

OIG-08-18 Addendum and Work Papers

Doc. #103

Office of Inspector General

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

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.

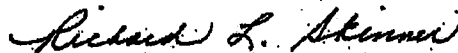
During our original fieldwork we decided not to request an interview with Mr. Thompson. We believed that our interviews with the staff of the Office of the Deputy Attorney General involved were sufficient. However, in light of the new information we received, we feel that an interview of Mr. Thompson 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 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]. For the [REDACTED] At that time, [REDACTED] most part, overseas operations consisted of [REDACTED]

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]

[REDACTED]. In the beginning, it was mostly [REDACTED]. [REDACTED] characterized the INS' expansion overseas as a "[REDACTED]" operation. Once abroad, [REDACTED] as opposed to [REDACTED]

[REDACTED]. There were [REDACTED]

Training

International Law Enforcement Academies (ILEA) were set up in Bangkok, Botswana, and Kenya partly in order to create regional networks.¹ These Academies taught local

¹ Currently, there are four ILEAs: Budapest, Hungary (1995); Bangkok, Thailand (1998); Gaborone, Botswana (2000); and San Salvador, El Salvador (2005). See [REDACTED]

b2

government officials techniques for local immigration control and sometimes refugee processing. The Academies also taught students to recognize fraudulent documents. [REDACTED]

[REDACTED] indicated that INS sponsored other training events for local law enforcement. [REDACTED] reported that INS sponsored workshops, at which speakers would discuss important law enforcement issues, recent successes, or best practices in other countries. According to [REDACTED], 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.

b5, 6

At the end of the INS and the beginning of the Department of Homeland Security [March 2003], [REDACTED] said that

[REDACTED] didn't know [REDACTED]

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.

[REDACTED] said that the INS [REDACTED]
[REDACTED] said that this is [REDACTED]

Recruitment and Selection

Most of the people who applied for overseas jobs [REDACTED]
[REDACTED] Usually positions were of the GS-13 or 14 levels, [REDACTED]

b2

[REDACTED]. There were a lot of former asylum officers in a recent group that went abroad.

[REDACTED] agreed with an interviewer's statement that [REDACTED]

Before the break-up of the INS, [REDACTED] In [REDACTED] experience, though, an INS employee's background [REDACTED]

[REDACTED] 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.

b5, 6

Following the break-up of the INS, [REDACTED]

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 [REDACTED]
- The Bangkok District was perceived [REDACTED]
- The Mexico City District was viewed [REDACTED]

[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 of [REDACTED] [REDACTED]

7/14/06 @ 9:00 AM

Intro

Could you have been more specific in the letter.

I've asked us to look into this

We met w/ Armstrong

Suggested we talk to you

Knowledge of DCS involvement in Area another

abt that I recall

I've

Do you [REDACTED]?

[REDACTED]

b5,6

He was picked up JFK

held by min. nation

Then sent away

That time period
you are looking at

I have no recollection

Answer of

[REDACTED] might [REDACTED]

Don't

b6



Position



Legal advisor

Normally

We should have been involved

The ambassador should have been involved

Doc. #106



(u) Department of State Involvement in the Arar Matter

(u) MEMORANDUM OF RECORD

Preparer: [REDACTED]

(u) Purpose: Learn more about DOS involvement in the Arar matter

(u) Source: Telephone

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

(u) Participants: [REDACTED] former Deputy, Office for the Coordination for
Counterterrorism, Department of State
[REDACTED], DHS-OIG

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

(u) Discussion:

b5, 6 (u) [REDACTED] was [REDACTED] deputy in the Office for the Coordination for
Counterterrorism, US Department of State

(u) [REDACTED] did not believe that [REDACTED] had been involved in the Arar case but would
not swear that [REDACTED] had not.

b1 (u) [REDACTED]

(u) [REDACTED] stated that [REDACTED] Mr. Armitage, but does not remember and
[REDACTED] 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. [REDACTED] stated that if DQS was notified of a removal that [REDACTED] office
believed was troubling, the matter would be discussed with Mr. Armitage. [REDACTED]
indicated that Mr. Armitage would determine whether more action was required.

b2

(u) [REDACTED]

Doc. #107

SECRET

Phone interview of [redacted]

2/21/08 @ 12:00 noon

[redacted] Info

We published report

We determined OSS involved

We learned there could have been involved

We talk to [redacted]

Your name came came up
Liger

Basic questions

Did you [redacted] ?

-b5,6

[redacted]
I can tell you [redacted] would [redacted]

b1

[redacted] Don't recall [redacted]

[redacted] Office?

[redacted] Coordinator for CT

SECRET

~~SECRET~~

[REDACTED] Know of anyone else who might know about this?

My deputy, [REDACTED]

Still @ DOS?

[REDACTED] (home phone)

b5,6

[REDACTED] Personal opinion?

[REDACTED] I think [REDACTED]

[REDACTED] Anything else?

[REDACTED] No.

I am available if you have follow-up

SECRET

Doc. #108



The Removal of a Canadian Citizen to Syria

Interview Agenda

Preparer: [REDACTED]

Reviewer: [REDACTED]

Interviewee: [REDACTED] Department of State

Interview Date: Monday, June 2, 2008, at 10:00 AM

Location: L Conference Room, 6419
State Department, Washington, DC

Team: [REDACTED], Inspector

Discussion

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

[REDACTED] 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.

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

[REDACTED] said that after that, one of the lawyers in the State Department legal advisor's office overheard 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.

[REDACTED] said they became concerned. They checked with former State Department legal advisor, [REDACTED] told us that [REDACTED] not aware of any involvement.



Office of Inspector General
Office of Inspections

Project # ISP-85-2006

Binder #

Tab #

██████████ said that they contacted Mr. Armitage. ██████████ told us that Mr. Armitage recalled a telephone call from former Deputy Attorney General Larry Tompson, 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.

b5, 6

██████████ asked whether ██████████ had dealt with ██████████ responded, ██████████ added that they ██████████ 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."

██████████

Meeting w/ [REDACTED]

6/2/08 10:05 AM

b6

Intro

Reason for the
You called [REDACTED]

(on 5/5/08)

Allegation, ^{cause} DOS involvement
maybe not officially

Then we had reported, we wanted to be accurate

IA testifying on Thursday
- serves as warning

Read the report

Process of it

various

b6

May 2008

Exp. [unclear]

Happy &

We initiated

We thought the report was correct

NEA Bureau

Embassy in Street
Western Hemisphere

We didn't get any

We sent

to

b5

After

One of the lawyers here in L
many years ago

suggest Dep Sec
knew about ideas

Concerned

Checked into about

b6

then - Legal Admin

Bartholomew

spoke

Australia recommended a call from Gerry Thompson
probably Nov 1980

asked for any State Dept. FP objections

asked

We don't have any FP Policy objections

based on Australia's recollection

[REDACTED]

[REDACTED]

One other person recalls the Amintze
mentioned the call 2 years

[REDACTED]

Amintze

We can't get #

We can get contact info

[REDACTED]

[REDACTED]

b5,6

Sent info to [REDACTED]

[REDACTED]

says [REDACTED]

Questions will be [REDACTED]

[REDACTED]

[REDACTED]

Open hearing?

[REDACTED]

Yes, we are releasing more through FOIA
request

[REDACTED]

We are concerned that [REDACTED]

[REDACTED]

Anything else to inform report?

[Redacted]

[Redacted]?

[Redacted]

[Redacted]

[Redacted]

b5,6

[Redacted] Ask [Redacted]?

[Redacted]

[Redacted]

[Redacted] Additional comment

[Redacted] If it is important, we would.

[Redacted] We have [Redacted]

[Redacted] Do you have [Redacted]?

[Redacted] 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
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. [REDACTED] said that we had reached out to Mr. Thompson and received a response. Mr. Armitage said that [REDACTED]

b5, 6

[REDACTED] asked the alleged phone call from Mr. Thompson regarding Mr. Arar. Mr. Armitage said [REDACTED]. Mr. Armitage 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-Qeada.

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

[REDACTED] 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,

asked whether

Mr. Armitage

He suggested that we talk to He suggested we talk to , who was the Ambassador for Counterterrorism Mr. Armitage claimed that the Mr. Armitage provided contact information fro

then recapped the discussion. said, "Larry Thompson called you?" Mr. Armitage said it was six years ago. He added that Mr. Thompson asked him whether he had any problem with it. Mr. Armitage told us that his query was whether Mr. Arar was a U.S. citizen.

asked whether Mr. Armitage knew about Mr. Arar's Canadian citizenship. Mr. Armitage said the Mr. Thompson told him that Mr. Arar had dual citizenship.

asked whether

Mr. Armitage responded, " He added that Mr. Thompson

asked whether Mr. Armitage was providing diplomatic assurances during the call. Mr. Armitage responded, "No I was not." He added that he was not asked to get any assurances.

asked whether Mr. Armitage

Mr. Armitage responded,

He added that

Mr. Armitage told us that during the call he was under the impression that Mr. Arar was in Canada. Mr. Armitage 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

Mr. Armitage responded

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.



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█ asked whether Mr. Armitage thought he was in Canada. Mr. Armitage he 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 █
Mr. Armitage said, █

b5, 6 █ asked how Mr. Armitage █ Mr. Thompson. Mr. Armitage said that █. During the interview, Mr. Armitage █
Mr. Armitage added that it was "█"

█ mentioned that Mr. Armitage recalled the call occurred in the morning. █ asked whether could recall the date or time of the call. Mr. Armitage said, "No." █ asked whether Mr. Armitage █. Mr. Armitage said, █

█ asked about 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/ Richard Armstrong

6/11/08

RA

DHS bid item



Not a contract

RA



b5,6



6. Discussions

RA



H

Monday

After 9/11

Could say when

Mr. relocation

LT called me

He said

RAMP are handling us a guy

He asked

Any objections

I said no

Richard was in contact a US. corp.

