OIG-08-18 Addendum and Work Papers
Doc. #103
July 18, 2008

Mr. Steven G. Bradbury  
Principal Deputy Assistant Attorney General  
Office of Legal Counsel  
U.S. Department of Justice  

Re: Request to interview former Deputy Attorney General Larry D. Thompson  

Dear Mr. Bradbury:  

In January 2004, we began a review at the request of the then ranking member of the House Judiciary Committee, Representative John Conyers, Jr., of the removal of Maher Arar to Syria by the former Immigration and Naturalization Service. We published our final report, *The Removal of a Canadian Citizen to Syria* (OIG-08-18), which is classified at the SECRET/NO FOREIGN level, and a brief unclassified summary, in April 2008. In June 2008, we published a redacted version of our report according to the Freedom of Information Act.  

After we had finalized our report, new information came to our attention that contradicted one of our conclusions. As such, we have decided to reopen our review in this matter. If we determine that one or more of our conclusions are incorrect, we will publish a supplement. The staff of former Deputy Attorney General Larry D. Thompson and the deputy himself, as Acting Attorney General, were involved in removing Mr. Arar from the United States. The new information we received concerns former Deputy Attorney General Larry D. Thompson.  

During our original fieldwork we decided not to request an interview with Mr. Thompson. We believed that our interviews with the staff of the Office of the Deputy Attorney General involved were sufficient. However, in light of the new information we received, we feel that an interview of Mr. Thompson is necessary. We have been coordinating with the Office of Legal Counsel and Mr. Thompson's counsel, John Joseph Cassidy and Stephen L. Braga, to schedule an interview. However, we have been informed that the Department of Justice will only allow Mr. Thompson to speak to us about the narrow issue concerning the new information we have received. This is not sufficient for the purposes of our review. As such, we request that we be allowed to speak to Mr. Thompson freely and openly. As we have done with other information we have gathered related to this review, we will protect any information that Mr. Thompson provides that might be privileged such as as attorney-client, attorney work product, or
deliberative process from public disclosure. Furthermore, so that Mr. Thompson can fully discuss this issue while having his counsel present, we request that you arrange for Messrs. Thompson, Cassidy, and Braga to be granted SECRET security clearances.

When the Department of Homeland Security was established, the former Immigration and Naturalization Service became part of the new department and its actions subject to the oversight of our office. To get a full understanding of how and why Mr. Arar was removed to Syria and to verify whether the new information we have received is correct, we need to conduct an interview with Mr. Thompson that is not subject to restrictions placed on Mr. Thompson by the Department of Justice.

Please provide a written response at your earliest convenience. Thank you for your prompt attention to this matter. Should you have any questions, please call me, or your staff may contact Richard Reback, General Counsel to the Inspector General, at (202) 254-4100.

Sincerely,

Richard L. Skinner
Inspector General

cc: The Honorable Michael B. Mukasey
Attorney General
U.S. Department of Justice

The Honorable Glenn A. Fine
Inspector General
U.S. Department of Justice

H. Marshall Jarrett
Chief Counsel and Director
Office of Professional Responsibility
U.S. Department of Justice

Mr. John Joseph Cassidy
Baker Botts LLP

Mr. Stephen L. Braga
Ropes & Gray LLP
Doc. #104
Department of State Involvement in the Arar Matter

MEMORANDUM OF RECORD

Preparer: [Redacted]

Purpose: Learn more about DOS involvement in the Arar matter

Source: Telephone

Date/Time: July 30, 2008, 1:05 PM – 1:19 PM

Participants: [Redacted], DHS-OIG

Location: DHS-OIG headquarters, [Redacted]

Discussion:

Background
[Redacted] began to work for the Immigration and Naturalization Service (INS), [Redacted]. At that time, [Redacted]. For the most part, overseas operations consisted of

INS Expansion Abroad
In 1996/1997, the political appointee at the Office of International Affairs launched Operation Global Reach in order to expand the number of INS overseas offices and increase its law enforcement presence abroad.

[Redacted]. In the beginning, it was mostly

INS' expansion overseas as a " [Redacted] " operation. Once abroad, as opposed to

Training
International Law Enforcement Academies (ILEA) were set up in Bangkok, Botswana, and Kenya partly in order to create regional networks. [Redacted] These Academies taught local

[Redacted] currently, there are four ILEAs: Budapest, Hungary (1995); Bangkok, Thailand (1998); Gaborone, Botswana (2000); and San Salvador, El Salvador (2005). See
government officials techniques for local immigration control and sometimes refugee processing. The Academies also taught students to recognize fraudulent documents.

indicated that INS sponsored other training events for local law enforcement. reported that INS sponsored workshops, at which speakers would discuss important law enforcement issues, recent successes, or best practices in other countries. According to , the topics at these events were generally shaped by the host country's interests.

**Overseas Operations**

Around the year 2000, the laws on asset forfeiture changed and the U.S. could share up to 50% of the seizure with the host government. The financial benefits increased incentives for host governments to participate in law enforcement activities, such as those combating drug trafficking, and allowed for greater cooperation between the INS and its host government.

In addition to law enforcement duties, overseas INS offices also helped with removals of illegal foreigners from the United States. The offices would assist in negotiations that were sometimes needed when a removal would have to transit through a third country. They would also work on fraud detection in the international adoption process. In sum, overseas operations were divided into enforcement or benefits-related activities.

At the end of the INS and the beginning of the Department of Homeland Security [March 2003], said that didn't know.

**Training**

In the Rome district, there was a yearly conference (lasting one week) providing training for INS's overseas personnel. The conference, addressed a range of topics. Updates on immigration law and practice were provided, and staff in different countries would share information about successful efforts. In one case, the Department of Justice presented on law and on asset forfeiture sharing with the host nation. Equal Employment Opportunity training was also provided.

said that the INS said that this is.

**Recruitment and Selection**

Most of the people who applied for overseas jobs Usually positions were of the GS-13 or 14 levels.
There were a lot of former asylum officers in a recent group that went abroad.

agreed with an interviewer's statement that

Before the break-up of the INS, 

In experience, though, an INS employee's background

added that, though much of INS's international work in some countries had a law enforcement bearing, it was nonetheless very distinct from law enforcement work in the U.S. In international settings, U.S. investigators enjoy no formal investigative standing; and they have to work through local authorities to conduct investigative activities. While an understanding of how to pursue an investigation was still valuable in an international setting, skill at liaising with the local police was also key.

Following the break-up of the INS,

Chain of Command

The former INS was divided into three domestic regions. It is helpful to think of INS overseas operations as representing a fourth region, under the command of the Director of International Affairs. Just like each of the INS Regional Directors, the Director of International Affairs reported directly to the Director of Field Operations, who in turn reported to the INS Commissioner.

Three District Directors operated under the Director of International Affairs. These District Directors were based in Rome, Bangkok, and Mexico City, and had oversight over all INS missions abroad.

- The Rome District was perceived
- The Bangkok District was perceived
- The Mexico City District was viewed

[CIS's International Ops Division retains the division of overseas operations among the same three districts. So too does ICE's Office of International Affairs.]
Doc. #105
Phone Interview
7/14/06 9:00 AM

Into
Could you have more state in the winter.

I'm asked us to look into this.

We went with Anna's.
Suggested we talk to you.

Read do DOS involvement in this matter.

Not that I recall.

I am

Do you?

He waspickering JFK

Held by firm motion

The said away

That time period

You are looking at it

I have no resolution

Answer at

Flight

05/15
Position

Laeti! gefölden.

Denn

ist

wie

in

ihrer

Kraft

und

Bereitschaft.

Die

Ancoop

wie

hier. Gehe!
Doc. #106
MEMORANDUM OF RECORD

Purpose: Learn more about DOS involvement in the Arar matter

Source: Telephone

Date/Time: July 30, 2008, 1:05 PM - 1:24 PM

Participants:
- Former Deputy, Office for the Coordination for Counterterrorism, Department of State
- DHS-OIG

Location: DHS-OIG headquarters, 7th Floor, Room 7087

Discussion:
- No was deputy in the Office for the Coordination for Counterterrorism, US Department of State
- Did not believe that had been involved in the Arar case but would not swear that had not.

Stated that Mr. Armitage, but does not remember and said that the Arar matter would not have set-off any unusual actions as the country was at war and removing bad guys quickly was a priority. Stated that if DOS was notified of a removal that office believed was troubling, the matter would be discussed with Mr. Armitage. Indicated that Mr. Armitage would determine whether more action was required.
Doc. #107
Phone interview at [redacted]
2/21/03 @ 12:00 noon

Introduction
We published report
We determined [redacted] involved
We learned there could have been involved
We talk to [redacted]
Your name came up
 várias
Basic question
Did you
[redacted]
I can [redacted] would [redacted]
Office
Coordinator for CT
SECRET
Doc. #108
# The Removal of a Canadian Citizen to Syria

## Interview Agenda

<table>
<thead>
<tr>
<th>Interviewee:</th>
<th>Department of State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interview Date:</td>
<td>Monday, June 2, 2008, at 10:00 AM</td>
</tr>
<tr>
<td>Location:</td>
<td>L Conference Room, 6419 State Department, Washington, DC</td>
</tr>
<tr>
<td>Team:</td>
<td>Inspector</td>
</tr>
</tbody>
</table>

## Discussion

**Inspector** explained that **Department of State** called **Inspector** on May 5, 2008. Over a secure telephone, **Department of State** explained that the conclusion in our report that the State Department was not involved in the removal of Mr. Arar may have occurred “unofficially.” **Inspector** added that they want to be accurate.

**Department of State** explained that when the State Department received the draft report, which concluded that the State Department had not been involved in the removal of Mr. Arar, they thought it was accurate. To develop the State Department comments to the draft report they coordinate the State Department Near Eastern Affairs Bureau, the Embassy in Syria, the Western Hemisphere Bureau, which handles Canada. He said they didn’t get any indication from any of those organizations indicating State Department involvement.

**Inspector** told us that they sent a classified letter to the Foreign Affairs committee referring the committee to our report. **Inspector** added that the correspondence was sent to Representative Nadler.

**Department of State** said that after that, one of the lawyers in the State Department legal advisor’s office over heard a conversation about the Mr. Arar matter and said that the former Deputy Secretary, Richard Armitage, might have know about the decision to remove Mr. Arar to Syria.

