people into the country and keeping out the bad ones, which include those not having a job to support themselves to being listed on a WL as a terrorist, so hard for me to answer, b/c security imbedded in all that we did. So items on agenda: no, not like recruitment targets for BP, IDENT schedule for SW, but were in every bit a working of security.

Special Interest Cases. Special interest cases was one of those very controversial issues both in Congress and in the exec branch b/c of appropriateness of secrecy and transparency in gov't. The AG was very committed to that, but we always argued from 96. We did support it, and even during time when using that authority for different cases, there was a pretty strong sense on Hill, and quite a bit of discussion about removing it, and administration defended notion. Overall, it was the DOJ who drove this truck, and it was a tool they thought we could use, and DOJ wasn't going to relinquish it. Two of my GC, Alienikoff and David Martin, and we were all uncomfortable it, but we also could grasp instances when it had to be used.

I didn't get involved in cases too much, but did so later in the 90s. (Najar-we struggled with that case for at least 5 years). A lot of the problem with these cases is that you have whatever the FBI is willing to share with you, and we now know a lot more about these things, but in those years, it was very frightening and hard to accept some of these things might going on. So we had to be responsible about security. But information always very tentative. I don't recall any cases where clear cut and convincing to which I said "go with it", so had to go with weight of what information might have been and judgment about how well info vetted by staff and how well FBI was supporting us, and what lawyers telling you on possible success in court.

"Very frightening to me", I think a lot came from electronic surveillance, like regular contact with known terrorists who were connected with people that did WTC in NY, or this person has connections to the Blind Sheik. The ones that got my connection were those connected to WTC case. That was our model of a terrorist act in US. I also remember being concerned with people in connection with fundraising for Hamas or Hizbollah, and at least one had connections to that.

The process worked like this (it evolved): these cases where in immigration court with deportation charges against them, and INS lawyers and IM judge arguing gov't case, and therefore INS lawyers had to be prepared if there was secret evidence. If the FBI had secret evidence didn't want shared in open court, then secret evidence provisions would be invoked. So then the question for me was whether the INS lawyers were authorized to argue they had evidence which couldn't be presented b/c of sources and methods and I believe that I had authorize it. I believe AG also had to authorize it. I had to be satisfied with it. If I said no, and sometimes I did, sometimes would've come up as issue with

DOJ if OIL wanted it anyway. This occurred in maybe less than 10 cases. In cases where a disagreement, then case may go to AG. Not lockstep rigid, but the basic procedure was that the AG would be the beneficiary of a variety of recommendations: mine, the legal division's, the deputy's office, and FBI. The AG only once contradicted DM. I ruled in favor of invoking the evidence, and she didn't.

Early on, in '97 or '98, where we felt we got burned in court, we did use secret evidence provisions; where on one or two occasions where INS lawyers really dressed down by the judge for not having good information, and our lawyers believed INS credibility in court was at risk b/c they had taken FBI's word truly serious but hadn't been allowed to look at evidence, but when judge saw it, found it wanting, and really berated the INS attorney. That's when became a policy issue I came to be involved with. That's when DOJ on board with INS to work with FBI to create a higher standard of scrubbing to make sure on firm ground. Staff lawyers spent enormous time. In that connection, very much discussion about the ATRC, and should we establish it. Never discussed the problem with Freeh, or tried to. **Castello** carried the heavy burden on this to establish a review procedure whereby FBI had to answer staff inquiry to illicit validity of FBI information and ultimate recommendation. So issues, (1) info sharing from FBI; (2) transparency; (3) need for secrecy.

NSC work. (1) I worked with the NSC on immigration emergencies, such as Cuban and Haitian boat lifts. On this issue, the AG and WH real interested and military involved with Gitmo base issues for detention, and negotiations and lack of negotiations w/ Cuba and fact that we part of change in Haitian gov't where INS a big player, but not sole player. (2) Also on Chinese smuggling, and became a NSD directive in 1993 or 94, and that meant that intel priority for US, and we made a concerted effort to push back Chinese smuggling and bring resources of intel community to bear, and this was the first time that that had happened, and pretty successful. (3) NSC was also at the table, and not nearly as active, in asylum reform. Asylum reform which was cleared at the WH and became part of the crime bill and as an enforcement vulnerability we need to address, and NSC engaged in that b/c **Eric Schwartz** at NSC, and their interest was to stay in compliance with int'l law and human rights norms and working with high profile populations. Many interested parties here: the Hill, interagency task forces, int'l relations.

Interior Enforcement. The border was our first priority, but question of interior was important in policy. It was critical to my thinking, that do effective enforcement, can't just do at borders, but must do the interior as well. We were always most limited in resources here, and this was way before my time. Traditional work consisted of: (1) ER sanctions; (2) interagency task forces in gangs, CT, and drugs, in the big cities, (3) detention and removal of criminal aliens from the country; and (4) benefit fraud, but never well developed and hit or miss. D&R became high priority in 95 or 96 and was a high priority for AG. Very pressed by Hill on D&R. So you had this set of things that interior enforcement was supposed to do. My dilemma from a policy point of view, was to try to buttress work at the border with a credible enforcement in the interior.

"Border Security" was not simply BP, but POEs as well. POEs, and extensions of these were in consular offices abroad, and we always asked for resources which addressed them from abroad. From a %age standpoint, we were adding inspectors at a rate of growth faster than the BP at POEs, in an effort to create seamlessness in our border security. So you then you had the problem of interior enforcement.

'98 Interior Enforcement Strategy. Most of enforcement's effort was going to ER enforcement, and was largely ineffective. The work was done office to office by follow-ups, and differed per region and no overall strategy and enforcement impact. So you could be importing large #s of persons w/o docs and would fill up again, and even with greater ER sanctions, law is very weak, fines puny, no real deterrent. Some in agency would argue that with limited resources, disruption and keep ERs on their toes was the available enforcement option, but the onerous would inevitably fall on deporting workers. Congress wasn't interested in greater fines. Penalty structure not the problem, but rather an inadequate check on documents.

We experimented with things, for example, in Texas. We gave them access to our system, to try to work ERs. We could never get the mass of employers; those working with you are good guys anyway. We hoped Congress would reward us for our attempts and help us improve our data system. If we asked employers to do it themselves, we knew they would balk at the cost. We requested more resources to solve technical issues.

So how get a strategy? We switched policy in an effort to get an agency-wide approach to focus on the bad guys, focus on highest vulnerability activities where INA violations are concerned. So focus on: building cases against ERs who were engaged in criminal activity in one way or other (smuggling connections, abusive employers, interstate highway use by smugglers) and cases where criminal fine and wide potential impact (seriousness of abuses, #s aliens etc.). We were following the FBI on their change to high profile cases b/c that is what fed agency should do and these are the high risk activities.