Spicer was really helping us w/ Al Qaeda

b5,6



Why removed?

terrorism suspect

2 min, 3 min chat

A

I don't recall,

Syrian was helping

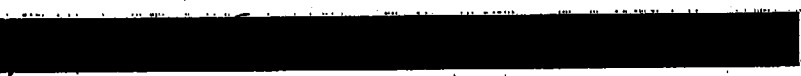
Syrian or citizens I don't recall etc



RA



b5,6



RA



Might want to check w/



Any for CT, A/S for DS



Recap. JT called you. Question

RA

Six years ago.

"Did I have a problem w/it?"

My query was was he a US cit.

As America was Canada?

LT told me he was a dual

Were you [redacted]

b5,6

Were you providing Div. Asses

RA

No I was not I was not asked to
get any

I was under the impression that he was
Mr. Canada

I don't remember an emergency discussion
of this

Might want to check w/ [redacted] at the
time.

█ Ever get Rep. Assurances?

RA No

█ Similar call for JT?

RA No. Now subsequent call.

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

█ I thought it was in Can?

RA I thought, but JT didn't tell me.

█ JT mention anything about assurances?

b5,6

RA I don't recall it

█ [redacted] did you [redacted]?

RM

[redacted] I ~~was~~ was [redacted]?

[redacted]?

[redacted]

█ Date?

Ab.

█ [redacted]?

█ [redacted]

b6

On 9 Custody?

ST

I assumed he was in the custody of CAM.

ST did not say or say any other way are the other

b5

You should

[Redacted] 6/11/2008
Handwritten Notes

1. Approximately when and under what circumstances did you discuss Arar's removal to Syria with Mr. Thompson? How [Redacted] [Redacted]? Did you [Redacted]?

did not know after 9/11 Am
concerned

[Redacted]

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

Terrorism

[Redacted]

b5, 6

3. Did [Redacted] [Redacted]? Did [Redacted] [Redacted]?

4. [Redacted], to your knowledge, what [Redacted] [Redacted]?

5. [Redacted], to your knowledge, what [Redacted] [Redacted]?

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]

[REDACTED] ? [REDACTED] ? [REDACTED] ?

Was not providing diplomatic ass

8. [REDACTED]

[REDACTED] ?

Does not remember an interagency discussion

9. How would [REDACTED]

[REDACTED] ?

[REDACTED]

b5

10. What was [REDACTED]?

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

[REDACTED]

b5

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

ND

13. Did you [REDACTED]
[REDACTED]?

[REDACTED]

14. Had you ever received a similar call from Thompson?

NO or other calls

15. Had you [REDACTED]?

[REDACTED]

16. What is your understanding of [REDACTED] [REDACTED]?

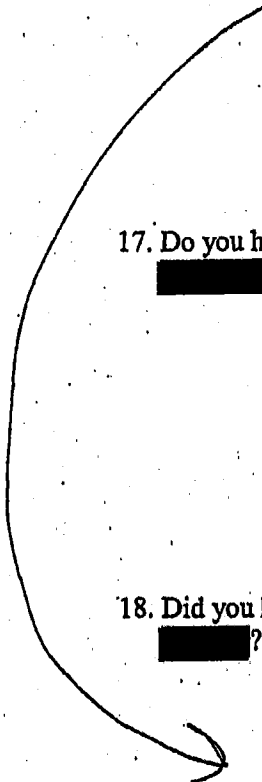
[REDACTED]

17. Do you have any views or understanding as to [REDACTED] [REDACTED]?

No remembrance of assurances

18. Did you know that [REDACTED] [REDACTED]? If so, [REDACTED]?

b5



19. Were you aware [redacted] ? [redacted] ? What [redacted] ?

20. Did you see [redacted] ? Would you consider [redacted] ?

b5.

21. Have you [redacted] ? [redacted] ?

[redacted]

22. Did you have [redacted] ? Details. Did you have [redacted] ? Details.

[redacted]

23. It has been suggested [REDACTED]

Did [REDACTED] in your view? Why or why not

b5

[REDACTED]

Doc. #110

b6

Phone call w [redacted] [redacted]
12/5/07 3:30 pm

b6

b6

[redacted] checked w/ [redacted]
for book @ final report.

Issues?

b6

b5

[redacted] Court [redacted]

P. 13

Page 16

[redacted] is their [redacted]?

Suggest

We were [redacted]

b5

P. 18

P. 20/21

[redacted]

[redacted]

[redacted]

What

[redacted]?

[redacted]

Fair

[redacted]

reflect short.

[redacted]

b5,6

[redacted]

[redacted]

[redacted]

[redacted]

Based on

[redacted]

We'll see

[redacted]

Even that

[redacted]

[redacted]

some detail.

P. 22 P. 25

previous Draft, said

[Redacted]

b6

Now it says

[Redacted]

cc

✓

b5

P. 26

P. 30 New sentence

[Redacted]

Mk?

b6

[Redacted]

I think so.

b6

That's what I thought.

[Redacted]

I thought

[Redacted]

b5

What I think is

[Redacted]

Request

[Redacted]

Don't think

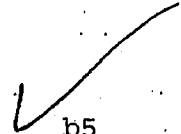
[Redacted]

b5



b5

b5



We took out



and



b6



Okay ~~Q~~ Questions 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/ [redacted] b6
12/4/07 @ 4:30 pm
b6

b6 [redacted]

b6 [redacted]

[redacted], DAG's Office, is with me

[redacted], main thing

On sentence, [redacted]

P. 19, 3rd paragraph

Our people believe that that

b5, 6 [redacted]

Our [redacted] people were [redacted]

Disputed point.

P. 18, 1st full para, subject was

b5, 6 [redacted]

Suggestion for consideration

see [redacted]

Written comment?

No. We hope to do this this way.

Our [redacted] briefings to the Hill say Comm. made decision to remove Area to Spring.

Other [redacted]?

You have [redacted]
[redacted]

b5,6

Smaller points.

FN 16 p. 18 [redacted]
[redacted]

Comm is Pres App'tee.

P. 18 para 4 OLC verbal opinion'

[redacted] 19
[redacted]

P. 26

Not sure there is anything else I am prepared to talk about now

P. 30 Last paragraph

" [REDACTED] " sounds [REDACTED]

[REDACTED]
[REDACTED] we contacted an [REDACTED]
[REDACTED]

b5,6

Per [REDACTED] mtg. w/ I G

(1) We received comments as late as 12/4/07

(2) Agencies had multiple chances,

We [REDACTED] requested written comments,

(3) Some provided oral comments

Doc. #112

Call w/ [redacted]

11/27/07
4:20 PM

[redacted]

First Time Charges in [redacted]

Served something on Tuesday 1 OCT 02

P. 24

[redacted]

Section

[redacted]

UNCLASSIFIED

Only

[redacted]

Arc share

[redacted]

End of para. last sentence

I think

" [redacted] "

from [redacted]

[redacted]

One para class (S/NF)

P. 26

Unclassified para following

think chose [redacted]

[redacted]

[redacted]

but is [redacted]

[redacted]

[redacted]

References [redacted]

[redacted]

Should

[REDACTED]

[REDACTED]

b5

UNCLASSIFIED

11/29/07

Phone Call w/ [REDACTED]

11/29/07 @ 3:25 PM

① P. 14 [REDACTED] last sentence [REDACTED]

omit be sure

[REDACTED]

② P. 24 "[REDACTED]"

Add [REDACTED]

[REDACTED]

go back to

③ P. 26 Last para. [REDACTED]

[REDACTED]

P. 26 2nd to last para.

[REDACTED]

I have [REDACTED]

[REDACTED]

UNCLASSIFIED

On class,

[REDACTED]

PDF to

[REDACTED]

Also,

[REDACTED]

"US strips Al Qaeda suspects to
Arab States" CSM (July 26, 2002)

"Syria Interrogat^{ing} Al Qaeda Recruit"
Wash Post, p. A01, (June 19, 2002)

Doc. #113

Bob Ashbaugh

Hand written notes

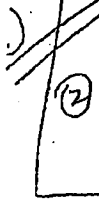
Things to check w/ [redacted]

- P. 8 reference to [redacted]
appears to have been [redacted] Were
there [redacted] when they [redacted]
[redacted] and a [redacted] ?
Where is [redacted] ? See [redacted]

Source for [redacted] provided
[redacted] @ how [redacted]
(p. 21). [redacted]

Sept [redacted]

Source for [redacted]



(2)

[redacted] b1

(1) We can find [redacted]

[redacted]

[redacted] and discussion of it and
cannot find [redacted]

to establish [redacted]

See my edits to p 8

(2) fn. 17

(3) Discussion @ [redacted]

b5, 6

b5



On October 7:

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

INS - Regional Director signs Final Notice of inadmissibility and Decision (Unclassified) in Removal Proceeding

INS - Regional Director signs Final Notice and Classified Addendum, the latter relying on FBI LHM dated 10/7/02. (Draft finished at 6:30 am.)

