

REPORT OF INVESTIGATION

IN03-OIG-LA-0662-S



Office of Inspector General

United States Department of Homeland Security



<i>Case Number</i>	IN03-OIG-LA-0662-S
<i>Case Title</i>	Air and Marine Interdiction Coordination Center
<i>Report Status</i>	Final
<i>Alleged Violation(s)</i>	Misuse of Resources

SYNOPSIS

This report documents the results of an Office of Inspector General (OIG) investigation into allegations that Air and Marine Interdiction Coordination Center (AMICC), Bureau of Immigration and Customs Enforcement (BICE), Department of Homeland Security (DHS) assets were misused in assisting a state law enforcement agency. Specifically, the Texas Department of Public Safety (DPS) requested AMICC to locate an aircraft transporting Texas state legislators from Oklahoma to Texas on May 12, 2003.

On May 15, 2003, Acting Inspector General Clark Kent Ervin received a telephone call from Mark Wallace, Principal Legal Advisor to Michael Garcia, Assistant Secretary Designee for BICE, referring for investigation a matter concerning alleged DHS involvement in a federal effort to find missing Texas state lawmakers. Subsequently, Members of Congress wrote to the OIG requesting an investigation into this matter and requested that several issues described later in this report be addressed by the OIG. The scope of the OIG investigation was limited to the specific issue involving alleged misuse of DHS assets in assisting state law enforcement in locating a reported "missing aircraft." The OIG investigation did not address the actions of the DPS following their request for AMICC assistance, nor did the OIG assess the propriety of AMICC's existing guidelines relating to the rendering of assistance to other law enforcement agencies. The alleged destruction of notes by the DPS was referred to the Federal Bureau of Investigation (FBI), San Antonio, Texas, for their consideration.

The OIG investigation found that DPS did contact the AMICC and reported that they "had a problem," and "could not find this plane" which contained Texas state representatives. The DPS requested DHS to assist them in locating the aircraft. The OIG investigation concluded the assistance rendered by AMICC was limited to not more than forty minutes of telephone calls

Reporting Agent	
Name: [Redacted]	Signature: [Redacted]
Title: Supervisory Special Agent	Date: 6/13/03
Approving Official	
Name: Joseph Artes	Signature: [Handwritten Signature]
Title: Special Agent in Charge	Date: 6/13/03

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Redacted for public release pursuant to 5 U.S.C. 552 (b)(2), (6), (7)(C).

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made by an AMICC employee to various Federal Aviation Administration (FAA) and airport representatives in Texas, and a series of conversations with [REDACTED] supervisors. The AMICC personnel involved in this incident described this assistance as a typical request from a law enforcement agency, which reportedly occurs at least thirty times a day and is in compliance with their standard operating procedures. At no time did AMICC launch any aircraft or otherwise use DHS resources to assist the DPS. The telephone calls made by AMICC at the request of DPS involved a nominal use of DHS assets.

AMICC's account of these events was documented on audiotape (and transcript), which was reviewed by OIG investigators and found to be consistent with the statements of AMICC employees involved in the incident. There was every indication that the employee rendering assistance to the DPS on the telephone believed he was searching for a missing aircraft.

DPS officials interviewed by the OIG declined to provide any information identifying the person or persons who requested they contact AMICC for assistance. DPS officials claimed they destroyed all notes, memoranda, or other correspondence related to this incident.

This case is closed with the submission of this report.

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REPORT OF INVESTIGATION

INTRODUCTION

On May 15, 2003, Acting Inspector General Clark Kent Ervin¹ received a telephone call from Mark Wallace, Principal Legal Advisor to Michael Garcia, Assistant Secretary Designee for BICE, referring for investigation a matter concerning alleged DHS involvement in a federal effort to find missing Texas state lawmakers. At this time Wallace advised that his office was in possession of an audiotape related to this matter. (Exhibit 1)

Subsequently, the OIG received three letters from Members of Congress. The first letter, dated May 15, 2003, was from Representative John Conyers, Jr. and other members. The second letter, dated May 21, 2003, was from Representative Lloyd Doggett and other members. The third letter, dated May 22, 2003, was from Senator Joseph Lieberman. All these letters requested the OIG to investigate this matter to determine if DHS assets were misused in attempting to locate the missing Texas state lawmakers. Senator Lieberman's letter also requested that the OIG expand its investigation to include the alleged destruction of documents by the DPS. (Exhibit 2)

The scope of the OIG investigation was limited to the actions of AMICC personnel in rendering assistance to DPS in locating a reported "missing aircraft." This investigation did not address the post incident actions of the DPS or the actions of any other federal agency rendering assistance to DPS. Insofar as the assistance provided by AMICC was *de minimis*, the OIG did not expand the scope of this investigation or investigate the document destruction by DPS. The conduct of DPS was referred to the FBI for whatever action they deemed appropriate.

DETAILS

Allegation: It was alleged that AMICC misused its resources by providing assistance to track and locate an aircraft transporting State of Texas legislators.

On May 20, 2003, the OIG recovered from General Counsel's Office, BICE, audiotapes and a videotape (audio only) relating to the recording of the assistance provided by AMICC, on May 12, 2003. (Exhibit 3)

Charles E. Stallworth, Director, Air and Marine Interdiction (A&MI), BICE, DHS, Washington, D.C., was interviewed and stated that [REDACTED], Texas Department of Public Safety, Austin, Texas, had requested the assistance of AMICC. AMICC attempted to assist DPS in the

¹ On May 16, 2003, Acting Inspector General Clark Kent Ervin recused himself from any participation in this investigation due to his prior employment by the State of Texas, and the possibility he might know one or more of the State of Texas employees involved in this matter. See Exhibit 1.

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REPORT OF INVESTIGATION

location of an aircraft allegedly carrying Texas state lawmakers. According to Stallworth, AMICC acted appropriately and in accordance with agency guidelines in responding to what AMICC, based on information available at the time, believed to be a legitimate law enforcement request for assistance. (Exhibit 4)

██████████ Senior Detection Systems Specialist (DSS), AMICC, BICE, DHS, Riverside (all further references to AMICC are for this site), was interviewed and stated that on May 12, 2003, a call was received from ██████████ requesting assistance in determining the location of an aircraft believed to be overdue. ██████████ assigned the call to ██████████ DSS, AMICC, to provide assistance in locating the aircraft.

According to ██████████ AMICC receives 30 to 40 calls daily requesting assistance as a matter of public safety from individuals, localities, states, etc. ██████████ provided a copy of the "AMICC Training and Operations Manual," which states, in part, that when resources allow, support will be provided to assist federal, state, and local law enforcement agencies for humanitarian efforts. ██████████ concurred with the steps ██████████ took in an attempt to locate the aircraft. (Exhibits 5, 6)

██████████ was interviewed and stated that on May 12, 2003, ██████████ was assigned to assist ██████████ in locating an aircraft with Texas officials on board. ██████████ attempted to locate the aircraft but was unsuccessful. ██████████ advised ██████████ of ██████████ results and related ██████████ could contact ██████████ the Dallas Fort Worth Airport to request search and rescue. At that time, ██████████ declined ██████████ offer to be put in touch with FAA to initiate a search and rescue. However, ██████████ later called ██████████ back and requested the information on how ██████████ could go about requesting a search and rescue. ██████████ provided ██████████ with the contact information for Ft. Worth Center to initiate the search and rescue. (Exhibits 7, 8)

██████████ DSS, AMICC, was interviewed and stated that on May 12, 2003, ██████████ received a call from the FAA, as a result of a call placed to them earlier by ██████████ explaining the FAA had no contact with the alleged missing aircraft. ██████████ provided the information to ██████████ (Exhibit 9)

██████████ and ██████████ AMICC, stated that all calls on the operations floor, incoming and outgoing, are recorded. (Exhibit 10)

██████████ AMICC, was on the operations floor at AMICC, on May 12, 2003, when ██████████ briefed ██████████ about the alleged missing aircraft and ██████████ attempts to locate the aircraft. ██████████ concurred with the actions ██████████ had taken in attempting to locate the aircraft. AMICC assists in looking for downed aircraft for humanitarian reasons. In this specific case, AMICC was assisting a law enforcement agency. It is always the policy to assist law enforcement agencies that are attempting to locate an aircraft. On the average, this type of assistance occurs "30 to 40 times per day," according to ██████████ (Exhibit 11)

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[REDACTED] Special Crimes Service, Texas Department of Public Safety, Austin, Texas, was interviewed and stated [REDACTED] knew that the U.S. Customs Service (referred to here as AMICC) tracked airplanes, so [REDACTED] made the contact. [REDACTED] stated that several individuals, whom [REDACTED] would not identify, requested [REDACTED] look for the airplane. [REDACTED] did not recall with whom at AMICC [REDACTED] had spoken. According to [REDACTED] AMICC attempted to locate the airplane and ultimately advised [REDACTED] they could not locate it. [REDACTED] believed that the total time the AMICC employee assisted [REDACTED] was 15 minutes. (Exhibit 12)

[REDACTED] AMICC, was interviewed and stated [REDACTED] began receiving calls from newspapers, news services, and television news programs, on May 13, 2003. Additionally, [REDACTED] received a call from Congressman Ken Calvert's office which expressed shock that AMICC was involved in looking for the aircraft. [REDACTED] referred the callers to the public affairs office for BICE, DHS, Washington, D.C. [REDACTED] stated [REDACTED] had not had any requests from Congress or the Administration relating to the aircraft. (Exhibits 13, 14)

The OIG attempted to interview [REDACTED], DPS, on May 22, 2003, relating to alleged missing notes prepared by [REDACTED] in [REDACTED] attempt to locate the missing aircraft. At that time, [REDACTED] stated [REDACTED] was unavailable for an interview. It was later determined that an interview of [REDACTED] was not necessary due to the scope of this investigation. (Exhibit 15)

[REDACTED] FBI, San Antonio, Texas, was interviewed and stated the FBI was not interested in investigating the alleged destruction of notes and documents by the Texas DPS related to the Texas state lawmakers. (Exhibit 16)

Joseph Bendig, Director, AMICC, was interviewed in response to comments attributed to him in an article appearing in the Washington Post newspaper, dated June 7, 2003. According to Bendig, his comments were taken out of context. Bendig stated the reporter asked, "How often does AMICC get calls from law enforcement for this type of assistance?" Bendig construed this to mean requests for assistance to locate a lost aircraft with politicians on board and stated that such calls are unusual. Bendig further clarified that AMICC does get calls from law enforcement, but not necessarily calls to locate aircraft carrying politicians. (Exhibit 17)

[REDACTED] was interviewed to determine if AMICC verifies the identity of callers requesting assistance. According to [REDACTED] when requests for information are received by AMICC, they call back the requestor to verify their identity. In this instance, when the call for assistance came in on May 12, 2003, a call-back procedure was not deemed necessary. Rather, [REDACTED] noted that the AMICC phone system displayed that the call originated from a "Texas Government" telephone extension. [REDACTED] believed that further verification was unnecessary. (Exhibit 18)

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EXHIBITS

<u>NUMBER</u>	<u>DESCRIPTION</u>
1	Memorandum of Acting Inspector General Clark Kent Ervin, dated May 16, 2003, documenting his May 15, 2003, conversation with Mark Wallace, BICE, and his recusal.
2	Letter from Representative John Conyers, Jr. to the Inspector General, dated May 15, 2003. Letter from Representative Lloyd Doggett to Lisa Redman, dated May 21, 2003. Letter from Senator Joseph L. Lieberman to Lisa Redman, dated May 22, 2003.
3	Memorandum of Activity, Receipt of AMICC Audiotapes and Videotape (audio only), dated May 20, 2003.
4	Memorandum of Activity, Interview of Charles E. Stallworth, BICE-A&MI, dated May 21, 2003.
5	Memorandum of Activity, Interview of [REDACTED], AMICC, dated May 22, 2003.
6	Memorandum of Activity, Fax from [REDACTED], AMICC, dated May 23, 2003.
7	Memorandum of Activity, Interview of [REDACTED], AMICC, dated May 26, 2003.
8	Memorandum of Activity, Transcript of AMICC Recording, dated May 21, 2003.
9	Memorandum of Activity, Interview of [REDACTED], AMICC, dated May 27, 2003.
10	Memorandum of Activity, Interview of [REDACTED] and [REDACTED], AMICC, dated May 23, 2003.
11	Memorandum of Activity, Interview of [REDACTED], AMICC, dated May 23, 2003.
12	Memorandum of Activity, Interview of [REDACTED], DPS, dated May 22, 2003.

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- 13 Memorandum of Activity, Interview of [REDACTED] AMICC, dated May 27, 2003.
- 14 Memorandum of Activity, Interview of [REDACTED] AMICC, dated May 23, 2003.
- 15 Memorandum of Activity, Contact with [REDACTED], DPS, dated May 22, 2003.
- 16 Memorandum of Activity, Interview of [REDACTED] FBI, dated May 28, 2003.
- 17 Memorandum of Activity, Interview of Joseph Bendig, AMICC, dated June 9, 2003.
- 18 Memorandum of Activity, Interview of [REDACTED] AMICC, dated June 9, 2003.

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EXHIBIT 1

MEMORANDUM

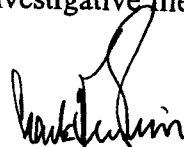
May 16, 2003

To: Deputy Inspector General Richard L. Skinner
General Counsel to the Inspector General Richard N. Reback
Assistant Inspector General for Investigations Elizabeth Redman

Re: Recusal from investigation

On May 15, 2003, at about 10:15 p.m., I received a telephone call from Mark Wallace, Special Counsel to Assistant Secretary for Immigration and Customs Enforcement (ICE) Michael Garcia, referring to me for OIG investigation a matter concerning alleged DHS involvement in a federal effort to find missing Texas lawmakers. I participated in a follow-up telephone call from Mr. Wallace, with all of you, this morning. Additionally, I have received a letter signed by several members of Congress requesting that the OIG conduct an investigation into this matter.

Under present circumstances, including my prior employment by the State of Texas and the possibility that I may know one or more of the Texas state employees involved in this matter, I believe it best that I recuse myself from any involvement in the OIG inquiry. Accordingly, I will respond to the Congressional letter by stating that the OIG will investigate the matter and then will have no further involvement in any aspect of this matter. I am delegating all of my authority with respect to this matter to Deputy Inspector General Skinner. I am to receive no papers or briefings regarding this matter and ask that a notation to that effect be placed in the investigative file.



Clark Kent Ervin
Acting Inspector General

EXHIBIT 2

F. JAMES SENSENBRENNER, JR., Wisconsin
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JEFF FLAKE, Arizona
MIKE PENCE, Indiana
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JOHN R. CARTER, Texas
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MARSHA BLACKBURN, Tennessee

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WILLIAM D. DELAHUNT, Massachusetts
ROBERT WEXLER, Florida
TAMMY BALDWIN, Wisconsin
ANTHONY D. WEINER, New York
ADAM B. SCHIFF, California
LINDA T. SANCHEZ, California

ONE HUNDRED EIGHTH 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>

May 15, 2003

Mr. Clark Kent Ervin
Acting Inspector General
Department of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Mr. Ervin:

I write to express my alarm at reports that valuable Department of Homeland Security resources, which exist to protect the American people from terrorism, were diverted for partisan political purposes. Specifically, I am concerned about the following report in the Fort Worth Star Telegram that describes the Department's surveillance powers being used to track down Democratic lawmakers:

"One federal agency that became involved early on was the Air and Marine Interdiction and Coordination Center, based in Riverside, Calif. -- which now falls under the auspices of the Homeland Security Department.

The agency received a call to locate a specific Piper turboprop aircraft. It was determined that the plane belonged to former House Speaker Pete Laney, D-Hale Center.