In addition to ER enforcement, and interagency task forces, including JTTF, b/c task forces wanted /needed INS help and a lot of effort on crim alien removal. That change in strategy began to set in 97 or 98. This is the Bob Bach strategy. The Hill did mandate it and took longer than should have, and we wanted to show success to strategy and hoped to win political favor on the Hill, we'd never been successful in getting interior enforcement resources. We knew #s of cases would come down b/c we'd be building cases that were bigger, across district lines, and modeled on FBI experience, where overall case numbers come down. We always requesting more, but these requests didn't get through the dept or didn't make to Hill in appropriations process. We wanted to change strategy for substantive reasons.

CT Coordinator. Combination of things made it come about. Mid 97. First, there had always been a strong conviction that we had our finger on the pulse of certain responsibilities that had a critical security dimension, ie POE enforcement. The real

sensitive place is the inspection process and POEs for serious security. Have to strengthen POEs and one way to do this was technology.

When I got there in '93, the *watchlist was on paper*. I worked hard with DOS **Mary Ryan** to integrate INS abroad with CA function, then I transferred funds so they could do some automation activities so could integrate technology between consulates and POEs. So to do that properly, had to have WL available from lots of places in gov't. This was a top priority for me. Also a repository of information from intel agencies; this was the IBIS thing. The goal was to be able to tap IBIS real time at POE and include a system up to date so alien who may have been "clean" when issued visa could be stopped if negative info developed prior to entry. We need to do more b/c we can help find bad guys, and can do so at POEs. For a long time, we had a staff person at CIA, and wanted more from us to work on people. **Harvey Adler** used to tell me about how much information there was and how much potential info there was. We never that relationship with the FBI. 200 slots per these agencies got for their people. Our CIA details always had a terrorism nexus. The AG wanted us to work more effectively with FBI, more on alien smuggling and narcotics, though.

Always a desire amongst investigators to do more terrorism, that could and should become available, and then Dan Cadman became available, (you know that story), and well respected within agency, and had been interested, and that was a good chance to have someone who could be focal point for that and strengthen efforts. That worked well, from all I know. My understanding of it was, I saw him from time to time with cases, it was to liaison with intel community, so that when intel community needed stuff done, he'd facilitate, he was to be our interagency rep at the table on CT matters (don't know how frequently that took place), with Reynolds and WH and he would have worked with field offices on sensitive cases and did work overseas on intergovernmental liaison on high priority cases, some analytic work with intel, no idea if he also did of broader assessments, disseminated threat info and SOPs. It was thin operation, as was a lot of INS work. My understanding is that he was able to be proactive and work terrorism wherever it needed to be worked.

Watchlists, again. What we created at POEs was a data system that can run a MRV and can check against the WL, and also has in it information on deported aliens, etc, and that had never been available. Machines went out in '94-'96. Transfer of funds to **Ryan** may have been in '95 or so. This was before she got MRV fees. They ended up in much better shape. The info sharing b/w INS and consular and info gathered abroad in visas issuance functions is all possible b/c of the way Ryan and I built data systems b/w the two agencies. There was a plan to put CCD at POEs, but we weren't there yet when I left. The way it had been working was that whole new files were begun at DOS and new ones at INS. Spent a lot of time with **Mary Ryan**, presiding over a DOS working group to design consulates with INS. The working group would meet every six months, and she and I kicked it off initially with a couple of meetings, and then work went to staff level meetings. Budgets would be coordinated and procurement specs compatible. A lot of work, but we made clear we were working a cooperative effort.

White House. As of '95, always NSC work on Mexico. With Canada, cross border vision stuff and NSC in loop. With WH, a lot on AEDPA, IIRIRA, welfare bill in 96. After that, fair amount on H1B up til 2000.

Documents shown to DM explained:

- (1.) Immigration working group, agenda for WH mtgs that **Maria Achvesti** ran. I sent **Barbara Strack** (Exec Asoc Comm'r for Policy and Planning), **Beau Cooper** (legal counsel), **Kathy St. Dennis** (my office)—these were the typical attendees on a weekly basis. Had been working with **Steve Warmith**. That change during Clinton II, late 97 or so. She much more proactive on interagency coordination than Steve was. Panetta had changed to Bowles and Podesta. I worked with **Leon**, not the next two. There was a principals relationship there. Maria became a combo of COS and Warmith b/c more engaged. She basically was concerned not with security things. Mostly Hill related things. INS MBOs (management objectives) were AG priorities. Was there an in depth priority list of the AG helpful to you? "Let's stay on our current topic."
- (2.) AG hot list staff work pre mtg.
- (3.) INS Weekly Agenda, was final agenda meetings.

PDD-39. Recognize it, that was just formalizing what we knew our responsibility to be. Not a policy change or shift of some kind. Just an explicit statement of what we were already aware our agency responsibility was.

Ressam case. In typical government agency fashion, INS said we caught him, not Customs. It was alarming, and at the north, where there are some but not many resources. The question was: was it possible that other people out there like this? What this case led to was a much more heightened sense of alert inspection process and whether we were getting good intel, where in this case she was discovered de novo by routine work. But, whether it led to any change in the way intel community was working with INS, I couldn't say. No mtgs with WH can recall. Not briefed on CSG or DOJ CT strategy.

Dick Clarke. I knew him. I do recall a time when he was on NSC staff and had the CT mantle, and wanted to discuss foreign student tracking. He wanted to know our plans, and whether the system was being designed in a way to include data on courses of study. Also wanted to know, whether we would run data we did have by course of study (in technical science fields). My answer to him was that yes, system would know sources of study but that when the system was in place, I would not run that type of information by a simple request from him. If that was the desire of the NSC, I told him I would require a specific request in writing. This wasn't supposed to be a national security system, but a tracking network to treat all students the same. Therefore, if information sought for national security reasons, I wanted it in writing.

Intel. Did not receive regular intel briefings. I would receive intel, and I would rely upon **Becraft** or **Landsman** or **Cadman** to receive whatever they thought I needed to know. I never asked for one. To some great extent, I relied on them. I never found INS

on inside of intel, but I trusted them on judgment, but not a good use of my time, b/c not great information. I didn't even know name of UBL until a couple months before Sept . 11, when a journalist friend told me. Don't recall ever hearing of radical fundamentalism. Think probably at '95 CIA briefing on radical fundamentalism (showed document), but don't recall it. I considered useful intelligence something that would have shown as how we needed to change what we were doing as an agency. With people like Cadman, I knew we didn't have as many investigative personnel to do this CT job, but did know Cadman as one of the better and strongest people in the agency.

