U.S. Immigration and Customs Enforcement

STATEMENT

OF

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DEPARTMENT OF HOMELAND SECURITY

REGARDING A HEARING ON

"SOUTHWEST BORDER VIOLENCE"

BEFORE THE

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON HOMELAND SECURITY

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Introduction

Chairman Price, Ranking Member Rogers, and distinguished Members of the Subcommittee:

On behalf of Secretary Napolitano, thank you for the opportunity to discuss the role of U.S. Immigration and Customs Enforcement (ICE) in combating southwest border violence. I also want to thank the Committee for its consistent support of ICE. Over the last several months, the Committee has provided both supplemental resources and continuing support to ICE through the FY 2010 appropriations bill for southwest border activities.

Because of the Committee's support, ICE received $55 million in supplemental funds to expand Border Enforcement Security Task Forces (BESTs), intelligence activities to support BESTs, Operation Armas Cruzadas, the Human Smuggling and Trafficking Center, and ICE's international work in Mexico, including placement of additional attaché officers. ICE also received $100 million in the FY 2010 bill to continue operations funded in the supplemental and enhance enforcement activities along the southwest border. This included additional resources for BEST expansion, enhanced intelligence efforts, and domestic and international counter-proliferation, anti-gun smuggling, and transnational gang investigations.

As the Members of the Subcommittee well know, there has been an increased level of violence on the Mexican side of our southwest border, particularly around Ciudad Juarez and Tijuana. In March, the Secretary announced plans to combat this violence, and today, I echo the sentiment that managing this issue is vital to U.S. interests.

The Departments of State and Justice, and of course, the Department of Homeland Security (DHS), all play critical roles in the nation's response to the situation along the southwest border. As you know, ICE is the largest investigative agency within DHS and has sole responsibility over the detention and removal of criminal aliens. As such, ICE is uniquely and critically positioned to engage in law enforcement issues at the border.

We are firmly committed to ensuring that our borders are secure and stopping the bilateral flow of illicit contraband including guns, money, and drugs. As I will detail below, ICE's efforts to combat border violence include ICE-led BESTs, investigating cartels trafficking in drugs, weapons, money and people across the border, dismantling transnational criminal gangs that operate in the U.S., and removing criminal aliens that threaten our communities.

There is still work to be done, but since our last testimony here in March, we have seen measurable success as a result of our strengthened commitment to the issue. I will highlight several areas in which ICE, often working in conjunction with its federal, state, local, tribal, and foreign law enforcement partners, has played a role in targeting, investigating, and dismantling criminal operations at the SWB through long-term, intelligence-driven investigations.

It is also critical to note that through our efforts along the SWB, we have received support and assistance from our counterparts within Mexico. I have traveled to Mexico three times since I began in my post and am planning another trip soon. During these trips, I

witnessed firsthand the commitment of the Government of Mexico (GOM) to crack down on the cartels through a coordinated effort involving the Mexican military and civilian authorities. This has resulted in an unprecedented amount of cooperation with the United States and incentivizes U.S. law enforcement to work in partnership with GOM officials.

The Southwest Border Initiative

Launched in March, the Southwest Border Initiative (SWBI) demonstrates our commitment to combating border violence. The program calls for strategic redeployments of personnel totaling more than 360 additional agents to the border, increased intelligence capability, and better coordination with state, local, tribal, and Mexican law enforcement officials.

Since the Secretary's announcement of the SWBI, the results have been significant. From March 24 through Oct. 22, 2009, ICE sizably increased seizures of weapons, money, and narcotics along the southwest border over the same period in 2008. For example, the Phoenix Area of Responsibility (AOR) reported a 32 percent increase in narcotics seizures and the San Antonio AOR reported a 108 percent increase in weapons seizures. Because the movement of narcotics and weapons ultimately fuels border violence, these increases signal important success.