The location of Laney's plane proved to be a key piece of information because, (Republican House Speaker Tom) Craddick said, it's how he determined that the Democrats were in Ardmore." *Jay Root, "Eyes of Texas, U.S. on truant legislators," May 14, 2003.*

If true, this report represents a shameful diversion of taxpayer resources for partisan purposes. I would urge you to immediately investigate this matter and provide a full accounting of the following:

MAY 22 2003
RW

Mr. Clark Kent Ervin
Page 2
May 15, 2003

- (1) Who requested that the Center locate Mr. Laney's plane?
- (2) Who, at the Center or elsewhere in the Department of Homeland Security, or in the Administration, authorized the Center to undertake this surveillance?
- (3) Were there any other contacts between Congressional or Administration officials with the Department concerning this matter?
- (4) What was the rationale for utilizing federal resources for this undertaking?
- (5) What was the cost of this surveillance?
- (6) Were employees or resources of the Department diverted from homeland security tasks to conduct this surveillance?
- (7) Were legal requirements and internal guidelines for conducting surveillance complied with?

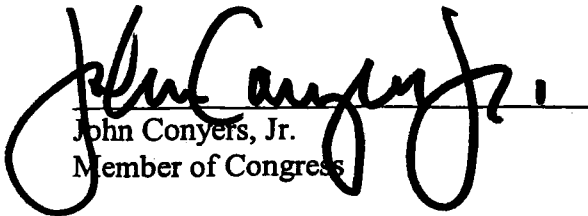
This appears to be just one of many reports of misusing federal resources to investigate Texas Democrats:

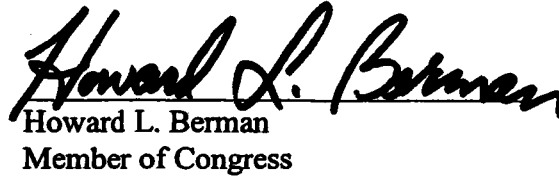
- House Majority Whip Tom DeLay told reporters that "bringing in either U.S. Marshals or FBI agents is justified because redistricting is a federal issue, involving congressional seats." *Houston Chronicle*, May 13, 2003
- DeLay said he consulted an attorney in his office who formerly worked with the Justice Department to determine for Texas House Speaker Craddick whether FBI agents and U.S. marshals could be used to arrest the Democrats out of state. AP, Suzanne Gamboa, May 13, 2003
- DeLay reportedly already has a United States Attorney in Texas researching how he can employ federal resources. Hugh Aynesworth, *Washington Times*, May 14, 2003
- "A spokeswoman for the U.S. Attorney's office in San Antonio had no official comment, but a source confirmed that an unidentified person had called to inquire about federalizing the arrest warrant." Fort Worth Star-Telegram, May 14, 2003

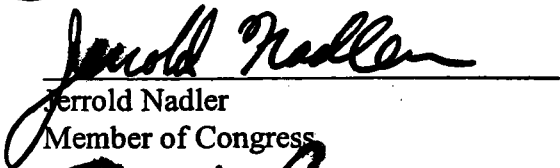
Thank you for your prompt attention to this matter.

Mr. Clark Kent Ervin
Page 3
May 15, 2003

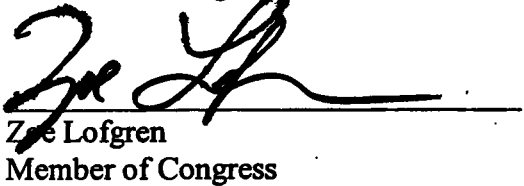
Sincerely,

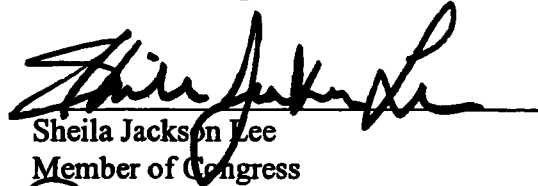

John Conyers, Jr.
Member of Congress


Howard L. Berman
Member of Congress

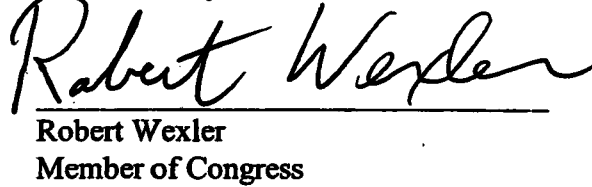

Ferrol Nadler
Member of Congress

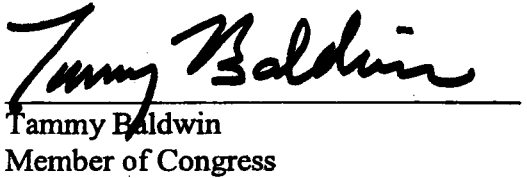

Robert C. Scott
Member of Congress

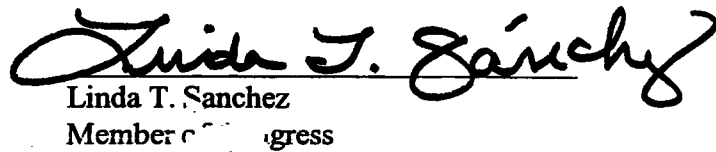

Zoe Lofgren
Member of Congress


Sheila Jackson Lee
Member of Congress


Maxine Waters
Member of Congress


Robert Wexler
Member of Congress


Tammy Baldwin
Member of Congress


Linda T. Sanchez
Member of Congress

cc: F. James Sensenbrenner, Jr.
Chairman, Committee on the Judiciary

Congress of the United States

Washington, DC 20515

May 21, 2003

Lisa Redman
Assistant Inspector General for Investigations
Department of Homeland Security
Washington, DC 20528
Attn: Office of Inspector General

Re: Diverting Federal Resources Against Political Targets

One week ago we requested answers from the Department of Homeland Security (DHS) Secretary Ridge concerning reported diversions of federal resources against Texas State Legislators. (Exhibit 1). DHS has refused to respond.

On May 19, we made a second request to Secretary Ridge for "the audiotapes and transcripts of all conversations or transmissions pertaining to any aspect of the alleged attempts to use any federal resources of any type with regard to any member of the Texas Legislature." (Exhibit 2) DHS has not responded.

We are also concerned by two reports today: (1) in the Fort Worth Star-Telegram that the Texas Department of Public Safety has ordered the destruction of documents and photos concerning the pursuit of Texas state representatives, and (2) in the Houston Chronicle that you "had no idea how long the investigation would take, or when the tapes might be released."

Given previous obstruction of our efforts and these reports of state destruction, we write to you with the following requests:

- (1) Does any federal statute deny you the discretion to release immediately the documents we have requested?
- (2) If you refuse to release immediately all documents, please explain why.
- (3) If you refuse to release immediately all documents, when will you release them?
- (4) What is the scope of your investigation and what do you consider your specific mandate to be?
- (5) What steps have you taken to ensure no further destruction of documents?
- (6) Will you attempt to determine if any Members or any person acting in any way on their behalf or at their request contacted any Homeland Security entity or other federal entity (including those under contract) directly or indirectly?
- (7) When will your review be complete? In one week? One month? One year?
- (8) What steps have you taken to ensure Acting Inspector General Clark Kent Ervin will have no role in this investigation?
- (9) Who on your staff will assist you in this investigation?

Confident that you share our view that the Inspector General's office was created to keep Congress fully and currently informed, we trust you will work with dispatch to find the truth, not bury it.

The banner on the DHS Inspector General website reads: "Ensuring Integrity and Efficiency." All we ask is merely what the banner proclaims, prompt answers that allay the concerns raised in several published reports.

Sincerely,

Hal Doggett

Phil Green

Wafford

Adrian

Cris Rodriguez

Charlie Stenholm

Phil Lampson

Eddie Bernice Johnson
Mark Felt

Clay Edwards

Charles A. Joyner

Edith

Rubin Ferojosa

Cris Bell

Debra Jackson Lee

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MARK PRYOR, ARKANSAS

United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

May 22, 2003

Lisa Redman
Acting Assistant Inspector General for Investigations
Department of Homeland Security
1120 Vermont Avenue, N.W.
Washington, D.C. 20005

Dear Ms. Redman:

I am appalled by recent news reports that the Texas Department of Public Safety (DPS) ordered the destruction of all records related to its search for Texas state legislators. I am writing to ask that you investigate DPS's document destruction as part of your ongoing examination of the use of Department of Homeland Security resources in the search for Texas lawmakers and that you take steps to ensure that additional, federal documents that may be relevant to your investigation are not destroyed.

As you know, last Monday, May 12, 2003, legislative leaders in Texas directed the DPS to round up missing Democratic legislators, and DPS enlisted the assistance of the Air and Marine Interdiction Coordination Center (AMICC), an office within the Department of Homeland Security, in this search. It has since been reported that on Wednesday, May 14, 2003, a DPS commander, in an e-mail message, ordered the destruction of all documents and other materials related to the search; this e-mail was reportedly forwarded to the lieutenant who has been identified as the individual who contacted AMICC. According to news accounts, the documents were destroyed shortly after the first news stories revealed that DPS had contacted the Department of Homeland Security seeking help in finding the lawmakers.

Last week, I wrote to Secretary Ridge urging him to conduct a full investigation into the apparent misuse of scarce Department of Homeland Security resources in the search for Texas state legislators. I understand that you are heading up the Department's investigation into this matter, and I am very concerned that DPS's document destruction may hamper your investigation. The evidence contained in the DPS records may well be critical to answering a key question in your investigation: whether the use of federal resources was obtained through misleading or fraudulent means. And the destruction of such records raises troubling questions about whether those ordering the destruction in fact did so with the specific intent to impede inquiries such as yours.

Lisa Redman
May 22, 2003
Page 2

I therefore request that you expand your investigation to encompass this outrageous document destruction and immediately act to secure all federal documents (including e-mails and any audiotapes of conversations between DPS and AMICC), as well as any other materials, that may be relevant to your investigation. I also ask that you examine whether DPS's instructions to destroy documents potentially relevant to a federal investigation may have constituted obstruction of justice or otherwise violated any federal law. If for some reason you conclude that the destruction of documents related to DPS's search for the state legislators is beyond the reach of your office, please advise me of this fact as soon as possible, as well as of the agency to which you intend to refer this matter.

If you have any questions concerning this letter, please contact [REDACTED] of my staff at [REDACTED]

Sincerely,



Joseph I. Lieberman
Ranking Member

EXHIBIT 3



Type of Activity: Other (Describe): Evidence Retrieval

Case Number: CO-03-OIGHQ-029003S	Case Title: AMICC
----------------------------------	-------------------

On May 20, 2003, at 4:20 p.m., [redacted] Office of the Principal Legal Advisor, Bureau of Immigration and Customs Enforcement, 425 I St., SW, Room 6109, Washington, DC 20536 (Ph: [redacted]) turned over the following items relative to Department of Homeland Security (DHS) Office of Inspector General (OIG) Case Number CO03-OIGHQ-029003S, to Supervisory Special Agent (SSA) [redacted] DHS OIG:

1. One (1) Audiotape (marked GMW, 5/20/03, 4:20pm, #1).
2. One (1) Videotape (marked GMW, 5/20/03, 4:20pm, #1A).
3. One (1) Audiotape (marked GMW, 5/20/03, 4:20pm, #2).

The transfer was witnessed by Sarah M. Kendall, Chief of National Security Law Division, Office of the Principal Legal Advisor, Bureau of Immigration and Customs Enforcement, 425 I St., SW, Room 6109, Washington, DC 20536 (Ph: [redacted]). The transfer was logged onto a "Receipt of Property," dated May 20, 2003, which was generated by Kendal and signed by [redacted] and [redacted] Attachment #1.

At this writing, the above items (#1-3) remain in the custody of [redacted] DHS OIG HQ.

Attachments

1. "Receipt of Property," dated May 20, 2003, signed by [redacted] and [redacted]

Special Agent Name, [redacted] Supervisory Special Agent Signature, and Date: June 4, 2003 [redacted] 6/4/03	Reviewing Official Name, Gerald Coffman Title, Signature, and Date: Acting SAC, June 3, 2003 [redacted] 6/4/03	Item #: 1
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Receipt of Property

May 20, 2003

**On May 20, 2003 [REDACTED] delivered to SSA [REDACTED]
DHS/IG the following items**

- 1. Audiotape: (Marked GMW 52003 4:20 p.m. #1)**
- 2. Videotape: ((Marked GMW 52003 4:20 p.m. #1A)**
- 3. Audiotape: (Marked GMW 52003 4:20 p.m. #2)**

All items were transferred from [REDACTED] to [REDACTED]

[REDACTED]
*5/20/03
@ 4:20 PM*
**Associate General Counsel
NSLD OLA BICE**

SSA [REDACTED]
**Supervisory Special Agent
OIG DHS**

*Witnessed by Sarah M. Kendall
SMK Kendall 5/20/03*

EXHIBIT 4



Type of Activity: Personal Interview

Case Number: CO-03-OIGHQ-029003S	Case Title: AMICC
----------------------------------	-------------------

On May 21, 2003, at 1:00 p.m., Charles E. Stallworth, Director, Office of Air Marine Interdiction, Immigration and Customs Enforcement, Washington, DC (Ph: [redacted]) was interviewed at his office, Room [redacted], [redacted] Washington, DC 20029, by Supervisory Special Agent (SSA) [redacted], Department of Homeland Security (DHS) Office of Inspector General (OIG). The purpose of the interview was to determine the appropriateness of actions taken by the Office of Air Marine Interdiction Command Center (AMICC), Riverside, CA, following a call for assistance at 3:20 p.m. on May 12, 2003.

The complaint originated on May 15, 2003, when DHS OIG received a letter from Congressman John Conyers, Jr. et al, alleging a "waste of DHS resources for partisan purposes", by AMICC on May 12, 2003. Attachment #1.

On May 21, 2003, Charles Stallworth was asked to respond to the following questions that were contained in the aforementioned Congressional memorandum.

1. Who requested the Center to locate Mr. Laney's plane?

CS: DPS (Texas Dept. of Public Safety) [redacted] Austin, TX, requested assistance in locating the plane.

2. Who, at the Center or elsewhere in the Department of Homeland Security, or in the Administration, authorized the Center to undertake this surveillance?

CS: [redacted] Detection Systems Specialist (DSS), Riverside, CA, (Ph: [redacted]) took the call from DPS [redacted] and responded to the request for assistance. [redacted] DSS, was the supervisor who was aware of the situation.

3. Were there any other contacts between Congressional or Administration officials with the Department concerning this matter?

CS: None to my knowledge.

4. What was the rationale for utilizing the federal resources for this undertaking?

CS: We responded to a request for assistance from a law enforcement entity.

5. What was the cost of this surveillance?

CS: DSS [redacted] and Sr. DDS [redacted] hours.

Special Agent Name, Signature, and Date: June 3, 2003 [redacted] 6/4/03	Supervisory Special Agent	Reviewing Official Name, Title, Signature, and Date: Acting SAC, June 3, 2003 [redacted] 6/4/03	Item #: 2
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MEMORANDUM OF ACTIVITY

6. Were employees or resources of the Department diverted from homeland security tasks to complete this surveillance?

CS: Nothing other than [REDACTED] and [REDACTED] time. There was no reduction in efficiency or service as there were other DSS personnel on duty.

7. Were legal requirements and internal guidelines for conducting surveillance complied with?

CS: Yes

On the same date, Director Stallworth provided the following points of contact for AMICC, Riverside CA:

[REDACTED] Surveillance Operations (Ph: [REDACTED]).

[REDACTED] AMICC, Riverside, CA (Ph: [REDACTED])

During the May 21, 2003 interview, Director Stallworth maintained that AMICC acted appropriately and in accordance with agency guidelines in responding to a legitimate "law enforcement request for assistance." In Stallworth's opinion, DDS [REDACTED] believed that there was a lost aircraft and emergency assistance was needed. Stallworth cited the Watch Log from AMICC, Riverside, CA, that detailed [REDACTED] interaction with DPS on 05/12/03. A review of the Watch Log reveals language consistent with Stallworth's assertion that the aircraft was deemed missing. Specific examples of language (suggesting exigency) includes:

Sentence 1 - "trying to find an aircraft."

Sentence 5 - "they searched the airport with no luck finding the A/C."

Sentence 10 - "to see if they (FAA) could conduct a lost aircraft procedure."