END

QUESTIONS FOR DORIS MEISSNER

Background.

- Previous immigration experience
- how did you come by your job at INS ?
- what were you told your job would entail ?
- what were the high priorities at the time you became Commissioner in early 1993?
- Who did Commissioner answer to on a day to day basis?
- Ever meet with Ziglar?
- *Please provide 1993 confirmation hearing testimony.*

Priorities.

- (Citizenship USA, SW border, employer sanctions, fraud schemes, anti-smuggling, OSADEF, JTTF (but did it kicking and screaming).
 - What were the Commissioner's Interior enforcement priorities during the years you were in office? Where did CT fall in that picture?
 - What about technology, information sharing, and intelligence? (Say important in 2002 Emory U speech)
 - *Did you sign off on all strategies and priorities and budget allocations? DID YOU EVER SIGN A COUNTERTERRORISM DOCUMENT OF ANY KIND?*

Meissner reorganization.

- In the 1994 reorganization, you split the Office of programs and the Office of Field Operations. Why? Were there any unintended consequences (investigation/interior enforcement had a difficult time functioning effectively)?
- Why was there never appointed an SES chief in investigations from 1995 to the time you left the Commissioner's job? (Border Patrol had an SES chief)

Budget resources.

- who ultimately responsible for INS budget?
- What were the budget priorities?
 - Did you ever seek out DOJ, OMB or Congress to provide more funding on CT?
 - To what extent was Congress, from your vantage point, interested in the INS playing a role in CT considering INS exclusive jurisdiction over Title 8?

Policy Council. Who instituted it? What was its purpose? What value did it provide?

Relationship with DOJ:

- Their priorities?
- Describe relationship?
- INS Weeklies. Please describe them.
- What DOJ helped accomplish.
- What you wanted to do that DOJ discouraged.

Relationship with DOS:

Relationship with DOD:

Relationship with the White House:

- Who work with?
- What issues?
- Work with Dick Clarke. What issues? When? What taskings? How did you respond to the taskings?

- What involvement with the CSGs?
- How did you receive PDDs? (9, 39, 62)

Relations with the CT Coordinator, later the NSU:

- what briefed on?
 - Special interest cases. Ever associates of UBL? Related to well know terrorist incidents such as WTC I, Sheik Rahman landmark case, Africa bombings, Saudi barracks bombing?
- Ever request a strategy? Ever see or hear from Mike Pearson on the strategy that Cadman provided to him in 1998?
- JTTFs. What did you see, if any, of the value to the INS of INS agents being detailed to the JTTFs? *Feb 1997 from DM to DOJ AAAG adopting recommend to fill detailee positions on task forces. Discusses value of INS in dealing with travel/immigration fraud and INA law in removing terrorists and 6 removals in NYC due to INS participation.*
- CIA. What value to the INS of INS agents being detailed to the CIA?

Relations with Congress.

- Their priorities
- Who paid attention to
- Helpful/unhelpful.

Relations with the private sector.

- Airline industry
- Colleges/universities
- Border communities

Information avenues and intelligence.

- Did you receive regular intelligence briefings?
 - How often?
 - What was included?
 - What was your knowledge of Islamic fundamentalism and UBL?
 - Who from *within the INS*?
 - Intel. Unit (George Regan, Cliff Landsman).
 - What type of information?
 - How often briefed? Regular briefings? Ever request regular briefings?
 - Ever hear of terrorist organizations using alien smuggling? Did you ever ask intel unit to look into nexus b/w alien smuggling and terrorists?
 - NSU : how did it come about?
 - Lookout Unit
 - Counsel's Office on special interest cases
 - The field
 - JTTF detailees or CIA detailees
 - Headquarters Watch/Operations Center.

Please explain the roles of each of these units within the INS.

- Who did you receive intelligence from *outside the INS*?
 - DOJ DAG or Jim Reynolds Office
 - FBI
 - CIA. Do you recall a briefing from CIA in Oct. 16, 1995 on radical fundamentalism, entitled "Current Threat Assessment of Islamic Fundamentalist groups and Impact Upon INS?" What was your reaction to the briefing?

- NSC or Dick Clarke
 - Ever any meetings at NSC or with Dick Clarke ? requests for assistance?
 - Ever any meetings with Freeh or Mueller or other FBI persons requesting assistance?
 - The CIA?

Was the DOJ, FBI, CIA, White House supportive of INS in CT?

- Did you ever seek more intelligence? How did you view your relationship with the intelligence community?
- At what point did you become aware of the activities of terrorists in the US? Islamic fundamentalist terrorists?

Response to intelligence/information received.

- What was your view of the INS role in national security issues?

Role of CT events on INS policy and priorities.

What role did you see for the INS in counterterrorism in the years you were Commissioner?

'93 WTC.

'98 Fatwah.

'98 Africa bombings.

Millenium bomber/Ressam.

- Were you aware of UBL as a threat? Did anyone ever discuss with you UBL as a threat? That the INS had a role to play on the borders and in internal enforcement b/c of INS exclusive Title 8 authority?
- Were you aware of PDD-39 requiring INS to exclude terrorists? What was your response to that requirement? What about PDD-62? *Show documents.*
- **Strategies.**
 - Do you recollect what, if any, CT strategies were drafted?
 - *1986 Contingency plan for Alien Terrorists and Undesirables*
 - *1995 Draft CT Strategy outline from Park Bramhill to Greg Bednarz*
 - *1997 Budget Initiative Development Teams, Phase 2-Strategy Development, Priority Goal #4: Strengthen Efforts to Counter International Terrorism.*
 - Who was tasked with CT policy?
 - Who was tasked with CT operations.
 - To what extent did hdqtrs know of CT operations ongoing?
 - View of the internal enforcement strategy?
 - Did you ever request analyses be conducted on terrorist penetration of the border, especially after the Ressam /millennium case?

Programs.

Migrant Trafficking Coordination Center. In Feb. 2000, DOJ contacted James Castello stating that the INS was not being responsive to setting up an interagency center on alien smuggling, and the group of agencies involved were considering moving on without them.

Student tracking.

- Do you recall a March 1996 presentation on CIPRIS whereby the results of an interagency task force were presented; concluding that the current student tracking system had to be scrapped as it was beyond repair, and a new system was proposed which included a biometric element? (Task force had found 1000s of fraudulent I-

20s, corrupt designated student officers, and language schools selling I-20s.) Do you recall your response to the presentation? (Said didn't like enforcement element, biometrics, and wanted more options.)