Likewise, ICE is seizing more currency. For instance, the San Diego, California AOR has reported a 137 percent increase from $2,332,332 to $5,517,166. These seizures are critical; they represent the profits from criminal activity and the means by which transnational criminal organizations fund their illegal activities of drug smuggling, weapons smuggling, and human trafficking.

Finally, ICE offices along the SWB have noted increases in criminal arrests. The Phoenix AOR has reported a 15 percent increase in criminal arrests – from 861 to 1,006 – while the San Diego AOR has reported a 24 percent increase in criminal arrests, from 1,429 to 1,779.

The success of ICE's surge throughout the southwest border is exemplified by our results in Arizona, where we detailed 59 Special Agents and 45 Detention and Removal Officers from the field, had 25 ICE intelligence personnel (analysts and officers) supporting these agents on a full-time basis. ICE already had 201 special agents and supervisors in Arizona directly supporting surge activities as part of investigative groups focused on human smuggling, drug smuggling, weapons smuggling, and financial investigations. This furthered ICE's investigations of organized criminal syndicates, expanded our work with U.S. Customs and Border Protection (CBP) to interdict contraband, and ensured the prosecution of syndicate members, working with the U.S. Attorney's Office. In just a 60-day period from Sept. 5 through Nov. 5, ICE's efforts, in Arizona, resulted in:

- the filing of 178 criminal charges against those involved in illicit cross-border activity;
- discovery of a tunnel originating in Nogales, Sonora, Mexico, with an exit in the United States;
- enforcement actions at 20 drop houses resulting in the arrest of 275 aliens;
- the seizure of more than $112,000, 33 vehicles, and nearly 50 firearms, 16 of which were headed to Mexico;

- the removal from the U.S. by ICE Office of Detention and Removal of 3,500 illegal aliens as well as over 10,000 Mexico Interior Repatriations that began in August and continued into September;
- the seizure of over 8,500 pounds of marijuana;
- the production, by ICE's Office of Intelligence, of 68 dossiers on gang members, drop houses, and criminal aliens; and
- completion of 78 requests for information to create intelligence-driven criminal investigations.

Border Enforcement Security Task Forces (BESTs)

In response to border violence, ICE has augmented the Border Enforcement Security Task Force program—a platform in which interagency and international partners can work together to address cross-border crime. BESTs are operational task forces that utilize intelligence from all member agencies to drive investigations and then mobilize member agencies as force multipliers for enforcement on the border. BESTs incorporate personnel from ICE, CBP, the U.S. Coast Guard (USCG), Drug Enforcement Administration (DEA), ATF, the Federal Bureau of Investigation (FBI), and respective U.S. Attorney's Offices, along with other key federal, state, local, tribal, and foreign law enforcement agencies.

Any border-centric law enforcement task force could not be effective without support and participation from our foreign partners. Therefore, ICE has worked dilligently to garner participation in the SWB BESTs by Mexico. The Mexican Secretaria de Seguridad Publica (SSP) currently participates in the BESTs along the SWB. In addition, the Mexican government has agreed to provide representatives to every BEST team on the SWB—a sign of the success of the task forces. Additionally, other Mexican government agencies and foreign partners are working with ICE to expand their participation in the BESTs, enhancing the international scope and participation of the initiative. Since the launch of the SWBI on March 24, 2009, ICE has established new BESTs in locations such as Las Cruces and Deming, New Mexico, and Mexico City, resulting in a total of 17 BESTs covering high-threat smuggling corridors, including some on our northern border.

The creation of the Mexico BEST is an important example of how our coordinated approach at the border has successfully involved our Mexican law enforcement partners. The mission of the Mexico BEST is to use intelligence related to weapons and currency seizures that occur in Mexico and to respond to leads generated by Mexican and U.S. law enforcement agencies to develop joint investigations. When it is fully operational, the Mexico BEST will work with the ICE Attaché in Mexico City, and will include approximately 35 personnel from Mexican law enforcement agencies, vetted by ICE. Expanding the BEST program to Mexico enables ICE to work in a bilateral, multi-agency taskforce that enhances information sharing between ICE and the Mexican government, thereby increasing operational effectiveness.

