

**Statement of Michael Johnson**  
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**United States Department of State**  
**Before the U.S. Senate**  
**Homeland Security and Governmental Affairs Committee**  
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**“Vulnerabilities in the U.S. Passport System Can Be Exploited by  
Criminals and Terrorists”**

I would like to thank Chairman Collins, Senator Lieberman, and all the other members of the committee for the opportunity to appear before you today. Passport fraud is a much misunderstood problem, and I am very pleased that the committee is holding this hearing to discuss how it affects our country’s homeland security, including the possibility that weaknesses in the passport issuance regime could be exploited by terrorists.

For the record, my name is Michael Johnson. I served in the State Department’s Bureau of Diplomatic Security for eighteen years. In 1999, I began serving in Diplomatic Security’s Miami Field Office, rising to be its Special Agent in Charge in 2002 until I left at the end of 2004. I would like to add that while I am currently the Special Agent in Charge of the Miami Field Office of the Office of Export Enforcement in the Commerce Department, I am not here today testifying on their behalf.

As you know, the Department of State is the sole Executive Branch Department with the authority to issue passports to citizens of the United States. With this authority comes the responsibility to maintain the integrity of the United States passport. The Department’s Bureau of Consular Affairs handles much of this responsibility, with the task of supporting its mission falling to the Bureau of Diplomatic Security’s criminal investigative programs. Investigating passport fraud is just one of Diplomatic Security’s responsibilities, which also include protecting the Secretary of State and high-ranking foreign dignitaries and officials visiting the United States; protecting U.S. embassies and consulates abroad; conducting personnel security investigations; and training foreign civilian law enforcement officers to protect their countries from terrorism.

As Special Agent in Charge of Diplomatic Security’s Miami Field Office, I was charged with overseeing what has historically been Diplomatic Security’s busiest field office. I believe this places me in a unique position to discuss efforts to combat passport fraud.

Possession of a U.S. passport is important because it allows an individual to prove two things: United States citizenship and identity. In fact, it is the only official government document that establishes both, making the U.S. passport the most widely accepted and versatile government-issued document in the United States. Most consider it the “gold standard” of all passports, and, as a result, it can be used throughout the world to establish bank accounts and credit accounts; to cash checks; apply for driver’s licenses or welfare and unemployment; and any other activity requiring an individual to prove citizenship or identity.

The large majority of all passport fraud cases involve false claims to U.S. citizenship. The exceptions are those cases in which the false applicants are already U.S. citizens and their motive for committing passport fraud is the assumption of a new identity. But it is the potential for a non-U.S. citizen to obtain sham-U.S. citizenship through a false passport application that sets this crime apart from others. Barring the issuance of a naturalization certificate based on false information, there is simply no other crime that allows an individual to hide their true identity, citizenship, and, most importantly, the true motives behind committing such an act. Given the post-9/11 scrutiny placed on non-U.S. citizens inside the United States, stopping passport fraud is at the core of strong border and homeland security procedures.

When discussing the problems posed by passport fraud, we should remember that the U.S. passport is an extraordinarily difficult document to counterfeit or to fraudulently modify. Unfortunately, the same cannot be said for documents used to establish eligibility for a passport. The threat to the passport comes when bogus versions of these documents, called “breeder documents,” are used in the passport application process to falsely establish an applicant’s citizenship or nationality and proof of identity. Key among these breeder documents are bogus birth certificates. Weaknesses in these documents can provide unscrupulous individuals a backdoor method of acquiring a U.S. passport.

Making matters worse is that often these breeder documents are provided by organized rings of criminals who understand the passport application process and the value these documents have. These individuals are not particular about who buys their breeder documents. In fact, I believe that, given the opportunity, they would not hesitate to sell them to terrorists.

During my years in the Miami Field Office, we investigated a number of organized fraud rings. These often involved the sale of Puerto Rican birth certificates because of the few, if any, controls on the document. For example, in 2001 and 2002 approximately 6000 blank Puerto Rican birth certificates were stolen from Puerto Rican government offices. Within a short period of time those blanks began showing up around the United States, many in support of applications for U.S. passports. We arrested several people who attempted to use these fraudulent birth certificates but never made any major headway in finding the illegal document vendors.

Despite the challenge posed to the integrity of the United States passport, I do not believe that enough is being done to protect this vitally important document. In my experience, DSS thinks of itself primarily as a security service and tends to view passport fraud as a less important part of its mission. Historically, passport fraud has been viewed primarily as an immigration problem, with little impact on national or homeland security. Recently, though, it has become increasingly clear that passport fraud is more than just an immigration crime.

There are two common misperceptions about passport fraud that I would like to clear up. First, passport fraud is not primarily committed to facilitate illegal immigration. In fact, the overwhelming majority of passport fraud cases involve applicants who are already in the United States. By obtaining a U.S. passport by utilizing bogus breeder documents, an unscrupulous individual will have a document that allows its holder to travel into and out of the United States freely, bypassing the border requirements for non-U.S. citizens. It also provides ironclad proof

of an individual's identity. The value of this document to an individual trying to conceal their identity or blend in to American society is obvious.