- What did you do on CIPRIS when became statute in Setp 1996 (Signed pilot in Oct 1996).
- Do you recall a second briefing in August 1998, attended by you and Deputy Commissioner Wyrsh on the proposal to go develop the program nationally? What was your reaction/tasking?
- What did you see as the purpose/mission of CIPRIS? What the statutory mandate as a CT tool a legitimate one from your perspective?
- What was your role in CIPRIS?
- (If the schools and other participants were supportive of the program). What was your view of why the development of the national SEVIS program never got off the ground?
- Did you eer meet with Dick Clarke on CIPRIS? (Wyrsh remembers she and DM being called to a mtg with Dick Clarke.)
- Did you ever meet with Marlene Johnson (NAFSA) ? Terry Hartle of ACE? What were their views?
- Ever have any discussions about student tracking with Senators or Congressmen? (Abraham on fee, Judd Gregg on repeal?)

Entry / exit.

- What was your view of the value of an entry/exit system to the enforcement role of INS?
- What was the priority for entry/exit? (In Sept 99, the Canadian /American Border Trade Alliance stated that DM "thanked CAN?AM BTA for its pivotal role in...delaying the implementation of Section 110" IIRIRA.
- Ever have any discussions about student tracking with Senators or Congressmen? (Abraham on repeal)

INS public image.

Been described as "the agency who refused to take itself seriously." There was no real chain of command from headquarters, no sense of leadership.

INS never wanted to be held responsible. Border patrol mentality permeates the agency. INS did not want prosecutions, only administrative immigration cases. **Joe Greene** is the current enforcement commissioner equivalent.

Counterterrorism.

Describe the INS role in CT.

- What role, if any, did you see for the INS in counterterrorism?
- Whose responsibility was CT, from your vantage point?

Recall ever meeting with **Dan Molario**, NYC INS District Director, to discuss CT.

Enforcement.

Please describe the rationale for the allocation of immigration enforcement resources: 10,000 Border Patrol, 5,000 Inspectors, and 2,000 special agents.

Interior enforcement.

What was the mission of interior enforcement?

- (1) administrative side (remove illegal aliens);
- (2) criminal side (prosecute reentries after deportation);
- (3) fraud prosecutions; and
- (4) smuggling cases.

9/11. Could the INS have helped prevented 9/11? Yes. The terrorist knew that our border security was our soft underbelly, and wholly exploited it. INS bears responsibility for their entry.

DHS organization on border security.

In 1999, you testified on the Hill as to the bifurcation of INS into the services and enforcement missions, with inspectors falling on the enforcement side, but all reported to one appointed commissioner responsible for integrating immigration policy and function. How would you grade the Hill on the set up currently at DHS, with services reporting directly to the Secretary, and interior and border enforcement separate but under a border security policy shop reporting to Undersecretary Hutchinson? And what about the combining of Customs and INS? Adding air marshals back into ICE? What about Visa Enforcement overseas? Expanding the virtual borders to more preclearance/preinspection sites? What about adding biometrics into all benefits adjudications so that the visa process (for those requiring a visa), and then entry/exit information is just the beginning of alien tracking?

Commission Sensitive

MFR 04016445

**MEMORANDUM FOR THE RECORD
PART II**

(R)

Event: Interview of Doris Meissner

INS Commissioner October 1993– November 2000

Date: Tuesday, January 6, 2004**Special Access Issues:** [none]**Prepared by:** MFR prepared by Janice Kephart-Roberts on January 6, 2004**Team Number:** 5 (Border Security)**Location:** Migration Policy Institute, 1400 16th St., Washington, D.C.**Participants - Non-Commission:** Doris Meissner**Participants - Commission:** Janice Kephart-Roberts, counsel
Susan Ginsburg, sr. counsel*Note:* no classification required**Documents provided.** none**Documents requested.** none**Recording:** yes**NOTES:**

Student Tracking. In regard to the March 1996 CIPRIS presentation. I don't recall the Freeh /Gorelick memo of 1994, but I do know there was a task force formed and information came forward. I don't recall the details, but it was recognized in the INS that the current tracking of students was insufficient and not giving the government the information we needed nor was it comprehensive but, my reaction to it, and follow up, was that we knew the extent of the difficulties and then it was a question of priorities and funding support.

To put student tracking in context, a number of key systems in INS were in bad shape too. Two that come to mind were nonimmigrant information system (of which student tracking was a subset), and the deportable alien system. All three were really worrying us as an agency in terms of how old they were and how much effort and cost there was to fix them. But the student task force to which I refer was an aggressive effort that involved other key players at other agencies too and were effective at moving abroad. My sense is that this effort helped spur the 96 law. When we got the congressional mandate, there was no funding for it, and had to charge foreign students themselves, and was a big deal how to get that fee and philosophical disagreement on how you get that fee

and if that was a legitimate thing to do. My view was that it was a legitimate to have a more careful tracking system for students than for visitors in general, and that foreign students important to know more about them: (1) study in areas of security sensitivity and (2) here for a substantial period of time, but generally young people and the schools and gov't need to know about that. Always thought too the question of student tracking and is a potential for good partnership and a strong role a good partnership and we wanted more constituencies like that. Found the schools responsible and cooperative. During the 80s there was a whole proliferation of schools of marginal interest in working with gov't and we needed to differentiate b/w Harvards and language schools. My viewpoint also was that if you provided the education community with a straight forward way of doing business would do so, but the stance then that INS took was to work on parallel tracks: design and test system as task force wanted and at same time work to change the legislation that created a funding mechanism that was impractical. The best we could come up with in a fee based system: (1) consular office; (2) at POE or (3) at school when person gets there. Legislation at school upon acceptance. How to collect money and get to gov't and how deal with exchange rates and even granting that higher education constructively attempting to do this with gov't as opposed to just stonewalling, and the fee created a lot of add'l cost for them. The view in the 80s and 90s were that a US education was a private benefit to the individual and that should be a user fee activity. I always thought there was a higher purpose for education and naturalization and that was my private view but that wasn't what gov't or Congress thought. So idea was students should pay for system. Meanwhile, not a cent of money coming in for student visas, and funding req'd we took from other info programs despite other high tech priorities. We did work for legislation change. And did get that change in the reg from Sen. Hatch that gov't had to collect the fee, not schools.