FBI - FBI LHM re: case against Arar

(Binder B/3 ICE 497)
Faxed 5:37 pm. (Redacted). (Binder B/3 ICE 722)

b5

AG - Acting AG signs memo overruling Arar designation

INS - INS General Counsel signs memo to Commissioner concluding Arar at risk of torture (Binder B/4, INS # 0001)

b1,5



INS - Commissioner designates Syria as country to remove Arar to. (Binder B/4, INS # 0071)

(NB: See also TS (RLA))

INS - drafted ops plan (rec'd & reviewed 5:00 am)



Instructions re:
notification of counsel

Check:

pp. 17 - 18



in communication

U said

like is to

who says

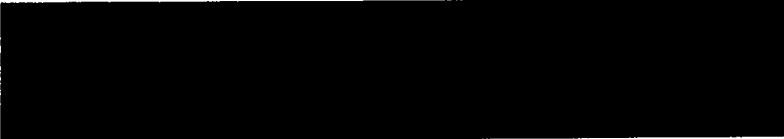
spoke to

Check

(c) Should

?

p. 11

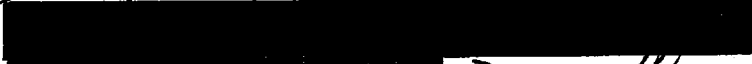


b1

p. 21

Attorney General's Office provided
ruling on country designation

B:



? Who

> U

b5,6

Answer: It was
(Binder F, Tab 16)

pp. 20 - 21 - Do these



pp. 22

Review summary and
discussions



pp.



p. 23

- What is story on

which



✓ ①

[Redacted]

b1,5

✓ ②

Was... [Redacted] ? Where is... [Redacted]

✓ ③

Reference to [Redacted]
to agree [Redacted]
to issue [Redacted]
(See discussion
on p. 24.4. to that [Redacted])

b5,6

✓ ④

What is some of statement, " [Redacted]
[Redacted]

✓ ⑤

Couldn't find [Redacted]
[Redacted]

[Redacted]

7. Need to

[REDACTED]

Think I've seen

[REDACTED]

the text

that reads

[REDACTED]

b5

Doc. #114

SECRET

Interview of [REDACTED]

2/22/07 (w)

10:05

Treasury Dept.

[REDACTED] 3 issues

[REDACTED] Read Draft

[REDACTED] Discuss your concerns

[REDACTED] Changes are called for

General Points

Reference to [REDACTED]

[REDACTED] relevant

Was on [REDACTED]

Want [REDACTED]

[REDACTED] asked me to [REDACTED]

I was surprised [REDACTED]
Report has a theme [REDACTED]

b6

b5, 6

SECRET

SECRET

~~SECRET~~

[REDACTED]

I think
that is

[REDACTED]

It is possible that
thought

[REDACTED]

[REDACTED]

[REDACTED]

b5,6

E.g.

Conversation - know b/s of notes.

[REDACTED]

[REDACTED]

b1

[REDACTED]

Immigration Law expert

[REDACTED]

A DAG - coordinate

immigration policy, issues,
and some nat'l cases

~~SECRET~~

-2/12-

~~SECRET~~

10/3 [redacted] said [redacted] should [redacted]
Conversation b/w [redacted]
Objective was to [redacted]

[redacted]

Comm. said Syria. b/c nat'l of Syria

[redacted] said [redacted]
if you think [redacted]
There were other discussions [redacted]

[redacted]

b5,6

[redacted]

Asked for [redacted]
[redacted] might [redacted]

[redacted]

I recall not sure date

[redacted] felt that [redacted]

Comm does not report to staff of DOS

[redacted]

[redacted] said [redacted] was concerned that [redacted]

[redacted]

~~SECRET~~

~~SECRET~~

[redacted] were kept [redacted]
by the [redacted]

Only [redacted] knew or [redacted] [redacted]
[redacted] portrayal as [redacted]

P. 32 para. 2 " [redacted] would have
[redacted]
[redacted]
[redacted]

b5,6

Idea of [redacted]
One decision made by OAG as Acting AG
[redacted] detail of removal to CAN.
[redacted]

On every other decision, ^{the comm} was the decision
maker.

Comm said Syria best option (see Tab 5)
[redacted]

[redacted] felt like [redacted]
I think [redacted]

Can't remember
[redacted]

b1

Under the imm. law (as agreed to by ODAG & INS),
AG could designate any country

~~SECRET~~

- 4/12 -

~~SECRET~~

[REDACTED]

[REDACTED] know [REDACTED]

[REDACTED] Draft version [REDACTED]

[REDACTED] ? [REDACTED]

[REDACTED]

[REDACTED] Will expand
[REDACTED] Provided [REDACTED]

[REDACTED] Men is con. w/ [REDACTED]

b5,6

[REDACTED] asked for [REDACTED]

b1

[REDACTED] nothing to do w/ [REDACTED]

[REDACTED]

P. 13 para. 2 and following

Evidence that [REDACTED] ?

[REDACTED]

[REDACTED] conversations w/ [REDACTED]

~~SECRET~~

-5/12-

Page 15 Jan 34.

Thinks about refers [redacted]

I think

it

I don't know [redacted]

There was a conv. b/w [redacted]

Page 15. para. 2

said [redacted]

b5,6

Page 19. para 1

Next issuing [redacted]

Page 19 - page 20 [redacted]

Don't recall this [redacted]

mentioned [redacted]

[REDACTED]

[REDACTED]

[REDACTED]

Page 22. ~ 23

[REDACTED]

[REDACTED]

asked about

[REDACTED]

I don't recall

[REDACTED]

[REDACTED]

[REDACTED]

this is how

b5, 6

[REDACTED]

(see Tab 6)

Conversation s/w

[REDACTED]

[REDACTED]

under stood

[REDACTED]

[REDACTED]

Interview on Oct. 6

[REDACTED]

[REDACTED]

[REDACTED]

Could be

[REDACTED]

[REDACTED]

Page 23 para. 1 [redacted]

Maybe [redacted]

Most troubling issue [redacted]

[redacted]

[redacted] we have discussed [redacted]

[redacted] I appreciate what you are trying to do.

b5,6

Engage in dialogue [redacted]

[redacted]

[redacted]

[redacted]

Key point

[redacted]

? It's important,

[redacted] We don't ~~use~~ name individuals.

[redacted]

is a question

" It
- 8/12 -

~~SECRET~~

[REDACTED]

[REDACTED]

[REDACTED] Clarify question [REDACTED]

You said [REDACTED]

[REDACTED] You say [REDACTED] We have [REDACTED]

[REDACTED] You have [REDACTED]

[REDACTED] We all [REDACTED] Appreciate the
SERIOUS LOSS.

b5, 6

[REDACTED] It is [REDACTED]

[REDACTED]

[REDACTED] Should be noted in the report [REDACTED]

[REDACTED] There is [REDACTED]
what is [REDACTED]

[REDACTED]

It is a question [REDACTED]

~~SECRET~~

- 9/12 -

~~SECRET~~

There is a series of ^{directions} [redacted] of [redacted]

Conversation w/ [redacted]

we were [redacted]

Recalled [redacted]

b5.6

Sounded like [redacted]

Notion that [redacted]

Comm after had ops order done [redacted]

Page 24 para. 2 I know from notes that [redacted]

-10/12-

~~SECRET~~

~~SECRET~~

■ Important to get this right.

■ Fairness

■ Gets to [redacted]
[redacted]

■ Page 27 para. 2
[redacted]

Page 29 last para. [redacted]

Comm. office was [redacted]

b5,6

[redacted]
[redacted]

Page 32 para. already discussed.

[redacted]
[redacted] probably believed that
[redacted]

■ 7

[redacted]

[redacted]

~~SECRET~~

-11/12-

~~SECRET~~

█ Thank you re-interviewing █

Encourage you to █

Another opportunity to review draft.

█ We want to get this right also.

b5,6

█ I will make myself available again.

█ Conference call from █

█ Haven't call █

It was five years ago.

- 12/12 -

~~SECRET~~

Doc. #115

~~SECRET~~

b6

of [redacted] (u) Main Justice, Rm 5236

b6

2/7/07 @ 1:00 PM

DHS/DIG: [redacted]

(2)

[redacted] Intro Thanks, intro [redacted]

Answer Report has been going

[redacted] and I inherited the project

Field work staff no longer

Everyone okay

type started

All

Yes

AT

b5,6

[redacted] Request confidentiality

Would you

[redacted] I requested they participate

[redacted] The department has requested the tapping

Let us keep us Secret

[redacted] Secret [redacted]

[redacted] My records have the same info as Secret

~~SECRET~~ SECRET

-1/20-

~~SECRET~~

[REDACTED]

b1

okay.

[REDACTED]

Outlined scope.

[REDACTED]

Counsel to DAG

[REDACTED]

b5,6

[REDACTED]

[REDACTED]

Counsel to DAG

portfolio included immigration issues

some point

[REDACTED]

stayed w/

[REDACTED]

became

[REDACTED]

designated

[REDACTED]

~~SECRET~~

~~SECRET~~

to [redacted] your @ back

We are not under investigation, we are here of behalf
Sr. Counsel to DAG, representing DOJ of DOT

OLC

Notes?

I have some notes, want

Class?

Yes

b5,6

When

Oct 2002, maybe late Sept. 2002

Read draft?

Yes

Make annotations

Flagged pages that need

b/c [redacted]

of major, of minor issues

~~SECRET~~

-3/20-

~~SECRET~~

[REDACTED] Go thru pages.

Ques.

Page 34, para. 3

[REDACTED]

[REDACTED]

b5,6

[REDACTED] Not sure.

[REDACTED] contact was

There is [REDACTED]

4 1/2 years. I have a pretty good memory.

I don't recall

Significant issues

General issue [REDACTED]

seem like [REDACTED]

This not [REDACTED]

~~SECRET~~

-4/20-

~~SECRET~~

b1

[REDACTED]

[REDACTED]

DOJ coordinated the DOJ components.

INS, ^{DIV.} Crim, ^{DIV.} Civ, OLC, OIG, FBI, BOP

[REDACTED] didn't have legal authority to make decisions
ODAC can't detain, remove

b5,6

INS commissioner has the authority.

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

[REDACTED]

[REDACTED]

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

b1

[REDACTED]

~~SECRET~~

b1

[Redacted]

Believe it was

[Redacted]

9/27/07

b1

[Redacted]

[Redacted]

[Redacted]

Don't recall

[Redacted]

[Redacted]

b5,6

[Redacted]

Discussion about

[Redacted]

b1

[Redacted]

We asked

[Redacted]

[Redacted]

b1

[Redacted]

b1

[Redacted]

b1

[Redacted]

b1

[Redacted]

~~SECRET~~

Options

dealt w/

Tab 5 teleconference on 10/3/02

b5,6

This was post 9/11
concern about

to get

Different

gout

We were having to

?