Attachment #2 (Note: the date and time displayed on the Attachment #2 is May 13, 2003, 0240 hours (GMT). In terms of Pacific Standard time, the call from DPS to AMICC actually occurred seven hours earlier, on May 12, 2003 at 1940 hours, or 7:40 p.m.).

Director Stallworth further supported his position by citing statements made by DPS on May 12, 2003, where [REDACTED] told [REDACTED] that [REDACTED] has "got a problem," and that, "It had state representatives in it and we cannot find this plane". A review of the transcript of the (recorded) conversation between [REDACTED] and [REDACTED] reflects the exact language quoted above.

The interview with Charles Stallworth was concluded at 2:10 p.m. on May 21, 2003.

Attachments:

1. Memorandum from Congressman John Conyers, dated May 15, 2003.
2. Watch Log from DSS [REDACTED] AMICC, dated 05/13/03.

(WED) 16:00

TEL: [REDACTED]

P.002

003 13:23 FAX [REDACTED]

U S CUSTOMS - AMICC

002

UNCLASSIFIED

13-May-03 1622

WATCH LOG QUERY

Page: 1

DATE/TIME USER ENTRY

13-May-03 0240

[REDACTED] OUT OF ARDMORE OK TRYING TO FIND AN AIRCRAFT N711RD SAID THE A/C WAS CARRING GOVT PEOPLE FROM ARDMORE OK TO PLAINVEIW TX NO NAMES GIVEN. AMICC CONTACTED FAA A/M AT FT WORTH CENTER THEY HAD CONTACT WITH THE A/C AT 2348Z 40 MILES WEST OF KFTW NEAR MINERAL WELLS TX. AMICC CONTACTED MINERALS WELLS AIRPORT AUTH, AND THEY SEARCHED THE AIRPORT WITH NO LUCK FINDING THE A/C. AMICC CONTACTED THE FBO AT PLAINVEIW TX MILLER FLYING SERVICE THEY HAD NOT SEEN THE A/C BUT THEY GAVE AMICC THE PHONE NUMBER FOR [REDACTED] [REDACTED] WERE THE A/C IS HANDLED ACROSS THE FIELD AMICC HAD NO LUCK CONTACTING ANYONE AT THAT NUMBER. [REDACTED] WAS INFORMED ABOUT ALL IFORMATION AND WAS GIVEN THE FAA A/M NUMBER TO CONTACT TO SEE IF THEY COULD CONDUCT A LOST A/C PROCEDURES. [REDACTED] AND [REDACTED] WAS BRIEFED ON ALL.

EXHIBIT 5



Type of Activity: Personal Interview

Case Number: IN03-OIG-LA-0662	Case Title: Air and Marine Interdiction Center
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[REDACTED] Senior Detection Systems Specialist (SDSS), GS-13, Air and Marine Interdiction Coordination Center (AMICC), Bureau of Immigration and Customs Enforcement, telephone number [REDACTED] was interviewed on May 22, 2003, from 10:10 AM to 11:05 AM, at March Air Force Base, Riverside, California. In addition to the reporting agent, [REDACTED] Special Agent, Office of Inspector General, Department of Homeland Security (DHS), was present during the interview. [REDACTED] stated substantially as follows.

[REDACTED] was the SDSS on duty on May 12, 2003, when a call was received from [REDACTED] Texas Department of Public Safety (DPS). [REDACTED] answered the call and [REDACTED] asked for assistance with locating an aircraft. [REDACTED] transferred the call to [REDACTED] Detection System Specialist, GS-11, who was controlling the Texas desk. [REDACTED] took the call, and then explained to [REDACTED] that a particular aircraft was overdue and DPS wanted assistance to locate the aircraft. [REDACTED] authorized [REDACTED] to proceed and try to find the plane. This was standard procedure when a request for assistance is received. According to [REDACTED], AMICC receives 30 to 40 calls per day requesting such assistance. [REDACTED] was in the operations center and present when [REDACTED] authorized [REDACTED] to assist. [REDACTED] nodded [REDACTED] head in concurrence with the authorization.

There were no other contacts between Congressional and/or Administration officials and AMICC. Subsequent to this call, they were instructed to refer any inquiries to the public affairs office or to Charles Stallworth, Director, AMICC, Washington, D.C. On May 16, 2003, [REDACTED] received a call from [REDACTED] believed to be from DHS at [REDACTED] requesting information about the incident for a briefing to be given to Secretary Ridge, DHS. The request was provided to Stallworth for his return call to [REDACTED] [REDACTED] made an entry in the watch log for this date (attached).

AMICC assists as a matter of public safety in the location of general aviation aircraft for individuals, localities, states, etc.

[REDACTED] has no idea of the specific cost of providing the service to locate the aircraft in question. The cost would include a couple of telephone calls and less than ½ hour of a GS-11 employee's time who was working on other duties at the same time.

No employees or other DHS resources were diverted from homeland security tasks to assist with the request to locate the aircraft. They were doing their customary duties. One of these duties is providing assistance to locate general aviation aircraft.

Legal requirements and internal guidelines were followed for providing this assistance.

Name, Title, Signature, and Date: [REDACTED] 5/28/03	Reviewing Official Name, Title, Signature, and Date: Joe Artes, Special Agent in Charge [Signature] SAC, 6/3/03	Item #:
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MEMORANDUM OF ACTIVITY

██████████ provided a copy of the computer screen showing there were 9 flight plan entries for the aircraft for May 12, 2003. There was a proposed flight plan from Ardmore, Oklahoma, to Plainview, Texas. ██████████ explained that it is not possible to determine if the flight actually occurred, because of the area. Not all of the entries are accurately recorded. Additionally, there can possibly be multiple entries or corrections for the same flight. ██████████ may have retained a detailed copy of the flight plan after ██████████ completed assisting ██████████

A follow-up call was made to ██████████ on this date at 1:45 PM to request additional information. ██████████ explained that all calls in and out of the operations center are recorded. This is standard operating procedure. Calls made to private offices and on the secure telephone line within AMICC are not recorded.

Attachments:

- 1 - Memorandum Prepared by ██████████ Documenting the Events of 5/12/03;
- 2 - Watch Log Entry of Call from ██████████; and,
- 3 - Computer Printout of Flight Plan Summary for Aircraft ID N711RD.

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May 19, 2003

On Monday May 12, 2003 at approximately 1800 local I received a phone call from a Texas DPS Officer requesting assistance in locating an aircraft. I transferred the call to DSS [REDACTED] (working the Texas position) and instructed [REDACTED] to clarify the request and provide assistance if possible.

After talking to [REDACTED] DSS [REDACTED] informed me the DPS had requested help in locating a general aviation aircraft (N711RD) with some state government officials on board. The DPS Officer believed the aircraft had departed Ardmore, OK en route to Plainveiw, TX. The DPS Officer had indicated concern over their inability to find the aircraft. I instructed DSS [REDACTED] to take the appropriate steps to locate the aircraft (contact the FAA Center and FSS, check flight plans, etc).

Several minutes later DSS [REDACTED] approached me indicating [REDACTED] was unable to confirm the current location of the aircraft. [REDACTED] had been able to determine the FAA had talked to the aircraft about an hour before but the remainder of [REDACTED] efforts (including contacting the FBO and local authorities) had been negative. I instructed DSS [REDACTED] to contact Officer [REDACTED] inform [REDACTED] of our inability to confirm the safe arrival and/or location of the aircraft and to provide [REDACTED] with the FAA number for filing a lost/overdue aircraft report so a search and rescue (SAR) effort could be mounted. DSS [REDACTED] complied.

A few minutes later DSS [REDACTED] informed me the DPS Officer had declined the number stating [REDACTED] did not wish to go that far as of yet. Approximately ten minutes after the preceding call DSS [REDACTED] informed me Officer [REDACTED] had called back requesting the FAA SAR number.

[REDACTED]
Senior Detection Systems Specialist, AMICC

[REDACTED]
5-22-03

WATCH LOG QUERY

DATE/TIME

USER

ENTRY

16-May-03 0231

[REDACTED] DHS CALLED REQUESTING INFORMATION ON MONDAYS
INCIDENT CONCERNING THE TEXAS DPS FOR A BRIEFING TO BE GIVEN TO DIRECTOR RIDGE.
AFTER CONFIRMING [REDACTED] ID INFORMED [REDACTED]
[REDACTED] (ATTEMPTED CALL TO ACTING DIRECTOR, LEFT MESSAGE) AND DIRECTOR
STALLWORTH. DIRECTOR STALLWORTH WILL CONTACT [REDACTED] IMMEDIATELY.

[REDACTED]
5-22-03

Deep Archive Flight Plans

Action Edit Block Field Record Query

Help

Deep Archive Flight Plans Summary

AC ID	Date Received	Aircraft Type	Dep Apt	Dom Y/N	Dep Time	Dest Apt	Dom Y/N	Dest Time	Rules	Suspect?
N711RD	12-MAY-03 2336	PAY2	1F0	Y	P122345	PVW	Y	130045	IFR	N
N711RD	12-MAY-03 1931	PAY2	GTU	N	E121931	1F0	Y	122042	IFR	N
N711RD	12-MAY-03 1921	PAY2	GTU	N	D121922	1F0	Y	122042	IFR	N
N711RD	12-MAY-03 1822	PAY2	1F0	Y	E121823	GTU	N	121902	IFR	N
N711RD	12-MAY-03 1752	PAY2	1F0	Y	E121835	GTU	N	121902	IFR	N
N711RD	12-MAY-03 1738	PAY2	GTU	N	P121930	1F0	Y	122050	IFR	N
N711RD	12-MAY-03 1735	PAY2	GTU	N	P121930	1F0	Y	122050	IFR	N
N711RD	12-MAY-03 1725	PAY2	1F0	Y	P121800	GTU	N	121910	IFR	N
N711RD	12-MAY-03 1354	PAY2	PVW	Y	P121415	1F0	Y	121515	IFR	N

Exit

Enter Query

Cancel Query

Print

Airport Lookup

AC Reg Lookup

Page: 1

of: 58

Departure Airport (Example KDFW), (MTA = KMTA)
Count: 18

<Insert>

5-22-03

EXHIBIT 6



Type of Activity: Other (Describe): Receipt of Fax from AMICC

Case Number: IN03-OIG-LA-0662	Case Title: Air and Marine Interdiction Center
--------------------------------------	---

On May 23, 2003, [REDACTED], Senior Detection Systems Specialist, GS-13, Air and Marine Interdiction Coordination Center (AMICC), Bureau of Immigration and Customs Enforcement, Riverside, California, was requested to provide a copy of any policy or regulation that would govern AMICC policy in providing assistance to local law enforcement or other types of assistance related to aircraft.

[REDACTED] faxed the attached pages from the AMICC Training and Operations Manual, chapter 2-page 2, and chapter 22-page 2.

Name, Title, Signature, and Date: [REDACTED] 5/28/03	Reviewing Official Name, Title, Signature, and Date: Joe Artes, Special Agent in Charge [Signature], SAC, 6/3/03	Item #:
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DEPARTMENT OF HOMELAND SECURITY

Bureau of Immigration and Customs Enforcement FACSIMILE TRANSMITTAL

Date: 5-23-03

To: [Redacted]

Org: IG

Fax number: [Redacted]

Sender: [Redacted]

Air and Marine Interdiction Coordination Center PO Box 6363 March ARB, CA 92518-6363

Originating location: AMICC

Subject: N711RB

Return fax number: [Redacted] Secure Fax: [Redacted]

Voice Number: 24 Hour Numbers for Comm: [Redacted] or [Redacted] 24 Hour Number for Operations: [Redacted]

Voice number:

Number of pages including this cover: 3

Remarks:

★ TRADITION

★ SERVICE

★ HONOR

229661

Control Number: _____

Air Marine Interdiction Coordination Center

INTRODUCTION

Skylane is a careful, systematic delineation of aircraft, pilot, and flight information leading to the discovery of aircraft suspected of transshipping contraband. Our continuing success in surveillance and interdiction has led to a significant drop in aircraft border penetrations. The majority of the narcotics and contraband transported by aircraft lands in Mexico, Haiti, and the Leeward Islands, or is airdropped to vessels in Puerto Rico and the Bahamas.

Currently the vast majority of the primary points for initial narcotics deliveries are short of our border. Various non-aviation related conveyances are used to bring the contraband into the U.S. Once inside, aircraft are once again the most efficient and expeditious method of moving the contraband to market. Smugglers constantly change and adapt their tactics and methods to achieve a higher success rate. To counter them we must do the same.

MANDATE

As contained in the "Aviation Program Five Year Strategy 1999-2004." The aviation program employs a three-pronged approach. In supporting the enforcement and administration of Customs Laws & Regulations:

1. Maintain border security against the airsmuggling threat;
2. Support the anti-smuggling investigative and enforcement activities of Customs and other federal, state, and local law enforcement agencies that support the Customs mission;
3. Support the President's International Drug Control Strategy;
4. At the discretion of the Commissioner, and when resources allow, Customs aircraft can be used to support federal, state, and local law enforcement and humanitarian efforts.

It is under paragraph number two (2) and four (4) as spelled out above that Operation Skylane is conducted.

Excerpt from DSS position description:

Performs queries, interprets and analyzes data acquired from numerous law enforcement and FAA database systems. ...to determine if law enforcement action should be recommended against a suspect person, aircraft, or vessel.

A. OBJECTIVES & MISSION

The Customs Aviation Program is an integral part of the enforcement effort. The objectives and mission of the Aviation Program are defined within the scope of the mission and are divided into two functional areas.

Interdiction

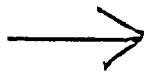
Objective: To significantly inhibit the smuggling of contraband by aircraft.

Mission: To detect, identify, intercept, track and apprehend aircraft engaged in the smuggling of contraband.

Support

Objective: To provide flexible and rapid aviation response at selected locations along the borders of the United States.

Mission: To provide assistance to all other elements of Customs requiring aviation support. Air Support also will be provided to assist other federal, state and local agencies as assets permit.



B. ORGANIZATIONAL STRUCTURE

The functions of the various offices involved in the management of the Aviation and Marine Program are discussed below.

Commissioner, U.S. Customs Service - the responsibility and authority for the Aviation Program is vested in the Commissioner.

Deputy Commissioner - has line authority over the Aviation Program and is directly responsible to the Commissioner for the effective conduct of the Aviation Program.

Assistant Commissioner, Office of Investigations (ACI) - has functional responsibility to the Commissioner and Deputy Commissioner of the Aviation Program.

Executive Director, Air Marine Interdiction Division (AMID) - responsible for organizing, directing, and controlling the administration and operation of the programs under his/her tactical interdiction mission. The director is responsible for providing clearly defined national program objectives, strategies for future program development, and operational requirements for program wide implementation. The director participates in coordinated efforts to identify and interdict the attempted smuggling of contraband by private aircraft. He/she is responsible for coordinating with management within Customs, with other agencies, and with Congress to ensure that program objectives are understood, approved, and supported.



EXHIBIT 7



Type of Activity: Personal Interview

Case Number: IN03-OIG-LA-0662	Case Title: Air and Marine Interdiction Center
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[redacted], Detection Systems Specialist (DSS), GS-12, Air and Marine Interdiction Coordination Center (AMICC), Bureau of Immigration and Customs Enforcement, telephone number [redacted] was interviewed on May 26, 2003, from 6:05 AM to 7:00 AM, at March Air Force Base, Riverside, California. In addition to the reporting agent, [redacted] Special Agent, Office of Inspector General, Department of Homeland Security (DHS), was present during the interview. [redacted] stated substantially as follows:

[redacted] was the DSS on duty on May 12, 2003, when a call was received from [redacted] Texas Department of Public Safety (DPS). The call was initially received by [redacted] Senior DSS, who transferred the call to [redacted] as [redacted] was working the Texas/New Mexico desk on the operations floor. [redacted] identified [redacted] as [redacted] with DPS from Austin, Texas. [redacted] was concerned about an aircraft with Texas officials on board that was supposed to go into Georgetown, Texas, from Ardmore, Oklahoma. [redacted] had spoken with an unknown individual on the flight line, but the individual did not have information about the aircraft. [redacted] told [redacted] that [redacted] had not spoken with anyone from the Federal Aviation Administration (FAA).