August 1998. Absolutely we wanted to go national. That was the point of going national and to get buy in from higher education community and we wanted enough schools to become missionaries with their colleagues and not excessively intrusive. A number of schools behind and I had the impression that this task force worked effectively to make it work. When working with people on the ground that is a different level of cooperation than the associations. The student card: my reaction I did not become immersed in student system the way I was with the asylum or IDENT system when we first put it up or POE times largely b/c I had a great deal of confidence in task force on stuff and working with communities on the outside and some of my more sr people were paying attention and not as problematic as other things happening and not nearly the priority with Congress as some of the other things go on but I wasn't hands on. Wyrsh was paying close attention and so was Bach. I think it is fair to say that we were always concerned about striking the right balance b/w enforcement and facilitation and types of questions I may have asked that may have been interpreted as not liking it. Why are we tracking everything? Why a biometric? Would've been concerned if not a balance. I don't know what Wyrsh's view was, she had a tough job of figuring out the money against the other priorities, and b/c she was critical to budget and would've been pressing people very hard. She was tough and tough minded. Bob Bach point of view was that the question of overall balance, what is relevant v. what is too much, but he was really

concerned with funding mechanism. He worked quite consistently with NAFSA to build communication to deal with the Hill.

Policy Council was to vet policy issues to make sure all stakeholder had been able to weigh in and whether the issue was rightly done with analysis and sound recommendations to me or the deputy, but even if not a full scale meeting with me, I was to be informed of what they were doing. There were issues that stopped at policy council if not sufficient input from parts of agency or issues weren't well enough developed. Are there more things legal counsel need to look out? As to the student card, we were moving towards same design platform for a student, refugee, legal permanent resident or a work authorization, border crossing card and getting to that point was a big deal to standardize so this part of larger agency wide issue, and important for security features. As I recall, that question in context of broader initiative to rationalize card activities so that there was one format and all only diff was for type of status, and all digitized photo, chip or strike tech, and so where in the que of issuing new cards whether

Marlene is a friend from way back before NAFSA. Marlene had been working for a private company and came to NAFSA and do recall general intro on new jobs, and don't recall her talking to her individually, but Bob handled the liaison with them. People thought I was lobbied from her. She may have said CIPRIS was causing heartburn. The contact was at Morrie's level and Bob's. I can't speak for Mary Ann, and got very involved with demonstration. I think there was one meeting a participated in. The lobby was that they objected to schools collecting the money for the system; they also would say a lot of their schools objected philosophically to the tracking and charging of fee to acquire student tracking, but in terms of association position, we had a common interest was to change funding. I imagined they were also lobbying against student tracking, but in terms of our joint efforts, had to with design and implementation of the system.

I was very aware of Sen. Gregg's desire to repeal CIPRIS, but he and I did not have a personal relationship. Others I felt free to call, but not him, and I know that Congressional folks said he was the pivotal person to change the legislation. Never succeeded in having a meeting with him prior to hearings; very difficult to deal with.

Spencer Abraham. I did have a relationship. Found him to be good chairman with whom to work, but it doesn't surprise me, b/c representative of controversial issues and affected large constituencies. Don't recall that specific letter. It is fair to say, in a letter like that, it was kvery unclear int eh 90s how you viewed students and what degree of security vulnerability and value of students. Two ends of spectrum, Freeh and experience with students as benign and very positive aspect of what we do as a country. My whole thing was balance with it all. And that place shifts, and now very difference. I knew we had to have systems in place b/c we have to know bc we have to be able to do your work effectively and that was what was driving me.

I don't recall any direct follow-up from Jamie. This was the time we so immersed in redesigned the naturalization issues and time we were doing major ramp of BP and a lot of Jamie's time and effort went into a training academy siate for us and FLETC and a lot

of things working on together, but I don't recall follow-up on student tracking. We had weekly meetings, but don't recall discussing it. Didn't really need to come to DAG attention b/c we working internally. As to the AG, I don't remember it as one of the leading issues.

Don't recall discussions on entry-exit either with the AG or DAG, and implementation was way off in the future, so don't recall.

Dick Clarke meeting. It was a chain of command issue and what kind of tasking this was. The system, and the information, and needs for information shift. Now apparent for national security reasons, then for order in information we had, but if that was going to be useful for national security reasons, but we needed to be told that, but purpose was to get a handle on who was here. Our purpose was immigration regulation, compliance.

As to whether student tracking had a national security mandate, was of course, but using as platform for basic compliance information.

Commission Sensitive

MFR 04016446

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**MEMORANDUM FOR THE RECORD
PART III**

Event: Interview of Doris Meissner

INS Commissioner October 1993– November 2000

Date: Monday, January 12, 2004**Special Access Issues:** [none]**Prepared by:** Notes by Janice Kephart-Roberts on Monday, January 12, 2004

MFR by Janice Kephart-Roberts on Thursday, January 22, 2004

Team Number: 5 (Border Security)**Location:** Migration Policy Institute, 1400 16th St., Washington, D.C.**Participants - Non-Commission:** Doris Meissner**Participants - Commission:** Janice Kephart-Roberts, counsel
Tom Eldridge, counsel*Note:* no classification required**Documents provided.** none**Documents requested.** none**Recording:** yes**NOTES:**

Student tracking. *Meissner began with a request to "clarify" her meeting with Dick Clarke in 98 or 99 arena discussed in the previous two interviews. I want to be clear about that, I understood that meeting to be informational, his wanting to verify with me things about the student school system, and that he was interested in knowing about the flexibility of the system and various ways you could draw information from it, and his area of interest, was the major courses of studies of students taking, about people who are in schools here.*

I did not understand that meeting to be a request from him that we provide to him a run of that information, but in course of conversation, when he talked about whether we could provide that, I did want to make clear that it was my understanding that we would at an informal request level, that we wouldn't be in a position to respond with doing a special run in providing that kind of information. If that was info the NSC needed for a reason or another, and my understanding we did have information available in that way in system, we'd want a formal tasking. That would be the standard way to handle something like that.

He (Clarke) was appropriate, but if that were then to lead to an actual desire of NSC to have info, then they needed to task us with that formally. I wouldn't want my description of that meeting to be viewed as I not wanting to be cooperative or INS digging in our heels.

Understand too that during that time government was operating on a law enforcement model, as opposed to now as a national security model. So in aspect of a law enforcement model, as we prosecuted the terrorists of WTC One and issue of how government shares data files came up, and even though the new student tracking system we were developing had a national security mission, it was at base a compliance system, and you still wouldn't informally have national security officials working with such information without a formal request and tasking to provide the tasking. And then there was no follow-up that I knew of. Typically that kind of contact would've gone through the intelligence community.