Regional Director - would determine admissibility

dealt w/

discussions were

was involved w/

Report reflects

RD has authority on inadmissibility

- 7/20 -

~~SECRET~~

~~SECRET~~

Tab 7

said would
had separate

was more

Next issue...

P.20,

I was not

Tab 8

b5,6

asked for

we got

b1

asked for

Tab 11

Conversations w/

Might have

-6/20-

~~SECRET~~

[Redacted]

[Redacted]

[Redacted]

[Redacted] work thro HQ.

[Redacted]

[Redacted]

b5,6

[Redacted]

[Redacted]

P. 21, para. 4

I don't know [Redacted]

We were [Redacted]

[Redacted] don't know

P. 22, para. 3

[Redacted]

[Redacted]

P. 23, 1st sentence, Don't know [redacted]

Remember [redacted]

If [redacted]

[redacted]

[redacted] said we should [redacted]

after [redacted]

Tab 5 [redacted]

said [redacted]

Tab 6 [redacted]

laid [redacted]

out [redacted]

b5,6

Next issue [redacted]

P. 13 para. 2

[redacted]

Concern was [redacted]

[redacted]

(Tab 13) [redacted]

b5,6

(tab 14) [redacted]

~~SECRET~~

[redacted] tried to [redacted]
[redacted] to my knowledge, [redacted]

We would ask [redacted]
[redacted]

So is it [redacted]

The issues of [redacted]
[redacted]

b5,6

P 23 para 2 [redacted]

P 23 para. 3 [redacted]

Says [redacted]
I received [redacted]
[redacted]

[redacted] would notify [redacted]

[redacted]

[redacted]

-11/20-

We were told [redacted]
[redacted]

~~SECRET~~

~~SECRET~~

There was

[REDACTED]

[REDACTED]

[REDACTED]

b1

[REDACTED]

b1

[REDACTED]

[REDACTED]

b5, 6

[REDACTED]

not sure if

[REDACTED]

[REDACTED]

[REDACTED]

Correct

[REDACTED]

[REDACTED]

[REDACTED]

Would be surprised if

[REDACTED]

Says "

[REDACTED]

BREAK

~~SECRET~~

~~SECRET~~

End p. 23 continues to top. 24

[REDACTED]

+ suggest

[REDACTED]

Next issue p. 25 - p. 26. -

[REDACTED]

p. 26 para. 1st Soli

[REDACTED]

b5, 6

[REDACTED]

Next issue p. 26 A

[REDACTED]

Tab 6 →

[REDACTED]

Tab 7 &

[REDACTED]

said if

[REDACTED]

b1

[REDACTED]

[REDACTED]

?

[REDACTED]

~~SECRET~~

-13/20-

~~SECRET~~

P. 27

[REDACTED]

b1

[REDACTED]

[REDACTED]

[REDACTED]

should

[REDACTED]

[REDACTED]

[REDACTED]

b5,6

[REDACTED]

b1

[REDACTED]

Last major issue

[REDACTED]

P. 15

[REDACTED]

I don't think

[REDACTED]

[REDACTED]

~~SECRET~~

~~SECRET~~

There was [redacted]

[redacted]

[redacted]

4 minor issues Any questions. you asked [redacted]

[redacted]

[redacted] said we are [redacted]

b5,6

[redacted]?

[redacted]

[redacted]?

[redacted]

[redacted]

4 minor issues P. 10 for 17

[redacted]

Look at [redacted]

said that

~~SECRET~~

-15/20-

~~SECRET~~

P. 10, Jan 19.

b1

P. 20 1st full para.

b5, 6

there were

was a concern.

Probably

T took

- 16/20 -

~~SECRET~~

~~SECRET~~

[REDACTED]

[REDACTED]

Did you

[REDACTED]

[REDACTED]

There was

[REDACTED]

[REDACTED]

That reminds me, I should clarify

[REDACTED]

b5,6

[REDACTED]

Post 9/11.

[REDACTED]

[REDACTED]

[REDACTED]

There were about

[REDACTED]

[REDACTED]

There was

[REDACTED]

~~SECRET~~

~~SECRET~~

[REDACTED]

[REDACTED] ?

[REDACTED]

P. 24 have to be

[REDACTED]

[REDACTED] ?

Only

[REDACTED]

b5, 6

[REDACTED] ?

[REDACTED]

Yes Really important.

[REDACTED]

My concern

[REDACTED]

Will there be another draft.

[REDACTED]

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

Don't know

[REDACTED]

We will consider what we heard.

[REDACTED]

The DOS requests the chance to review any changes

~~SECRET~~

-18/20-

~~SECRET~~

We DO think [REDACTED]

[REDACTED] believe [REDACTED]

Consider [REDACTED]

b5,6

[REDACTED] Some could have [REDACTED]

[REDACTED] Perhaps [REDACTED]

~~SECRET~~

-19/20-

~~SECRET~~

[REDACTED] want to transcribe

You can call me at home if you
have questions.

b5,6

[REDACTED] ?

End 3:30 PM

~~SECRET~~

-20/20-

Doc. #116

b6



Hand written notes

[redacted] Meeting w/ [redacted]

①

Was there ever [redacted]

②

Who does [redacted]

Note [redacted]

b2

③

Why [redacted]

Maybe

b1

④

Did [redacted]

b5,6

~~⑤~~

~~[redacted]~~

⑤

Did we consider [redacted]

⑥

Is there a ^{edit} difference b/w [redacted] and [redacted] (p.n.)

⑦

Are [redacted] used in [redacted] and [redacted]

⑧

You say [redacted] should it? [redacted]

Drafts

①

[Redacted]

b2

[Redacted]

b1

Separate Memos

[Redacted]

② ③

DHS OGC

↳ [Redacted] under Ashcroft

b5,6

They will will

[Redacted]

④ ⑤

[Redacted]

b1

class and subclass

[Redacted]

↳ 2 → class and subclass

⑥ ⑦

[Redacted]

SECRET

Phone call notes

[REDACTED]

[REDACTED]

[REDACTED]

b5,6

ODAG

ICE

CBP

[REDACTED]

SECRET

10/23/06

Potential

1. Whether

that it did not

pp. 10, 21

2.

in detention at MDC. p. 15

while

3. Visits by Canadian Consular officers. pp. 15, 17

4. Two attorneys imm./civ. p. 16

a. Visit w/ imm. atty 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's efforts to locate ARAR
on Mon. 10/7/02 pp. 30-31

b5

~~UNCLASSIFIED~~

b5,6

INS

INS Comm.
INS COS
INS GC
Chic INS NSA
INS Dep. GC

According to [redacted]

INS OGC
INS OGC
INS ERD
INS OGC RALD

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

b5,6

Decision to remove Avau to Syria made on 10/4/02 ^{at DOJ}
before CAT assessment.

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

Will make a [redacted]

It [redacted] if will want to [redacted]

[Code of Federal Regulations]
[Title 8, Volume 1]
[Revised as of January 1, 2006]
From the U.S. Government Printing Office via GPO Access
[CITE: 8CFR235.8]

[Page 424-425]

TITLE 8--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.

[62 FR 10358, Mar. 6, 1997, as amended at 64 FR 8494, Feb. 19, 1999]

Doc. #117

Meeting w/ USCIS

~~SECRET~~

3/15/07 @ 10:00 AM

Don't [redacted] just say

We are not trying to [redacted]

We will consider all your comments, we may not change text.

b5,6

Understand.

We were [redacted]

You have a copy of [redacted]

It gets [redacted]

You will see [redacted]

We aren't

~~SECRET~~

~~SECRET~~

[redacted] were done [redacted]

[redacted] ? [redacted]

[redacted]

When this case happened I didn't [redacted]
[redacted]

One was.

b5,6

How [redacted] is handled is
[redacted] ?

[redacted]

[redacted]

No one [redacted]
[redacted]

[redacted] ?

No [redacted] was [redacted]

then there was a [redacted]
[redacted]

~~SECRET~~ 2 of 7 -

~~SECRET~~

Effort to [REDACTED]?

[REDACTED]

When we [REDACTED]
we wanted it [REDACTED]
[REDACTED]

[REDACTED] if conflict [REDACTED]
[REDACTED]

[REDACTED] ?

[REDACTED]

b5,6

So they represent [REDACTED]

[REDACTED]

You say [REDACTED]

Ultimately [REDACTED]

The commissioner makes the determination
for protection.

[REDACTED]

~~SECRET~~

~~SECRET~~

We [REDACTED]

Things were [REDACTED]

What is [REDACTED]

b5,6

This [REDACTED]

Second major issue...

You refer to [REDACTED]

[REDACTED] was prepared [REDACTED]

After the [REDACTED] was
know

[REDACTED] might have [REDACTED]

~~SECRET~~

- 4 of 7 -

~~SECRET~~

[REDACTED]

[REDACTED]

When [REDACTED], it did not

[REDACTED]

[REDACTED]

[REDACTED] Reason to [REDACTED]?

[REDACTED] We don't [REDACTED]

b5, 6

[REDACTED]

b1

[REDACTED]

[REDACTED] our process in values [REDACTED]

Most often [REDACTED]

[REDACTED] the decision

[REDACTED]

-5 of 7-

~~SECRET~~

~~SECRET~~

[REDACTED]

[REDACTED]

There is

a process.

[REDACTED]

DHS was

[REDACTED]

[REDACTED]

[REDACTED]

b5,6

[REDACTED]

[REDACTED]

Some might say

[REDACTED]

[REDACTED]

[REDACTED]

Attorney/ client privilege?