**Department of State** said they became concerned. They checked with former State Department legal advisor, **Inspector** told us that **not aware of any involvement.**
said that they contacted Mr. Armitage.  told us that Mr. Armitage recalled a telephone call from former Deputy Attorney General Larry Tompman, but that he wasn't 100 percent sure.

told us that Mr. Armitage was asked whether the State Department had any foreign policy objections to removing Mr. Arar to Syria.  told us that Mr. Armitage didn't have any objections.  clarified that what was telling us was based on Mr. Armitage's recollection.

explained that told us that State Department operations asked for Mr. Armitage's contact information.

asked whether had dealt with.  responded.  added that He told us

explained that the question will be asked if they had anything else to inform our report.  said, "No."  added that asked whether they had any indication of the when the phone call occurred.  responded, "No."

Page 2 of 2
Meeting w/...
6/2/06 10:05 AM

Interview
Reason for the
You called
(on 3/5/06)

Alligation of
DOS involvement
may be not official

The we had reported we want to account
In testifying on Thursday
sees of hearing

Read the report

Recom of it

Various

May 2005

Explanation

Hey y

we intent

We thought the report was report

NEA Bureau

Embassy in Syria

Western Hemisphere
We didn't get much.

We sent someone to...

After

One of the Lancers was in H. many years ago

Dep Sec knew about this.

Concerned

Checked into that

Then-Legal Dir...

spoke

Authority...a call for Larry Thompson

probably Not 100%

asked for any State Dept. FP objections

asked

We don't have any FP Policy objections

Based on Authority selection
One other person recalls the Amity mentioned the call 2 years ago.

Advantage

We gave yes &

we got contact info

Sent ref to

Open housing?

Yes, we are reducing more through FOIA request

We are concerned that
Anything else to confirm report?

Additional comment

If it is important, we would.

We have

Do you have

No.
Doc. #109
The Removal of a Canadian Citizen to Syria

Interview Agenda

Preparer: [Redacted]
Reviewer: [Redacted]

Interviewee: Richard Armitage, former Deputy Secretary of State and President, Armitage International

Interview Date: Monday, June 11, 2008, at 2:00 PM
Location: 2300 Clarendon Boulevard, Suite 601, Arlington, VA

Team: [Redacted], Inspector

Discussion

Richard Armitage asked [Redacted], Larry Thompson, the former Deputy Attorney General, whether we had reached out to Mr. Thompson and received a response. Mr. Armitage said that he had confirmed that the phone call had in fact occurred. He said that the call came in the morning and that it was after September 11, 2001. He said that he couldn't say when the call occurred.

Mr. Armitage said that his recollection was that Mr. Thompson called him they exchanged some pleasantries and then he told that Mr. Thompson said that the Royal Canadian Mounted Police was handing a guy over to the Syrians. Mr. Armitage added that Mr. Thompson asked whether he had any objections. Mr. Armitage told us that he said no. Mr. Armitage told that his only concern was whether Mr. Arar was a U.S. citizen. Mr. Armitage added that Syria was really helping us with Al-Qaeda.

Mr. Armitage explained that [Redacted]. Mr. Armitage told us that he told [Redacted] he had been contacted by Mr. Thompson about the case.

Mr. Armitage asked why Mr. Arar was being removed to Syria. Mr. Armitage responded because he was a terrorism suspect. He added that his conversation with Mr. Thompson lasted two minutes, three minutes, maximum.

Mr. Armitage reiterated that Syria was helping the United States, and that Mr. Arar was a Syrian citizen.
asked whether Mr. Armitage responded, "No." He added that he had not been asked to get any assurance.

Mr. Armitage told us that during the call he was under the impression that Mr. Arar was in Canada. He added that he didn't remember any interagency discussion on this. Then he suggested we contact [___], who was the State Department Legal Advisor at the time. Mr. Armitage provided contact information for [___].

asked whether Mr. Armitage has ever received a similar phone call from Mr. Thompson. Mr. Armitage responded, "No." He added that neither did he receive a subsequent call.

Mr. Armitage said that he didn't realize that Mr. Arar was in the United States.
asked whether Mr. Armitage thought he was in Canada. Mr. Armitage thought, and that Mr. Thompson didn’t tell him either way.

asked whether Mr. Thompson mentioned anything about assurances. Mr. Armitage responded, “I don’t recollect it.”

asked whether Mr. Armitage recalled the call. Mr. Armitage said, “No.”

asked whether Mr. Thompson told Mr. Armitage anything about the call. Mr. Armitage said that during the interview, Mr. Thompson told him that the call occurred in the morning. Mr. Armitage added that it was “—.”

mentioned that Mr. Armitage recalled the call occurred in the morning.

asked whether Mr. Armitage could recall the date or time of the call. Mr. Armitage said, “No.”

asked whether Mr. Armitage’s knowledge of Mr. Arar’s custody. Mr. Armitage said that he assumed the Mr. Arar was in Canada. He added that Mr. Thompson didn’t tell him one way or the other.

Mr. Armitage suggested.
Meeting w/ Rep. Howard Amstutz
6/11/06

RA: DHS bad idea
Not a concern

RA

b5, 6

G. Discussions

RA

6

Morning

After 9/11

Can I say when

Mr. Alkob锺

I called Mr.

He said REMP was handling on top of FBI

Ask questions

I said no

I thought we were in front of a US. Rep.

Spirit was really helpful w/ Al & co.

Why can't I?

Termination expected

2 min. 3 min. wait

A.

I don't recall.

Squirt w. re. staying

Squirt citizens I didn't see

RA

RA

Might want to check w.

And so C.T., A/F, so DS
Recap. JT called you, question
1 yr. ago.

"Did I have a problem with it?"

My query was for a OS of

if American was Canadian?

JT said me he was in bed.

Were you

Were you probably Div. Assn.

RA: No I was not. I was not asked to
get it.

I was under the impression that he was
my Canada.

I don't remember an emergency discussion
at the
Might want to check if... on the
time.
RA: No.

I didn't realize he was in the U.S.

I thought it was in Can.

I thought, but it didn't tell me.

Did he mention anything about resources?

I don't collect.

I would love?

Data?

No.
Was it costly?
I assumed we're were on the control of CAN.
It didn't say, nor on the other.
You should
1. Approximately when and under what circumstances did you discuss Arar's removal to Syria with Mr. Thompson? How did you learn of this? Did you discuss this with Mr. Thompson after 9:11 a.m.

2. In your discussion with Mr. Thompson, did he say why Arar was being removed to Syria?

3. Did you discuss this with Mr. Thompson after 9:11 a.m.?

4. To your knowledge, what did Mr. Thompson say about Arar's removal to Syria?

5. To your knowledge, what did Mr. Thompson say about Arar's removal to Syria?
6. To the best of your recollection, please phrase the question/request Mr. Thompson made when he contacted you about the removal of Arar to Syria? What was your response?

Did I have a problem with concerned

7. Did you [redacted]?

Was not providing diplomatic ass

8. [redacted]

Does not remember an interagency discussion

9. How would [redacted]?

[redacted]
10. What was [redacted]?

11. What, if anything, did [redacted]? What was [redacted]?  

12. Were you providing Mr. Thompson with diplomatic assurances?  

No

13. Did you [redacted]?
14. Had you ever received a similar call from Thompson?  
   No or other calls.

15. Had you________________________?  
   [Redacted]

16. What is your understanding of____________________?  
   [Redacted]

17. Do you have any views or understanding as to____________________?  
   No, remember DJ assurance.

18. Did you know that____________________? If so,____________________?  
   [Redacted]
19. Were you aware?

20. Did you see

21. Have you?

22. Did you have? Details. Did you have
Doc. #110
Phone call -
12/5/07 3:30 pm

Chatted w/ you about final report.

Issues?

Outline

P. 13

Page 16

Suggest

We were

P. 16

P. 20/21
What fair reflect short.

Based on we'll see even short some detail.
We took out [redacted] and [redacted].

Okay. Question 2: about process:

What happens next?

Will go to DHS and request Congress.

There is interest on the report.

Want to deliver to DHS on Friday.

Then Congress. Then components 7 days later.
Doc. #111
Call w/ OAG's Office, is with me

On sentence.

P. 19, 3rd. paragraph

Our people believe that

Our [ ] people were

Disputed point.

P. 14, 2nd full para, subject was

Suggestion for consideration.
Written comment?
No. We hope to do this this way.

Our letter[s] to the Hill say [unnamed official] made decision to remove [unnamed person] as [position].

Other?

You have

Scaller points.

FN 16 p. 18.

Count is [unnamed person].

P. 18 para 4 OLC verbal opinion
Not sure there is anything else I am prepared to talk about now.

P. 30  Last paragraph

... sounds...

we commented on...

We received comments as late as 12/4/07

Agencies had multiple chances...

... requested written comments...

... provided oral comments...
First Time Changes Introduced

Send something on Tuesday 1 Oct 07

Page 24

Only

End of para. First sentence it's a trick

One para. class (S/MIF)

P. 26 Unclassified para's following

Think those

Theft is
US ships Al Qaeda suspects to Arab states" CSM (July 26, 2002)

"Syria Interrogation Al Qaeda Recruiter" Wash Post, p. A01, (June 19, 2002)
Doc. #113
Bob Ashbaugh

Hand written notes
Things to check if
P. & influence do
appear to have been
these... when they
and a...
While to...

Source for...
@ how
(p. 2).

Draft
Source for

...We can find
and discussion of it and
Cannot find
to establish
all my visits to p 8

2 fn. 17
3 discussion...
On October 7:

INS - Complete protection renewed at 2:30 am in New York MDC.

INS - Regional Director signs First Notice of Headlessness and Decision (Undated) in Removal Proceeding.

INS - Regional Director signs First Notice and Class Notice Addendum, the latter neither renewed or 7/31 letter dated 10/7/02, (draft finished at 6:30 am).

FBI - FBI 200A Notice of Case against Arab

(Exhibit 107) (ICE 722)

AC - Acting AC signs memo overruling Arab designation.

INS - INS General Counsel signs memo to Commissioner concluding Arab at risk 7 torture (Exhibit 104, INS # 0001).

INS - Commissioner designates Syria as country to remove Arab to. (Exhibit 104, INS # 0071)

(INS: See also 75 (FPA))

INS - Drafted BPS plan (Rec'd & reviewed 5:00 am).
check

p. 19 - (a) Who says life is to

check

p. 11 - (b) Should

p. 21 - Attorney General's Office provided ruling on money designation?

Answer: It was (Binder E, Tab 16)

pp. 20-21 - Do those

pp. 22 - Review summary and discussion 57

pp. 23 - What is story m

Which
Doc. #114
Interview of [redacted] 2/22/07 10:05 by Treasury Dept.