[redacted] asked for the tail number of the aircraft and [redacted] callback number.

[redacted] then checked for an active flight plan and there was none. [redacted] found a proposed flight plan (attached). [redacted] identified the airport codes as a flight proposed from Ardmore to Plainview, Texas (attached). [redacted] then called the FAA center for the Fort Worth, Texas, area, and spoke with [redacted]. According to [redacted] at 2358 Zulu (time), they had the aircraft located in Mineral Wells, Texas, about 40 miles west of the Dallas Fort Worth Airport (DFW). That was the last contact with the aircraft. [redacted] asked for the telephone number of the Mineral Wells airport. [redacted] provided the telephone number of the airport authority at Mineral Wells.

[redacted] contacted the airport authority at Mineral Wells and there was no information about the aircraft. [redacted] asked that they conduct a physical check around the airport for the aircraft, and gave [redacted] telephone number to call [redacted] back if there was information.

[redacted] called [redacted] and explained that [redacted] had not found the aircraft and explained to [redacted] what [redacted] had already done. [redacted] told [redacted] would call [redacted] back with future updates.

[redacted] called Miller Flying Service, the fixed base operator at Plainview, Texas, and an answering machine gave the telephone number to reach [redacted] called [redacted] and advised [redacted] of the aircraft number and that the aircraft, carrying government officials, might be lost. [redacted] got a bad feeling from [redacted] when [redacted] stated [redacted] thought [redacted] read or heard about this the prior day in the news or the media. This comment struck [redacted] as a funny (strange) comment. [redacted] sounded reluctant to look for the aircraft. [redacted] gave [redacted] the telephone number of [redacted] [redacted] knows more of what is occurring at the airport as [redacted]

Name, Title, Signature, and Date: [redacted] 6/10/03	Reviewing Official Name, Title, Signature, and Date: Joe Artes, Special Agent in Charge [redacted]	Item #: 6/10/03
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MEMORANDUM OF ACTIVITY

lives in [REDACTED] and is not normally at the airport. [REDACTED] also gave [REDACTED] the telephone number of [REDACTED] who handles things at the airport when [REDACTED] is not there.

There was no answer at [REDACTED] telephone number.

At this point, [REDACTED] received a call from the airport authorities at Mineral Wells. The aircraft could not be located at the airport.

[REDACTED] then called [REDACTED] at DFW. [REDACTED] was advised that FAA could not find any information on the aircraft. [REDACTED] asked FAA to try and get information on the aircraft from any of their facilities.

[REDACTED] called [REDACTED] and advised [REDACTED] again that [REDACTED] was unable to locate the aircraft.

[REDACTED] took a break. While [REDACTED] was on break, [REDACTED] at DFW called and spoke with [REDACTED] Detection Systems Specialist. [REDACTED] had contacted Lubbock approach that had no information on the aircraft for that day. However, Lubbock approach was familiar with the aircraft because they believed they had worked the aircraft the day before. (In the draft transcript of the recordings, this conversation with [REDACTED] at DFW was shown as occurring with [REDACTED]. Upon [REDACTED] review of the transcript, [REDACTED] advised that [REDACTED] had taken the call. The draft two pages showing [REDACTED] name are attached.) Upon [REDACTED] return from break, [REDACTED] advised [REDACTED] of the call.

[REDACTED] briefed [REDACTED] and [REDACTED], of [REDACTED] attempts to locate the aircraft. [REDACTED] further stated that [REDACTED] could advise [REDACTED] to contact [REDACTED] at DFW to a request a search. [REDACTED] concurred with [REDACTED] actions and could not think of anything further that could be done to assist.

[REDACTED] called [REDACTED] and explained that [REDACTED] could not find the aircraft. [REDACTED] gave [REDACTED] the telephone numbers for [REDACTED] and [REDACTED] (and explained [REDACTED] was unable to contact [REDACTED]). [REDACTED] advised [REDACTED] to contact [REDACTED] at DFW for search and rescue. [REDACTED] did not want to go that far and stated "they're Texas legislators and that's all [REDACTED] was at liberty to say." [REDACTED] explained this conversation to [REDACTED] and [REDACTED] and they all agreed it sounded "fishy."

Within two or three minutes, [REDACTED] received a called from [REDACTED] who asked for the telephone number for [REDACTED] at DFW. [REDACTED] said [REDACTED] would make the contact.

After [REDACTED] provided the previous information relating to the incident, [REDACTED] answered some additional questions.

The actions [REDACTED] took relating to the aircraft in question were a normal part of [REDACTED] duties. When a call comes in, [REDACTED] does not need specific authorization to begin locating an aircraft. It is standard operating procedure. [REDACTED] would then later brief the Senior DSS on duty of [REDACTED] actions.

The request to help locate the aircraft came from [REDACTED] never mentioned to whom it belonged. During the call, [REDACTED] mentioned government officials were on the aircraft and they were concerned because they could not locate it. Later, [REDACTED] checked out the aircraft based on the tail number; it was registered to JDL Farms at Plainview, Texas.

[REDACTED] was unaware of any Congressional or Administration contacts relating to the aircraft.

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MEMORANDUM OF ACTIVITY

When law enforcement agencies call requesting assistance to locate an aircraft, AMICC assists.

██████ had no idea what the cost of providing this assistance was relating to this specific aircraft. ██████ attempts to locate the plane took about 30 to 40 minutes. ██████ was a GS-11 at the time.

According to ██████ no employees or resources of the Department of Homeland Security were diverted from homeland security tasks in order to assist with this request.

All the actions ██████ took were in accordance with their instructions and how they are trained on a routine basis.

According to ██████ as it has been explained to ██████ all calls to/from the operation floor are recorded. This is from the moment the handset is off the hook.

██████ did not believe that ██████ was being deceived by ██████. However, after ██████ stated, ██████ was "not at liberty to say more," ██████ believed that something did not seem right – that there was more involved in this situation.

██████ reviewed the transcript of the recordings of May 12, 2003, and stated that it is complete.

Attachments:

1. Proposed flight plan from Ardmore, Oklahoma, to Plainview, Texas.
2. Airports/Source Codes for Ardmore, Oklahoma, and Plainview, Texas.
3. Two draft pages of May 12, 2003, transcript, showing ██████ as AMICC person receiving incoming call.

Archive Flight Plans

Action Edit Block Field Record Query

Help

Archive Flight Plan Detail Record

AC ID: N711RD

AC Type: PAY2

Speed: 240

Altitude: 160

Mode 3A:

Fix: 1F0

Time: P122345

Rules: IFR

Route:

1F0.PVM/0100

Departure Apt: 1F0

US? Y

Destination Apt: PVM

US? Y

ETA: 130045

Suspect?: N

Remarks:

Source: KMLCYFX

Origin:

Sent: 12-MAY-03

2336

Rcvd: 12-MAY-03

2336

CID:

MType: FP

ICAO:

Purge: 13-MAY-03

0145

Exit

Enter Query

Cancel Query

Print

Summary

Airport Lookup

AC Reg Lookup

Airport Lookup

Action Edit Block Field Record Query

Help

Airports/Source Code

Apt Id

1F0

Airport Name

ARDMORE DOWNTOWN EXECUTIVE

City

ARDMORE

St

OK

Apt Id

PVW

Airport Name

HALE COUNTY

City

PLAINVIEW

St

TX

Apt Id

Airport Name

City

St

Exit

Enter Query

Cancel Query

Airport Identifier

ROUGH DRAFT

1 [REDACTED] Just ask for New Mexico position.

2 [REDACTED] [REDACTED]

3 [REDACTED] Yes, [REDACTED]

4 [REDACTED]: That's going to be the New Mexico
5 position?

6 [REDACTED] Yes, [REDACTED]

7 [REDACTED] All right. We'll see what we can
8 find out, I'll call you back here in just a few minutes.

9 [REDACTED] Thanks, [REDACTED]

10 [REDACTED]: All right. Bye.

11 [REDACTED] Bye.

12 (Call ends).

13

14

15 (Phone busy).

16

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18 [REDACTED] New Mexico desk. Can we help you?

19 Yes. This is Fort Worth Center calling back
20 about that 711 ROMEO DELTA.

21 Go ahead, [REDACTED]

22 We talked to the approach control there at
23 Lubbock, Texas, and see if they had worked [REDACTED] sometime
24 today either **via fire or I afire, and they have not
25 been able to locate any records that they talked to them.

ROUGH DRAFT

1 They said they're familiar with the aircraft though.

2 Okay.

3 But [redacted] is, I guess, [redacted] based up there in
4 Plainview.

5 In Plainview? All right.

6 Yeah, they said they remembered talking to [redacted]
7 probably yesterday, but they do not recall talking to [redacted]
8 today, but they are going to continue their search, and I
9 told them to call us back if they could come up with
10 anything.

11 Okay. That's great. I appreciate the work
12 there.

13 That's all we know so far.

14 All right. Thank you.

15 Good bye.

16 (CALL ends).

19 (Phone busy).

22 (Phone disconnected message).

24 [redacted]: This is [redacted]

25 [redacted]: This is [redacted] with U.S.

EXHIBIT 8



Type of Activity: Other (Describe): Receipt of Fax from AMICC

Case Number: IN03-OIG-LA-0662	Case Title: Air and Marine Interdiction Center
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On May 21, 2003, [redacted] Air and Marine Interdiction Coordination Center (AMICC), Bureau of Immigration and Customs Enforcement, Riverside, California, provided via fax a copy of the transcript of the recording of the telephone calls [redacted] Detection Systems Specialist, made in an attempt to locate an alleged missing aircraft, on May 12, 2003. The initial call was received from [redacted] Department of Public Safety, Austin, Texas.

The attached is the 29 page fax from [redacted]

Name, Title, Signature, and Date: [redacted]	Reviewing Official Name, Title, Signature, and Date: Joe Artes, Special Agent in Charge [Signature] 5/28/03	Item #: [redacted]
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**DEPARTMENT
OF
HOMELAND SECURITY**
Bureau of Immigration and Customs Enforcement
FACSIMILE TRANSMITTAL

Date: 21 MAY 03

To: [REDACTED]

Org: OIG

Fax number: [REDACTED]

Originating location:

Sender: [REDACTED]

Air and Marine Interdiction
Coordination Center (AMICC)
PO Box 6363
March ARB, CA 92518-6363

Subject: Transription

Return fax number: [REDACTED] Secure Fax: [REDACTED]

24 Hour Numbers for Comm: [REDACTED]

24 Hour Number for Operations: [REDACTED]

Voice number: [REDACTED]

Number of pages including this cover: 29

Remarks: 1. Per phonecon today

2. Directions sent via email fm [REDACTED] Ops Office.

(P.S. [REDACTED]
[REDACTED])

Air Marine Interdiction Coordination Center

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U.S. CUSTOMS DEPARTMENT OF HOMELAND SECURITY

PHONE ON CONSOLE 07 - 12MAY03

STENOWRITERS

12512 Bryce Circle
Cerritos, California 90703

562.860.8300

1 [REDACTED] [REDACTED] how may I help you?
2 [REDACTED]: [REDACTED] my name is [REDACTED] I'm a
3 [REDACTED] with DPS in Austin, Texas.
4 [REDACTED] Yes.
5 [REDACTED]: Got a problem. Hope you can help me
6 out. We had a plane that was supposedly to be going from
7 Ardmore, Oklahoma to Georgetown, Texas. It had state
8 representatives in it, and we cannot find this plane.
9 [REDACTED] Okay. What's the tail number of
10 the airplane?
11 [REDACTED]: NORA-711 ROBERT DAVID.
12 [REDACTED]: Robert David.
13 [REDACTED]: Now we checked with the Austin
14 flight line, and they had no flight plan for that plane.
15 [REDACTED] And you said it was going from --
16 [REDACTED] Ardmore, Oklahoma.
17 [REDACTED] -- To Georgetown?
18 [REDACTED]: To Georgetown, Texas. And they have
19 supposedly left at 5:00.
20 [REDACTED] Okay. You haven't talked to any of
21 the FAA people or --
22 [REDACTED] No, I have not.
23 [REDACTED] Okay. Can I get a phone number for
24 you?
25 [REDACTED] [REDACTED] --

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[REDACTED] [REDACTED] --
[REDACTED] [REDACTED] --
[REDACTED] [REDACTED] --
[REDACTED] [REDACTED] --
[REDACTED] [REDACTED] --
[REDACTED] [REDACTED] --
[REDACTED] And my name is [REDACTED] Last name is
[REDACTED] and I'm with DPS.
[REDACTED] Okay. I'm going to go ahead and
try to contact some FAA people and see if they have any
information on this, and we'll check to see if we have
any flight plans on it.
[REDACTED] Okay.
[REDACTED] See if we can find it and give you
a call back here, okay?
[REDACTED] Okay.
[REDACTED]: All right.
[REDACTED] Bye.
[REDACTED] Okay. Bye.
[REDACTED] Bye.
(Call ends).
[REDACTED]: Fort Worth Center [REDACTED]
[REDACTED] Hey, [REDACTED] This is [REDACTED] with
Customs Radar. I'm trying to find an airplane.

1 [REDACTED] Okay.
2 [REDACTED] It's NOV-711 ROMEO DELTA. It was
3 due in to Plainview, Texas.
4 [REDACTED] It was due in to Plainview?
5 [REDACTED] Yeah.
6 [REDACTED] Today?
7 [REDACTED] Yeah, today.
8 [REDACTED]: Huh.
9 [REDACTED] And it's saying 00:45 and the
10 people's trying to find it, and I can't see it on the
11 radar or anything, and they don't have an active flight
12 plan on it, but there is a proposal coming out of
13 Ardmore, Oklahoma going down to Plainview.
14 [REDACTED]: All right. Hang on a second.
15 [REDACTED] Okay.
16 [REDACTED]: At 23:48.
17 [REDACTED] 23:48.
18 [REDACTED] [REDACTED] was about 11 miles south of
19 Ardmore, and we show [REDACTED] went via far into Mineral Wells.
20 [REDACTED] Mineral Wells?
21 [REDACTED] Yes. MWL.
22 [REDACTED] MWL. All right. And [REDACTED] went --
23 you know what time [REDACTED] landed there?
24 [REDACTED] No, I did not.
25 [REDACTED] Okay. You wouldn't happen to have

1 a phone number for them, would you?
2 [REDACTED] I can find one.
3 [REDACTED] Okay. If you would please.
4 [REDACTED] Okay. Airport 2 you want --
5 [REDACTED] Probably an FBO or manager or
6 somebody there. If it has the tower, that would be
7 great, but I don't think so.
8 [REDACTED] I don't have a tower.
9 [REDACTED] Okay.
10 [REDACTED] Let's see here. Airport
11 Authority or -- that's about all we got here [REDACTED] --
12 [REDACTED] [REDACTED] --
13 [REDACTED] : [REDACTED] --
14 [REDACTED] [REDACTED] --
15 [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] And Mineral Wells exactly
17 where is that?
18 [REDACTED] It melts out via war do you know
19 where that's at?
20 [REDACTED] : No.
21 [REDACTED] Well, it's west of Fort Worth
22 about 40 miles.
23 [REDACTED] 40 miles west of Fort Worth?
24 [REDACTED] Yeah.
25 [REDACTED] Okay, [REDACTED] Appreciate that. Thank

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you, [REDACTED]

[REDACTED]: You bet.

[REDACTED] All right. Bye.

(Call ends).

(Phone Busy).

[REDACTED] Airport.

[REDACTED] Yes, [REDACTED] My name is [REDACTED] I work with U.S. Customs out of Riverside, California.

[REDACTED]: Yes.

[REDACTED] Trying to track down an airplane for some people up in Oklahoma.

[REDACTED]: Uh-huh.

[REDACTED] It's supposed to have some government officials on it.

[REDACTED] Okay.

[REDACTED] NOV--711 ROMEO DELTA, and I just spoke with Dallas Fort Worth Center, and they said about 23:48 he was 11 miles heading into Mineral Wells, and that was the last thing that they knew about [REDACTED]

[REDACTED] And what time was that?