[REDACTED]

Arguably

[REDACTED]

[REDACTED]

[REDACTED]

told us to

[REDACTED]

We may have

[REDACTED]

- 6 of 7 -

~~SECRET~~

~~SECRET~~



Take comments



b5, 6



b5, 6

- 7 of 7 -

~~SECRET~~

Doc. #118

working papers

~~SECRET~~

②

b6

Arar F/u mtg - L. Thompson Counsel 8/28/08 1432

[redacted] (L. Thompson. counsel)

(DOJ)

(U)

[redacted] explain who's here, why

[redacted]

[redacted] convene in SCIF, DOJ or here

[redacted] - recording ok? [redacted] will check → RESP. due *

[redacted] - equip. problem 1st time ago

[redacted] - upgraded to digital

b5, 6

will not prep transcript, get CD

[redacted] - can we have copy?

[redacted] - class. storage req's

can access here though

± @ DOJ [redacted] - fine

[redacted]

4 Cats: 1) conversations betw. LT + Armitage/DOJ

re: Arar [redacted]

2)

[redacted]

3)

4)

[redacted]

(S)

[redacted] - can you [redacted] ?

b1

[redacted]

what did [redacted] ?

b1

[redacted]

↳ explains why

[redacted]

my recall. is that

[redacted]

[redacted]

b5,6

eg what was

[redacted]

(u)

[redacted] ?
[redacted]

(u)

- has LT read rpt ?

- yes, perhaps

[redacted]

[redacted]

(u)

[redacted]

(s)

b1

[REDACTED]

(u)

[REDACTED] will reconsider whether [REDACTED]
[REDACTED]

[REDACTED] - does [REDACTED] ? [REDACTED]

[REDACTED] ?
[REDACTED] wants DOJ to [REDACTED]

b5, 6

[REDACTED]

↳ only re: [REDACTED]

[REDACTED] full coop. promised

[REDACTED]

[REDACTED] in some cases we don't ~~the~~
need [REDACTED]

[REDACTED]

[REDACTED] summarizes [REDACTED]
says [REDACTED]

[REDACTED]

(u)

[redacted] ?
perhaps [redacted]

[redacted]
"I don't think [redacted]"

Thinks [redacted]
Thinks [redacted]

[redacted]

aware of a casual RA-IT phonecall per PA
before MA removed

b5, 6

[redacted]
eg. [redacted]

DO concerned w/ [redacted]

[redacted] ?

[redacted] std procedure for all repts
if we write a supplement, will invite
comments for final to be published

[redacted] ? [redacted]

[redacted] ?
[redacted] ?

~~SECRET~~

(6)

(u)

[redacted] ?

[redacted] can we [redacted] ?

[redacted]

[redacted] ?

[redacted] on prev. Anaruk, did we [redacted] ? [redacted]

[redacted]

[redacted]

[redacted] we do [redacted]

[redacted]

b5, 6

[redacted] - do you [redacted] ?

[redacted] helpful for us too

1522 [redacted] - no more &

[redacted] dates?

[redacted] will ask CT, very busy now

(1523)

after disc [redacted] re: DOS attorney sitting in

[redacted] supplement re-questioning

[redacted] & long asked

Doc. #119

~~SECRET~~



Office of Inspector General
Office of Inspections

Project # 84

Binder # C

Tab #

Page # of

MEMORANDUM OF RECORD

Preparer: [redacted]

Purpose:

Source:

Date/Time: February __, 2007 : am pm

working paper

Participants:

[redacted] [redacted] [redacted] [redacted]

Location:

Documents:

Follow Up:

Discussion:

(u)

[redacted]

[redacted] no problem [redacted] need to discuss [redacted]

DOT + 2 counsel

[redacted]

- Counsel

Document inherent in this

- minute interview

- SCIF

DOT - can provide room

- recorded?

- will check

DOT -

-

could we

- storage

- need to think about

- not a problem - get back to us on timing - 4 interviews of Q5 -

1) in separate LT + Armitage

2)

3) interviews w/

4) procedures - why

DOT - Armed to

Armed to

okay

b5, 6

~~SECRET~~



Office of Inspector General
Office of Inspections

Project # 84

Binder # C

Tab #

Page # of

(2)

MEMORANDUM OF RECORD

Preparer: [redacted]

Purpose: _____

Source: _____

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

Participants: _____

Location: _____

Documents: _____

Follow Up: _____

Discussion: _____

(U)

DOT needs to go back [redacted] - was very small
me, [redacted] told
not a problem of [redacted] Not sure why DHS OIT is
reopening review of the publication, highest value of DOT.

There is a hazard, we are the legacy agency for the issue [redacted]
The split does not make the relationship at the time
disappear.

DOT - may not [redacted]

do you have [redacted] ?
Anything else?

b5, 6

(S)

DOT - what are [redacted] ?

[redacted]

DOT - [redacted]
that would not go to Canada, [redacted] not
challenged. Basic for [redacted]

- As about [redacted] award
- [redacted] not strictly relevant, [redacted]

- the number of critical visa stamps, [redacted]



3

Benefit Fraud

MEMORANDUM OF RECORD

Preparer: [redacted]

Purpose: _____

Source: _____

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

Participants:
 [redacted] [redacted] [redacted] [redacted]

Location: _____

Documents: _____

Follow Up: _____

Discussion:

(u)

[redacted]
DOT - several drafts, later draft [redacted]

[redacted]
DOT - early draft, needs [redacted]
- we only have [redacted]

[redacted]
DOT - we will [redacted]

b1

[redacted]
DOT - surprised [redacted]

[redacted]
- Lawyers need to [redacted] ?
- [redacted] would have [redacted]

b5,6

[redacted]
DOT - Va has [redacted] on you [redacted] I can ask whether [redacted]

[redacted]
- Doubt [redacted] whether [redacted] will cooperate
need to defer [redacted]

[redacted]
DOT - [redacted] rather than [redacted] I have of [redacted]
[redacted] but not - [redacted]

[redacted]
- Decision, [redacted] - Range of issues, [redacted]

[redacted]
DOT - No problem [redacted]

[redacted]
- [redacted] - was there [redacted] ?
- [redacted] believed [redacted]

[redacted]
DOT - [redacted] said [redacted] - Is this [redacted]

[redacted]
- [redacted] we might issue a supplement if we would show [redacted]

b6

[redacted]



~~SECRET~~

(S)

[Redacted]

MEMORANDUM OF RECORD

Preparer: [Redacted]

Purpose: _____

Source: _____

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

Participants:
 [Redacted] [Redacted] [Redacted] [Redacted]

Location: _____

Documents: _____

Follow Up: _____

Discussion: _____

(U)

[Redacted] - Yes, Next step is to review document + there is CT on it both memory.

[Redacted] - How [Redacted]?

[Redacted]

[Redacted] - will [Redacted] will [Redacted]

[Redacted] - we look at [Redacted]

[Redacted]

[Redacted] - Access [Redacted]?

DDI - we would [Redacted]

[Redacted] - Would [Redacted]?

DDI - would [Redacted] asked for [Redacted]?

[Redacted] - [Redacted] would provide [Redacted]

[Redacted] - Have [Redacted]!

[Redacted] helpful except [Redacted]

b5,6

[Redacted]



Office of Inspector General
Office of Inspections

~~SECRET~~

Project # 84
Binder # C
Tab #

Page # of

(S)

[Redacted]

MEMORANDUM OF RECORD

Preparer: [Redacted]

Purpose: _____

Source: _____

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

Participants: _____

_____ _____ _____ _____

Location: _____

Documents: _____

Follow Up: _____

Discussion: _____

(U)

b5, 6

[Redacted] - preliminary dates!
[Redacted] - busy period, has to [Redacted] maybe can set dates.

DOJ - Ashbaugh met w/DOJ - [Redacted]
Curious, inaccuracies: State & how reopening everything

[Redacted] - DO information not available originally, Congress asked to reopen

DOJ - Congress

[Redacted] - while this was a Congressional request

[Redacted]

Doc. #120

SECRET

(U) November 18, 2008

(U) In attendance:

(S) [REDACTED], DOJ OPR
(S) [REDACTED], DOJ Highest Ranking Career Attorney
(S) [REDACTED], Counsel to the DOJ DAG
(S) [REDACTED], DOJ Office of Legal Counsel
(S) [REDACTED], Ropes & Gray
(U) Larry Thompson, former DOJ DAG
(S) [REDACTED], Baker Botts
(S) [REDACTED], DHS OIG ISP AIG
(S) [REDACTED], DHS OIG OGC
(S) [REDACTED], 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) [REDACTED]: This is our capstone interview, I inherited Arar 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) [REDACTED]: [referring to the cassette player] Definitely picky.

(U) [REDACTED]: Now we did consent earlier to recording so ...

(U) [REDACTED]: 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 [REDACTED] 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) [REDACTED]: We'll have to consider the destruction of it but we certainly understand your request.

(U) [REDACTED]: 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.

b5, 6

SECRET

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

(U) [Cassette tape recorders turned off]

(U) [REDACTED]: Well, we want an accurate transcript.

(U) [REDACTED]: Well, first of all, we'll introduce the OIG team, I'm [REDACTED] 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. [REDACTED], and I've asked [REDACTED] to come along to assist me. And [REDACTED] is a senior inspector as a part of the [REDACTED] 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) [REDACTED]: I'm [REDACTED], 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.

b5, 6

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

(U) [REDACTED]: As [REDACTED] just referenced me, I'm [REDACTED], I'm currently a counsel for the Deputy Attorney General. [REDACTED] 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) [REDACTED]: Thank you. [General laughter]

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

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

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

(U) [REDACTED], honored to be counsel to the former deputy, Baker Botts

SECRET

(U) [REDACTED]: Great, well, I'll be the primary interviewer, however, I've empowered [REDACTED] 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: [REDACTED] 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 browse 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.