3 issues

Read Draft

Discuss your concern.

Changes are called for.

General Points

Reference to [redacted]

Went on [redacted]

Went [redacted]

asked me to [redacted]

I was surprised [redacted] was a theme
I think that is possible that thought.

Conversation knew 6/6 of notes.

Immigration Law report

A DAC - conclusion

Immigration policy issues, and some notable cases
10/3

Conversation 6/4

Objective was to

Comm said Syria, 6/4 until of Syria

said if you think there were other discussions

b5, 6

asked for might

said I would not corredate

sent that

Comm does not report to staff of DOS

said was concerned that

SECRET
SECRET

one decision made by OAG to Act DAG.

On every other decision, was the decision

In Council said Syria best option (see Tab 5)

felt like

I think

Can't remember

under the law (as agreed to by OAG & INS),

AG could designate any country
SECRET

Page 23

Most troubling issue

We have discussed it.

I appreciate what you are trying to do.

Engage in dialogue.

Key point?

We don't name individuals.

In question?

8/12
SECRET

You said...

You say...

You have...

We have...

We are...

Appreciate the serious loss.

It is...

Should be noted in the report...

There is...

What is...

It is a question...

SECRET

- 9/12 -
SECRET

There is a series of

Conversations

We were

Recalled

Secretly

Notion that

Comm shuf was op order done

Page 24 par 2 I know from notes that

-10/12-
SECRET

Import to get this right.

Fairness.

Gets to

Page 27, par. 2

Page 29, last par.

Couno office was

Page 32, par. already discussed.

probably been dealt

SECRET - 11/12 -
Thank you for interviewing.

Exponentially...

Another opportunity to review draft.

We want to get this right also.

I will make myself available again.

Conference call from

Next call?

It was five years ago.

12/12
Doc. #115
Intro: Thanks, (two)

Arrow report has been going

and I inherited the project

foold work staff no longer

everyone okay

type started

All

yes

All

project confidentiality

would you

I requested they participate

the department has requested the typing

Let us keep it secret

Secret

My records have the same info at Secret

SECRET
Okay.

Outlined Scope

Counsel to DAG

Counsel to DAG

Portfolio included immigration issues

Some point

Stayed wi

Became

Designed

SECRET 2/20
Page 34, par. 3

Not sure.

There is no current contact with the former employee.

In the past two years, I have a pretty good memory. I don't recall any significant issues.

General issue seems like this

SECRET 4/20
DOJ coordinated the DOJ components.
INS, Civ. Div., OLIC, OIPR, FBI, BOP

Legal authority to make decisions
ODA can detain, remove

INS commissioner has the authority.

DOJ can identify issues, can discuss w/ INS
INS comm. appointed by pres., reports to AG.

P.10, 1st partial par. 4 and P.18, par. 4

b5, 6

b1
Believe it was 9/27/07

Don't recall

Discussion about

We asked

SECRET - 6/10 -
SECRET

P. 23 1st sentence, Don't know
Remember If
said we should
after Tab 5 said Tab 6 laid
out

Next. Is issue
P. 13 Para. 2
Concern was

(Tab 13)
We would ask.

The issues of

Says I received

would notify.

We were told
There was no

not sure if

Would be surprised if

Says "

SECRET

-12/20-
P. 10, 5th line.

P. 20, 1st full para.

There were

was a convey.

Probably

took

-16/20-
SECRET

Did you?

There was

That reminds me, I should classify

Post 9/11,

There was about

There was

-1720-
SECRET

P. By have to be

Yes, really important.

My concern...

Will there be another draft?

We are not going to publish a report that isn't accurate.

Don't know.

We will consider what we heard.

The DOS requests the chance to review any changes.

SECRET

15/20
SECRET

Want to transcribe

You can call me at home if you have questions.

End 3:30 PM
Doc. #116
Handwritten notes
SECRET

1. W+ there ever

2. Who does

3. Why

4. Did

5. Did we consider

6. Is there a difference between the and

7. Are used in

8. You say

SECRET
SECRET

Phone call notes

ODA
ICE
CBP

SECRET
Potential

1. Whether that it did not pp. 10, 21.

2. While in detention at MDC. p. 15

3. Visits by Canadian Consular officers. pp. 15, 19

4. Two attorneys mm./cm. p. 16
   a. Visit w/ imm. arry on Sat. 10/5/02 p. 16
      On Thurs. 10/3/02
   b. Notification to attorney(s) p. 25
      Of protection interview on Sun. 10/6/02
   c. Immigration attorney offers to resett ARAR
      on Mon. 10/7/02 pp. 30-31
According to

DOJ OLC - Off. of Legal Counsel
DOJ OIL - Off. of Immigration Litigation (No Names)

Decision to remove her to spin made on 10/4/02 before CAT assessment.

Phone Conversation: 10/4/02 - 4:50 PM

will make a

I will want to
TITLE B--ALIENS AND NATIONALITY

CHAPTER I--DEPARTMENT OF HOMELAND SECURITY

PART 235 INSPECTION OF PERSONS APPLYING FOR ADMISSION--Table of Contents

Sec. 235.8 Inadmissibility on security and related grounds.

(a) Report. When an immigration officer or an immigration judge suspects that an arriving alien appears to be inadmissible under section 212(a)(3)(A) (other than clause (ii)), (B), or (C) of the Act, the immigration officer or immigration judge shall order the alien removed and report the action promptly to the district director who has administrative jurisdiction over the place where the alien has arrived or where the hearing is being held. The immigration officer shall, if possible, take a brief sworn question-and-answer statement from the alien, and the alien shall be notified by personal service of Form I-147, Notice of Temporary Inadmissibility, of the action taken and the right to submit a written statement and additional information for consideration by the Attorney General. The district director shall forward the report to the regional director for further action as provided in paragraph (b) of this section.

(b) Action by regional director. (1) In accordance with section 235(c)(2)(B) of the Act, the regional director may deny any further inquiry or hearing by an immigration judge and order the alien removed by personal service of Form I-148, Notice of Permanent Inadmissibility, or issue any other order disposing of the case that the regional director considers appropriate.

(2) If the regional director concludes that the case does not meet the criteria contained in section 235(c)(2)(B) of the Act, the regional director may direct that:

(i) An immigration officer shall conduct a further examination of the alien, concerning the alien's admissibility; or,

(ii) The alien's case be referred to an immigration judge for a hearing, or for the continuation of any prior hearing.

(3) The regional director's decision shall be in writing and shall be signed by the regional director. Unless the written decision contains confidential information, the disclosure of which would be prejudicial to the public interest, safety, or security of the United States, the written decision shall be served on the alien. If the written decision contains such confidential information, the alien shall be served with a separate written order showing the disposition of the case, but with the confidential information deleted.

(4) The Service shall not execute a removal order under this section under circumstances that violate section 241(b)(3) of the Act or Article 3 of the Convention Against Torture. The provisions of part 208 of this chapter relating to consideration or review by an immigration judge, the Board of Immigration Appeals, or an asylum officer shall not apply.

(c) Finality of decision. The regional director's decision under this section is final when it is served upon the alien in accordance with paragraph (b)(3) of this section. There is no administrative appeal from the regional director's decision.
(d) Hearing by immigration judge. If the regional director directs that an alien subject to removal under this section be given a hearing or further hearing before an immigration judge, the hearing and all further proceedings in the matter shall be conducted in accordance with the provisions of section 240 of the Act and other applicable sections of the Act to the same extent as though the alien had been referred to an immigration judge by the examining immigration officer. In a case where the immigration judge ordered

[[Page 425]]

the alien removed pursuant to paragraph (a) of this section, the Service shall refer the case back to the immigration judge and proceedings shall be automatically reopened upon receipt of the notice of referral. If confidential information, not previously considered in the matter, is presented supporting the inadmissibility of the alien under section 212(a)(3)(A) (other than clause (ii)), (B) or (C) of the Act, the disclosure of which, in the discretion of the immigration judge, may be prejudicial to the public interest, safety, or security, the immigration judge may again order the alien removed under the authority of section 235(c) of the Act and further action shall be taken as provided in this section.

(e) Nonapplicability. The provisions of this section shall apply only to arriving aliens, as defined in Sec. 1.1(q) of this chapter. Aliens present in the United States who have not been admitted or paroled may be subject to proceedings under Title V of the Act.

Doc. #117
Do not write in your name some

We are not trying to

We will consider all your comments we may not

Understand.

We were

You have a copy of

It gets

You will see

we want

SECRET

3/15/07 @ 10:00 AM
SECRET

When this case happened I didn't

One was

How is handled is

None

No one

Then there was 2.
SECRET

Effort to

When we
we wanted it
it can't be

So they represent

You say

Ultimately

The Commission makes the determination
for protection.
Doc. #118
Air Flu Mtg - L. Thompson Counsel 8/26/84 1430

(do not include)

L. Thompson, Counsel

DOJ

Explain what here, why.

Recordings? Will check.

Explain equipment problem, 1st time ago.

Upgraded to digital.

Will not prep transcript, get CD.

Can we have copy?

Can access here. Though ± DOJ.

4 cats:

1) Conversations b/w Mr. C & Attorney/DOS

2) 

3) 

4)
(5) Can you explain why my recall is that leg what was?

(6) Has it read yet? Yea, perhaps.
will reconsider whether [redacted] does [redacted]?

[Redacted] wants DOJ to [redacted] only if [redacted]

full coop. promised

in some cases we don't need [redacted]

summary [redacted]
SECRET

"I don't think I heard that."

"I am aware of a casual 2A-T phone call per PA before MA removed"

eg.

Do concerned

Std procedure for all reps.