[REDACTED] 2348 ZULU. It's about an hour ago.

[REDACTED] All right. About an hour ago?

1 [REDACTED] 50 minutes ago.
2 [REDACTED] Let's see. It's not on the fuel
3 log. I haven't heard that pin number yet. 711 ROMEO
4 Delta?
5 [REDACTED] Right.
6 [REDACTED] No, haven't heard that.
7 [REDACTED] All right. Is there any way we can
8 get somebody to check out the airport see if it is
9 actually there?
10 [REDACTED] Yeah. I can go through all the
11 hangers and everything else.
12 [REDACTED] Okay. You know -- we -- I'm just
13 trying to find it for this guy up in Ardmore, Oklahoma.
14 It was supposed to be going into Plainview, Texas later
15 on but...
16 [REDACTED] [REDACTED] was going to make a stop here
17 for fuel or?
18 [REDACTED] I don't know if it was stopping
19 there for fuel or what. But I'm just going by what
20 Dallas Fort Worth gave me.
21 [REDACTED] What kind of plane was it?
22 [REDACTED] PA-2.
23 [REDACTED] PA-2.
24 [REDACTED] Yeah, PAY-2.
25 [REDACTED] Okay.

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[REDACTED] Pagan 2.

[REDACTED] Okay. Well, I'll go and check all the ramps and drive through all the feed hangers and --

[REDACTED] Okay, sir. And my phone number here -- if you give us call back and just ask for the New Mexico desk.

[REDACTED] Okay.

[REDACTED] Is [REDACTED] And what was your name, sir?

[REDACTED] This is [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] Yeah.

[REDACTED] Okay, sir. I appreciate your help.

[REDACTED]: Okay.

[REDACTED] All right, sir.

[REDACTED] All right.

[REDACTED] Bye.

[REDACTED] Bye.

(Call ends).

1 [REDACTED] This is [REDACTED]
2 [REDACTED] Yeah, [REDACTED] this is [REDACTED] with U.S.
3 Customs out of Riverside.
4 [REDACTED]: Yes, [REDACTED]
5 [REDACTED] What I found out so far, I have not
6 found your airplane yet.
7 [REDACTED]: Okay.
8 [REDACTED] At 23:48 ZULU Dallas Fort Worth
9 said that they had [REDACTED] 11 miles outside of Mineral Wells,
10 Texas going into Mineral Wells.
11 [REDACTED] Okay.
12 [REDACTED] I've just spoke with the port
13 authority or the police department there a [REDACTED]
14 [REDACTED] Uh-huh.
15 [REDACTED] [REDACTED] is going out and check the area
16 right now to see if [REDACTED] can find the airplane, and [REDACTED]
17 give us a call back here.
18 [REDACTED] What time did you say 20 --
19 [REDACTED] 23:48 Zulu which was just about 52
20 minutes ago.
21 [REDACTED] Okay.
22 [REDACTED] That's --
23 [REDACTED] Outside of Mineral Wells?
24 [REDACTED] Outside of Mineral Wells. And I do
25 have the police authority there going out and looking at

1 the airport to see if [redacted] can find the aircraft there.

2 [redacted] That's all we want to do is --

3 [redacted] Yeah.

4 [redacted] No contact being made.

5 [redacted] Yeah.

6 [redacted] Okay.

7 [redacted] No contact at this time, you know,

8 we're just going out there to see. I just want to let

9 you know on the update that we hadn't forgot about you.

10 [redacted] Great.

11 [redacted] And we'll give you a call as soon

12 as we find out anything, sir.

13 [redacted] Okay, [redacted]

14 [redacted] Okay.

15 [redacted]: Thank you.

16 [redacted] Bye.

17 (Call Ends).

18

19

20

21 (Phone Recording as Follows): This is Miller

22 Flight Service. We're either out of the office for a few

23 minutes or closed for the day. If you would like to

24 leave a message you may do so at the beep [redacted]

25 [redacted]

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[REDACTED]
[REDACTED]
[REDACTED]

(Call ends).

[REDACTED] This is [REDACTED]

[REDACTED] Yes. [REDACTED] from

(inaudible) Airport.

[REDACTED] Yes, [REDACTED]

[REDACTED] Are you who I spoke with?

[REDACTED] Yes, [REDACTED] it is.

[REDACTED] I checked everywhere, and it's
not on the ground here.

[REDACTED] It's not on the ground there?

[REDACTED] No. What kind of plane was that
anyway, twin engine?

[REDACTED] PAY-Y2.

[REDACTED] Hopper or Navy?

[REDACTED] No. It's a Pasan. I'm not for
sure. I don't have a picture of it. Okay. But you
can't find anything on that airplane, huh?

[REDACTED] No. Haven't heard anything.

[REDACTED] I appreciate it, [REDACTED]

[REDACTED] I'll let you know if it does come

1 in.

2 [REDACTED] Okay. I appreciate it. Bye.

3 (Phone ends).

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6 [REDACTED] Yes, sir, is this [REDACTED]?

7 [REDACTED]: Who are you calling?

8 [REDACTED] I'm trying to get ahold of [REDACTED]

9 [REDACTED] Plainview, Texas.

10 [REDACTED] Okay. You got [REDACTED]

11 [REDACTED] Okay. All right. [REDACTED] my name is

12 [REDACTED] I work with U.S. Customs out of Riverside,
13 California.

14 [REDACTED]: Uh-huh.

15 [REDACTED] There was an airplane that was
16 supposed to come in at Plainview there out of Ardmore,
17 Oklahoma a NOV-711 ROMEO DELTA.

18 [REDACTED]: Uh-huh.

19 [REDACTED] And the people up in Oklahoma is
20 trying to find the airplane. They have not heard from it
21 in a while. They were just wondering if it made it
22 there?

23 [REDACTED]: Well, [REDACTED] doesn't base over at
24 our side of the airport.

25 [REDACTED] Okay, [REDACTED]

1 [redacted]: So I don't -- I wouldn't have
2 any way of knowing because I don't have a key to their
3 hanger or anything.

4 [redacted] Okay. Who could I contact on the
5 other side to see if [redacted] over there?

6 [redacted] Oh, well, [redacted] is the
7 owner, but I don't -- [redacted] lives in [redacted] and [redacted]
8 out of town some so I'm not sure whether there would be
9 anybody you could find over there tonight or not.

10 [redacted] Okay. Is there any way that I can
11 find out where -- if the airplane is at the airport
12 there? I mean, I don't know how big the airport is. I'm
13 out in California.

14 [redacted]: Right.

15 [redacted] And these people up in Oklahoma
16 they said that these people were like government
17 officials, and they're trying to find them.

18 [redacted]: Yeah, I'm kind of familiar with
19 that whole -- deal.

20 [redacted] Okay.

21 [redacted]: It made the paper today.

22 [redacted] Okay. I don't know what's going
23 on. I'm just trying to find the people that's all.

24 [redacted] Yeah, I understand. Yeah, I don't
25 know. Let's see trying to think of somebody. There's no

1 way I can find out because, like I say, if it's here and
2 in the hanger, I wouldn't have anyway to find out.

3 [REDACTED] Okay.

4 [REDACTED]: You have --

5 [REDACTED] Do they just park the airplanes
6 outside or --

7 [REDACTED]: No. It's got a hanger it
8 belongs in. It wouldn't be left out here because we have
9 such threat of thunderstorms.

10 [REDACTED] Okay.

11 [REDACTED]: But it supposedly left Ardmore
12 is what they're saying?

13 [REDACTED] Yeah. FAA Fort Worth Center last
14 contact they had with the airplane was at 23:48 Zulu
15 which was just a little bit over an hour ago, and it was
16 11 miles outside of Mineral Wells, Texas, which is
17 probably 40 miles outside of Fort Worth.

18 [REDACTED]: Yeah, I know where Mineral Wells
19 is.

20 [REDACTED] Yeah.

21 [REDACTED]: An hour ago outside of Mineral
22 Wells?

23 [REDACTED] Yeah.

24 [REDACTED]: Huh, let's see, well -- the guy
25 that's kind of in charge over there -- when [REDACTED]

1 is gone [REDACTED]
2 [REDACTED] Okay, sir,
3 [REDACTED]: I don't know. Just a second.
4 [REDACTED] Okay, sir.
5 [REDACTED]: Well, supposedly, [REDACTED] phone
6 number is [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED]: Uh-huh.
9 [REDACTED] Okay. And you say [REDACTED] kind of in
10 charge when the other guys --
11 [REDACTED]: When the owner is gone, [REDACTED]
12 kind of in charge of the business for [REDACTED] --
13 [REDACTED]: Okay.
14 [REDACTED] So [REDACTED] probably, if anybody,
15 knows [REDACTED] probably know.
16 [REDACTED] Okay. All right, [REDACTED] I
17 appreciate it very much.
18 [REDACTED]: Okay. Thanks.
19 [REDACTED] Bye.
20 (Call ends).
21
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23 (Phone call no answer).
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1 [REDACTED] Front desk [REDACTED]
2 [REDACTED] Yes, [REDACTED] [REDACTED] this is
3 [REDACTED] with Customs Radar again.
4 [REDACTED] Yes.
5 [REDACTED] I think spoke with you about 20
6 minutes ago when A NOV-711 ROMEO DELTA.
7 [REDACTED] Uh-huh.
8 [REDACTED] Okay. I've called over to Mineral
9 Wells. They can't find anything anyone there at the
10 Mineral Wells Airport.
11 [REDACTED] Uh-huh.
12 [REDACTED] I called over, and I talked to the
13 FBO people. They don't know anything about it in the
14 Plainview. Is there any way that you can contact some of
15 the FAA folks that might have talked with anyone its
16 route over to Plainview to see if they have any updates
17 on everything to find out if we can find this airplane?
18 [REDACTED] Yeah. We can call around and see
19 if we can find them somewhere. You say you called some
20 FBOs or --
21 [REDACTED] I called Miller Flying and --
22 [REDACTED] At Mineral Wells?
23 [REDACTED] No. At actually Plainview.
24 [REDACTED] At Plainview?
25 [REDACTED] Yeah. And I called the airport

1 authority there at Mineral Wells. They did send a car
2 out and called us back and said they couldn't find it
3 laying out there anywhere or, you know, in the area that
4 wasn't locked up or anything.

5 [REDACTED] Right.

6 [REDACTED] So they gave me a name for a [REDACTED]
7 [REDACTED] there at Plainview. That's on the other side
8 of the flying or the FBO. And I can't get no answer over
9 there. I was going to send out maybe -- maybe call the
10 local police department there and see if they can send a
11 car out and check the airport to just see if it is out
12 there. But they said it's usually inside of a hanger
13 over there.

14 [REDACTED]: Yeah, that's probably likely it
15 would be in a hanger already.

16 [REDACTED] Yeah, so, I don't know which --
17 which of your facilities might have talked to them or?

18 [REDACTED]: I'll tell you what, we'll check
19 with Lubbock approach and see if they talked to [REDACTED]
20 and --

21 [REDACTED] Okay.

22 [REDACTED] -- and maybe go from there.

23 [REDACTED] Okay. And if you could, if you
24 could, you know, whatever information get me, you know,
25 if you could just give us a call back here at [REDACTED]

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[REDACTED] Just ask for New Mexico position.
[REDACTED]: [REDACTED]
[REDACTED] Yes, [REDACTED]
[REDACTED] That's going to be the New Mexico
position?
[REDACTED] Yes, [REDACTED]
[REDACTED] All right. We'll see what we can
find out, I'll call you back here in just a few minutes.
[REDACTED] Thanks, [REDACTED]
[REDACTED] All right. Bye.
[REDACTED] Bye.
(Call ends).

(Phone busy).

[REDACTED] New Mexico desk. Can we help
you?

FAA: Yes. This is Fort Worth Center calling
back about that 711 ROMEO DELTA.

[REDACTED] Go ahead, [REDACTED]
FAA: We talked to the approach control there at
Lubbock, Texas, and see if they had worked [REDACTED] sometime
today either (inaudible) via fire or I afire, and they

1 have not been able to locate any records that they talked
2 to them. They said they're familiar with the aircraft
3 though.

4 [REDACTED] Okay.

5 FAA: But [REDACTED] is, I guess, [REDACTED] based up there in
6 Plainview.

7 [REDACTED]: In Plainview? All right.

8 FAA: Yeah, they said they remembered talking to
9 [REDACTED] probably yesterday, but they do not recall talking to
10 [REDACTED] today, but they are going to continue their search,
11 and I told them to call us back if they could come up
12 with anything.

13 [REDACTED] Okay. That's great. I
14 appreciate the work there.

15 FAA: That's all we know so far.

16 [REDACTED] All right. Thank you.

17 FAA: Good bye.

18 (CALL ends).

19
20
21 (Phone busy).

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24 (Phone disconnected message).
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[REDACTED]: This is [REDACTED]

[REDACTED] This is [REDACTED] with U.S.

Customs.

[REDACTED] Yes.

[REDACTED] I have not found your airplane yet.

[REDACTED] Okay.

[REDACTED] Tell you what I have done. I have talked to the police authority over there. They could not find it at Mineral Wells. I have talked to the FBO Miller Flying Service out of Plainview. They said they're familiar, but they wouldn't service it. It would be across the field into a hanger over there --

[REDACTED] Okay.

[REDACTED] -- on the other side. They gave me a [REDACTED] phone number [REDACTED] Area code is [REDACTED] I cannot get anybody to answer that phone number.

[REDACTED] Okay.

[REDACTED] I've talked to Dallas Fort Worth Center. They talked to Lubbock Approach who handles that area. They remember the airplane from yesterday.

[REDACTED] Uh-huh.

[REDACTED] But they don't remember it today.

[REDACTED]: Okay.

1 [REDACTED] I can give you a number to [REDACTED]
2 [REDACTED] at Forth Worth Center.
3 [REDACTED] I think what we're going to do is
4 we're going to send some people up there to start
5 looking.
6 [REDACTED] Okay.
7 [REDACTED] At different places.
8 [REDACTED] Okay. And this was the city of
9 Ardmore --
10 [REDACTED] Yeah.
11 [REDACTED] -- airplane. And did it have --
12 you said it had have government officials onboard?
13 [REDACTED] Yeah.
14 [REDACTED] Is it just city of Ardmore
15 officials or --
16 [REDACTED] No U.S. -- I mean Texas
17 representatives.
18 [REDACTED] Texas?
19 [REDACTED] Right.
20 [REDACTED] Reps?
21 [REDACTED] Uh-huh. We're trying to locate, you
22 know, I don't know -- well, we're trying to do some
23 checking down here on it. Since there was no flight plan
24 and all that we're -- we're checking some other things.
25 I guess I'm really not at liberty to go too much further

1 than that.

2 [REDACTED] Okay.

3 [REDACTED]: Okay.

4 [REDACTED] All right. It's no problem. I can
5 given you [REDACTED] and they can do a search and
6 rescue for you.

7 [REDACTED]: No, that's okay.

8 [REDACTED] Okay.

9 [REDACTED]: We don't want to go that far.

10 [REDACTED] Okay. All right. All right. No
11 problem. They also had a [REDACTED] I think,
12 number that I had in the book here for the airport for
13 the hanger that it should be --

14 [REDACTED] Okay. What's [REDACTED] number?

15 [REDACTED] Let me look that up for you real
16 quick, okay? Hang on one second, all right?

17 [REDACTED]: (Conversation had by [REDACTED] not with
18 [REDACTED] Keep trying to call those guys they -- it rolls
19 over to their --

20 [REDACTED] Yeah, [REDACTED] all right.
21 Okay. [REDACTED] and they say [REDACTED] the area manager.
22 And when I talked to the flying service down there, they
23 said when [REDACTED] not there, this [REDACTED] handles
24 everything.

25 [REDACTED]: Okay.

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[REDACTED] So I tried [REDACTED] number, and I didn't
try the [REDACTED] number because [REDACTED] told me [REDACTED] wasn't in
so...

[REDACTED]: Okay, [REDACTED]

[REDACTED]: Okay, [REDACTED]

[REDACTED]: I appreciate your help, man.