In addition, ICE's Border Violence Intelligence Cell (BVIC) supports the transnational effort to combat weapons smuggling and stem the surge in cartel violence. This intelligence unit facilitates timely information sharing with state, tribal, local, foreign, and other federal law enforcement agencies, and serves as the focal point for analyzing all-source intelligence in

support of the BESTs and ICE Attaché Mexico offices. Through the BVIC, the BESTs, ICE Attaché offices, and the Mexican government Arms Trafficking Group exchange cross-border weapons-related intelligence through a virtual network. This network creates a seamless investigation of the criminal organizations that span the southwest border. The BVIC works in cooperation with the jointly staffed ATF and ICE "Gun Desk" at the El Paso Intelligence Center (EPIC). The "Gun Desk" serves as the intake for tracing of firearms seized in Mexico. Such tracing can be an important tool in criminal investigations to follow the possible path of weapons from the U.S. into Mexico.

Since March 2009, analysts working with the BESTs, in coordination with the BVIC, have produced 400 intelligence reports, over 80 comprehensive intelligence dossiers on criminal organizations. These dossiers include analysis of each organizations method of operations, organizational structure, and avenues for investigative action. Also produced during this same period, were 362 investigative leads relating to suspected weapons traffickers operating along the southwest border. This augmented level of support will continue with the hiring of 90 permanent intelligence positions to support the BESTs as well as ICE's broader southwest border operations.

Since our testimony and implementation of the Southwest Border Initiative in March, ICE BESTs have seized over 1,809 pounds of cocaine, 45,889 pounds of marijuana, 571 pounds of methamphetamine, 45 pounds of crystal methamphetamine, 251 pounds of ecstasy, and 17 pounds of heroin. In addition, over this same period, ICE BESTs have seized 1,361 weapons, 277 vehicles, and $8.2 million U.S. currency and monetary instruments. All of these seizures categories represent an increase over the same reporting period from 2008, and can be attributed to the SWBI. The BEST model has been very successful, and we look to build on its successes in our coordinated efforts against illicit activity at the border.

Armas Cruzadas

The BEST program has provided the investigative platform for one of ICE's centerpieces of the SWBI, Operation Armas Cruzadas. ICE will continue to deploy resources for Operation Armas Cruzadas, a comprehensive, collaborative, intelligence-driven, and systematic effort with the Mexican government to identify, disrupt, and dismantle the criminal networks that illicitly transport arms across the border. Just since the initiation of the SWBI, Armas Cruzadas operations have accounted for the seizure of 361 firearms, 38,878 rounds of ammunition, and criminal arrests of 107 individuals. Overall since its creation, Armas Cruzadas has resulted in the seizure of 1,890 weapons, 206,412 rounds of ammunition, criminal arrests of 257 individuals, and more than $7.9 million. This bilateral law enforcement and intelligence-sharing operation between U.S. and Mexican law enforcement agencies has helped to curtail drug cartels and criminal organizations that have sought to acquire more powerful and dangerous firearms, which perpetuate the violence along the Southwest border.

Operation Firewall

Because cash proceeds are so critical to the ongoing operations of cartels that are engaging in border violence, ICE partners with CBP to stem the illegal flow of cash across the

SWB. ICE's Operation Firewall counters bulk cash smuggling through partnerships and close collaboration with foreign partners, including Mexico. During fiscal year 2009, Firewall efforts in Mexico resulted in nine seizures totaling over $18 million and the arrest of five individuals by Mexican authorities. These cash seizures are in addition to those by the BESTs on the U.S. side of the border. Since its inception in 2005 through Oct. 31, 2009, Operation Firewall has resulted in 3,505 seizures totaling more than $282 million, and the arrests of 583 individuals. These efforts include 175 international seizures totaling more than $108 million and 116 international arrests.