If we write a supplement, we invite comments for final to be published.
Doc. #119
MEMORANDUM OF RECORD

Purpose:

Source:

Date/Time: February __, 2007

Participants:

Location:

Documents:

Follow Up:

Discussion:

Preparer:

MEMORANDUM OF RECORD

Purpose:

Source:

Date/Time: February __, 2007

Participants:

Location:

Documents:

Follow Up:

Discussion:

Preparer:

MEMORANDUM OF RECORD

Purpose:

Source:

Date/Time: February __, 2007

Participants:

Location:

Documents:

Follow Up:

Discussion:

Preparer:

MEMORANDUM OF RECORD

Purpose:

Source:

Date/Time: February __, 2007

Participants:

Location:

Documents:

Follow Up:

Discussion:

Preparer:
**MEMORANDUM OF RECORD**

**Preparer:** [Redacted]

**Purpose:**

**Source:**

**Date/Time:** February 2007, 8:00 AM

**Participants:**

**Location:**

**Documents:**

**Follow Up:**

**Discussion:**

- DOT people say [Redacted] was uncooperative.
- DOT may not have [Redacted] at the time.
- DOT [Redacted] any [Redacted]?
- DOT - what are you [Redacted]?
- DOT - [Redacted] not get to Canada.
- [Redacted] [Redacted].
- As for [Redacted] at strictly relevant.
- [Redacted] [Redacted] in [Redacted].
MEMORANDUM OF RECORD

Preparer: ____________________________

Purpose: ____________________________

Source: ____________________________

Date/Time: February ___, 2007 ___ : ___ am pm

Participants: ____________________________

Location: ____________________________

Documents: ____________________________

Follow Up: ____________________________

Discussion:

DOJ - read draft

DOJ - copy draft, next

DOJ - until

DOJ - grow

DOJ - surprise

DOJ - any

DOJ - that

DOJ - can

DOJ - will

DOJ - interesting

DOJ - open

DOJ - decision

DOJ - no

DOB - yes

DOB - might

DOB - as

DOB - is
MEMORANDUM OF RECORD

Preparer:

Purpose:

Source:

Date/Time: February ___, 2007 __: __ am __ pm

Participants:

Location:

Documents:

Follow Up:

Discussion:

(U) Yes, Next step is to review document than a CT scan in Tch Harro

How

- will examine

- we look at

- access

- would

- was asked

- was asked for

- was used

202-497
MEMORANDUM OF RECORD

Preparer:

Purpose: 

Source: 

Date/Time: February ___, 2007 ___ : ___ am ___ pm

Participants: 

Location: 

Documents: 

Follow Up: 

Discussion:

- File some data?
- Only peaked her so maybe next later.

Do J - Although not W/DOT - 

Curious discrepancy: state + new reporting anything

- Do something not available originally, expect action to be open

DOT - Congruent

- While they use congressional request

b5,6

b6

202-497
Doc. #120
(U) November 18, 2008

(U) In attendance:
(U) DOJ OPR
(U) DOJ Highest Ranking Career Attorney
(U) Counsel to the DOJ DAG
(U) DOJ Office of Legal Counsel
(U) Ropes & Gray
(U) Larry Thompson, former DOJ DAG
(U) Baker Botts
(U) DHS OIG ISP AIG
(U) DHS OIG OGC
(U) DHS OIG ISP Inspector

(U) I think we need to make it clear, to state...

(U) Want us to go out?

(U) [Sidebar conversations]

(U) This is our capstone interview, I inherited the review, and really I kind of inherited this project from another team who no longer work at OIG, I was tasked to finish it up. Again, probably this is going to be our capstone interview to make sure we’ve finally dotted the “i”s and crossed all the “t”s. A fair description. Okay.

(U) [referring to the cassette player] Definitely picky.

(U) Now we did consent earlier to recording so...

(U) And I would like to address that. We are consenting to the recording in aid of the preparation of a transcript or a memorandum of the interview, of this interview, with the following understanding that we will have access upon reasonable notice to a copy of the recording bearing in mind it will contain classified material. I would ask that and the Department be provided with a copy of the recording and you retain one so that we can review it should we wish to after the – you know, we’d like to see the transcript and be given the opportunity to review and correct and that after we’ve done that, retain the right to ask that the recording be destroyed because we don’t want it left in perpetuity if there is an accurate transcript prepared. With that understanding we do not object to a recording being made.

(U) We’ll have to consider the destruction of it but we certainly understand your request.

(U) And we want to make sure that as long as it exists, that we have access to it for review purposes. Okay, with that understanding we can go forward.
(U) [Cassette tape recorders turned off]

(U) Can we address a technical question off the record? Can you turn those off?

(U) Well, we want an accurate transcript.

(U) Well, first of all, we'll introduce the OIG team, I'm for the Office of Inspections, and my office was responsible for a couple of iterations of the Arar report, as well as we've been asked to do some follow up work or supplemental work on the Arar report, and that's the basis of why we are here today, , and I've asked to come along to assist me. And is a senior inspector as a part of the of my inspections staff. I think it would be appropriate if we go around the room and identify who you are by title, and your reason for participating in this meeting.

(U) I'm an assistant Counsel at the Office of Professional Responsibility, and in the wake of DHS's report, our office has been looking at certain actions taken by Department attorneys, and the appropriateness of those actions with regard to the Arar matter.

(U) I'm an associate Deputy Attorney General, I am the Department's , I worked for Deputy Thompson, when he was the Deputy Attorney General, and I'm here along with representing the Department and the Deputy's office specifically.

(U) As just referenced me, I'm , I'm currently a counsel for the Deputy Attorney General. I'm assisting the Department in my role as counsel for the current Deputy Attorney General.

(U) Larry Thompson: You're too young to have worked for me.

(U) Thank you. [General laughter]

(U) I'm special counsel in the office of legal counsel at the Justice Department, also representing the Department in this matter.

(U) of Ropes & Gray, one of Mr. Thompson's attorneys.

(U) Larry Thompson: Larry Thompson, former Deputy Attorney.

(U) honored to be counsel to the former deputy, Baker Botts
(U) [Redacted]: Great, well, I'll be the primary interviewer, however, I've empowered as well as [Redacted] to ask questions and to comment when they feel it is appropriate. Because we did not have an opportunity to talk with you, [Deputy Attorney General Thompson, [Redacted]] and we hope that you will answer the questions. Our recorders will stay on the entire time that we're meeting, and unless there is some unusual circumstance that would require that we might need to turn them off. It is likely that parts of this discussion will be classified, and it is our understanding that everyone in this room has a, at least a secret level clearance. Is there anyone in the room who does not have a secret level clearance. [Pause, some participants nodded]

(U) Larry Thompson: Is my clearance ... 

(U) [Redacted]: Yes, no, they, the security section confirmed actually that [Mr. Thompson may have had an above the secret level clearance, but certainly that]

(U) [Redacted]: But it's...

(U) [Redacted]: And it's current.

(U) [Redacted]: Okay.

(U) [Redacted]: Okay, again sir, thank you very much for consenting to this interview, it's very important and ... I need to review through here ... but you've got several documents that we provided for you as well as counsel; and not all the questions that I'll ask you are keyed into a document, and there are some instances where there are several questions that could be keyed into a particular document, and they are pretty much in the order in which we'll address them in the questions. And I have several prepared questions. Depending upon responses of course that dictates maybe questions that will be kind of on the fly questions so you have to bear with me as we're going through it, and again, [Redacted] as well as [Redacted] are free to jump in whenever they have an opportunity or when they think it is appropriate. Just the first document, sir, just deals with the request to chat with you, and this was generated basically from a hearing that our boss, Mr. Skinner, had with one of the committees on the Hill to discuss the Arar report. And one of the, among the several questions that the Inspector General was asked was why didn't you talk to Larry Thompson, and we didn't have a good answer for that. So although the reason that we're doing supplemental work has to do with information that we learned about more involvement with the Department of State in the decision to send Arar to Syria than we had reported, but we would like to take this opportunity to address some other issues as well. Just by the way of background, and these are questions that we typically of most interviewees, sir, can you tell me a little about your educational background?

(U) Larry Thompson: My law degree is from the University of Michigan, I have practiced law ... I graduated from law school in 1974 so I've practiced law for 36 years.
(U) Larry Thompson: 34?

(U) Larry Thompson: That long; that's the math. [General laughter]

(U) Larry Thompson: I was the United States Attorney in the northern District of Georgia, that's when I first met David [redacted].

(U) Larry Thompson: And an outstanding United States Attorney.

(U) Larry Thompson: I've been in private practice. I was an independent counsel for the HUD matter, HUD investigation involving former Secretary, now deceased, Sam Pierce, and [redacted] I prosecuted [redacted], and I was the former Deputy Attorney General.

(U) Can you tell me-

(U) Larry Thompson: Can you tell me the dates that you were the Deputy Attorney General?


(U) Larry Thompson: Please tell me-

(U) Larry Thompson: I will add, that's probably on the one hand the most rewarding professional I had, but also the most challenging.

(U) Can you tell me what you did to prepare for this interview.

(U) Larry Thompson: Other than trying to wrack my brain to try to remember the specifics of the subject matter of the interview, I reviewed [redacted]

(U) Were there any other documents that you reviewed?

(U) Larry Thompson: I did review [redacted]

(U) You reviewed [redacted]?

(U) Larry Thompson: No, sir. I may have been provided [redacted]

(U) Understood. Are there any other materials that you think you could have benefited from by seeing to prepare you for this interview that you perhaps didn't see.
(U) Larry Thompson: Did you discuss -- other than --

(U) Larry Thompson: Other than

(U) Larry Thompson: No.

(U) Larry Thompson: Did you discuss --

(U) Larry Thompson: I may have had but this matter, but I mean

(U) Larry Thompson: Alright, you did not -- I shouldn't -- did you

(U) Larry Thompson: Are you aware that we have interviewed Mr. Armitage?

(U) Larry Thompson: I now am aware of it through reading -- the report

(U) Larry Thompson: Through reading. Prior to serving as the Deputy Attorney General, can you

(U) Larry Thompson: You mean

(U) Larry Thompson: I had. That was when I was the Deputy Attorney General. I did have

(U) Larry Thompson: Or to which?

(U) Larry Thompson:

(U) Larry Thompson: Did you those issues?

(U) Larry Thompson:
Mr. Arar was detained at John F. Kennedy Airport on September 26, 2002. Was detained and for how long?

I don't know if I would call it; I just understand the reason why we were interested in him.

Is that included in your packet and just discusses, I just wanted to give you a picture of what my responsibilities were, they ranged from civil, complex civil matters, to matters dealing with policy in terms of whether or not we had some trade issue, to matters dealing with national security, and my day was -- I really -- I had -- and until the end of the day, in which every day I had a staff meeting with my staff, and so in any given days, I just wanted you to understand in context what my typical day was like.

I appreciate that.
SECRET

(U): Before you move on, I'm not sure whether you were intending to ask him whether...

(U): The reason that I discuss the...

(U): Larry Thompson: After 9/11 it was clear to us that national security law enforcement efforts, national security efforts in general were directly related to immigration concerns, immigration legal matters were very complex, and I had...

I was very impressed with...

(U): Do you recall you considered...

(U): Larry Thompson: and I believe at one time...

(U): I think,?

(U): I'll just follow up on that. You mentioned...

(U): I think we should clarify,

(U): Included in your package you perhaps...