I think this conversation was fairly late in the design, and believe we were in the pilot mode and the data elements had been decided previously; I don't think he (Clarke) was asking for an increase in the data fields. Wouldn't require new data fields, but rather analysis of the data elements already in the program. However, the data crunching he was asking for would have required new programming. So again, I told him if you want it, then formally need to task us. Not within the budget for that program.

On law enforcement model, let's take the FBI Arizona memo, what's in the realm of articulated facts: if law enforcement comes to you, and says "we have reason to believe these type of students would be of interest, of course we'd help find them. That's operational. But if someone says give us a list of biochem students in the US, that is way too general."

Reform of asylum adjudication system as top priority when became Commissioner in November 1993. I don't recall seeing any after action reports on WTC One that would have affected my thinking on the INS role in counterterrorism, because I didn't come in until Nov. 93. I will start my testimony with WTC1, CIA shooting, and Golden Venture, all in asylum backlog. All these cases for me represented national security breaches, as in all these cases there were aliens who had been all been in a hopelessly long cue for asylum adjudication, so the first thing I did was establish a overhaul of the asylum system. Golden Venture were a symbol of what the world thought: if got a foot on US soil, you were home free. The Canadians today recognize that they've got a similar problem with asylum, and this a tough issue for them. Their new prime minister has made many of these issues their top priority. The Canadians are so much better a bureaucracy than we are on this.

Visa Waiver. Review of legal authorities on establishing the visa waiver program. Visa Waiver Act put a requirement in place in 2000 that also required an entry-exit system, along the 1996 mandate and a couple of other laws also requiring an entry-exit system. *Visa waiver as viewed by the INS.* Visa waiver was always a point of contention between the State Department and INS. INS was always reluctant about Visa Waiver and

expanding the list of countries, with DOS viewing visa waiver as a sign of trust by US. I recall a number of instances where the US had scheduled meetings with foreign diplomats with no real deliverables but a potential granting of that country of visa waiver. There would be a lot of scurrying around so the announcement could be made that the US had signed a visa waiver agreement and had a deliverable for the meeting. I consider those to be normal public policy initiatives.

The INS was often considered to be the bad guy in this policy arena. We had concerns with visa waiver on law enforcement grounds, as we depend on the visa screen as first line of defense and we at INS at POEs (ports of entry) feel less secure about our decisions without the initial visa screen done by consular officers. The other concern was a basic resources and workload concern, was that first time saw a visa waiver person was in inspection line, and this put more pressure on us, and we more likely to make a mistake b/c of extra workload for us. So INS wanted some overseas inspections. DOS said no, we're giving you access to our TIPOFF like us, so you are okay. FBI had concerns too. I don't know if workload increase stats were quantified; this was legitimate.

But I also thought that visa waiver macro, throughout government, made sense. If you use your resources, the vast majority of those coming from the original visa waiver groups, resources should be in Thailand, Mexico City, and Manila. I thought that would strengthen the system so government could prioritize and focus resources. Not to say that thinking may not have to be adjusted as to learning vulnerabilities. The difficulties with visa waiver for me were with those countries granted visa waiver but with whom we knew were highly vulnerable to fraud/corruption in their travel documents. One of the original unclear countries were Portugal, with their passports and law enforcement weakness in that country, and issue of fairly substantial overstay (had to have less than 2 percent overstay rate to meet visa waiver criteria), and so very difficult to meet that 2 percent requirement. How do you know how many people overstaying if no system in place? That's why we had problems being persuasive on the Hill with visa waiver.

Entry-exit in section 110 of IIRIRA. An entry-exit system was a defensible idea in terms of having reliability in managing people coming in and out, but it was hard to get in place in time table Congress set out b/c the technology was not there, and that was my problem with Section 110. That was our biggest issue. The second issue was a policy issue of whether you could do this at land borders as opposed to land borders. At airports, have fewer visitors and airlines in partnership, so we had infrastructure to do it.

We took the legislative mandate seriously, and successful in working out entry-exit with the airports with an electronic version, and we answered with the automated I-94 (entry only); that was our entry-exit. The other thing we did was APIS, Advanced Passenger notification. The other thing going on at JFK was an experiment we were doing with Customs on criminal data bases and having broader access to FBI criminal databases as part of initial screening, and some of these are now more standard in US Visit. Inspectors liked it very much. These are drug cases and dead beat dads.

Automated I-94 got off the ground b/c airlines had to cooperate with us but there were some costs for the airlines. Airlines had to invest in some forms of equipment to do this and there was an unresolved field of info that we needed but airlines didn't include: address destined for in US. The beauty of system was that it could work off the boarding card, that INS needed, which airlines didn't want to ask addresses to fill in b/c would delay processing. So when we did pilot in Philly (mid size entry points), and maybe St. Louis, and did with NW, UA Air and one other, and there was always a discussion of whether Congress would mandate it. Congress never mandated it (automated I-94?), nor INS ability to have Advanced Passenger manifests at takeoff; that too was voluntary, and we persuaded as many airlines to cooperate, but we couldn't get them all.

Post 9/11, Congress passed it, and even Saudi Arabia didn't want to do it post 9/11. The big issue with Section 110 (mandated entry-exit system) was the *land border*. We didn't have readers on the border crossing card, so we didn't capture any data. A lot of pressure from both Mexico and Canada on this. No one wanted anything on leaving the country. So communities on the Mexican border were up in arms over the exit requirement. What we did about it was test a variety of technologies, we chose Heldago (sic). We were absolutely trying to persuade community leaders this wouldn't harm daily traffic, but weren't able to prevail, so we did a simulation, and didn't try it in real time. We did do a border crossing a Glynco, and tested smart cards and other technologies and did an extrapolation on wait times, and brought representatives of these communities to Glynco.

I felt we were thereby being responsive to Congressional mandate and while also trying to legislate a different time table. I didn't feel like I was empowered to this outright under the mandate, b/c we weren't funded, and there was lobbying to Congress by these communities, (including Howard Dean) so we tried to resolve the difficulties.

These monies were coming out of the Crime bill during these times, and we frontloaded our monies so we could get them up and running earlier. Our thinking is that it would be better to try to get a surge to put in new systems and get them up and running so we could acquire some confidence from Congress, and that would lead to continuing appropriations. Where we really got into trouble was when the approps money expired in '98, '99 and our operating costs ballooned b/c how fast agency growing (Border Patrol had doubled from 4,500 to 9,000 over five years; inspection increased a little, hovering around 5,000; and investigators/interior enforcement remained at 2,000 for a decade plus). The innovation money was eaten up by the growth.