[REDACTED]: Okay. No problem. Thank you.

Bye.

[REDACTED] Bye.

(Call ends).

[REDACTED] Texas.

[REDACTED] Is [REDACTED] there?

[REDACTED] Yes, this is [REDACTED]

[REDACTED]: [REDACTED] this is [REDACTED]

[REDACTED] Yeah.

[REDACTED]: Hey, I just talked to the one of the
representatives down here.

[REDACTED] Okay.

[REDACTED]: State representative. They want to
do a search and rescue.

[REDACTED] Okay, sir.

[REDACTED]: What does it take? Now I told them
that we had an individual? Is this [REDACTED] ---

1 where is [REDACTED] out of?
2 [REDACTED] Plainview.
3 [REDACTED]: Plainview?
4 [REDACTED] Yeah.
5 [REDACTED] I told [REDACTED] about that, and [REDACTED] says,
6 no, let's do the search and rescue.
7 [REDACTED] Okay. I can give you the number
8 for [REDACTED] at Forth Worth Center.
9 [REDACTED]: Okay.
10 [REDACTED]: And it's area code [REDACTED]
11 [REDACTED]: [REDACTED] --
12 [REDACTED]: [REDACTED] --
13 [REDACTED]: [REDACTED] --
14 [REDACTED]: [REDACTED]
15 [REDACTED]: Okay.
16 [REDACTED]: And the FAA is usually the ones
17 that's responsible for trying to find an airplane that's
18 flying from Point A to Point B when it's missing.
19 [REDACTED]: Okay.
20 [REDACTED]: And they'll institute their
21 procedures for going ahead and, you know, going from
22 Point A to Point B and trying to find.
23 [REDACTED]: Do I need to explain that I have
24 talked to you and all?
25 [REDACTED] Yeah. You can go ahead and do

1 that. You can tell [REDACTED] I've talked to [REDACTED]
2 a couple of times.

3 [REDACTED] The [REDACTED] is?

4 [REDACTED]: I do not know [REDACTED] name. [REDACTED] just
5 got a title there [REDACTED] for the FAA.

6 [REDACTED]: Okay.

7 [REDACTED] And [REDACTED] go ahead and talk with
8 you. I'm sure that they'll go ahead and implement
9 whatever needs to be done and everything.

10 [REDACTED]: Okay.

11 [REDACTED]: Okay, Will?

12 [REDACTED]: Okay. Thank you.

13 [REDACTED]: All right. Bye.

14 (Call ends).

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17 SATO TRAVEL: Thank you for calling Sato Travel.
18 Our office is currently closed. Our office hours are
19 7:30 a.m. to 5:30 p.m. local time Monday through Friday.
20 We are closed on federal holidays. If this is an
21 emergency, please, call the emergency service center at 1
22 (800) --

23 (Call ends).
24
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1 SATO TRAVEL: Attention Sato Travel customers:
2 Our menu options have changed. Please listen carefully
3 and thank you for calling Sato Travel. For quality
4 assurance purposes, this call may be monitored or
5 recorded. Please listen to the menu in its entirety as
6 it has changed.

7 If you're calling for international reservations
8 including Alaska, Hawaii, and the Caribbean please push 1
9 now. If you're calling for an Amtrak reservation, please
10 press 2 now. If you require a car and/or hotel only
11 reservation please press 3 now. For all other domestic
12 air reservations within the 48 Continental United States,
13 please press 4 now.

14 (Button pushed).

15
16
17 Thank you calling for Sato Travel. Our office
18 is currently closed. Our office hours are 7:30 a.m. to
19 5:30 p.m. local time Monday through Friday. We are
20 closed on federal holidays. If this is an emergency,
21 please call the emergency service center at [REDACTED]

22 [REDACTED]
23 (Call ends).
24
25

1 SATO TRAVEL: Thank you for calling Sato Travel.
2 Our office is currently closed. Our office hours are
3 7:30 a.m. to 5:30 p.m. local time Monday through. We are
4 closed on federal holidays. If this is an emergency,
5 please, call --

6 (Call ends).
7
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9 SATO TRAVEL: Thank you for calling Sato Travel.
10 Our office is currently closed. Our office hours are
11 7:30 a.m. to 5:30 p.m. local time Monday through Friday.
12 We are closed on federal holidays --

13 (Call ends).
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I, [REDACTED], a Shorthand Reporter do hereby state:

That said taped phone conversation transcribed under my direction and supervision, and I hereby state the foregoing taped phone conversation is a full, true, and correct transcript of my shorthand notes so taken.

I further state that I am neither counsel for nor related to any party to said action nor in anyway interested in the outcome thereof.

[REDACTED]

EXHIBIT 9



Type of Activity: Telephone Contact

Case Number: IN03-OIG-LA-0662

Case Title: Air and Marine Interdiction Center

[REDACTED] GS-12, Detection Systems Specialist (DSS), Air and Marine Interdiction Coordination Center (AMICC), Bureau of Immigration and Customs Enforcement (BICE), Telephone number [REDACTED] March Air Force Base, Riverside, California, contacted this office by telephone on May 27, 2003, from approximately 10:50 AM to 10:55 AM. In addition to the reporting agent, [REDACTED] Office of Inspector General, Department of Homeland Security (DHS), was present. [REDACTED] provided the following information, in substance:

[REDACTED] said that [REDACTED] recalled a May 12, 2002, call for assistance in locating a missing aircraft in Texas. (Attachment pgs 18, 19) [REDACTED] was filling in for [REDACTED] Detection System Specialist, AMICC, who was on break. [REDACTED] said that [REDACTED] was a floater that day and [REDACTED] function was to give breaks to the other DSS on duty. It is standard operating procedure to assist each other.

An unknown individual for the Federal Aviation Administration (FAA) called and said that they had no contact with the missing aircraft that day. They recalled having contact with the aircraft at other times and knew that it was out of Plainview, Texas. [REDACTED] knew that [REDACTED] was trying to find a missing aircraft and forwarded this information to [REDACTED] when [REDACTED] returned from [REDACTED] break.

[REDACTED] said that when answering the telephone [REDACTED] identities [REDACTED] as either Customs Radar, or by the name of the desk [REDACTED] is working.

[REDACTED] had no further contact with anyone concerning the aircraft.

Name, Title, Signature, and Date: [REDACTED] Special Agent [REDACTED] 5/27/03	Reviewing Official Name, Title, Signature, and Date: [REDACTED] [REDACTED] 5/28/03	Item #:
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[REDACTED] Just ask for New Mexico position.
[REDACTED]: [REDACTED]?
[REDACTED] Yes, [REDACTED]
[REDACTED] That's going to be the New Mexico
position?
[REDACTED] Yes, [REDACTED]
[REDACTED] All right. We'll see what we can
find out, I'll call you back here in just a few minutes.
[REDACTED] Thanks, [REDACTED]
[REDACTED]: All right. Bye.
[REDACTED] Bye.

(Call ends).

(Phone busy).

[REDACTED] New Mexico desk. Can we help
you?
FAA: Yes. This is Fort Worth Center calling
back about that 711 ROMEO DELTA.
[REDACTED] Go ahead, [REDACTED]
FAA: We talked to the approach control there at
Lubbock, Texas, and see if they had worked [REDACTED] sometime
today either (inaudible) via fire or I afire, and they

1 have not been able to locate any records that they talked
2 to them. They said they're familiar with the aircraft
3 though.

4 [REDACTED] Okay.

5 FAA: But [REDACTED] is, I guess, [REDACTED] based up there in
6 Plainview.

7 [REDACTED]: In Plainview? All right.

8 FAA: Yeah, they said they remembered talking to
9 [REDACTED] probably yesterday, but they do not recall talking to
10 [REDACTED] today, but they are going to continue their search,
11 and I told them to call us back if they could come up
12 with anything.

13 [REDACTED] Okay. That's great. I
14 appreciate the work there.

15 FAA: That's all we know so far.

16 [REDACTED] All right. Thank you.

17 FAA: Good bye.

18 (CALL ends).

19
20
21 (Phone busy).

22
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24 (Phone disconnected message).
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EXHIBIT 10



Type of Activity: Personal Interview

Case Number: IN03-OIG-LA-0662	Case Title: Air and Marine Interdiction Center
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On May 23, 2003, from approximately 10:50 AM to 10:55 AM, [redacted] Senior Detection Systems Specialist (DSS), and [redacted], Air and Marine Interdiction Coordination Center (AMICC), Bureau of Immigration and Customs Enforcement, telephone number [redacted], Riverside, California, were asked to provide specific copies of policies or regulations governing assistance AMICC might provide to law enforcement agencies. [redacted] stated [redacted] would see what [redacted] could find and provide the information to me.

Additionally, [redacted] and [redacted] were questioned about how the telephone calls were recorded on the operations floor. They stated that all calls are recorded on the operations floor, both incoming and outgoing. The moment the telephone is off the hook, the recording begins.

There is a button on the telephone handset that must be depressed to enable the outgoing portion of the call (from the DSS) to be heard by the person on the other end of the line. However, this does not affect the recording of the call. Anything the caller states will continue to be recorded. When the button is not depressed, the caller cannot hear confidential information that may be discussed by the DSS, such as TECS information (Treasury Enforcement Communication System). When the button is not depressed, anything the DSS might say is not recorded (nor heard by the caller). When the button is depressed, both sides of the call are recorded.

Name, Title, Signature, and Date: [redacted] 5/28/03	Reviewing Official Name, Title, Signature, and Date: Joe Artes, Special Agent in Charge [Signature] 6/3/03	Item #:
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EXHIBIT 11



Type of Activity: Personal Interview

Case Number: IN03-OIG-LA-0662	Case Title: Air and Marine Interdiction Center
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[REDACTED] GS-12, Air and Marine Interdiction Coordination Center (AMICC), Bureau of Immigration and Customs Enforcement, was interviewed on May 23, 2003, from 9:40 AM to 10:15 AM, at March Air Force Base, Riverside, California. In addition to the reporting agent, [REDACTED] Special Agent, Office of Inspector General, Department of Homeland Security, was present during the interview. [REDACTED] stated substantially as follows.

On May 12, 2003, around 1800-1830 hours, [REDACTED] was standing by the console on the operations floor when [REDACTED] Detection Systems Specialist (DSS), advised [REDACTED] Senior DSS, that the Department of Public Safety (DPS) was looking for an aircraft that was missing. According to [REDACTED] there was only a proposed flight plan. [REDACTED] had checked with the fixed base operator and it was believed the plane was going to Plainview, Texas. The operator had seen the plane before, but not that day. Further, the plane had been on the news.

[REDACTED] concurred with what [REDACTED] had done.

According to [REDACTED] [REDACTED] advised [REDACTED] that [REDACTED] initially received the telephone call and passed it on to [REDACTED] and to follow procedure. [REDACTED] agreed with what [REDACTED] had done.

[REDACTED] did not know who had requested assistance via the telephone call until [REDACTED] read the transcript. No one told [REDACTED] the name of the DPS official. [REDACTED] knew the request was in Texas because of the Plainview airport. Or possibly [REDACTED] was told it was in Texas.

There is not a specific authorization to assist when an aircraft is missing. It is the job they do at AMICC. They follow procedure and provide assistance. If any kind of authorization had been required for the plane in question, [REDACTED] would have provided it as the team leader for the shift.

[REDACTED] has no firsthand knowledge of any requests from Congress or the Bush Administration. [REDACTED] was aware of a call from Congressman Ken Calvert's office. Within the last four days, [REDACTED] overheard a conversation between [REDACTED] and [REDACTED], AMICC, talking about the Texas incident. Later, [REDACTED] asked [REDACTED] for more information. [REDACTED] explained that someone from Calvert's office wanted more information about what AMICC did. The caller explained that Calvert was disappointed because AMICC was following the representatives. According to [REDACTED], [REDACTED] informed the caller that the matter was under investigation.

AMICC assists in looking for downed aircraft for humanitarian reasons. In this particular case, AMICC was assisting another law enforcement agency. AMICC did not release any classified information.

Name, Title, Signature, and Date: [REDACTED] 5/28/03	Reviewing Official Name, Title, Signature, and Date: Joe Artes, Special Agent in Charge [Signature] 6/3/03	Item #:
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MEMORANDUM OF ACTIVITY

The total cost of the assistance would include about 15 to 20 minutes of [REDACTED] time at a GS-11 salary and about 5 to 10 minutes of [REDACTED] time at a GS-12 salary.

No employees or resources were diverted from homeland security tasks to assist in attempting to locate the plane.

It is always the policy to assist law enforcement agencies that are attempting to locate an aircraft. On the average, this type of assistance occurs 30 to 40 times daily.

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EXHIBIT 12



Type of Activity: Personal Interview

Case Number: IN03-OIG-LA-0662	Case Title: Air and Marine Interdiction Center
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On May 22, 2003, [redacted] Texas Department of Public Safety (DPS), Austin, Texas, [redacted] or [redacted], was interviewed by the Department of Homeland Security (DHS), Office of Inspector General (OIG) regarding allegations that the Bureau of Immigration and Customs Enforcement (BICE), Air and Marine Interdiction Coordination Center (AMICC), DHS allegedly misused DHS resources in the search of missing Texas state legislators, specifically, by looking for a missing airplane. Others present during this interview were [redacted], DPS, Austin; [redacted], DPS, Austin; and [redacted], DPS, Austin. During the questioning of [redacted] the DHS-OIG was consistently interrupted and challenged by DPS participants that questions were not within the scope of the DHS-OIG investigation. The DPS asked the OIG if [redacted] would be given Miranda warnings. The OIG advised the DPS that [redacted] would not be given Miranda warnings since [redacted] was only a witness regarding a DHS-OIG investigation. The DHS-OIG advised that [redacted] was not under criminal investigation. [redacted] provided, in substance, the following information:

[redacted] has worked for the DPS for [redacted]. [redacted] said [redacted] knew that USCS tracked airplanes. [redacted] said [redacted] was unaware that this USCS California office was part of the DHS.

[redacted] said [redacted] called the USCS about a missing airplane on May 12, 2003, between the hours of 6:45 p.m. and 7:00 p.m. [redacted] said [redacted] asked for the "TX Desk" which [redacted] said referred to the Texas area.

[redacted] was questioned as to who instructed [redacted] to make an inquiry regarding the missing airplane. [redacted] said several individuals requested [redacted] to look for the airplane. At that point in the interview [redacted] asked [redacted] and [redacted] if [redacted] had to answer the question regarding who requested [redacted] to look for the airplane. [redacted] advised [redacted] that this question was outside the scope of the DHS-OIG investigation. The DHS-OIG informed [redacted] that this question was pertinent to the investigation; however, the DHS-OIG could not compel [redacted] to answer. [redacted] declined to answer the question.

At the direction of unnamed individuals, [redacted] said [redacted] called the USCS to locate the airplane since it was past its travel time and missing. [redacted] said [redacted] identified [redacted] and told the USCS call center employee that [redacted] needed to locate a missing airplane. [redacted] said [redacted] did not recall speaking with [redacted] at the USCS. [redacted] advised that there were legislators on board the aircraft; however, [redacted] did not know their identity. [redacted] said [redacted] provided the USCS with the airplane's tail number and advised them that [redacted] did not have the airplane's flight schedule. [redacted] said [redacted] could not remember the exact details of who was contacted to look for the airplane's tail number. [redacted] asked USCS if they could assist [redacted] with locating the missing airplane. [redacted] said the USCS

Special Agent Name, Signature, and Date: [redacted] Special Agent	Reviewing Official Name, Title, Signature, and Date: [redacted] David B. Smith, Special Agent in Charge	Item #:
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MEMORANDUM OF ACTIVITY

advised that they would research the matter and call [REDACTED] back. [REDACTED] said [REDACTED] was called back by the USCS and advised that the Federal Aviation Administration (FAA) followed the flight plan from Ardmore, Oklahoma, to Mineral Wells, Texas.