~~SECRET~~

(U) Side comment: .34

(U) Larry Thompson: 34?

(U) [REDACTED]: 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) [REDACTED]: 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) [REDACTED]: Can you tell me-

(U) [REDACTED]: And an outstanding Deputy Attorney General.

(U) [REDACTED]: Can you tell me the dates that you were the Deputy Attorney General?

b5, 6

(U) Larry Thompson: 2001 to 2003

(U) [REDACTED]: 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) [REDACTED]: 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]
[REDACTED]

(U) [REDACTED]: Were there any other documents that you reviewed?

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

(U) [REDACTED]: You reviewed [REDACTED]?

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

(U) [REDACTED]: 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.

SECRET

(U) Larry Thompson: [REDACTED]

(U) [REDACTED]: Did you [REDACTED] -- other than --

(U) Larry Thompson: [REDACTED]

(U) [REDACTED]: Other than [REDACTED]

(U) Larry Thompson: No.

(U) [REDACTED]: Did you discuss --

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

(U) [REDACTED]: Alright, you did not -- I shouldn't [REDACTED] -- did you [REDACTED]?

b5,6

(U) Larry Thompson: [REDACTED]

(U) [REDACTED]: Are you aware that we have interviewed Mr. Armitage?

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

(U) [REDACTED]: Through reading [REDACTED]. Prior to serving as the Deputy Attorney General, can you [REDACTED]

(U) Larry Thompson: You mean [REDACTED] --

(U) [REDACTED]

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

(U) [REDACTED]: Or [REDACTED] to which [REDACTED]?

(U) Larry Thompson: [REDACTED]

(U) [REDACTED]: Did you [REDACTED] those issues [REDACTED]?

(U) Larry Thompson: [REDACTED]

SECRET

(U) [REDACTED]

(U) Larry Thompson: [REDACTED]

(U) [REDACTED] Mr. Arar was detained at John F. Kennedy Airport on September 26, 2002. [REDACTED] his detention and [REDACTED]?

(U) Larry Thompson: [REDACTED], and I was probably [REDACTED].

(U) [REDACTED] Did you [REDACTED] the specific reasons [REDACTED]?

(U) Larry Thompson: [REDACTED] I don't know if I would call it [REDACTED]. But I understood the reason why we were interested in him.

(U) [REDACTED]: Is that - included in your packet is [REDACTED] and just and it discusses [REDACTED] I just wanted to [REDACTED]

b5, 6

(U) Larry Thompson: [REDACTED], may I just give you sort of a picture, an understanding of my responsibilities as the Deputy Attorney General and if you look at the organization chart of the Department of the Attorney General, I mean the Department of Justice, everything in the Department, and it is probably [REDACTED], but everything in the Department of Justice reported to the Attorney General through me. So if you - I just want 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 - [REDACTED]. I had - and [REDACTED], I had [REDACTED] until the end of the day, in which every day I had a staff meeting with my staff, and so in any given days there were [REDACTED]. Every day I went to the FBI for a security briefing, some days I went to the White House for a briefing with the president, and I started off every day with a meeting of my staff who were responsible for national security matters. And then I did sort of the regular business of the Department of Justice. [REDACTED], I just wanted you to understand in context what my typical day was like.

(U) [REDACTED] I appreciate that.

SECRET

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

(U) [redacted]: The reason that I [redacted] discusses the [redacted]

(U) Larry Thompson: [redacted]. 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 so I had [redacted]

I considered to be [redacted]

is now [redacted]

I was very impressed with [redacted]

(U) [redacted]: Do you recall [redacted] you considered [redacted] -

(U) Larry Thompson [redacted] and I believe at one time [redacted]

I think, [redacted]

?

b5, 6

(U) [redacted]

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

- Did you [redacted]

?

(U) Larry Thompson: I believe with respect to the Arar matter [redacted]

, who was [redacted]

(U) [redacted] I note for the record that we got [redacted]

(U) [redacted] There was not -- [redacted]

(U) [redacted]

(U) [redacted]: Included in your package you perhaps [redacted] -

(U) [redacted]: I think we should clarify, [redacted]

(U) [redacted] --

SECRET

(U) [REDACTED]: Maybe there was [REDACTED]

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

(U) [REDACTED]: 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) [REDACTED]: Okay, at any rate, [REDACTED].

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

(U) [REDACTED]: If you have that, [REDACTED] there in front of you.

b5, 6

(U) Larry Thompson: I have it.

(U) [REDACTED]: You've had a chance to review that.

(U) Larry Thompson: I did read it.

(U) [REDACTED]: Okay. And is there anything [REDACTED]?

(U) [REDACTED]: You know, [REDACTED] you know, [REDACTED], and

(U) [REDACTED]: Well, take whatever time you need, it's--

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

(U) [REDACTED]: Well, for example, on page 2--

(U) Larry Thompson: Like [REDACTED] things like that, you know, [REDACTED]

SECRET

(U) [REDACTED]?

(U) Larry Thompson: No.

(U) [REDACTED]: Just [REDACTED] before you [REDACTED]

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

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

(U) [REDACTED]: I don't think [REDACTED].

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

(U) [REDACTED]: Okay.

(U) [REDACTED]: That's fair.

b5, 6

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

(U) [REDACTED] [pronouncing [REDACTED]]

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

(U) Larry Thompson: [REDACTED]

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

(U) [REDACTED]: As to INS?

(U) [REDACTED]: I'm sorry?

(U) [REDACTED]: As to whom, INS?

(U) [REDACTED]: No, as to anybody, who made the decision to designate Syria as the country of removal.

SECRET

(U) Larry Thompson: I understood that he was a Syrian citizen, and that he had to either be removed to Syria or Canada. [REDACTED] there was probably a third choice which is the country from which he came, [REDACTED] 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, [REDACTED] when I signed the document that I did, [REDACTED]

(U) [REDACTED]: Okay. And as far as [REDACTED]?

(U) Larry Thompson: I don't [REDACTED].

(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. [REDACTED].

(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.

SECRET

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) [REDACTED]: No, thank you, and please, if at any time you want to take a break...

(U) Larry Thompson: I'm sorry.

(U) [REDACTED]: But, and please understand -

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

(U) [REDACTED]: 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) [REDACTED]: 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) [REDACTED]: 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 that 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,

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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] [redacted]?

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

(U) [redacted]: Would [redacted] [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.

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(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] [redacted] but I don't recall what he said.

(U) [redacted]: I assume you're asking [redacted] prior to [redacted]

(U) [redacted]
(U) [redacted]
(U) [redacted]
(U) [redacted]
(U) [redacted]

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

(U) [REDACTED]: In your conversation with Mr. Armitage, did, were you seeking diplomatic assurances from the Department of State? [REDACTED]?

(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) [REDACTED]: Is it accurate -- well, let me ask the question in a --

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

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(U) [REDACTED]: Were you seeking his concurrence in this course of action?

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

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

(U) Larry Thompson: [REDACTED].

(U) [REDACTED]? [REDACTED]? I'll just [REDACTED] and see if you [REDACTED].

(U) Larry Thompson: [REDACTED].

(U) [REDACTED]: [REDACTED]? [REDACTED]?

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

(U) Larry Thompson: [REDACTED].

(U) [REDACTED]: [REDACTED]?

(U) Larry Thompson: [REDACTED].

(U) [REDACTED]: [REDACTED]?

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(U) Larry Thompson: [REDACTED], but I did not have [REDACTED].

(U) [REDACTED]?

(U) Larry Thompson: [REDACTED] I 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]k: This was [REDACTED].

(U) Larry Thompson: 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: Can I --

(U) [REDACTED]: Sure

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

(U) [REDACTED]: In my recollection of -- when I spoke with Mr. Armitage, [REDACTED]

[REDACTED]?

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(U) Larry Thompson: [redacted] I was thinking about your point, [redacted], because -- and [redacted] may not have [redacted], but I do believe that [redacted] -- that transpire across the government, you know [redacted], I believe [redacted]. I don't believe that [redacted]

(U) [redacted]: To what extent were you [redacted]?

(U) [redacted]: To what extent was [redacted].

(U) [redacted].

(U) Larry Thompson: [redacted].

(U) [redacted]: It was suggested that [redacted] might have been [redacted]. Do you [redacted]?
Did [redacted]?

(U) Larry Thompson: 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.

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(U) [redacted]: In your packet there's [redacted]

(U) [redacted]: It's [shuffled through papers]

(U) [redacted]: He has it? Great. In that [redacted] suggests that [redacted] presumably that's [redacted], and my question to you, sir, was [redacted]?

(U) Larry Thompson: [redacted], and I had [redacted]. I [redacted] of recollection [redacted]. ... Again, to the best

(U) [redacted]: You said a few minutes ago that you're [redacted] deal with removals and [redacted], just to give you a really quick briefing on [redacted]

(U) [redacted]?

(U) [redacted]: Yes [redacted].

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(U) [REDACTED]: This document is [REDACTED].

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

(U) [REDACTED]: I have it.

(U) [REDACTED]: There was some concern on [REDACTED] part regarding - it seems that [REDACTED]. That typically [REDACTED] even expressed concern that this might [REDACTED]. Does - is any of that familiar at all to you?

(U) Larry Thompson: [REDACTED] I will say that [REDACTED] reason to believe that there was [REDACTED] applicable laws and regulations.

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(U) [REDACTED]: Mr. Arar ended up in Syria but he went through - to Syria through Jordan. Do you [REDACTED]?

(U) Larry Thompson: [REDACTED]

(U) [REDACTED]: Were you aware that [REDACTED]?

(U) Larry Thompson: [REDACTED]

(U) [REDACTED]: 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 [REDACTED]?