(U): I think we should clarify,
(U) Maybe there was

(U) It's a - -- we asked to comment on the draft report. And was not if you remember when we sat to discuss, we went page by page through the report, and actually was very helpful. So, I wouldn't -- in the sense that yes, but in the sense of specific role as we talked to.

(U) Okay, I mean, I was present for both so as my memory tells me they weren't significantly different but I don't think it matters.

(U) Okay, at any rate.

(U) Larry Thompson: I reviewed them. And so it would not be unusual for me to.

(U) If you have that, there in front of you.

(U) Larry Thompson: I have it.

(U) You've had a chance to review that.

(U) Larry Thompson: I did read it.

(U) Okay. And is there anything you know, and

(U) Well, take whatever time you need, it's--

(U) Larry Thompson: I just had on the basis of in terms of preparing for this interview with you. So I just Some, not a lot, but some of the things.

(U) Well, for example, on page 2--

(U) Larry Thompson: Like things like that, you know,
(U) Larry Thompson: No.

(U) : Just before you

(U) Larry Thompson: Yeah, I'm sorry.

(U) : Just on behalf of the Department, but I hope to go through each line you've just asked.

(U) : I don't think.

(U) : I think it is better to rather than

(U) : Okay.

(U) : That's fair.

(U) : I had for example, on page 2 there, paragraph 4 B, it talks about the and according to this interview with

(U) [pronouncing ]. Thank you. says mainly through . Do you have any recollection as to

(U) Larry Thompson:

(U) : Okay. Any recollection as to who made the decision to designate Syria as the country of removal?

(U) As to INS?

(U) I'm sorry?

(U) As to whom, INS?

(U) No, as to anybody, who made the decision to designate Syria as the country of removal.
(U) Larry Thompson: I understood that he was a Syrian citizen, and that he had to either be removed to Syria or Canada. There was probably a third choice which is the country from which he came, Switzerland.

(U) [Redacted]: Do you know who made the decision that Mr. Arar would ultimately be removed to Syria, or that Syria would be designated as the country of removal.

(U) Larry Thompson: Well, I signed an order or a document.

(U) [Redacted]: Yeah, I think –

(U) Larry Thompson: I disregarded his -- as I understand the procedures now that was pursuant to the immigration regulations and that would be the INS Commissioner. But when I signed – I don’t want to be cute here, when I signed the document that I did,

(U) [Redacted]: Okay. And as far as

(U) Larry Thompson: I don’t.

(U) [Redacted]: I don’t want to put words in your mouth if you don’t want to –

(U) [Redacted]: And I ask that you not do so. He signed a statement, denying Arar’s request to go to Canada.

(U) [Redacted]: Thank you.

(U) Larry Thompson: Can I just put another thing into the mix, and if I get emotional about this – One of the things is, I was looking at this, is the time, this was in October of oh-seven [2002]. And we here at the Department had no playbook by which to secure the safety of our country when three thousand of our citizens were murdered. Shortly after the attack, I remember drafting a memo for the Attorney General to send out, and it was clear to me based on my experience in law enforcement that we had to have a different paradigm in order to do what we felt was best, and we had to not rely upon after the fact investigations. The world trade center had been bombed before, and we put that case through traditional law enforcement, and it didn’t stop the fact that 3,000 of our citizens were murdered, and we had to focus on prevention. Now of course, I’m a lawyer, and I would never focus on prevention over obeying the law, but we had to think about the security of our nation in a different context. And if you’ve read the 9 11 report, in August, one of the things – and [Redacted] knows this from my office – we, I became concerned about the fact that law enforcement and intelligence, we were not sharing information as we should, and we actually revised the procedures and did this in August.
And one of things that’s on your mind as a public official, is that you never want to make a mistake and do something that could lead to a catastrophe like we experienced... I just want to put that in the context of what, of the way I was looking at these kinds of things, day in and day out, was that we had to focus on preventing terrorist attacks. I don’t want you to misunderstand what I’m saying here. We certainly as lawyers for the department of justice were going to obey the law. But we did have to focus on prevention. And ... that’s all I’m going to say. I just wanted you to understand that. I relied on the lawyers in my office for counsel on these technical immigration issues, but I understood that this was a very dangerous person and I understood that we had to do everything within the law to make certain that we carried out our very important prevention responsibilities. I’m sorry.

(U) **00000**: No, thank you, and please, if at any time you want to take a break...

(U) Larry Thompson: I’m sorry.

(U) **00000**: But, and please understand –

(U) Larry Thompson: Those were not good times in my life.

(U) **00000**: I understand. I understand. And please understand that the questions are not meant to be accusatory.

(U) Larry Thompson: No, I know, you’re doing your job; I just wanted you to understand.

(U) **00000**: So I can understand. Would it be fair to say that ultimately the decision to designate Syria would have been one made by the Deputy Attorney General? By you? As the country for Mr. Arar to be removed to?

(U) Larry Thompson: Well, that would be the consequence of what I signed. ... Which I thought was perfectly legal. I had no reservations about the legality of what I was doing.

(U) **00000**: In our packet there’s a memorandum of record that deals with my interview, and other colleagues interview, with Richard Armitage. In that interview Mr. Armitage acknowledged the fact that you and he had had a discussion regarding Arar. I just have a couple questions in that regard, sir, how was that communication executed – did you call him, he called you? Or...

(U) Larry Thompson: Well, I’d worked very closely with Rich in various Deputy meetings when he came in, we had a very close relationship, I thought he was a very good public servant, and I think for lack of a better term I would call it comity. That I didn’t know to what extent he’d been in the loop, but I certainly wanted to -- as a colleague, wanted to make certain that I contacted him and I – that was just my practice,
to — I wasn’t trying to — my practice was to be collegial and to be inclusive, in terms of what we were doing.

(U) [Redacted]: Did [Redacted], or did [Redacted]?

(U) Larry Thompson: You [Redacted], I may have [Redacted]

(U) [Redacted]: Would [Redacted]?

(U) Larry Thompson: [Redacted]

(U) [Redacted]: Did you [Redacted]?

(U) Larry Thompson: [Redacted]

(U) [Redacted]: Can you tell me what you talked about with Richard Armitage?

(U) Larry Thompson: I’m trying to separate what I knew before I read the interview. I just think I told him what was happening, and what had been recommended that we do. And that he was a dangerous person and this is what we were going to do.

(U) [Redacted]: What questions did he ask you?

(U) Larry Thompson: I really don’t recall.

(U) [Redacted]: Did you tell him that —

(U) Larry Thompson: I don’t recall him telling me anything, [Redacted] but I don’t recall what he said.

(U) [Redacted]: I assume you’re asking [Redacted] prior to

(U) [Redacted]
(U) [Cassette records turned off for sidebar discussion]

(U) [Cassette records turned off for sidebar discussion]

(U) Larry Thompson: Prior to [redacted], I had really [redacted]. And again, what I was doing was following the procedure that I had usually followed in terms of dealing with my colleagues on the Deputy’s committee, which was to call them and let them know what might be going on at Justice that might be of interest to their agency. And again, as I think, I used the word comity, and the call was really as a matter of comity, to let him know what we were doing. So if I had to — I don’t want to speculate.

(U) [Cassette records turned off for sidebar discussion]

(U) Larry Thompson: Let me -- I just wanted to be transparent with a colleague as to what was transpiring at the Department of Justice.

(U) [Cassette records turned off for sidebar discussion]

(U) [Cassette records turned off for sidebar discussion]

(U) Larry Thompson: Were you seeking his concurrence in this course of action?

(U) Larry Thompson: No, I was just trying to be transparent.

(U) [Cassette records turned off for sidebar discussion]

(U) [Cassette records turned off for sidebar discussion]

(U) Larry Thompson: [redacted].

(U) [Cassette records turned off for sidebar discussion]

(U) Larry Thompson: [redacted].

(U) [Cassette records turned off for sidebar discussion]

(U) [Cassette records turned off for sidebar discussion]

(U) [Cassette records turned off for sidebar discussion]

(U) You need to answer audibly, Larry, so the tape will pick it up.

(U) Larry Thompson: [redacted].

(U) [Cassette records turned off for sidebar discussion]

(U) [Cassette records turned off for sidebar discussion]

(U) Larry Thompson: [redacted].

(U) [Cassette records turned off for sidebar discussion]
(U) Larry Thompson: [REDACTED], but I did not have [REDACTED].

(U) [REDACTED]

(U) Larry Thompson: [REDACTED] I did not believe...

(U) [REDACTED]: Department of State.

(U) Larry Thompson: I mean, excuse me, Department of State.

(U) [REDACTED]

(U) [REDACTED]: Before you leave that, let me just ask, do you recall if anyone suggested that you call Deputy Secretary Armitage?

(U) Larry Thompson: [REDACTED]

(U) [REDACTED]: This was [REDACTED].

(U) Larry Thompson: [REDACTED] Yes, sir.

(U) [REDACTED]: And was there [REDACTED] as opposed to [REDACTED]?

(U) Larry Thompson: As I said, I wanted to simply let him know what was transpiring at the Department of Justice that might be of interest to him. Again, as a matter of comity. You know, as one of my colleagues.

(U) [REDACTED]: I'll ask you some more questions about that in a minute.

(U) [REDACTED]

(U) Larry Thompson: [REDACTED] Can I --

(U) [REDACTED]: Sure

(U) Larry Thompson: [REDACTED] And I guess, since [REDACTED], that if there was [REDACTED]

(U) [REDACTED]: In my recollection of -- when I spoke with Mr. Armitage, [REDACTED]...
I was thinking about your point, because -- and may not have, but I do believe that that transpire across the government, you know. I believe I don't believe that

To what extent were you?

To what extent was

Larry Thompson:

It was suggested that might have been. Do you?

Did?

My understanding of why he went to Syria was because of the national security interests of the United States. And because it was our belief that we were not doing anything to contravene the law. That was my sincere and firm understanding of what we decided to do.

In your packet there's

It's [shuffled through papers]

presumably that's, and my question to you, sir, was?

He has it? Great. In that

and I had. I...

... Again, to the best of recollection...

You said a few minutes ago that you're just to give you a really quick briefing on

?"
This document is classified as confidential.

We're moving on. Under that, there are a bunch of reasons why. But there was some concern, and if you look at, there's an, it's an

I have it.

There was some concern on part regarding - it seems that even expressed

Does - is any of that familiar at all to you?

I will say that there was reason to believe that there was applicable laws and regulations.

Mr. Arar ended up in Syria but he went through - to Syria through Jordan. Do you?

Were you aware that?