[REDACTED] said the airplane departed Ardmore, Oklahoma, at 5:00 p.m. and was scheduled to arrive in Georgetown, Texas, at 6:13 p.m. [REDACTED] said the airplane's flight time was approximately one hour and thirteen minutes. [REDACTED] said the airplane's tail number was N711RD, which was registered to Hale Center, Texas. [REDACTED] stated [REDACTED] did not know to whom the airplane belonged. [REDACTED] said [REDACTED] checked with Austin Flight to verify if there was a flight plan from Ardmore, Oklahoma, to Georgetown, Texas, prior to calling USCS.

[REDACTED] said at approximately 8:00 p.m. [REDACTED] spoke with the USCS to check on the status of the missing airplane. The USCS advised [REDACTED] that they had been unsuccessful in locating the airplane in Mineral Wells, Texas, and that the next step would be to contact the FAA, Forth Worth, Texas. [REDACTED] said the USCS advised the only thing left to do was a search and rescue. [REDACTED] said the USCS provided [REDACTED] with the telephone number for the FAA Fort Worth tower.

[REDACTED] said [REDACTED] called the FAA, identified [REDACTED] and requested assistance related to some missing legislators. [REDACTED] did not recall who [REDACTED] spoke with or the time of the call to the FAA. The FAA advised [REDACTED] that the missing airplane traveling from Ardmore, Oklahoma, to Georgetown, Texas, went off the FAA radar in Bridgeport, Texas. [REDACTED] said [REDACTED] was told that the Bridgeport, Texas, and Mineral Wells, Texas, airports would be checking for the missing airplane.

[REDACTED] said when [REDACTED] contacted the FAA Fort Worth tower for the second time [REDACTED] could not recall what time it was or who [REDACTED] spoke with. [REDACTED] said the FAA told [REDACTED] that they did not locate the missing airplane and that the next step was to check some more airports in the area for the missing airplane. [REDACTED] said the FAA told [REDACTED] that Possum Kingdom, Texas, Graham, Texas, and Weatherford, Texas, were in the Bridgeport, Texas, area. [REDACTED] said [REDACTED] asked the FAA how to conduct a search and rescue. [REDACTED] said the FAA explained that a search and rescue involved checking airports and looking on the ground for the missing airplane.

[REDACTED] said [REDACTED] spoke with the FAA three different times with the third discussion informing the FAA that the missing airplane had been located by the DPS in Graham, Texas. [REDACTED] said [REDACTED] did not know who at DPS located the airplane. [REDACTED] said [REDACTED] had no recollection of the specific times during the night that [REDACTED] spoke with the FAA. [REDACTED] opined that the calls were made after 8:00 p.m. and prior to midnight on May 12, 2003.

[REDACTED] was questioned regarding any notes taken regarding the missing airplane. [REDACTED] said [REDACTED] notes from [REDACTED] conversations regarding the missing airplane with the USCS were shredded. [REDACTED] said [REDACTED] did not shred the notes. [REDACTED] said [REDACTED] does not recall who [REDACTED] gave the notes to for shredding.

[REDACTED] opined that the total time utilized by DHS to assist [REDACTED] with the missing airplane was fifteen minutes related to some telephone calls made.

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EXHIBIT 13



Type of Activity: Telephone Contact

Case Number: IN03-OIG-LA-0662	Case Title: Air and Marine Interdiction Center
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[REDACTED], Air and Marine Interdiction Coordination Center (AMICC), Bureau of Immigration and Customs Enforcement (BICE), was contacted by telephone on May 27, 2003, from approximately 11:00 AM to 11:20 AM, at telephone number [REDACTED] located at the AMICC facility, March Air Force Base, Riverside, California. In addition to the reporting agent, [REDACTED], Office of Inspector General, Department of Homeland Security (DHS), was present during the telephone call. [REDACTED] was advised that the telephone call was regarding an alleged missing aircraft on May 12, 2003. [REDACTED] provided the following information, in substance:

[REDACTED] said that [REDACTED] was assigned [REDACTED] for the AMICC. [REDACTED] received a telephone call from Jay Root, a newspaper reporter, Fort Worth Star Telegram, the day after the incident occurred. He requested information on the tracking of an aircraft by the AMICC. [REDACTED] told Root that [REDACTED] knew nothing about the incident. [REDACTED] took the tail number he provided and advised him [REDACTED] would check into the matter. [REDACTED] said that [REDACTED] would not normally know about aircraft tracked by the AMICC.

[REDACTED] told [REDACTED] and [REDACTED] AMICC, that the press contacted [REDACTED] checked with the AMICC Operations Center and asked if there was any contact for assistance on the tail number provided to [REDACTED] by Root. The AMICC Operations Center informed [REDACTED] that there was a request for assistance, they did not locate the aircraft, and referred them to the Federal Aviation Administration (FAA). There was a brief entry in the log and no further action taken by the AMICC.

[REDACTED] advised [REDACTED] supervisor that [REDACTED] would refer Root to Dean Boyd, BICE, Public Affairs, Washington, D.C. [REDACTED] called Root and advised [REDACTED] that AMICC was contacted for assistance and referred him to Boyd. [REDACTED] would typically call Boyd with this type of matter.

[REDACTED] said that [REDACTED] reviewed the tape recording of the telephone call for assistance on the aircraft. It was a typical request for assistance from a law enforcement agency. However, after speaking with Boyd, [REDACTED] determined that it was more than a routine request. The Dallas Morning News, Reuters News Service, KLBJ-TV, Fox, NBC, CBS, the Los Angeles Times and the Press Enterprise, Riverside, California then contacted [REDACTED] BICE Public Affairs provided [REDACTED] with a statement to release to the press. (Attachments)

[REDACTED] Office of Congressman Ken Calvert, called and expressed their shock that the AMICC was involved in looking for the aircraft. [REDACTED] said that [REDACTED] referred the call to the BICE Public Affairs office in Washington, D.C., and made no further comment.

There was no contact by anyone from the Bush Administration.

In [REDACTED] opinion everything was handled professionally.

Name, Title, Signature, and Date: [REDACTED] Special Agent [REDACTED] 5/27/03	Reviewing Official Name, Title, Signature, and Date: [REDACTED], 5/28/03	Item #:
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DEPARTMENT
OF
HOMELAND SECURITY
Bureau of Immigration and Customs Enforcement
FACSIMILE TRANSMITTAL

Date: 5/27/03

To: SPEC. AGENT [REDACTED]

Org: DHS

Fax number: [REDACTED]

Sender: [REDACTED]

Air and Marine Interdiction
Coordination Center
PO Box 6363
March ARB, CA 92518-6363

Originating location:

Subject: STATEMENTS

Return fax number: [REDACTED] Secure Fax: [REDACTED]

24 Hour Numbers for Comm: [REDACTED]

24 Hour Number for Operations: [REDACTED]

Voice number: [REDACTED] or [REDACTED]

Number of pages including this cover: 3

Remarks:

STATEMENTS AS REQUESTED.

[REDACTED]

★ TRADITION

★ SERVICE

★ HONOR

Control Number: _____

Air Marine Interdiction Coordination Center

Statement (1)

from HQ/PA -
see
for
of

May 14, 2003
Statement from the
Bureau of Immigration and Customs Enforcement (ICE)

"Earlier this week, the ICE Air & Marine Interdiction Coordination Center (AMICC) received a phone call from a Texas law enforcement officer. The Texas law enforcement officer requested assistance from AMICC in finding a missing aircraft. AMICC was unable to locate this aircraft. AMICC advised the officer of this result and provided him with a number for the Federal Aviation Administration in case he wished to have the FAA initiate lost aircraft procedures."

5/15 -

FAX'D TO:/EMAILED TO:

- Louis Sobogon - "LA Times" - [redacted] ✓
- Marlowe Churchill - "Press Enterprise" - [redacted] ✓
- Shana Costello - "KLBZ Austin TX" - [redacted] ✓
email - [redacted]
- Mark Katkow - "CBS Washington" - [redacted] ✓
email - [redacted]

- ✓ Greg Mitchell for 4 dolls ✓ Press Enterprise
Marlowe Churchill
- ✓ Bryan Hall for Reuters. ~~Houston~~ Houston

from H/P/PA

Statement (2)

May 15, 2003
Statement from the
Bureau of Immigration and Customs Enforcement (ICE)

On Monday afternoon, an ICE officer working at his desk in Riverside, California at the Air & Marine Interdiction Coordination Center (AMICC) received an urgent phone call from a concerned Texas Department of Public Safety (DPS) officer.

After clearly identifying himself and his rank, the Texas DPS officer stated: "We got a problem and I hope you can help me out. We had a plane that was supposed to be going from Ardmore, Oklahoma to Georgetown, Texas. It had state representatives in it and we cannot find this plane."

The Texas DPS officer expressed concern that the plane had not arrived at its intended destination, after what was supposed to be an hour and 13 minute flight from Ardmore to Georgetown. He noted again that: "We cannot find this plane." The Texas DPS officer provided the tail number of the missing aircraft to AMICC and asked AMICC to help find it.

From all indications, this request from the Texas DPS was an urgent plea for assistance from a law enforcement agency trying to locate a missing, lost, or possibly crashed aircraft. AMICC routinely responds to requests for assistance from law enforcement agencies. In this case, AMICC responded by making the appropriate telephone calls as described below.

Believing the aircraft may have crashed or be lost, the AMICC made phone calls to the FAA's Fort Worth Center; to the airport authority in Mineral Wells, Texas; and to a fixed base operator in Plainview Texas. During some of these calls, the AMICC officer noted that he was trying to locate a missing/lost plane that may have "government officials" on board.

AMICC was ultimately unable to locate this aircraft. AMICC advised the Texas DPS officer of this result and provided him with a number to call at the FAA in order to initiate lost aircraft procedures.

At no time did AMICC launch or use any Department of Homeland Security aircraft in response to this contact by the Texas DPS.

EXHIBIT 14



Type of Activity: Personal Interview

Case Number: IN03-OIG-LA-0662	Case Title: Air and Marine Interdiction Center
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[redacted] Air and Marine Interdiction Coordination Center (AMICC), Bureau of Immigration and Customs Enforcement (BICE), telephone number [redacted], was interviewed on May 23, 2003, from approximately 10:30 AM to 10:40 AM, at March Air Force Base, Riverside, California. In addition to the reporting agent, [redacted], Special Agent, Office of Inspector General, Department of Homeland Security, was present during the interview. [redacted] stated substantially as follows:

[redacted] oversees the operations at AMICC. The issue involving the alleged missing aircraft on May 12, 2003, was not a major issue at the time of occurrence. It was a routine request for assistance.

[redacted] has not had any contacts with anyone from Congress or the Bush administration regarding this issue. [redacted], AMICC, Riverside, California, advised [redacted] that someone from Congressman Ken Calvert's office had called for information. [redacted] referred the caller to the public affairs office for BICE, Washington, D.C. A referral to the public affairs office is standard operating procedure for inquiries received at AMICC.

With respect to the alleged missing aircraft on May 12, 2003, headquarters, through the chain of command, specifically directed that inquiries be referred to the national public affairs office. [redacted] cannot now remember if this direction came to [redacted] via telephone or an e-mail. The directive was probably received on May 13, 2003, or May 14, 2003. The information had been passed down to [redacted] from [redacted] AMICC, Washington, D.C.

The inquiry from Calvert's office was the only contact of which [redacted] is aware.

Name, Title, Signature, and Date: [redacted] 5/28/03	Reviewing Official Name, Title, Signature, and Date: Joe Artes, Special Agent in Charge [Signature] SAC 6/3/03	Item #:
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EXHIBIT 15



U.S. Department of Homeland Security
Office of Inspector General – Investigations

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview

Case Number: IN03-OIG-LA-0662	Case Title: Air and Marine Interdiction Center
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On May 22, 2003, the Department of Homeland Security (DHS), Office of Inspector General (OIG) attempted to interview [REDACTED], Special Crimes Service, Texas Department of Public Safety, Austin, Texas, telephone number [REDACTED] regarding allegations that the Bureau of Immigration and Customs Enforcement, Air and Marine Interdiction Coordination Center, DHS, Riverside, California, allegedly misused DHS resources in the search of missing Texas state legislators, specifically, by looking for a missing airplane. [REDACTED] advised the DHS-OIG that [REDACTED] had been summoned and was currently unavailable for an interview.

It was later determined that the DHS-OIG did not have a need to interview Marshall due to the scope of the investigation.

Name, Title, Signature, and Date: [REDACTED] Special Agent	Reviewing Official Name, Title, Signature, and Date: David E. Smith, Special Agent in Charge [Signature], SAC, 5/27/03	Item #:
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EXHIBIT 16



Type of Activity: Telephone Contact

Case Number: IN03-OIG-LA-0662	Case Title: Air and Marine Interdiction Center
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On May 28, 2003, the Department of Homeland Security (DHS), Office of Inspector General (OIG), Houston, Texas, conducted a telephonic interview with [REDACTED] Federal Bureau of Investigation (FBI), San Antonio, Texas, regarding any involvement by the FBI into the alleged destruction of documents by the Texas Department of Public Safety (DPS) [REDACTED] provided, in substance, the following information:

[REDACTED] was advised that a DHS, OIG incident report, dated May 22, 2003, indicated that Senior Special Agent (SSA) [REDACTED] FBI, Austin, Texas, received a duty agent telephone call from Lon Aurman, Texas State Legislator, Austin, Texas. According to the incident report, Aurman wanted to complain about the use of federal government assets in last weeks search for the Democratic Texas State Legislators. [REDACTED] stated that [REDACTED] reported to [REDACTED]

[REDACTED] stated that the FBI had passed on the complaint from Aurman to [REDACTED] Senior Special Agent, Bureau of Immigration and Customs Enforcement (BICE), Headquarters, Washington, D.C. [REDACTED] stated that the FBI was not involved and had no intent to be involved in any aspect of Aurman's complaint, nor was the FBI involved in the alleged destruction of notes and documents by the Texas DPS related to the Democratic Texas State Legislators.

Special Agent Name, Signature, and Date: [REDACTED] 5/28/03	Reviewing Official Name, Title, Signature, and Date: David B. Smith, Special Agent in Charge [REDACTED] 5-29-03	Item #:
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EXHIBIT 17



Type of Activity: Telephone Contact

Case Number: IN03-OIGLA-0662S | Case Title: AMICC

On June 9, 2003, at 4:30 p.m., Joseph Bendig, Director Air Marine Interdiction Coordination Center (AMICC), Riverside, CA (Ph: [redacted]) was telephonically interviewed by Supervisory Special Agent (SSA) [redacted] Department of Homeland Security (DHS) Office of Inspector General (OIG). The interview was conducted in response to comments made by Bendig to Washington Post reporter Jeffrey Smith.

According to Bendig, on or about May 29, 2003, while on duty at AMICC, [redacted] AMICC, Riverside, summoned him to [redacted] office. [redacted] was engaged in a telephone conversation with Washington Post reporter Jeffrey Smith, who was inquiring about AMICC's activities and operations. Smith's questions pertained to an incident on May 12, 2003 in which AMICC received a call for assistance from the Texas Department of Public Safety (DPS) to locate a private plane belonging to Texas Representative James E. Laney. When Bendig arrived at [redacted] office on May 29 [redacted] turned the phone call over to him because Smith was "very persistent" and would not direct questions to BICE Headquarters in Washington (as [redacted] suggested). According to Bendig, Smith asked "How often does AMICC get calls from law enforcement for this type of assistance?" Bendig said that he construed the last part of Smith's question to mean, assistance to find a lost plane with politicians aboard. Bendig explained that Smith's (two-part) question was somewhat confusing because: AMICC does get calls from law enforcement, but not necessarily to locate a plane carrying politicians. As such, Bendig's answer ("Usually that doesn't happen") related more to the latter part of Smith's question (i.e., for this type of assistance).

During the June 9, 2003 interview, Bendig continued to assert that he was correct in saying "this type of assistance" for this (specific) purpose is not common at AMICC. Bendig expressed dismay with the entire situation and recalled that his conversation with Smith lasted less than five minutes. Although Bendig repeatedly instructed him to direct his questions to BICE Headquarters, Smith persisted. Bendig said that, eventually he relented and answered Smith's questions. Bendig stated that his comments to Smith were "taken totally out of context" and that his quote was a "half truth." Bendig openly expressed regret for speaking to Smith and commented that, "I should have kept my mouth shut." When asked about his photograph appearing along with the article in the newspaper, Bendig said that he does not know how they (the Post) obtained his picture.