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

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[REDACTED] - what my understanding is of how

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

(U) Larry Thompson: [REDACTED]

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

(U) Larry Thompson: [REDACTED]

(U) [REDACTED]

(U) [REDACTED]

(U) Larry Thompson: [REDACTED]

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(S) [REDACTED]

(S) [REDACTED]

(S) [REDACTED]

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

(S) [REDACTED]

(S) [REDACTED]

b1

(S) [REDACTED]

(S)

[REDACTED]

b1

(S)

[REDACTED]

(S)

[REDACTED]

(S)

[REDACTED]

(U) Larry Thompson; Not that I recall.

b1

(S)

[REDACTED]

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(U) Larry Thompson; No sir.

(S)

[REDACTED]

(S)

b1

(S)

[REDACTED]

(S)

[REDACTED]

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(S) [REDACTED]
b1 [REDACTED]

(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. [REDACTED]?

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

(U) [REDACTED]: During [REDACTED]. Under -- what is your understanding of why [REDACTED]?

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(U) Larry Thompson: [REDACTED] --....

(U) [REDACTED]: Okay. And actually [REDACTED], there's one document that I culled up from the back that I'd like you to take a look at. If I can -- I've made such a mess of it here so I don't know if I can find it anymore. But it's [REDACTED]. That's it right there. And we know [REDACTED] -- it was a [REDACTED], for a, it just --

(U) [REDACTED]: Can you [REDACTED]?

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

(U) [REDACTED].

(U) [REDACTED], correct.

(U) [REDACTED]

(U) [REDACTED]: This certainly -- there's an appearance that -- this was [REDACTED] may or may not be [REDACTED] had been consulting with [REDACTED] and made certain [REDACTED] based on [REDACTED] regarding having dealt with other matters where [REDACTED] -- but to have [REDACTED]

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[REDACTED], I mean, is that [REDACTED]?

(U) Larry Thompson: I had [REDACTED], and I want to assure you again, that I [REDACTED] We - I receive information - I receive phone calls, and [REDACTED] I think you can recall this --

(U) [REDACTED]: 24/7

(U) Larry Thompson: We received phone calls and it wasn't unusual for me, [REDACTED], to get -- have a vibration, having the thing go off during church - when I attended church. In fact, [REDACTED] will tell you, [REDACTED] saw me walking out of church probably every other Sunday. [REDACTED], all the time [REDACTED]. But I just want to reiterate. [REDACTED]. And I do recall asking that question. Was [REDACTED]. 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.

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(S) [REDACTED]

b1

(U) Larry Thompson: That's a good question. I think I had [REDACTED] either [REDACTED] or [REDACTED]. I can't recall any specific [REDACTED] but I do believe that I had [REDACTED]

(U) [REDACTED] I think states very clearly that [REDACTED]

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

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

(U) Larry Thompson: [REDACTED] Mr. Deputy Attorney General, we may be [REDACTED] but we really need to [REDACTED]. [REDACTED] And I wouldn't have [REDACTED] if that's what [REDACTED]

SECRET

(U) [REDACTED]: Were you aware that there was [REDACTED]
[REDACTED]

(U) Larry Thompson: [REDACTED] I was aware that throughout this aftermath of 9 11 there were differences of opinion between some lawyers at Main Justice and others say in the INS about whether or not we should – whether or not the [REDACTED]. We had the same disagreements sometimes among FBI agents who wanted to [REDACTED] and so this changing of 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.

(U) [REDACTED]: Well, when there were [REDACTED] you mentioned [REDACTED]. Did you ever [REDACTED]?

(U) [Several voices]

(U) [REDACTED]: I don't think we've [REDACTED] but--

(U) [REDACTED]: Well, I'm just repeating back that you said that you were [REDACTED] -

(U) Larry Thompson: If something ever came to my attention, I called balls and strikes. So it wasn't a matter of [REDACTED] or [REDACTED]. It was whatever I determined was the appropriate way to decide it. I called balls and strikes like an empire.

(U) [REDACTED]: And safes and outs?

(U) Larry Thompson: What's that?

(U) [REDACTED]: Safes and outs.

(U) [REDACTED]: That's right [general laughter]

(U) [REDACTED]: He of course just said that generally. You're not saying that as in recalling anything that -

(U) Larry Thompson: No, I think you were just asking a general question.

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(U) [redacted] You don't recall, or do you recall, any [redacted]
[redacted], that there was concern [redacted]
[redacted]

(U) [redacted]: About the Arar matter.

(U) [redacted]: About the Arar matter, about the [redacted]
being provided as [redacted].

(U) Larry Thompson: [redacted] and to
[redacted] point before, you know, I see that it's [redacted]
[redacted].

(U) [redacted]: Is that the [redacted] that you would have expected [redacted]
[redacted]

(U) [redacted]

[redacted], thank you, [redacted]?

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(U) Larry Thompson: [redacted], we had [redacted]. And it
[redacted].

(U) [redacted]: 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.

(U) Larry Thompson: No, I was not looking for diplomatic assurances.

(S) [redacted]

b1

(S) [redacted]
[redacted]

(U) [redacted]: So you would be [redacted] on the, when you say [redacted], are
you talking about [redacted] or [redacted]?

(U) Larry Thompson: And/or [redacted]. Or even [redacted] I just, you know, I think I
[redacted] during this period of time.

(U) [redacted]: You didn't - I'm sorry, I didn't mean to interrupt you -

(U) Larry Thompson: [redacted] I had [redacted] But I [redacted] with my staff.

(S) [redacted]

b1 (S) [redacted]

(U) [redacted]: I'm sorry, that what was mentioned?

(U) Larry Thompson: [redacted] was mentioned [redacted].

(U) [redacted]?

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

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(U) [Sidebar conversation]

(U) [redacted], can we talk to you - the SCIF -

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

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

(U) [Break to discuss addressing classification concerns]

(U) [redacted]: If Mr. Thompson was going to [redacted], it is possible that [redacted], because he was [redacted] as the Deputy Attorney General, the Department at this point is [redacted] the substance of [redacted] t for your purposes. But we had a [redacted] going to be discussed here. We are now [redacted] I honestly have [redacted]

SECRET

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

(U) [redacted]: The information that would be [redacted]?

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

Because we're talking about [redacted]

(U) [redacted]?

(U) [redacted]

(U) [redacted]

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(U) [redacted]: Right. I mean, I assume the three of you --

(U) [redacted] I don't think [redacted] I think that's all that --

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

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

(S) [redacted]

b1

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

(U) [redacted] Absolutely. I mean --

SECRET

(U) [REDACTED]: 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 [REDACTED].

(U) [REDACTED]: Yes or no, you mean?

(U) [REDACTED]: Yes.

(U) [REDACTED]: As a foundation for --

(U) [REDACTED]: Right.

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

(S) [REDACTED]

b1

(U) [REDACTED]: But the foundational question I had in mind was does he remember [REDACTED].

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

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

(U) [REDACTED]: But do you have a recollection --

(U) Larry Thompson [REDACTED]

(U) [REDACTED]: Okay, you [REDACTED] of actually having [REDACTED].

(U) Larry Thompson: [REDACTED].

(U) [REDACTED]: But it seems like the kind of topic that [REDACTED].

(U) Larry Thompson: Yes. Now let me explain again the context of all this. When this [REDACTED].

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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 the 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.

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b1 (S)

(U) Larry Thompson: Oh, no, this was to the Department of Justice. These were [REDACTED]

And--

(U) [REDACTED]?

(U) Larry Thompson: Yes.

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

(U) Larry Thompson: [REDACTED]. I think called Rich, again, out of comity, [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.

SECRET

(U) [redacted]: 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 [redacted]

(U) Larry Thompson: [redacted] ... It's not to say that [redacted] [redacted], I just [redacted]. It's just a very, very, unbelievably challenging time for us. I was working - I'd get to the office at 8:00 having been to the normal briefings that started at either 6:30 or 7:00, I'd get to our office at 8:00 o'clock and if I went to the White House I'd get to the office about 8:30 and I don't think anybody - seldom left before 9.

(U) [redacted] At night.

(U) Larry Thompson: At night. Correct.

(U) [redacted]: Well, okay. Anything else?

(U) [redacted]: Yes, I have a couple more questions. I'm sorry - [redacted] talks about 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 [redacted]?

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(U) Larry Thompson: [redacted] -

(U) [redacted]: [redacted], do you have a present recollection of having -

(U) Larry Thompson: [redacted].

(U) [redacted]: [redacted] do you have a recollection of, [redacted], you -

(U) Larry Thompson: [redacted]

[redacted] (S) [redacted]

b1

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

SECRET

(U) [REDACTED]: I believe --

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

(U) [REDACTED]: Mr. Thompson says --

(U) [REDACTED]: You don't remember the --

(U) [Several voices]

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

(U) [REDACTED]: It's been answered.

(U) [REDACTED]: 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 [REDACTED], and that's what my question was, if you [REDACTED]. And I understand you don't even remember having seen this, but my question was if you recall [REDACTED]
[REDACTED]

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

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

(U) [REDACTED]: 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, [REDACTED], I'm not. There just has to be a better process. I really feel harassed for trying to serve my country.

(U) [REDACTED]: Anything else.

(U) [Several voices]

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

(U) [REDACTED]: You want to take a break?

(U) Larry Thompson: And I'm not directing this at you personally -

(U) [REDACTED]: I understand. I don't take it personally either.

(U) [REDACTED]: You know, it does not begin and end with this questioning. Counsel, if you wish, and lets come to a conclusion.

(U) Larry Thompson: You want me to step outside?

(U) [REDACTED]: You can stay here or not, I just want to run through my notes. Do you have anything else that you -

(U) [REDACTED]: Oh, no, I'm good... Just let me look again.

(U) [REDACTED]: Would it be okay if I asked just a couple of questions?

b5, 6

(U) [REDACTED]: It would be fine with us. ... Do you want us to go outside so you can talk?

