

Statement of Michael J. Garcia
Nominee for Assistant Secretary
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U.S. Department of Homeland Security

Good morning, Madam Chairwoman, Senator Lieberman and distinguished Members of the Committee. It is an honor to appear before the Committee as the nominee for the position of Assistant Secretary for the Bureau of Immigration and Customs Enforcement, or BICE, within the Department of Homeland Security. I would like to thank the President for the confidence he has shown in me by again nominating me to serve as a leader of a critical law enforcement agency within his Administration.

The leadership demonstrated by Congress in swiftly passing the Homeland Security Act and the President's commitment to expeditiously implement the Act are monumental achievements in the defense of our Nation against the threat of terrorism. If confirmed, I will continue to implement the Act, consistent with its intent, and will remain focused on its overarching mission of providing greater security to our country.

For the past ten years, my career in public service has been devoted to counter-terrorism and national security issues. This experience provides me with a unique perspective regarding the threats confronting our homeland and the tools and capabilities required to effectively meet them. I would bring this perspective and experience to the job of Assistant Secretary for Immigration and Customs Enforcement should I be confirmed in this position.

I would like to briefly describe my career in public service. After completing a clerkship for Judge Judith Kaye on the New York Court of Appeals, I had the privilege of joining the United States Attorney's Office for the Southern District of New York. I joined that office at a unique time in its long history.

Six months after my appointment as an Assistant U.S. Attorney, in February 1993, the first attempt to topple the World Trade Center took place. It was, at the time, the single most devastating act of terrorism ever committed on U.S. soil. I was one of the prosecutors assigned to lead the investigation into that attack.

This was new territory for law enforcement. From the investigative techniques brought to bear to the laws used to bring the terrorists to justice, the case was a new model for terrorism prosecutions. All available tools were used. Statutes covering bombing of government vehicles and immigration law violations, among others, were used against the defendants in that case. Agents from every federal law enforcement agency brought their authorities and expertise to the case. As a member of the prosecution team, I was responsible for guiding this effort, presenting evidence to gain indictments, and presenting the case in court. All four defendants were convicted on all counts in that case. I received the Attorney General's Award for Exceptional Service, the highest award presented by the U.S. Department of Justice, for my work on this case.

My work on the World Trade Center bombing case would define my career in government service. Less than one year after the verdict in the World Trade Center case,

an explosion took place halfway around the world -- in Manila -- where Ramzi Yousef, the mastermind of the World Trade Center attacks, and his associates were mixing chemicals in an apartment in preparation for attacks on 12 U.S. flagged commercial airliners. Their plan was to detonate bombs aboard those jetliners while they were airborne and filled with passengers on their way from Asia to the U.S.

I flew to Manila and directed the investigation and prosecution of that terrorist conspiracy. I oversaw a case that, unlike the 1993 World Trade Center bombing, involved terrorist activity outside the U.S. aimed at this country's national security. In bringing charges against Yousef and his coconspirators, including then-fugitive Khalid Sheikh Mohamed, I was the first to use some of the anti-terrorism statutes passed by Congress after the World Trade Center bombing. I also coordinated the cooperation in the trial of a number of foreign governments, including the Philippines and Pakistan. In 1996, Ramzi Yousef and two other terrorists were convicted on all counts in that case. I received the Attorney General's Award for Exceptional Service for my work on this case.

In 1998, followers of Usama Bin Laden bombed our embassies in Nairobi, Kenya and Dar es Salaam, Tanzania. More than 200 persons were murdered in these terrorist attacks. I was assigned as one of the lead prosecutors on the case against the four al Qaeda operatives who stood trial in New York for those attacks. In preparing this case, I managed and led a team of investigators and staff in a worldwide effort to gather evidence, return terrorists to the U.S., and coordinate efforts with the intelligence community. The jury returned guilty verdicts in this trial on all 302 counts.

This case raised a number of issues of first impression with regard to crimes committed against U.S. interests overseas and the intersection of criminal investigations and intelligence gathering. In addition to the Attorney General's award for Distinguished Service, I was awarded the CIA's "Agency Seal Medallion" for my efforts in coordinating our criminal case with the intelligence community.

My extensive management of complex counter-terrorism prosecutions has taught me important lessons about counter-terrorism that I would bring to my role in BICE, if confirmed. Three of the most important include:

1. The need to use all of our enforcement tools and authorities in support of our counter-terrorism efforts.
2. The importance of coordination across agencies and with the intelligence community.
3. Prevention and disruption need to be vital components of our counter-terrorism strategy. Criminal prosecutions are just one tool in that effort to protect the homeland.

After the guilty verdicts in the embassy bombing case, I was nominated by the President and confirmed by the Senate as Assistant Secretary of Commerce for Export Enforcement. In this position, I led an enforcement agency with a national security mission – preventing sensitive technology from falling into the hands of those who would use it to harm U.S. national security.

In December 2002, the President designated me Acting Commissioner of the Immigration and Naturalization Service. As Acting Commissioner I was honored to lead the transition of that agency into the Department of Homeland Security while at the same time ensuring that the critical day-to-day work of the agency continued uninterrupted. This was a monumental task involving dissolution of a 36,000-person agency.

After the creation of DHS and the transfer of INS functions to that Department, I was named Acting Assistant Secretary of DHS for Immigration and Customs Enforcement. BICE, with 14,000 employees and 5,500 special agents, is the second largest federal law enforcement agency. On March 1, that agency stood up a management structure that enabled all BICE employees to continue on with their critical enforcement missions while seeking to take advantage of the new opportunities presented by having the tools and authorities of the legacy components of INS, Customs, and the Federal Protective Service.

This is the challenge of BICE. To create a unified law enforcement agency capable of bringing all its law enforcement tools to bear, in an efficient and effective manner, on the vulnerabilities to our homeland security. We are in the process of a reorganization that will provide BICE with a unified investigations structure, both in the field offices and at headquarters. The reorganization will also create one unified intelligence division from the agency's legacy components.

If confirmed, I would bring to the task of leading this new enforcement agency a perspective gained from a career dedicated to anti-terrorism and national security. I would use this experience to guide my vision of a unified agency, committed to a partnership with its federal, state and local counterparts, and committed to full and fair application of the tools and authorities given to BICE.

Madam Chairwoman, Senator Lieberman, and Members of the Committee, in conclusion, I would again like to commend Congress on its efforts to protect the American people from those who seek to do us harm. It is an honor to be nominated as the Assistant Secretary to lead dedicated law enforcement officers in this unprecedented time. If confirmed, I vow to work together with this Committee and Congress to strengthen our Nation's defense and protect the American people.

Thank you again for your consideration and I look forward to answering your questions.