I would also like to highlight that just two months ago, our coordinated efforts with Colombian and Mexican law enforcement officers led to the largest bulk cash container seizure ever. From Sept. 9-14, Mexican and Colombian law enforcement authorities seized a total of more than $41 million in U.S. currency that had been concealed in shipping containers found in ports in Colombia and Mexico. These seizures were part of an ongoing investigation by ICE's Attaché Office in Bogota. Our work there disrupted a cycle of narcotics smuggling into the United States, as well as bulk cash smuggling out of the United States (which would be used to fund additional criminal activities). The case proves our collaboration with our foreign partners is effective and necessary.

ICE and the DHS Office of Counternarcotics Enforcement (CNE), working with the DEA, have commissioned a bilateral study with Mexico on the movement of illicit proceeds. The study will provide information on U.S. trends and consolidation points; analyze subsequent movement of funds smuggled into Mexico, including the movement of bulk cash to third-party countries and into financial institutions; identify geographic regions in Mexico where the proceeds of criminal activity are consolidated and stored; identify points of egress; identify trends related to transactions in Mexico that occur before the illicitly derived currency is integrated into the formal financial system; and identify the enforcement challenges and offer solutions for how the U.S. Government and the GOM can improve cooperation to combat these problems. ICE will use the results of the bilateral study, to be completed in April 2010, to evaluate its strategy of dismantling the financial infrastructure of transnational criminal organizations.

Transnational Gangs

Street gangs and their criminal activities—including human trafficking, narcotics smuggling and distribution, identity theft, money laundering, arms trafficking, and export violations—now transcend borders and have a stake in the globalization of narcotics trafficking. These gangs act as an enabler for dangerous criminal organizations, themselves morphing from small autonomous criminal groups into larger trans-border criminal enterprises (TCEs).

Operation Community Shield (OCS) is a DHS anti-gang initiative that combines ICE's unique statutory and administrative authorities, expert investigative techniques, and new technologies to identify, investigate, prosecute, and remove gang members from the United States. Since the inception of OCS in 2005, ICE agents and law enforcement partners have arrested more than 15,000 gang members and associates, almost 6,000 of whom have had violent criminal histories. In addition, ICE agents have seized 825 firearms during OCS operations.

I'd like to point to a recent example of how ICE continues to realize the impact of its national gang abatement efforts. In June 2009, ICE, in conjunction with our federal, state, and local law enforcement partners in Omaha, Neb., effectively dismantled a prolific "Sureño-13" criminal street gang, arresting 36 members and associates. The two-year investigation revealed that this TCE was engaged in the trafficking of high-powered weapons from the Midwest, to the southwest border, to the drug cartels in Mexico, as well as supplying weapons to violent street criminals in Omaha. During the investigation, over 60 weapons, including high-powered military grade rifles, were seized, along with $40,000 in U.S. currency.

ICE, along with federal, state, and local law enforcement, will expand OCS to target criminal gangs by conducting Specialized Urban Response Gang Enforcement (SURGE) operations to target gang networks known to facilitate the trans-border operations of transnational criminal organizations.

Removal of Criminal Aliens

ICE is the only law enforcement agency with authority to remove criminal aliens from the country. On April 24, 2009, ICE's Office of Detention and Removal (DRO) detailed 100 deportation officers and immigration enforcement agents to augment our criminal alien enforcement efforts in San Diego, Phoenix, San Antonio, Houston, and El Paso. The initiative resulted in 3,554 screenings, 3,534 arrests, and more than 3,300 charging documents issued to criminal aliens subject to removal from the United States.

Three important DRO programs support ICE's efforts along the southwest border. The Criminal Alien Program identifies and arrests criminal aliens who are incarcerated within federal, state, and local prisons and jails. The National Fugitive Operations Program prioritizes fugitive alien arrests. ICE's DRO programs aim to deter and reduce future recidivism rates of violent criminal aliens by seeking criminal prosecution whenever possible. In coordination with the U.S. Attorney's Office, ICE prioritizes federal criminal prosecution of egregious recidivist criminal aliens for felony violations. Illegal reentry after deportation in violation of 8 U.S.C. § 1326 is currently the most prosecuted federal felony nationwide. In FY 2009, 4,115 prosecutions were accepted along the southwest border.