Canadian land border. The border relations were difficult because in fairness we should treat both the north and south the same, yet Canada felt it should be treated differently from Mexico. *I sought repeal of Section 110.* The administration's position was to repeal Section 110 for the northern border b/c based on our testing of how you'd do it, no technology was available that we could discover that would be able to be implemented and not significantly stall movement back and forth. That ultimately resulted in a change in the timetable.

Bob Macny (sic) (now part of US VISIT) was running this program at this time; above him was Mike Cronin. Bob Bach was doing the policy on it and designed the simulation and did the evaluation. I saw a video of the simulation, but never went to see it in person. *Bach opposed it, and did so in conversations with me.* In this situation, we took very seriously that we do what Congress called for, but we needed to make them aware that it was not doable. This was more important than what our personal views were. We were not persuaded, and I'm certain that Bach didn't think it a good idea, and I didn't think section 110 practical considering volumes of traffic at borders, and still not sure whether the N and S should be treated the same considering the level of trust and cooperation.

SENTRI. So, instead, we were aggressively pursuing the SENTRI program (dedicated commuter lanes) on the southern border, but couldn't get Canada to go along with SENTRI's requirements. SENTRI was far more secure than the entry/exit program. We were trying to do it in a way that didn't impede a movement. SENTRI wasn't mandated; but there had been a prohibition against having any kind of commuter crossing on the southern border (a separate lane at POEs) and that prohibition taken up by a Congressman in the mid 90s, and we had wanted the commuter lanes (they required those enrolled in the program to undergo a security clearance and pay a fee), and when prohibition was removed, we worked with communities to do that. Ultimately, we got in place 3 lanes in 3 locations, and adjacent crossing to San Ysidro, and then El Paso, and San Esedro (sic). That info only captured site by site. SENTRI does pop up a photo, like Easy Pass, with facial recognition under the pavement. I think there is a fingerprint. Cars have the transponder. Cars in this commuter lane also got random checks. Fee was \$300 to get into system; Canadians didn't want it.

Even with US VISIT, they are having difficulty meeting the deadline on land borders by having it in secondary at the end of 2004. That's just for entry kiosks; there's nothing for exit even at airports now. The exit will be a fingerprint at kiosk, and if it doesn't click gate open to clear you, then cleared by hand, and near boarding area. Will start to put them in coming year. There's a list of 114 int'l airport slated to receive them.

Why wasn't there an implementation plan for entry-exit? Doesn't recall a plan. I don't know if I can reconstruct. By and large, this would've been something that Mary Ann would've kept watch of it. Bach did have responsibility for the policy on pilot and simulation, but Cronin and Mocny (sic) did operational work, so had to be coordination, but *I don't know if there was written plan.*

INSPASS. Tech was hand imprint, and was hand geometry based. Is a great system described, but not working very well. INSPASS preceded me and one of first airport innovations, but the vendor has ... My understanding is that reading hands is a proven technology but never used in the volume that at land borders, and with different hands read at different rates, and eventually swore system down. It was tempermental and this made it unreliable.

Admission periods. It changed in 1980s when I was at INS earlier. And it changed to a rebuttable presumption that a policy of 6 months on B2 visitors and so normal period of

stay. Inspector still had some discretion on providing a more or less admission time than that, but reason for change was b/c a vast majority of people who come are B2 and inspectors all over the country would give different admission periods for the same type of request. Some people would get 2 weeks, others 3 months, and so arbitrary, but often lead to people filing for an extension of stay, so you had a right hand/left hand situation where inspectors gave a limited length of stay and then another part of the agency (benefits adjudication) got numerous extension of stay applications and huge backlogs resulted. So the goal was to find a standard length of stay that wouldn't be so long as to not be temporary but would stave off the extension of stay applications. So six months was decided. *I was involved in that decision and felt that a smart move.*

Was there ever a national security evaluation that went into that decision, or a later evaluation of the six month permitted length of stay? There were special circumstances for state sponsors, but always go thru special inspection when arrive, and some are even monitored from agencies. B1s do tend to more limited, but often have multiple entry visitor visa. Focus on resources here.

Customer service lines. 20 minute rule. Don't know origin of that rule, but I think it precedes me. The 20 minutes refers to the time of debarkation thru INS inspection. Customs changed during this time to red lite/green lite and not mandatory inspection, like INS required. Yes, all airports monitored and statistics kept, and managers are held accountable for 20 minute inspection. I believe this is in approps language and a strong interest of travel industry and airports and claimed that travel industry around the world tracks which airports are better to get through. Obviously not talking about secondary inspections here, and we were helped in processing time where we had passenger manifests.

DAG oversight on entry-exit and student tracking

With Holder; don't recall specific interest.

Ms. Gorelick. During period Jamie was deputy, she was much more involved than any of the other deputies, which is to say that Phil Hyman before her, was not involved in level of detail, nor was Holder. Jamie was involved b/c that was what AG wanted, but also b/c during the time she was there, immigration issues were some of major issues the Justice Dept was dealing with and high political interest, so she was being a good deputy. I did have conversations with her and the AG outside of INS weekly meetings. My relationship with Jamie and the AG was quite fluid, but I frequently spoke to both of them. Jamie's focus was on border patrol hiring due to ambitions mandates, training new staff, particularly new staff, and we wanted an additional training academy, and our hiring is too big to accommodate Charleston Naval Station. All very political.

Citizenship USA debacle. Jamie was also very engaged in reengineering of the naturalization process. Variety of reinventing government where she was the contact point: naturalization was the big one b/c of the incredible break down of 96, big automation issues b/w the INS and FBI; and automation. What happened with

background checks from FBI: FBI had always done it, but process had always been so slow, that by time adjudication happened, FBI would've done backlog check, FBI never sent notice that verified background done. So when we sped up process, and when we didn't get notification of every case, we didn't pay attention to it, assuming the applicant was checked by FBI and clean. We didn't know until we got notice of a bad rap sheet from the FBI, and that meant that the naturalization process happened that the FBI had not checked that's what led to whole naturalization debacle. We straightened it out. Turned out we granted less than 5000 that shouldn't have been. There were outside audits on this report.