Larry Thompson:

You mentioned that you did call Mr. Armitage, the Deputy Secretary of State, more out of a heads up, this is what's going on at the Department of Justice. Is it?

Based upon what was going on at the time and based upon what I know about these kinds of things generally, I think, because from country to country I don't know if could actually or would have a way to. And I know that. I didn't think. But I know that. But I think it would be unusual for
SECRET

- what my understanding is of how\]

(U) \[\]: Have any other\[\] that you are aware
of.

(U) Larry Thompson: \[\]

(U) \[\]: Had you been\[\]

(U) Larry Thompson: \[\]

(U) \[\]

(U) Larry Thompson: \[\]

(U) \[\]

(U) Larry Thompson: \[\]

(U) \[\]

(U) \[\]

(U) \[\]

(U) \[\]: It should be the next one [papers shuffled] right there.

(S) \[\]

(S) \[\]

(S) \[\]

(S) \[\]

(S) \[\]

(S) \[\]

(S) \[\]

(S) \[\]

(S) \[\]
(U) Larry Thompson: Not that I recall.

(U) Larry Thompson: No sir.
SECRET

(U) Larry Thompson: No.

(U) [Redacted]: Arar requested to go to Canada in his protection hearing. And you sent this memo to J. Scott Blackman saying that Canada was not an option because returning Arar to Canada would be prejudicial to the United States. Why?

(U) Larry Thompson: Well, if [Redacted] and if perhaps: I believe there was some . I believe there was some .

(U) [Redacted]: During understanding of why?

(U) Larry Thompson: ... That's right there. And we know — it was a ... for a, it just —

(U) [Redacted]: Can you —?

(U) [Redacted]: I think, I think they were .

(U) correct.

(U) [Redacted]: This certainly — there's an appearance that — this was , may or may not be , had been consulting with , and made certain based on — to have — but to have —
(U) Larry Thompson: I had 24/7 information—I receive phone calls, and I think you can recall this—

(U) __________: 24/7

(U) Larry Thompson: We received phone calls and it wasn’t unusual for me, to get—have a vibration, having the thing go off during church—when I attended church. In fact, __________ will tell you, saw me walking out of church probably every other Sunday. But I just want to reiterate. And I do recall asking that question. Was. That’s just my modus operandi. I don’t — I think if you—to the extent that this is helpful to you—if you ask anybody who has ever worked with me or knows me, I’ve never done anything to take shortcuts in terms of complying with the law. How could you do that if you’re the second ranking person in the Department of Justice.

(U) __________: That’s a good question. I think I had __________ either __________ or __________. I can’t recall any specific but I do believe that I had __________. I think states very clearly that __________

(U) __________: I think states very clearly that __________

(U) Larry Thompson: And it’s not anything we would countenance, and I was told that we had to _______ and that was _______. But I always thought _______.

(U) __________: In our report we concluded that INS did do due diligence regarding their assessment of Arar’s right for protection.

(U) Larry Thompson: __________ Mr. Deputy Attorney General, we may be __________ but we really need to _______. And I wouldn’t have _______ if that’s what _______
I was aware that throughout this aftermath of 9/11 there were differences of opinion between some lawyers at Main Justice and others in the INS about whether or not we should – whether or not the paradigm of how we were going to deal with terrorism matters did meet with some resistance amongst officials in our government, but I felt like we really – that needed to be our focus and not continuing to do things the same old way which led to 3,000 people being murdered.

Well, when there were you mentioned. Did you ever?

I don’t think we’ve but –

Well, I’m just repeating back that you said that you were

If something ever came to my attention, I called balls and strikes. So it wasn’t a matter of or . It was whatever I determined was the appropriate way to decide it. I called balls and strikes like an empire.

And safes and outs?

What’s that?

Safes and outs.

That’s right [general laughter]

He of course just said that generally. You’re not saying that as in recalling anything that –

No, I think you were just asking a general question.
You don't recall, or do you recall, any, that there was concern, about the Arar matter.

About the Arar matter, about the being provided as.

About the Arar matter, about the point before, you know, I see that it's

Is that the that you would have expected?

[ ], thank you,?

we had. And it

Getting to the end. You had a conversation with Rich Armitage, and my impression of the way you described that, it was just a peer to peer conversation, so I wanted to be clear that you were or were not looking for diplomatic assurances from Mr. Armitage.

No, I was not looking for diplomatic assurances.

So you would be on the, when you say, are you talking about or?

And/or. Or even I just, you know, I think I during this period of time.

You didn't – I'm sorry, I didn't mean to interrupt you –
(U) Larry Thompson: I had with my staff.

(U) Larry Thompson: I'm sorry, that what was mentioned?

(U) Larry Thompson: was mentioned.

(U) Larry Thompson: ?

(U) Larry Thompson: — ... [sidebar conversation] I want to be clear what I'm talking about. Every day there was just like this. I'm told, it's my understanding that it's So, and it's the . So this --

(U) [Sidebar conversation]

(U), can we talk to you – the SCIF –

(U) : Well he wasn't going to – if your question is whether it was I think he was just describing the process to us.

(U) : But still, I would prefer that --

(U) [Break to discuss addressing classification concerns]

(U) : If Mr. Thompson was going to , it is possible that , because he was as the Deputy Attorney General, the Department at this point is the substance of going to be discussed here. We are now I honestly have

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Mr. Thompson generally, from my own knowledge, get into sorts of things. So, I just think

(U): The information that would be?

(U): It's possible, I don't know. I know that I do know that there was times was I say this because had to review Department documents frankly to respond to some of your requests and there was information I believe it may. What we've discussed here to my knowledge. Because we're talking about.

(U): Right. I mean, I assume the three of you

(U): I don't think I think that's all that

(U): We confirmed, but I can't speak to that.

(U): Well, but anyway. What are you trying to ask?

(U): I think it's not just an issue of such as his counsel.

(U): Absolutely. I mean
(U) : Well, that's right, and if he has any information in response to the question we have to discuss whether he can convey it. But, can he answer the question whether or not he remembers any specific information?

(U) : Yes or no, you mean?

(U) : Yes.

(U) : As a foundation for —

(U) : Right.

(U) : Okay, that's fine. Do you recall the issue of?

(U) : But the foundational question I had in mind was does he remember?

(U) : Yes, that was what I was going to ask. Do you recall anything? That was the kind of information that you were saying that would have — but you. Do you recall?

(U) Larry Thompson: What I'm saying is that based upon what I know it is likely that

(U) : But do you have a recollection —

(U) Larry Thompson

(U) : Okay, you of actually having

(U) Larry Thompson:

(U) : But it seems like the kind of topic that

(U) Larry Thompson: Yes. Now let me explain again the context of all this. When this
was a threat to the security of the United States, it – and this is just something that came to mind – again, people in my office were handling immigration matters and had primary responsibilities for handling those at Main Justice at the high level, and it is my recollection that we always thought that this would be something that the Attorney General himself would sign, and a lot of briefings were directed at – for the Attorney General or his staff and it was because for some reason, when the actual decision was made or had to be made, the Attorney General was not available. And I was lucky enough – [general laughter] to get the assignment.

(U) [Redacted]: Right place, right time, right person.

(U) [Redacted]: Do you [Redacted]?

(U) Larry Thompson: That may be one of the reasons [Redacted]

(U) [Redacted]: Oh, all right, I think [Redacted]...

(U) [Redacted]: [Redacted] was it only [Redacted]

(U) Larry Thompson: [Redacted]

(U) [Redacted]: But we still say [Redacted]

(U) Larry Thompson: Touché.

(U) Larry Thompson: Oh, no, this was to the Department of Justice. These were And——

(U) [Redacted]: And when you talked with Mr. Armitage, [Redacted]

(U) Larry Thompson: Yes.

(U) [Redacted]: And that was the way I proceeded in a number of things. It's a big government, you need to communicate, and you need to be transparent.

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26
And I think that's how I got started on this question was, you had told me you had a conversation with Deputy Secretary Armitage and you had talked with your staff and my question was, did you have a recollection of designating Canada as the country that Mr. Arar designated that, and that you had felt you had the authority and were disregarding Mr. Arar's designation. Did you say you had a recollection of, do you have a present recollection of having — did you have a recollection of, you —

I think I've answered that question. I really do.
(U) Larry Thompson: I really do think I’ve answered that question. Like twice.

(U) [Several voices]

(U) Larry Thompson: In response to question, I answered that question precisely.

(U) : It’s been answered.

(U) : I’m sorry if I missed something here and I certainly don’t mean to be offensive to you. But I hadn’t thought that anyone asked the question about the , and that’s what my question was, if you . And I understand you don’t even remember having seen this, but my question was if you recall

(U) Larry Thompson: If I

(U) : Okay, I’m not trying to say that—

(U) Larry Thompson: How can I recall anything about—let’s use some common sense here.

(U) : What he said earlier will certainly speak for itself, but obviously there’s , and then there’s , and of course he was talking about .

(U) : Any other comments that you would like to make.

(U) Larry Thompson: Yes. In the context of everything that was going on, in the context of the enormous challenges that we faced, it may sound incredulous to you but I don’t have all of the specific recollections. But we had a lot going on, and there has got to be a better process to determine whether or not I acted appropriately than to subject someone to this kind of treatment. I know you’re doing your job, I’m not criticizing you, I’m not. There just has to be a better process. I really feel harassed for trying to serve my country.

(U) : Anything else.

(U) [Several voices]
Can we take a short break to review to see if we have any further questions before we adjourn.

You want to take a break?

And I'm not directing this at you personally —

I understand. I don't take it personally either.

You know, it does not begin and end with this questioning. Counsel, if you wish, and let's come to a conclusion.

Larry Thompson: You want me to step outside?

You can stay here or not, I just want to run through my notes. Do you have anything else that you —

Oh, no, I'm good... Just let me look again.

Would it be okay if I asked just a couple of questions?

It would be fine with us. ... Do you want us to go outside so you can talk?

Can we drop the recordings?

Yeah, you can turn those off.

[Cassette recorders turned off]

Before you start, Mr. Thompson has just one thing he wants to clarify so you're perfectly clear from what he said earlier in the day.

Sure.

You asked me a question, and I just wanted to be clear in my response. I've seen so much today. But whether or not I was aware of any...

I'm sorry, that's it.

We were only...
(U) Larry Thompson: That's right. I would not rule it out here, and as I think about things maybe I did, but again, my response to the people who were advising me was - I just don't want to.

(U): You don't have any recollection of any other specifics, other than --

(U) Larry Thompson: No, but I just wanted to be --

(U): I appreciate that.