(U) [REDACTED]: Can we drop the recordings?

(U) [REDACTED]: Yeah, you can turn those off.

(U) [Cassette recorders turned off]

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

(U) [REDACTED]: Sure.

(U) Larry Thompson: [REDACTED], 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 [REDACTED]
[REDACTED]

(U) [REDACTED]

(U) Larry Thompson: I'm sorry, that's it.

(U) [REDACTED]. We were only [REDACTED].

SECRET

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

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

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

(U) [REDACTED]: I appreciate that.

(U) Larry Thompson: Yeah.

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

(U) [REDACTED]: He's got it.

(U) [REDACTED]: Do you have any recollection [REDACTED]
[REDACTED]?

(U) Larry Thompson: [REDACTED]. I did review [REDACTED]
[REDACTED]

(U) [REDACTED]: And in reviewing it, does it [REDACTED]
[REDACTED]?

(U) Larry Thompson: [REDACTED]
[REDACTED]

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

(U) [REDACTED]: Okay, in the second paragraph there, and again, it says Section 235
(c) 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) [REDACTED]: Yes, he does.

(U) [REDACTED]: And do you recall [REDACTED]
[REDACTED]?

(U) Larry Thompson: [REDACTED]

b5, 6

SECRET

(U) [REDACTED]: Okay, thank you.

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

(U) [REDACTED]: But do you recall [REDACTED]?

(U) Larry Thompson: [REDACTED]

(U) [REDACTED]: About this matter of Arar. [REDACTED]?

(U) Larry Thompson: [REDACTED].

(U) [REDACTED]: In your conversation with Deputy Secretary Armitage on the telephone, do you recall [REDACTED]?

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

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

(U) [REDACTED]: 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) [REDACTED]: And, at any time since then, [REDACTED]?

(U) Larry Thompson: No.

(U) [REDACTED]: Is this the [REDACTED]?

(U) Larry Thompson: I believe so.

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

(U) [REDACTED]: I think you had some questions? No? Then I thank you as well, sir, I appreciate your patience.

b5,6

SECRET

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

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

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

(U) [Several voices, cassette records turned off]

b5, 6

Doc. #121



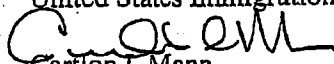
Homeland Security

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Unclassified When Classified Attachment Removed

January 23, 2007

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

FROM: 
Carlton I. Mann
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

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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 [REDACTED], Inspector, Office of Inspections, at (202) 254-[REDACTED].

Attachments (2)

cc: The Honorable Michael Chertoff,
DHS Secretary

The Honorable Michael P. Jackson,
DHS Deputy Secretary

The Honorable Philip J. Perry,
DHS General Counsel

[REDACTED],
DHS Audit Liaison

[REDACTED],
CBP Audit Liaison

[REDACTED] ✓
CIS Audit Liaison

b6

Unclassified When Classified Attachment Removed
~~SECRET~~

Doc. #122



~~SECRET~~

(unclassified when separated from enclosure)

DEPARTMENT of HOMELAND SECURITY

Office of Inspector General
Washington, D.C. 20528

October 24, 2006

~~SECRET~~

(unclassified when separated from enclosures)

By hand delivery

b6

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

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

b6

Dear ██████████:

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~~

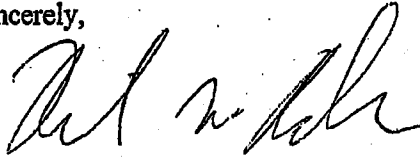
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(unclassified when separated from enclosure)

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,



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

Enclosures: As stated

~~SECRET~~

(unclassified when separated from enclosure)

Doc. #123

Telecom w/ICE, Atty. [REDACTED]

b5,6

STE # (202) [REDACTED]

3/28/07 @ 2:00 PM

[REDACTED], ICE
ICE

[REDACTED] Your name

May be [REDACTED]

You should [REDACTED]

b5,6

Page 2 1st full para, last two sentences

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Copy

[REDACTED] Yes.

[REDACTED] on pg. 2

Page 16, 1st para [redacted]

last sentence [redacted]

[redacted]

Page 19, last para [redacted]

All sentences, except last [redacted]

[redacted]

b5

My experience [redacted]

I am

told [redacted]

Page 23, last para

There appears

second sentence

specifics of what [redacted]

[redacted]

Wants [redacted]

[redacted] FOIA exempt info

Said [redacted]

[redacted]

Doc. #124



Homeland
Security

JAN 28 2010

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
Richard L. Skinner
Inspector General

cc: The Honorable Jerrold Nadler
DHS Office of Legislative Affairs

Office of Inspector General

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

JAN 28 2010

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

Dear Chairman Nadler:

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.

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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 John Conyers, Jr.
DHS Office of Legislative Affairs

JOHN CONYERS, JR., Michigan
CHAIRMAN

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ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

January 20, 2010

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.¹ 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.

¹U.S. Department of Homeland Security Inspector General Report OIG-08-18, "The Removal of a Canadian Citizen to Syria." Joint Hearing before the Subcomm. on the Constitution, Civil Rights, and Civil Liberties of the H.Comm. on the Judiciary and the Subcomm. on International Organizations, Human Rights, and Oversight of the H.Comm. on Foreign Affairs, 110th Congress, tr. at 18 (2008) (hereinafter *Joint Hearing on Inspector General Report OIG-08-18*) (testimony of Richard L. Skinner, Inspector General, Department of Homeland Security).

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

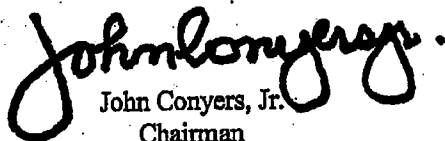
When we still had not received the revised report, or any explanation of the delay in providing it, we again contacted your office in October 2009. At this point, we were told that the report had been finalized and forwarded to you for final review, with the assurance that we would be receiving the report 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."² 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

~~SECRET//NOFORN~~

Office of Inspector General
U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

- (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
Richard L. Skinner
Inspector General

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

Office of Inspector General
U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

(U) The Honorable John Conyers
Committee on the Judiciary
United States House of Representatives
Washington, DC 20515-6216

(U) Dear Congressman Conyers:

(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

Richard L. Skinner
Inspector General

~~SECRET//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 Investigations' 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

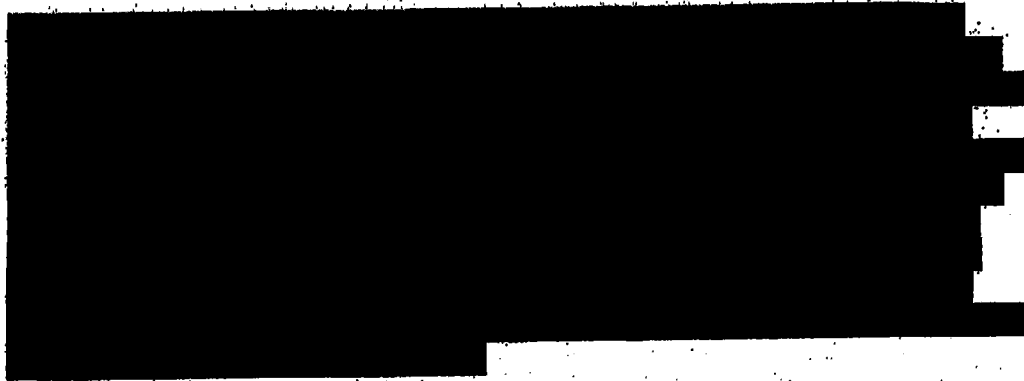
- (U) Assurances obtained from a country to guarantee that an alien would not be tortured are normally obtained through DOS. The Secretary of State then provides the assurances

(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.¹ 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.

(S)

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(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.

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 Qiada." 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.

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

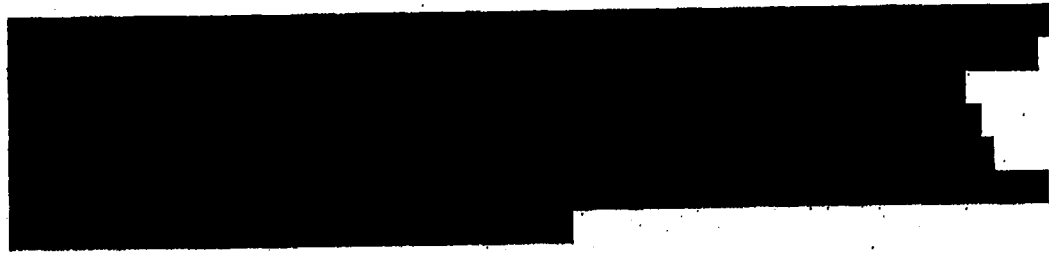
(U) Recall of the Former Deputy Attorney General

(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.

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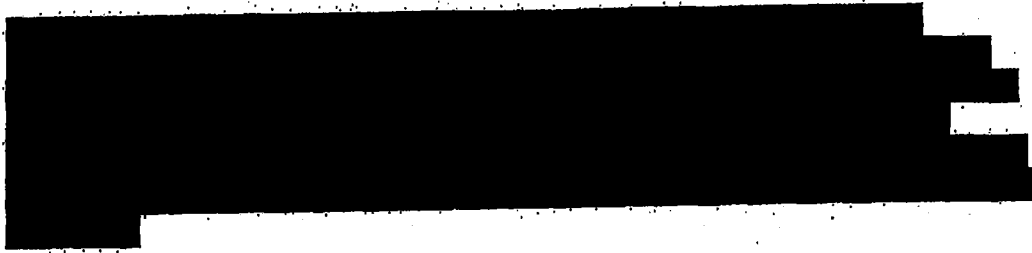


(U) Addendum to OIG-08-18
The Removal of a Canadian Citizen to Syria

(U) Conclusion

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

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