The interview with Joseph Bendig on June 9, 2003 lasted approximately 20 minutes.

Attachments:

- 1. Copy of Washington Post article, dated June 7, 2003.

Special Agent Name, [redacted] Supervisory Special Agent Signature, and Date: June 10, 2003	Reviewing Official Name, Gerald Coffman Title, Signature, and Date: Acting SAC, June 10, 2003	Item #: 3
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In Texas Feud, a Plane Tale of Intrigue

U.S. Role in GOP Hunt for Democratic Lawmakers Is Still Murky

By R. JEFFREY SMITH
Washington Post Staff Writer

Texas Rep. James E. "Pete" Laney thought he was taking a secret trip to Oklahoma on the morning of May 12. He flew on a private plane from his northwest Texas home to Ardmore, where he joined 50 other state Democratic legislators at a Holiday Inn. It was a mass boycott designed to prevent a quorum in the Texas House, where the GOP majority was poised to enact a congressional redistricting plan certain to send more Republicans to Congress.

By the day's end, however, officials in at least three federal agencies had been pressed, under murky circumstances, into helping track Laney's plane, checking on the

lawmakers' whereabouts or giving legal advice to Republicans. The goal was to help Texas police who, acting on orders from state GOP leaders, were trying to locate, arrest and forcibly return the Democratic legislators to Austin for a vote.

The police efforts were lawful under Texas rules, and Republicans have denounced the Democrats for fleeing to a state with a Democratic governor to ensure they would be beyond the reach of the police. Both parties, in Texas and other states, regularly try to redraw congressional boundaries to concentrate or dilute blocs of voters to favor their own candidates.

See TEXAS, A10, Col. 1

INSIDE

Federal I

TEXAS, From A1

But several Democrats, editorialists and privacy experts have said that in the Texas episode, federal agencies were improperly drawn into what should have remained a purely partisan spat in the Lone Star State. Citing roles played by House Majority Leader Tom DeLay (R-Tex.) and the three U.S. agencies, they argue that federal officials with wide-ranging capabilities to track and monitor the movement of private citizens abused their authority for political purposes.

"I was shocked when we learned the feds might be involved, because this is a state matter," said Texas Rep. Kevin Bailey (D), chairman of the General Investigating Committee. "But what is really troubling to me is the use of the Homeland Security Department, which is supposed to be fighting terrorism, in a domestic political dispute. . . . It's a real serious abuse of government power."

The saga of the Republican search for the missing Democrats remains clouded by unanswered questions, tight-lipped government officials and unfinished federal investigations. But U.S. and Texas officials have acknowledged that an "air interdiction" center, based in Riverside, Calif.—responsible for tracking down potential terrorists and drug traffickers—used its anti-smuggling powers to try to locate Laney's plane.

The center's search was triggered by Republican suspicions that the plane was on its way from Oklahoma to pick up more Democrats seeking to escape Texas on the evening of May 12. In fact, it fell below the radar when the pilot made a detour to visit his mother in Graham, Tex., west of Fort Worth, according to Laney.

Justice Department spokeswoman Barbara Comstock said in a statement last week that "we did not deploy our federal law enforcement resources" in the dispute. But the FBI acknowledged this week that an agent in Corpus Christi—David Troutman—tried to help Texas police track down several lawmakers on May 12 and 13.

"There was no . . . official case or request made of us in any way," said FBI spokesman Robert Doguin in Houston. He described Troutman's role as the act of a lone agent trying to help his friends in the Texas police.

The U.S. Department of Transportation and DeLay have confirmed that the Federal Aviation Administration gave DeLay's staff information about the past movements of Laney's plane. Officials have said the information was available to the public, but according to two industry experts, the only data the public can get concerns the location of planes in mid-flight.

The U.S. attorney in San Antonio—acting at the request of DeLay and other Texas Republicans—examined whether Justice had the authority to order the FBI or U.S. marshals to join the search for the missing legislators, according to Texas officials. A DeLay aide asked a similar question of the Justice Department's legislative office in Washington.

In Texas, the Department of Public Safety ordered the destruction of documents related to the hunt on the day the federal officials' involvement was first disclosed, citing a reluctance to retain data unrelated to a criminal probe. U.S. House Democrats have cited the shredding as evidence of a possible coverup and demanded access to federal records in the case.

In a brief statement, the Bureau of Immigration and Customs Enforcement—an arm of Homeland Security—said the air interdiction center was motivated by safety concerns. "From all indications, this request . . . [from Texas was related to] a missing, lost or possibly crashed aircraft," the statement said. But at least three officials involved in the May 12 search said safety issues were not raised by the air interdiction center, which has no safety-related responsibilities.

"There was never any inference that the plane might be down, or something like that," said Marvin Miller, an airport official in Plainview, Tex.—near Laney's home—who said he was contacted by an "air interdiction" official on the evening of May 12. "There was never any safety concern, or indication that it was missing or overdue," Miller said. "The guy said at the end, 'This is just somebody looking for politicians they can't find.'"

Rallying for a Roundup

The Republican plan for redistricting Texas was hatched in the offices of DeLay's political action committee, Americans for a Republican Majority, and DeLay traveled to Austin May 8 to kick off the legislative drive. But that same week, Texas Democrats devised a plan to block its passage by staying away from the capital in sufficient numbers to prevent a 101-person House quorum, which is required in order to conduct business.

On May 11, a Sunday, 47 Democratic legislators boarded buses in

Austin bound for Ardmore, 35 miles north of the Texas border. Four more arrived separately by Monday morning, including Laney on his plane, and they issued a collective statement of defiance.

Texas House Speaker Tom Craddick, a Republican closely allied with DeLay, rapidly organized a crisis center in his conference room in Austin. He ordered the House chambers locked and summoned state troopers, Texas Rangers and members of the state special crime squad to enforce his quorum call by dragooning lawmakers into returning to work.

The effort eventually involved more than 300 police from the state Department of Public Safety (DPS), Texas police Lt. A. William Crais said in a deposition taken Monday as part of a probe into the destroyed documents. Crais was one of several Texas officers who spent the day in the crisis center.

Files released this week under the Texas open records act show that police were pulled off criminal and narcotics probes to participate in the search. They also show that Texas Gov. Rick Perry (R) ordered surveillance of some lawmakers' homes and instructed police to try

to find one lawmaker at a hospital where his newborn twins were being treated.

"FAA involved," said a diary of crisis center activities made by Texas Ranger Howard D. Henderson and released Tuesday. The DPS "is attempting to effect arrests via federal authorities, if possible."

By late afternoon on May 12, however, the Republicans were desperate: The dragnet had snagged only one Democratic lawmaker, who had remained in Austin. In his deposition, Crais said that at one point, Perry chewed him out and urged a more aggressive search. A spokeswoman for the governor, Kathy Walt, confirmed that Perry "did urge the DPS to follow the speaker's call and round up the missing Democrats."

State Rep. Juan M. Escobar (D), a former member of a federal crime task force who was elected to the House this year in a special election, said FBI agent Troutman called him twice—on May 12 and 13—to learn whether he and Rep. Gabi Canales (D) were in Oklahoma. Escobar said he admitted they were. He said Troutman responded, "Good. We can call surveillance off and stop spending money" on it.

Reached by phone, Troutman declined to comment on Escobar's account.

Meanwhile, in Washington, DeLay was trying to help. He spoke by phone with Craddick, who had contacted the U.S. attorney in San Antonio, seeking federal help.

A DeLay aide—whom his office declined to name—contacted the Justice Department's legislative office to discuss "the appropriate role of the federal government" in helping the Texas Republicans, DeLay later told reporters. An aide—also unnamed—called the FAA, read out the tail number of Laney's Piper Cheyenne II—N711RD—and learned where the plane had taken off and landed that day, DeLay said.

"I was told at the time that that plane was in the air coming from Ardmore . . . back to Georgetown, Texas, and I relayed that information to Tom Craddick," DeLay said. Craddick later said this was how state officials learned where the Democrats were hiding. The police dispatched narcotics officers in four unmarked cars to Ardmore in an unsuccessful bid to persuade the lawmakers to return.

Laney's plane dropped off the radar screen west of Fort Worth, and Republican leaders suspected it was trying to rendezvous with more Democratic legislators. "We started wondering what happened to it," Republican House member Mike Krusee, who was in Craddick's crisis center, said in an interview. "I was asking DPS [police] over and over again, where is that plane?"

ed by phone, Troutman
to comment on Escobar's

while, in Washington, De-
trying to help. He spoke by
with Craddick, who had con-
ne U.S. attorney in San An-
eking federal help.

DeLay aide—whom his office
l to name— contacted the
Department's legislative of-
ficials to discuss "the appropriate role
of federal government" in help-
ing Texas Republicans, DeLay
told reporters. An aide—also
DeLay—called the FAA, read
the tail number of Laney's Pip-
per II—N711RD—and
asked where the plane had taken
off that day, DeLay said.
The aide told at the time that that
plane was in the air coming from
the ... back to Georgetown,
and I relayed that informa-
tion to Tom Craddick," DeLay said.
The aide later said this was how
the officials learned where the
rats were hiding. The police
checked narcotics officers in
marked cars to Ardmore in
an unsuccessful bid to persuade the
pilots to return.

The plane dropped off the ra-
dio west of Fort Worth, and
Republican leaders suspected it
was trying to rendezvous with
Democratic legislators. "We
were wondering what happened
to Republican House member
Tom Crusee, who was in Crad-
dock crisis center, said in an in-
terview. "I was asking DPS [police]
to find out over again, where is that

Crais, a former counter-narcotics agent who specialized in apprehending fugitives, telephoned the Texas desk at the Homeland Security Department's Air and Marine Interdiction Coordination Center, according to his deposition. In a written statement, the department said Crais told the center: "We got a problem, and I hope you can help me out. We had a plane that was supposed to be going from Ardmore . . . to Georgetown, Texas. It had state representatives in it, and we cannot find this plane."

Tailor-Made to Track Planes

Opened in 1988, the interdiction center is the place to go for tracking private planes. It has the nation's "most modern air surveillance system," capable of watching 12,000 targets, according to a fact sheet posted on the Internet. Information from 88 radar sites, including special aerial balloons, is fed into a command post with large screens displaying digitized topographical maps.

Its computers have access to "detailed information on the movement, registration and criminal histories of aircraft, vessels, vehicles and individuals," enabling the staff to identify and track "high-priority

Texas Political Feud

targets" around-the-clock, the center's fact sheet says. One of its jobs is to help coordinate anti-terrorist air patrols over the Washington area, but mostly it looks for suspected drug-smuggling flights.

The Department of Homeland Security statement said the center "routinely responds to requests for assistance from law enforcement agencies." But Joseph A. Bendig, the center's director for the past two years, in a phone interview could not recall other instances in which a state law enforcement official had made a request like the one from Texas.

"Usually that doesn't happen," Bendig said. "Normally we call them" to request help in inspecting suspicious planes once they land. Bendig said he could not talk about the call from Austin without approval from Homeland Security headquarters in Washington. Press officials in Washington declined further comment and said a reporter could not visit the California facility.

Asked if the Homeland Security Department had ways of ensuring that requests for information were not politically motivated, spokesman Dean Boyd said, "When law enforcement calls us asking us to find a missing plane, we take their statements at face value."

The department's written statement said: "Believing that the aircraft may have crashed or be lost," one of its officials made multiple phone calls to Texas to help find the plane. He called the FAA's district office in Fort Worth as well as airport officials in Mineral Wells and Plainview, asking them to check on whether the plane had landed nearby, the statement said.

The California-based federal official also requested the intervention of local police in both jurisdictions, asking them to check the airports, according to the policemen who received the calls.

Crais, reached at home, declined to comment. But in his deposition, he said he remembered telling the interdiction center only that the plane was missing, not that it might have crashed. Anthony Todd Hopkins, an airport manager in Mineral Wells—near where the plane dropped off the radar—said the "customs" official who called

him that evening never raised any safety concerns.

"They just said some government officials were on the plane," Hopkins said in an interview. The Homeland Security Department has declined to give a full account of its official's conversations.

Crais testified that he obtained new details of the plane's movement from the interdiction center, which he said had in turn obtained the data from the FAA. But the center's official eventually suggested that Crais pursue the matter directly with the FAA, which urged a more thorough search of airports. Texas police subsequently located the plane in Graham, where the pilot's mother lives, and ordered around-the-clock surveillance of it.

'Extraordinary' Actions

Privacy experts have questioned the federal agency's involvement in the search. "I think it's extraordinary," said Mark Rotenberg, executive director of the Electronic Privacy Information Center. "This tracking ability was established to protect the country from terrorists, not to put political opponents under a microscope. We've kind of anticipated that this kind of abuse would arise, but it's remarkable in the sense that it's so blatant."

Like the search itself, the state and federal inquiries into its legality hinge on surveillance methods. Information about who was present in Craddick's crisis center has come mostly from tapes made by a surveillance camera outside his office, which Bailey obtained a week ago. Audiotapes were also made of relevant calls to and from the interdiction center totaling at least 20 minutes, according to Boyd, of Homeland Security. Those tapes were given to the department's Office of Inspector General.

"This is now potentially a criminal investigation," Homeland Security Secretary Tom Ridge told a U.S. House hearing May 22. "The tapes are part of the evidentiary chain. . . . Who knows what the outcome will be? But it's just not appropriate to be passing that information out right now."

Staff researcher Alice Crites contributed to this report.

Involvement Questioned in Texas Poli



BY GLOINA FERMZ — SAN ANTONIO EXPRESS-NEWS

Texas Rep. James E. "Pete" Laney was one of the 51 state Democratic legislators who left for Oklahoma.



COURTESY OF TEXAS REP. JAMES E. LANEY

Laney's private plane was a focal point for the combined state and federal search for the Texas Democrats.



BY JONATHAN J. DWYER FOR THE PRESS-ENTERPRISE

Joseph A. Bendig, director of the federal air interdiction center in California,

EXHIBIT 18



Type of Activity: Telephone Contact

Case Number: IN03-OIGLA-0662S	Case Title: AMICC
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On June 9, 2003, at 5:30 p.m., [redacted] Senior Detection Systems Specialist (DDS) Air Marine Interdiction Coordination Center (AMICC), Riverside, CA (Ph: [redacted]) was telephonically interviewed by Supervisory Special Agent (SSA) [redacted] Department of Homeland Security (DHS) Office of Inspector General (OIG). The purpose of the interview was to clarify AMICC verification procedures for incoming telephone calls, and to determine if such procedures were followed on May 12, 2003.

SSA [redacted] informed [redacted] that the June 9, 2003 inquiry pertained to the incident on May 12, 2003, in which AMICC received a call for assistance from the Texas Department of Public Safety (DPS) to locate a private plane belonging to Texas Representative James E. Laney [redacted] said that procedures are in place at AMICC where the origin of (most) incoming calls is verified. However, verification is contingent upon the type of inquiry being made. When AMICC is requested to release proprietary information (e.g., NCIC, or TECS), the caller is always verified through a call back procedure. If AMICC receives a call for general information, no verification is done.

With respect to verification procedures that were (or were not) in place when DPS contacted AMICC on May 12, 2003, [redacted] said that they were not [redacted] justification was that the caller (DPS) was simply requesting general information, so verification was not necessary. Further [redacted] noted that the AMICC phone system display showed that the call on May 12, 2003 (purporting to be from DPS) originated from a "Texas Government" phone extension. [redacted] believed that the above circumstances made verification unnecessary.

The telephone interview with [redacted] on June 9, 2003 lasted approximately 10 minutes.

Special Agent Name, [redacted], Supervisory Special Agent Signature, and Date: June 10, 2003 [redacted] 6/11/03	Reviewing Official Name, Gerald Coffman Title, Signature, and Date: Acting SAC, June 10, 2003	Item #: 4
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