Use of technology monies. *Congress complained in conference report language repeatedly in the late 1990s that the INS was squandering \$800 million in tech money Congress had provided from 1995-1997.* These initiatives (which ones?) were at the top of my agenda, were at the top of the list and in top 5 every year on tech. I recall asking for more tech money and less people money, and won some of those arguments. *The things I argued for then set the foundation for things being done today that were set in motion then.* Hardest had to fight for was the two finger IDENT system; law enforcement wanted ten fingers, and we wanted to verify identity, and that could do that with two print, and far cheaper and faster which important to us. We did IDENT systems, APIS system, overall green card technology, introduced digitized photographs, worked with DOS to use same platform on border crossing and work authorizations, and that too very durable, and we experimented with SENTRI and transponders and trusted traveler, and \$800 million went to that. *Automated I-94 was a success, but just couldn't do it successfully.* In absence of having to take fingerprints at borders, this was the best that could be done at time. *Things didn't go well with student schools and the Nonimmigrant info systems, and should've gone quicker.* But all this goes to frontloading system financially. The costs of the operating systems were eating us up in later years. The starts were really good. We used fingerprints to verify asylum grants, and ultimately our model for other benefits, but as time went on we didn't have the money to carry forward.

Paper watchlist at POEs. When I became Commissioner, we got TIPOFF, but it was paper. What I learned at INS that there was a lot of desire for innovation at INS, and if you found the right people, you could work with them. Mike Cronin probably in charge of automating the watchlist.

Information connectivity. The fact that our systems don't talk to each other are a huge problem. And that's a huge problem with the new DHS, and that the connective tissue of agency being one, and even if one, and now with not same agency, no connective tissue. In terms of systems talking to each other, I made decision to get systems up even if not talking to each other to jumpstart change and win the approps we needed. It was not because I was ignorant about it.

Have email of Bob Bach.



9/11 Personal Privacy

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Addendum from Doris Meissner received by email on January 29, 2004 in regard to the hearing on border security on January 26, 2004. I agree it went well, and, for my part, it was not as difficult/uncomfortable as I expected. You and the staff should get a large share of the credit for that. You've been highly professional and competent and fair. Having now read the staff statement carefully, I think it is a very impressive piece -- thorough and appropriately circumspect. The central idea you and Phil present at the end re terrorist travel mobility and its implications for anti-terrorism efforts is excellent -- really good and important and formulated in a way that is new and very helpful.

If you do subsequent revisions, I have these few comments for you to consider:

1. Page 9 - the par. on students begins with statement that Congress mandated a new system by 1998. I believe it mandated a pilot of a new system by 1998. The full system was to be operational by Jan 2003.
2. Having now talked with a few people closer to the issue, I've learned that testing of the student card was deferred because the concept needed to be incorporated into agency-wide planning for new cards, i.e. green card and laser visa, that was being implemented at the same time. Part of that program was to also issue a non-immigrant card, clearly marked work authorization for those so authorized or work not authorized for those not. Students were one subgroup of nonimmigrants who would get that card. So they were not being ignored re secure identification. It was a left-hand, right-hand issue internally. The plan for them needed to be consistent with the technology platform, readers, etc. in order to make sense. There were Policy Council minutes. They should be available to you if you need to check. Whether or when the student card planning resumed, given those coordination issues, I don't know.
3. Page 10 - re interior enforcement, the top priorities were removal of criminal aliens (as stated) and criminal abuses of immigration law, such as alien smuggling, document fraud, etc. Beginning in about 1997, we adjusted enforcement priorities to explicitly de-emphasize routine employer enforcement -- unless employer practices were tied into smuggling, had multi-jurisdiction conspiracy elements, etc. -- in favor of a focus on a "bad guys" strategy. I took a lot of heat for this but still believe it was the only good choice with such few resources and it would have allowed for more effort on counterterrorism if we'd been so tasked. That goes to the broader point of the paragraph in the last sentence. It is absolutely correct and I endorse it fully.

Good luck in the months ahead. It's been a good process and good to meet and work with you and your colleagues. Please thank them for me as well. Doris

Additional Questions for Doris Meissner

January 12, 2004

Admission periods. Our understanding is that at one point, the length of stay of a visitor was within the discretion of the POE inspector based on stated length of stay, amount of money in one's pocket, stated intent while in the US. At some point that changed. When? Why? By whom? How did admission times for visitors get set? What types of information were taken into account when making the decisions? What national security information, as taken in consideration for visa waiver countries?

Customer Service lines. Did you ever make a decision as to how long the wait should be for a visitor to get through an inspection line at a POE? If yes, what was the decision? When? Why? Was there Congressional pressure? White House pressure?

DAG oversight. In the late 90s, Congress in its Approps language was complaining bitterly about the management of INS:

- the embarrassment of Citizenship USA where 263,000 aliens were naturalized without having been adequately screened by the FBI, and subsequent screening showed 77,000 had a criminal history;
- \$800 million from 1995-97 "squandered" on technology upgrades like automated I-94s that didn't happen, an IDENT system that didn't talk to the FBI's criminal database or from location to location, and only held 5,000 names and was appropriated \$85 million; barely any betterment of the situation on the SW border despite a near doubling in agents. In the end, Congress wanted more DAG oversight of INS. Did you notice an increase in oversight from Jamie Gorelick? In what areas? Did you ever have discussions with her on counterterrorism?

Entry-exit. Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 directed the AG to develop an automated entry and exit program to collect records every alien arriving and departing the US. The June 2000 Data Management Improvement Act directed integration of DOJ/DOS electronic arrival and departure information, beginning in 2003. The Visa Waiver Pilot Act of 2000 required collected entry/exit information from aliens provided a waiver by the Act.

- What were your views of the value of an entry-exit program?
- Why did you not require your staff to come up with an implementation plan? (Congress required it be provided by January 1996)
- Congressional appropriations documents show that in 1996 \$20 million was given for "automated border lookout systems including piloting an exit control system". In 1997, another million was added to the project. In 1998, another \$20 million. That's \$41 million over three years.
- The Sept 1999 conference notes of a Canada/America Business and Trade Alliance where it says: Meissner "thanked CAN/AM BTA for its pivotal role in educating Congress on the realities and needs of the Northern Border and especially in its involvement in convincing Congress to delay the implementation of Section 110 and the inclusion that Trade and Travel are not to be impeded or delayed. Further CAN/AM BTA continues its commitment for repeal of Section 110 at the land borders." Why did you seek a delay? A repeal?

Ken Duncan

Job information

Pre-9-11 watchlisting

What were priorities for State and CIA

Sources within CIA

Lists and watchlists – DI and DO

From Palestinians to AQ

MOU

Hazmi Midhar

Jan 00 briefing of Tenet on KL mtg

Visa viper

Sources?

NSA information and poc

DIA information and poc

NCIS

Air Force Office of Special Investigations

FBI

Sharing

INS information and poc

Coast Guard information and poc

Customs

DOD information and poc

Canada when what

Mexico

UK, Australia, NZ

[TIP] countries

Looking back

Going forward