

Nomination of John Morton
Assistant Secretary of Immigration and Customs Enforcement at
the Department of Homeland Assistant Secretary

Senator Joe Lieberman

April 22, 2009

The Committee now reconvenes to consider the nomination of John Morton to be Assistant Secretary of Immigration and Customs Enforcement at the Department of Homeland Security. Welcome, Mr. Morton. We're happy to have you before us today.

Mr. Morton, I am very pleased that you have been nominated to lead ICE, which has wide-ranging responsibilities and faces some difficult, immediate, and ongoing challenges. Your extensive work experience at the Department of Justice I think makes you uniquely qualified to lead the agency at this pivotal period in its history.

You have prosecuted civil immigration violations at the old INS, and later participated in immigration policy initiatives that addressed detention standards, the removal process, and improving coordination among the immigration components of the Department of Justice. Your work as a criminal prosecutor also impresses me, and includes cases related to human smuggling, large immigration frauds, money

laundering, and human rights violations. In recent years you have managed components of the Department of Justice that prosecute these and other offenses related to our national security.

Your nomination is supported enthusiastically by the Fraternal Order of Police, the Major Cities Chiefs Association, and the National Sheriffs' Association. And the National Immigration Forum referred to you as "a seasoned federal prosecutor who understands the importance of documenting the facts and ensuring government transparency."

The Immigrations and Customs Enforcement Agency is the Department of Homeland Security's largest investigative agency. Its mandate is vast and the agency must direct its resources wisely by prioritizing the more serious threats to our public safety.

I support the Administration's initiative to clamp down on smuggling-related crime and violence at the U.S. Mexican border region. During a Committee field hearing in Phoenix on Monday, we heard from a number of state and local officials who reminded us of the enormity of the challenge they face in the U.S. from the Mexican drug

cartels and human smuggling networks as they war among themselves and carry out their criminal conduct within the United States. ICE has a key role to play in taking down, to the best of our ability, these nefarious organizations, and I am committed to ensuring you have the resources and legal authorities you need to investigate and disrupt these drug and human smuggling organizations.

I am concerned, however, that the federal government needs to better coordinate its efforts on the ground. There seems to be a need for better coordination between federal agencies in the border region. There are unacceptable turf-wars between ICE, the Drug Enforcement Administration, and Alcohol, Tobacco and Firearms. Those simply cannot be tolerated given what we have learned about the threat posed by these sophisticated and well-armed criminal networks that operate in 230 cities across the United States. I want to urge you, presuming you come into this job, that competition between agencies of the federal agencies be brought to a rapid halt.

It is also important that we develop a thoughtful enforcement strategy with respect to our civil immigration laws. There are more than ten million undocumented immigrants in this nation. Even if we increased exponentially the agency's budget we could never deport more than a small fraction of this population.

The overwhelming majority of undocumented immigrants have come to this country to earn a living and support their families. I support legislation that would offer a path to legalization for law abiding immigrants who have laid down roots in their communities.

ICE has a duty to ensure effective enforcement of our immigration laws, but the agency needs to establish clear priorities. A primary goal must be to apprehend and deport those who pose a threat to public safety or are affiliated with terrorist groups.

By comparison, large-scale raids at workplaces in recent years have resulted in deportations of workers but few arrests of their employers. People will continue to come here illegally as long as there are jobs for them. Vigorous enforcement against unscrupulous

employers will attack the problem at its root causes, and I appreciate your statements to the Committee that you will place renewed focus on employers.

Finally, for years I have urged the Department to improve its inhumane detention policies and conditions. At any given time, ICE is detaining more than 30,000 people, most of them non-criminals and many of them asylum seekers and long-time residents. Many who have come here fleeing oppression or seeking a better life for their families are being incarcerated in county jails, far from their families and legal representatives. Medical care in particular has been deplorable. And too many people have died while in custody because their conditions went untreated.

This year I will again introduce legislation, the Secure and Safe Asylum and Detention Act, to address these problems. My legislation promotes the expansion of alternatives to detention programs, and it encourages the release of detainees who represent no flight risk or threat

to public safety. It also requires improved conditions at detention facilities, including improved medical care.

I am encouraged by the steps Secretary Napolitano has taken thus far, including directing a review of our immigration detention and enforcement policies. And I appreciate the commitments you have already made to me, and to the Committee, to pursue reforms.

You are an extraordinary well prepared nominee for this position, and I look forward to your testimony.