Mexican Interior Repatriation Program (MIRP)

The Mexican Interior Repatriation Program (MIRP) was designed in 2004 as a bilateral effort between the United States and Mexico to reduce the loss of human life and combat organized crime linked to the smuggling, trafficking, and exploitation of persons by returning non-criminal aliens to the interior of Mexico during the hottest, most dangerous time of year for border crossings. From Aug. 22, 2009 through Sept. 28, 2009, 10,560 Mexican nationals were voluntarily returned through the MIRP initiative. When compared to the same time period last year, the number of recidivist illegal aliens were slightly down and deaths due to exposure decreased.

Under MIRP, Mexican nationals apprehended in U.S. Border Patrol's Yuma and Tucson Sectors are taken to DHS facilities in Nogales and Yuma, Arizona, where candidates are

medically screened, meet with officials from Mexican Consulates, and are offered the opportunity to voluntarily participate in the program.

In FY 2009, ICE detailed 52 officers to the Phoenix AOR to support the MIRP operations and conducted 73 flights from Tucson to Mexico City facilitating the return of the Mexican nationals to the interior of Mexico. More than 93,100 Mexican nationals have been safely returned under MIRP over the program's previous five summers.

Other Interagency Coordination

ICE is involved in a number of key agreements with our federal law enforcement partners that directly contribute to reducing border violence. For instance, this June, ICE re-negotiated formal interagency agreements with both DEA and ATF to facilitate closer coordination, increased partnership, and expanded information sharing. Pursuant to the agreement with DEA, ICE can now select an unlimited number of ICE agents for cross-designation to investigate violations of the Controlled Substances Act, with significant activity at the border. ICE agents specifically target smugglers who bring drugs into the country and transport them into our communities. Similarly, an updated agreement with the ATF clearly establishes how the two agencies will work together on investigations of international firearms trafficking and possession of firearms by illegal aliens.

Earlier this month, ICE organized a meeting along the southwest border of key personnel within ICE, ATF, and CBP to develop coordinated, intelligence-driven attacks on southbound firearms trafficking. At that meeting, I joined Ken Melson of ATF and Chief David Aguilar of CBP to announce that seizures involving illegal drugs, weapons, and illicit cash at the border rose significantly in the latter half of fiscal year 2009—an increase we attribute to increased enforcement efforts and cooperation. BESTs, which house multiple agencies under one roof, contributed to many of the seizures. This conference followed a U.S. law enforcement I led to Mexico in August 2009 that included Ken Melson and CBP Assistant Commissioner where we discussed bilateral, multi-agency efforts to curb southbound arms trafficking.

Under the Illegal Drug Project, ICE, CBP, and the Department of Justice (DOJ) are collaborating with the Mexican Office of the Attorney General (PGR) to prosecute narcotics seizures that occur at the Nogales, Ariz., port of entry that the U.S. Attorney's office declines to prosecute. ICE, CBP, and DOJ are committed to providing PGR with the necessary information to prosecute theses cases, including drug sample testing, the transfer of evidence, official declarations by U.S. personnel, and use of ICE/CBP reports. The goal of the program is to increase pressure on drug trafficking organizations operating in the area. On Oct. 24, 2009, ICE and CBP apprehended a Mexican national attempting to smuggle marijuana into the United States. Though the case could not be prosecuted in the U.S. due to evidentiary issues, this subject was the first individual to be referred to PGR under the Illegal Drug Project. A second case has been recently referred to PGR as well.

ICE's Law Enforcement Agency Response Unit within DRO is specific to the State of Arizona, and was developed to respond to law enforcement agencies requesting assistance from ICE.

ICE has partnered with the Tohono O'odham Nation to enlist the help of the Shadow Wolves. This elite unit of Native American Patrol Officers has worked with ICE, and our partners at CBP, to help identify and track smugglers. This unique relationship has resulted in, on average, seizures of up to 60,000 pounds of illegal drugs each year since 2006.