(U) Larry Thompson: Yeah.

(U): I wanted to ask you if -- one of the documents -- a Secret document and if you can show him a copy of that document...

(U): He's got it.

(U): Do you have any recollection?

(U) Larry Thompson: I did review.

(U): And in reviewing it, does it?

(U): I'd suggest that will stand for the answer.

(U): Okay, in the second paragraph there, and again, it says Section 235 (e) of the Immigration and Nationalities Act, affords the Attorney General flexibility to tailor a procedure designed to establish an alien's inadmissibility on security and related grounds -- do you see where I'm reading, sir?

(U): Yes, he does.

(U): And do you recall?

(U) Larry Thompson:
(U) Larry Thompson: Okay, thank you.

(U) Larry Thompson: I do recall again that indicated that Mr. Arar in unambiguous terms was a clear threat to the security of our country.

(U) But do you recall?

(U) Larry Thompson: About this matter of Arar.

(U) Larry Thompson: In your conversation with Deputy Secretary Armitage on the telephone, do you recall?

(U) Larry Thompson: I don't recall the substance of that conversation. Sorry.

(U) That's okay. That's all the questions I have for now. I believe.

(U) I have three questions on behalf of the Department of the witness. They're yes or no questions. These events involving Mr. Arar took place about six years ago. Is that correct?

(U) Larry Thompson: Yes, sir.

(U) And, at any time since then?

(U) Larry Thompson: No.

(U) Is this the?

(U) Larry Thompson: I believe so.

(U) Thank you. Thank you for your service and thank you most of all for your patience today, Mr. [Deputy Attorney] General.

(U) I think you had some questions? No? Then I thank you as well, sir. I appreciate your patience.
(U) Larry Thompson: My only consternation is that I'm not used to being on this side of the table. [general laughter] You guys are doing your job and I do understand that.

(U) [Censored]: May I give one set of documents to the Department to retain.

(U) [Censored]: Yes, we'd like that, if you could keep that with the tape so that we'll have a complete set.

(U) [Censored]: I need to account for all the others.

(U) [Several voices, cassette records turned off]
Doc. #121
January 23, 2007

MEMORANDUM FOR: The Honorable Julie L. Myers
Assistant Secretary
United States Immigration and Customs Enforcement

FROM: Assistant Inspector General for Inspections

SUBJECT: Draft Report, The Removal of a Canadian Citizen to Syria (U)

(U) The results of our review of the processes and procedures used by United States immigration officials to deny Maher Arar admission to the United States and subsequently remove him to Syria are presented in two draft reports. One version of the draft report contains information that is classified “Secret” (herein after, “classified report”). The version for public release, which we intend to place on the Department of Homeland Security (DHS) internet and intranet websites, pending a security and sensitivity review, does not contain classified information (herein after, “version for public release”). Both draft reports are attached for your review.

(U) These drafts are provided so you can develop specific responses to the recommendations contained therein and prepare any other comments you might have to propose changes to correct any factual errors that might be contained in the drafts. Additionally, these drafts are provided for your office to conduct a security and sensitivity review of the version for public release to determine whether any of the information is classified, an original Classification Authority has decided to classify it, or any of the information in it is exempt from public release under the Freedom of Information Act (FOIA). The drafts shall be circulated only to the minimum number of people in your agency who have the appropriate security clearance and a “need to know” for the purposes described in this memorandum. Furthermore, neither the classified report nor the version for public release are to be circulated or discussed with anyone outside of DHS.

(U) We would appreciate your written comments on the draft report and specific responses to each recommendation. Your comments must be received within 30 days to be assured of inclusion in the final report. We will include your formal responses to the recommendations and any other written comments you provide, in their entirety, as an appendix to the final classified report and the final

Unclassified When Classified Attachment Removed

SECRET
version for public release. If your formal comments contain sensitive or classified information, we will redact that information in the appendix of the final version for public release.

(U) With respect to the classified report, we ask that you review the report’s classification markings as they pertain to any information classified by DHS and advise us, under separate cover, of any corrections that should be made. For the version for public release, if you determine that any of the information in that version is classified, or an Original Classification Authority has decided to classify it, please provide a detailed explanation as to the basis for the classification decision. For information that is exempt from public release under FOIA, please identify the FOIA exemption invoked for each proposed redaction. After we have received your comments, we will make a determination whether to make redactions from the version for public release.

(U) Should you have questions, please call me at (202) 254-4100, or your staff may contact [contents redacted], Inspector, Office of Inspections, at (202) 254- [contents redacted].

Attachments (2)

c: The Honorable Michael Chertoff, DHS Secretary

The Honorable Michael P. Jackson, DHS Deputy Secretary

The Honorable Philip J. Perry, DHS General Counsel

[contents redacted], DHS Audit Liaison

[contents redacted], CBP Audit Liaison

[contents redacted], CIS Audit Liaison
Doc. #122
DEPARTMENT of HOMELAND SECURITY
Office of Inspector General
Washington, D.C. 20528

October 24, 2006

By hand delivery

Office of General Counsel
Department of Homeland Security
Washington, D.C.

Re: The Removal of a Canadian Citizen to Syria, Draft OIG Inspection Report

Dear [Redacted]:

Enclosed are two versions of the above-captioned report, commonly known as the "Arar" report. One version is classified Secret, the other is Unclassified and will be posted on the OIG website once finalized. However, the Unclassified version is transmitted under Secret cover as a precaution until we can verify with affected entities that it contains no classified information.

At your request, and because the report concerns a matter that is the subject of ongoing litigation, we are providing an advance copy to you solely for the purpose of determining whether the report contains any information that may negatively affect the Department's ability to invoke the attorney-client privilege or any other such privileges in the ongoing litigation. That is, we want to ensure that the OIG's eventual public release of the final, unclassified version of the report does not constitute a waiver of any Departmental litigation privileges. The final version of the classified report will be shared with the appropriate Congressional oversight committees.

Once you and any other attorneys with whom you share the reports have had an opportunity to review the draft reports, they will be distributed pursuant to normal protocols for substantive review and comment, including review of proper classification designations.

Because of the limited scope of your review and the increasing urgency that the report be finalized, please be advised that we are unable to delay distribution for more than five business days, that is, until close of business on October 31st. At that point, we will distribute the draft reports pursuant to normal protocols for the receipt of all comments, including any that relate to the protection of litigation privileges. Pursuant to normal protocols, we ordinarily provide thirty days for comments.
SECRET
(unclassified when separated from enclosure)

The final reports will not be distributed to Congress until they have been provided to the Department for five business days. Five business days after the reports are provided to Congress, the unclassified version will be posted on the OIG website.

Sincerely,

[Signature]

Richard N. Reback
Counsel to the Inspector General
Department of Homeland Security

Enclosures: As stated
Page 2 1st foll. para., last two sentences

Copy

Yes.

on pg. 2
The Honorable John Conyers, Jr., Chairman
House Judiciary Committee
United States House of Representatives
2138 Rayburn House Office Building
Washington, D.C.: 20515-6216

Dear Chairman Conyers:

Thank you for your letter requesting that we provide by February 3, 2010, a copy of our addendum to OIG-08-18, The Removal of a Canadian Citizen to Syria. It is our intention to meet your request.

During our follow-up work, we interviewed the former Deputy Attorney General, the former Deputy Secretary of State, and other officials who had not been interviewed during our initial review. As a result of what we learned from those former officials, we concluded that the former Deputy Attorney General did notify the former Deputy Secretary of State of Mr. Arar’s removal prior to the removal action. Therefore, our addendum serves to modify our report by providing more details regarding the Department of State’s knowledge of Mr. Arar’s removal, but does not change the findings or recommendations of our initial report.

We regret the delay in providing the addendum. However, to maximize the amount of information contained in the addendum that can be released to the public, the addendum went through a classification review that required vetting multiple times by several federal agencies that had a role in the Arar matter. In addition, before we were able to interview the former Deputy Attorney General, we met with the former Deputy Attorney General’s counsel several times. Counsel sought clarity on the scope of our interview, the make-up of our interview team, and the intended use of any information we obtained from the former Deputy Attorney General. Another factor that contributed to the delay was the need for the former Deputy Attorney General’s counsel to obtain temporary security clearances.

The addendum is classified for two reasons. First, we believe that it is important to restate the reason why the addendum was necessary. That explanation is derived from classified information contained in our original report. Second, two of the former officials we interviewed described methods and procedures regarding removal actions that clarify certain roles and responsibilities. That information cannot be shared publicly.
Should you have any questions, please call me, or your staff may contact our congressional and media liaison, Marta Metelko, at (202) 254-4100.

Sincerely,

Richard L. Skinner
Inspector General

cc: The Honorable Jerrold Nadler
    DHS Office of Legislative Affairs
The Honorable Jerrold Nadler, Chairman
Subcommittee on the Constitution, Civil Rights and Civil Liberties
Committee on the Judiciary
United States House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515-6216

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Sincerely,

Richard L. Skinner
Inspector General

cc: The Honorable John Conyers, Jr.
DHS Office of Legislative Affairs
The Honorable Richard L. Skinner  
Inspector General  
Office of the Inspector General  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Mr. Skinner:

I am writing to follow-up on the revised report for OIG-08-18, *The Removal of a Canadian Citizen to Syria.* You testified in June 2008 that your office had recently received additional information that might be germane to your findings, and that the Department had reopened its review. You assured us that you were in the process of validating the information and would publish a supplement to the existing report as necessary.

Despite our repeated follow-up with your staff, we have not yet received this supplement. In May 2009, your staff informed us that the additional investigation was complete and that we likely would receive a revised report within a month. When we still had not received that report by August 2009, we again contacted your office and were told that an addendum to the original report was currently undergoing inter-department and agency review and that the entire process should be completed shortly.

At that point, we asked that the Department seek to finalize and deliver the report by September 2009. Recalling the extreme delay in completion of the original report, which itself took more than four years for your Department to complete, we asked whether there had been problems obtaining timely cooperation with your investigation and invited your Department to share information regarding those problems so that we might work together to overcome them.

---

The Honorable Richard L. Skinner  
January 20, 2010  
Page Two

When we still had not received the revised report, or any explanation of the delay in providing it, we again contacted your office in October 2009. At this point, we were told that the report had been finalized and forwarded to you for final review, with the assurance that we would be receiving the report shortly.

