

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
Vermont  
October 18, 2005

Statement Of Senator Patrick Leahy  
On The Nomination Of Julie L. Myers  
To Be Assistant Secretary, Immigration And Customs Enforcement; And  
Emilio Gonzalez To Be  
Director, Bureau Of Citizenship And Immigration Services,  
Department Of Homeland Security; And  
James O'Gara To Be Deputy Director For Supply Reduction,  
Office of National Drug Control Policy  
October 18, 2005

In today's hearing we will hear from nominees to two key bureaus of the Department of Homeland Security (DHS), and from one at the Office of National Drug Control Policy. The two positions at DHS are critical to implementing and enforcing our nation's immigration and customs policies. I was pleased to work with the Chairman and Senators Kennedy and Cornyn to obtain unanimous consent that the nomination of Julie L. Myers be referred to the Judiciary Committee after consideration by the Committee on Homeland Security and Governmental Affairs. Immigration policy remains the responsibility of this committee, and we are each prepared to make use of that authority to exercise oversight of the new Department.

## **Immigration and Customs Enforcement**

If confirmed as Assistant Secretary for the Bureau of Immigration and Customs Enforcement (ICE), Ms. Myers would lead a key law enforcement agency with more than 20,000 employees and a budget of more than \$3 billion.

The Homeland Security Act of 2002 requires the person at the helm of the Bureau of Immigration and Customs Enforcement to have a minimum of 5 years professional experience in law enforcement and 5 years of management experience. The need for highly experienced leaders at our federal agencies has become all too clear in recent months. An utterly unqualified Bush Administration associate was tapped to head FEMA, with devastating consequences. We cannot afford to play politics when it comes to our nation's security. I would like to think that the President is owed some deference in his nominees to Executive Branch agencies, but his record of tapping political allies and close friends for too many key positions proves the need for Senate vigilance.

Like FEMA, the Bureau of Immigration and Customs Enforcement sits within the Department of Homeland Security, an agency with serious morale problems. A recent Office of Personnel

Management survey, described in Sunday's New York Times, showed that only three percent of DHS employees are confident that personnel decisions in the Department are based on merit. Fewer than 18 percent felt strongly that they are held responsible for achieving results. America can and must do better than that. The morale of hard working employees at DHS will not be improved by the appointment of political allies who are lacking in requisite skills and management. It can only be improved by placing competent and highly experienced professionals at the head of its component bureaus.

ICE is a bureau that deserves strong leadership. Mike Garcia, the inaugural head of ICE, wrestled with many policy, jurisdiction and budget issues. He left behind a bureau that is stronger than when he arrived. Congress also worked with him to stabilize the budget situation at the bureau. But the need for strong leadership will be ongoing.

A draft report by the DHS Inspector General that was described by the Associated Press earlier this month highlights competition and mistrust between ICE and the Bureau of Customs and Border Protection, two DHS components that must cooperate to keep our Nation safe. Given the challenges facing anyone who takes a leadership position at ICE, the statutorily required minimum level of management experience takes on even greater importance. Ms. Myers has an impressive resume, but one that lacks significant grounding in immigration issues, and rather than exceeding the statutory five-year minimum for management experience, she is struggling to meet the bare minimum.

I understand that Secretary Chertoff supports Ms. Myers's nomination, but his support does not exempt her from meeting the statutory requirements for the position, which is far too important to confirm a nominee on a leap of faith.

I have several questions for Ms. Myers and hope that her answers will persuade me that she is qualified to serve as Assistant Secretary.

#### Citizenship and Immigration Services

Our security is paramount, but traditional immigration services must not be overlooked at the Department of Homeland Security. Our nation's founding principles and economic health demand that immigration be handled in a fair and orderly way. Improving the immigration system is an issue of pressing concern to this Committee; in fact, the Chairman convened a second hearing on comprehensive immigration reform this morning.

The Bureau of Citizenship and Immigration Services will play a key role in implementing policy, however this debate evolves. The Bureau has its own set of problems to overcome, but we have seen real progress in certain areas, such as in reducing backlogs.

Emilio Gonzales has had a career in the Army where he became the rank of colonel. That in itself is an impressive accomplishment but I would like to use this hearing as an opportunity to learn more about what experience Mr. Gonzales has in immigration policy and its implementation. I look forward to hearing from him.

#### Office of National Drug Control Policy

Similarly, our longstanding effort to combat the scourge of drugs in our country remains important despite our appropriate current focus on homeland security. I am heartened that James

O'Gara comes here with years of experience working on drug policy issues, including several years advising Senator Hatch about these issues on this committee. I would note, though, that much of Mr. O'Gara's experience has come in partisan political contexts. He has been very much involved in the interdiction programs advanced by this administration and the first Bush Administration that have not met with unqualified success. At the same time, he was extremely critical of other approaches attempted by the Clinton administration. I look forward to hearing from Mr. O'Gara. I hope that he will demonstrate that he can take an aggressive law enforcement approach, which is critical to the position to which he is nominated, but that he will also be open to working with both parties and incorporating all strategies that have proven effective in this area.