Passport fraud is also a wholly different crime from identity theft. In fact, in my experience individuals will often sell their identity to fraud rings to be resold to others who wish to assume their identity for nefarious purposes. Selling one's identity is often done by those with a need for quick cash, such as drug users, and they often remain unaware of how their identity was ultimately used. While there is no question that identity theft may be a component of passport fraud, there are just as many passport fraud cases where no identity theft has occurred and the individual has willingly sold their identity. There have also been numerous passport fraud cases in which identities have been willingly loaned, usually in the form of a birth certificate, to facilitate the illegal entry of foreign nationals, often children, into the United States. Other times, suspects may use fraudulent or counterfeit birth certificates, and essentially create the identity of someone that has never existed.

Individuals committing passport fraud are no longer restricted to illegal aliens seeking economic refuge in the United States. Instead, passport fraud is being increasingly used to further a variety of other crimes, both violent and non-violent, such as drug-trafficking, money laundering, and social security fraud. As a result, punishing and deterring passport fraud can be a key tool in combating a variety of crimes. Unfortunately, more needs to be done to make this tool effective.

One example of the kind of tactics we need to combat passport fraud can be found in an operation initiated by the Miami Field Office – "Operation Global Pursuit."

In late 2001, following 9/11, the Miami Field Office entered into an agreement with the U.S. Attorney's Office for the Southern District of Florida regarding the prosecution of fraud cases at the Miami International Airport. At the time, the Immigration and Naturalization Service was only seeking the federal prosecution of a limited number of the more than three hundred fraud cases uncovered every month at the Miami Airport immigration port of entry. This informal agreement between the DSS's Miami Field Office and the U.S. Attorney authorized the DSS prosecution of 25 to 30 visa and passport fraud cases per month originating at the Miami Airport. The primary goal of this operation was to gather intelligence on the sources of the counterfeit travel documents by prosecuting the individuals who used them. This was to be the means to gain the cooperation needed to obtain this intelligence. The information from these end-users would eventually be used to identify and prosecute, either outside the U.S. or in the Southern District of Florida, individuals involved in the manufacture or sale of counterfeit U.S. visas and passports.

Over the next six months, various bureaucratic issues between the three agencies delayed the start of the operation. Finally, in July 2002, DSS Miami Field Office agents began working with INS Inspectors and made the first arrests under Operation Global Pursuit. Between July and December 2002, Miami Field Office agents made 29 arrests at the Miami Airport. From those 29 arrests, agents obtained preliminary intelligence relating to the possible identification of document vendors in several countries.

Unfortunately, in January 2003, the cooperation from INS at the Miami Airport came to a virtual standstill as the agency prepared to transfer to the new Department of Homeland Security. In June 2003, the US Attorney interceded on behalf of the Miami Field Office and instituted prosecution procedures that required the new Bureau of Customs and Border Protection (CBP) to fully cooperate in this initiative. This action also led to a new local agreement between CBP, Immigration and Customs Enforcement, and the Miami Field Office to fully cooperate in Operation Global Pursuit.

During the operation, we found that most suspects, including those who were initially cooperative, refused to cooperate once they discovered the low sentences they would receive. In fact, of the 30 individuals convicted under Operation Global Pursuit as of April 2003, only one received a sentence greater than 90 days, and over two-thirds received sentences of 60 days or less.

The story of Operation Global Pursuit illustrates two important points: first, penalties for passport fraud are insufficient to punish or deter the crime. Second, efforts like Operation Global Pursuit require coordination across the federal government among numerous federal agencies, agencies that often possess overlapping jurisdictions. As a result, strong leadership is essential for the success of operations to combat passport fraud.

Devoting sufficient resources to the problem is also essential to fighting passport fraud. While the DSS is filled with high quality people, sadly, most are not given enough time to develop a specialization in investigating passport fraud.

Field offices are where most agents get their initial on-the-job training. DSS agents are assigned to field offices for two year tours of duty, primarily investigating passport fraud, before being reassigned, often after 18 months or less. As a result, agents are moved to other offices and other assignments just when they begin to develop some expertise in the subject matter and in the area in which they are stationed. I went through three such cycles when I was at the Miami Field Office. As a result, I found that I was constantly starting over with agents who had no experience investigating passport fraud and little experience in the area to which they were assigned. Often, breaks in an investigation will result from both deep experience in a geographic area and extensive knowledge of a subject matter. Too often, I found that good agents simply were not given enough time to develop the experience needed to effectively combat passport fraud.

One way to solve this problem would be to assign Diplomatic Security agents investigating passport fraud to offices on a permanent basis. This would give them the time needed to develop sufficient expertise to effectively combat passport fraud and would develop a cadre of agents with the expertise to take down the fraud rings that are attacking the integrity of the United States passport.

Another significant obstacle in combating passport fraud is that Diplomatic Security lacks an analytic capacity. During my service in the DSS, I found that there was simply no institutional capacity to spot and understand trends, analyze information gained from operations, and share intelligence across the DSS and other law enforcement organizations. The lack of such an

intelligence capacity cripples DSS's ability to identify and dismantle organizations across the world that are involved in the manufacture and sale of counterfeit documents used to illegally enter and or remain in the United States.

I again want to thank the committee for holding this hearing and I am now prepared to answer your questions.