We still have not received that report, nor have we ever been contacted with an update on when we will receive it or an explanation for the ongoing delay from your office. Congress has a strong interest in ensuring that the offices of inspector general are able to complete investigations in a timely and thorough manner, and the incredible delay in completing the investigation in Mr. Arar's case appears, at this point, inexcusable. After the original report took more than four years to complete, you testified that—while there had been problems obtaining cooperation in that initial investigation—you were "pleased to say that we have since overcome those issues. Cooperation between the department and the OIG has improved dramatically." Yet we have now been waiting more than a year and a half for your revised report.

I ask that you provide a copy of the revised report by February 3, 2010 along with an explanation regarding the time needed to complete this revision. As you finalize your report, I urge you to avoid unnecessary classification of information and ask that, at a minimum, you publicly disclose whether or not the additional investigation required the Department to alter any of the original conclusions or recommendations contained in OIG-08-18, *The Removal of a Canadian Citizen to Syria*.

Please do not hesitate to contact the Subcommittee on the Constitution, Civil Rights, and Civil Liberties with any questions.

Sincerely,

John Conyers, Jr.  
Chairman  
House Judiciary Committee

Jerrold Nadler  
Chairman  
Subcommittee on the Constitution, Civil Rights, and Civil Liberties

cc: Honorable Lamar Smith  
Honorable F. James Sensenbrenner

2Id., tr. at 18 (statement of Richard L. Skinner).
Doc. #125
(U) The Honorable Jerrold Nadler, Chairman  
Subcommittee on the Constitution, Civil Rights and Civil Liberties  
Committee on the Judiciary  
United States House of Representatives  
Washington, DC 20515-2101

(U) Dear Congressman Nadler:  

(U) We initiated follow-up work on our review, The Removal of a Canadian Citizen to Syria, OIG-08-18, in response to questions raised at a joint hearing of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties and Subcommittee on International Organizations, Human Rights Oversight Committee on Foreign Affairs, regarding whether the Department of State was involved in discussions in 2002, pertaining to Maher Arar's removal from the United States.

(U) During our follow-up work we interviewed the former Deputy Attorney General, the former Deputy Secretary of State, and others who had not been interviewed during our initial review. As a result of what we learned from those former officials, we concluded that the former Deputy Attorney General did notify the former Deputy Secretary of State about Mr. Arar's removal prior to the removal action. Therefore, this addendum serves to modify our report by providing more details regarding the Department of State's knowledge of Mr. Arar's removal, but does not change the findings or recommendations of our initial report.

(U) Should you have any questions, please call me, or your staff may contact Carlton I. Mann, Assistant Inspector General, Inspections, at (202) 254-4100.

Richard L. Skinner  
Inspector General
(U) The Honorable John Conyers
Committee on the Judiciary
United States House of Representatives
Washington, DC 20515-6216

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Richard L. Skinner
Inspector General

(Secrec//Noforn)
(U) Background

(U) In March 2008, we published a report, The Removal of a Canadian Citizen to Syria, OIG-08-18. That report assessed the processes and procedures used by United States immigration officials to deny Maher Arar admission to the United States and subsequently remove him to Syria.

(U) Mr. Arar, a dual citizen of Canada and Syria, arrived at New York’s John F. Kennedy (JFK) International Airport on September 26, 2002, from Zurich, Switzerland. Mr. Arar applied for admission to the United States so he could transfer to his connecting flight to Canada, his country of residence.

(U) While en route from Zurich, the Department of State’s (DOS) “TIPOFF” system identified Mr. Arar as a “special interest” alien who was suspected of affiliations to terrorist activity and was described as “armed and dangerous.” At the time of Mr. Arar’s arrival in the United States, the TIPOFF database was the principal database containing names of known and suspected terrorists. Upon his arrival at JFK, Immigration and Naturalization Service (INS) inspectors referred him to secondary inspections, where investigators from the Federal Bureau of Investigation’s Joint Terrorism Task Force (JTTF) questioned him. The JTTF investigators concluded that they had no interest in Mr. Arar as an investigative subject, and then turned him over to INS inspectors. However, INS inspectors determined Mr. Arar inadmissible to the United States under relevant provisions of immigration law. INS officials analyzed the derogatory information regarding Mr. Arar’s background, sought clarification of the facts and statements made by U.S. agencies that provided the information, and determined the appropriateness of the specific immigration charge. INS concluded that Mr. Arar was likely a member of a terrorist organization.

(U) On Tuesday, October 8, 2002, Mr. Arar was transported by INS officials to Teterboro Airport in New Jersey, and then flown by private aircraft to Dulles International Airport near Washington, DC. From Dulles, Mr. Arar was flown to Amman, Jordan, where he was later transferred to the custody of Syrian officials.

(U) Syrian officials released Mr. Arar and he returned to Canada in October 2003. He alleged that he was beaten and tortured while in the custody of the Syrian government. Mr. Arar sued the governments of Canada and the United States for the alleged wrongful removal to Syria.

(U) Assurances

(U) Assurances obtained from a country to guarantee that an alien would not be tortured are normally obtained through DOS. The Secretary of State then provides the assurances

(U) Addendum to OIG-08-18
The Removal of a Canadian Citizen to Syria
received from the relevant country’s government to the United States Attorney General. The nature and reliability of such assurances, and any arrangements through which such assurances might be verified, requires careful evaluation before a decision is reached that removal is consistent with the United States Convention Against Torture obligations.

(U) The DOS attorney stated he became aware that our report might be inaccurate when a DOS attorney from the Office of the Legal Advisor reported that he had overheard a conversation about Mr. Arar. In that conversation, it was alleged that the former Deputy Secretary of State might have known about the decision to remove Mr. Arar to Syria. The DOS attorney who made this disclosure stated that his office contacted the former Legal Advisor as well as the former Deputy Secretary of State. The former Legal Advisor told the attorney that he was not aware of DOS involvement in Mr. Arar's removal, while the former Deputy Secretary of State stated that he recalled a brief telephone conversation he had with the former Deputy Attorney General about Mr. Arar. The attorney stated that he was unable to identify an official record of the conversation between the former Deputy Secretary of State and the former Deputy Attorney General.

(U) Recall of Former Department of State Officials

(U) We discussed Mr. Arar's removal with the former Deputy Secretary of State. The former Deputy Secretary of State confirmed that he had discussed Mr. Arar's removal with the former Deputy Attorney General. Although he could not provide the date or time of the call, the former Deputy Secretary of State recalled that the former Deputy Attorney General called him. The former Deputy Secretary of State told us that his initial impression was that Mr. Arar was a Canadian and the Royal Canadian Mounted Police was relinquishing custody of him to the Syrians. The former Deputy Secretary of State stated that the former Deputy Attorney General said Mr. Arar had dual citizenship - Canadian and Syrian. The former Deputy Secretary of State added, the former Deputy Attorney General asked whether DOS had any foreign policy objections to removing Mr. Arar to Syria. The former

1 (U) This was the process in 2002. In the current process, the Secretary of State provides assurances received from the relevant country to the Secretary of Homeland Security.

(U) Addendum to OIG-08-18
The Removal of a Canadian Citizen to Syria

SECRET/NOFORN
Deputy Secretary of State indicated that he replied "no." The former Deputy Secretary of State stated that the former Deputy Attorney General did not ask that he provide diplomatic assurances. The former Deputy Secretary of State stated that his only concern was whether Mr. Arar was a United States citizen. The former Deputy Secretary of State added "Syria was helping us with Al Qaeda." The former Deputy Secretary of State indicated that he did not remember any intra-agency discussions pertaining to Mr. Arar's removal. The former Deputy Secretary of State stated that his only concern was whether Mr. Arar was a United States citizen. The former Deputy Secretary of State added "Syria was helping us with Al Qaeda." The former Deputy Secretary of State indicated that he did not remember any intra-agency discussions pertaining to Mr. Arar's removal. The former Deputy Secretary of State said that he understood the reason that Mr. Arar was being removed was he was a terrorist suspect. The former Deputy Secretary of State characterized the telephone conversation with the former Deputy Attorney General as very brief – only two of three minutes, and casual. The former Deputy Secretary of State stated that he had not been asked to provide diplomatic assurances in this case and had not received a similar telephone call from the former Deputy Attorney General before. The former Deputy Secretary of State suggested that we talk to the former Ambassador for the Office for Coordination for Counterterrorism, who was at DOS at the time of the Arar matter.

(U) Subsequent to our interview with the former Deputy Secretary of State, we interviewed the former Legal Advisor. He told us that normally his office would have been involved in a similar removal matter. However, he reaffirmed that he was unaware of DOS involvement in Mr. Arar's removal.

(U) Addendum to OIG-08-18
The Removal of a Canadian Citizen to Syria
3
(U) Recall of the Former Deputy Attorney General

(U) In our final interview, we discussed DOS' role in the Arar matter with the former Deputy Attorney General. The former Deputy Attorney General stated, "After 9/11, it was clear to us that national security law enforcement efforts and national security efforts in general were directly related to immigration concerns. Immigration legal matters were very complex." The former Deputy Attorney General said that he had worked very closely with the former Deputy Secretary of State in various deputy meetings and the former Deputy Secretary of State and he had established a very close relationship. The former Deputy Attorney General stated "I didn't know to what extent that he'd [the former Deputy Secretary of State] been in the loop, but I certainly want[ed] to, as colleagues, to make certain that I contacted him." When asked what he talked with the former Deputy Secretary of State about, the former Deputy Attorney General replied, "I just think I told him what was happening, and what had been recommended that we do." And, "that he [Arar] was a dangerous person and this is what we were going to do." When asked whether he was seeking diplomatic assurances from DOS, the former Deputy Attorney General responded, "prior to reviewing [your] record of the interview [with] the former Deputy Secretary of State, I had really no recollection of the conversation other than the fact that I believed that it occurred. And again, what I was doing was following the procedure that I had usually followed in terms of dealing with my colleagues on the Deputy's Committee, which was to call them and let them know what might be going on at Justice that might be of interest to their agency. And again, as I think, I used the word comity, and the call was really as a matter of comity, for him to know what we were doing." The former Deputy Attorney General further stated, "I want to be transparent with a colleague as to what was transpiring at the Department of Justice."

(U) Mr. Arar requested to go to Canada in his protection hearing. However, the former Deputy Attorney General signed a memorandum that stated Canada was not an option because returning Arar to Canada would be prejudicial to the United States. The former Deputy Attorney General indicated that he made this decision based on belief that Mr. Arar was a dangerous person and the porous nature of the Canadian/US border would allow Mr. Arar easy access to the United States.
(U) Conclusion

(U) Addendum to OIG-08-18
The Removal of a Canadian Citizen to Syria
5
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