Increased collaborative efforts with other government agencies since the formation of the SWBI have allowed ICE to better execute its mission and prevent border violence. For example, in March 2009, ICE's Special Agent in Charge office in San Antonio initiated a criminal investigation into an organization responsible for smuggling large amounts of weapons into Mexico from the United States. The investigation began as a result of CBP inspection at the Laredo, Texas, port of entry that led to the discovery of 25 weapons concealed within the gas tank of a vehicle attempting to travel from the United States to Mexico. An extensive investigation by the Laredo BEST led to the identification of a co-conspirator in Oklahoma, who was currently under investigation by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). ICE and ATF combined their investigative resources and subsequently executed a search warrant at the residence of a weapons dealer that resulted in the seizure of 988 additional weapons, a large quantity of ammunition, and $30,000 in U.S. currency.

Because the violence fueled by cartels and other criminal organizations at the border involve immigration offenses, weapons smuggling, financial crimes, and cross-border narcotics smuggling—all within ICE's jurisdiction—ICE naturally plays an important role in the Administration's coordinated efforts. We will continue the work we have already done with other federal, state, local, and tribal partners in our combined efforts at the border.

Other ICE Initiatives Based in Mexico

In addition to the initiatives described above, ICE maintains a strong presence in Mexico, which enhances our collaboration with our foreign partners, and strengthens our efforts to curb illicit activity at the border.

For instance, in August 2007, Mexican Customs, CBP, and ICE signed a Bilateral Strategic Plan to fight trans-border crime. This plan has strengthened our cooperation by expanding institutional cooperation mechanisms. An updated version of the Plan and a related Declaration of Principles will be signed next month.

Furthermore, ICE Attaché personnel currently oversee two specialized, vetted investigative units focused on human and money laundering trafficking investigations. Vetted units are critical because they allow the ICE Attaché office to support active investigations and provide information that can be shared in real time. In addition, our Attaché in Mexico City participates in the inter-governmental GC Armas working group held at the National Center for Information, Analysis and Planning in order to Fight Crime offices in Mexico City. Every two weeks, the ICE Attaché office obtains a printed copy of seizure summaries, including names of suspects and lists of arms and munitions seized that is delivered to ICE intelligence analysts. This has proved incredibly valuable for developing leads in some of our cross-border investigations.

ICE continues to support capacity building efforts by providing training to Mexican law enforcement officials. As part of the Merida Initiative, ICE has deployed 24 Special Agents to teach Basic Criminal Investigative Methods to approximately 2,000 Ministry of Public Security (SSP) investigators in San Luis Potosi, Mexico. ICE plans to continue supporting this training initiative through its completion in August 2010. The SSP is undergoing an ambitious program to develop, train, and deploy 10,000 investigators within a year. ICE also deployed four additional instructors to teach one-day courses on arms trafficking and cyber crimes to 200 senior SSP officers in August 2009. ICE deployed 12 Special Agents to provide undercover training funded by the U.S. Department of State to a SSP-vetted unit that will directly support ICE domestic and foreign operations, such as money pickups, money laundering investigations, and arms trafficking. In September 2009, ICE also sent a team to train Mexican law enforcement authorities on the use of the Weapons Virtual Task Force, a secure, unclassified, web-based information-sharing platform. Additionally, ICE is designing investigator training for Mexican customs personnel, scheduled to begin in March 2010. This training is a strong step toward a closer relationship and better information exchange, and will continue as more users on both sides of the border are added. Finally, working with DOJ, ICE sponsored five human trafficking trainings in the past 18 months that included PGR, Mexican state law enforcement, and other GoM participants.

Conclusion

Combating violence and other criminal activity at the southwest border remains an enormous priority for the Department. It is also a momentous challenge because organized crime along our shared border exploits what is otherwise a very productive relationship with Mexico that relies upon cross-border commerce, finance, and travel. As I have discussed, we have taken important steps to improve security along the border. We are beginning to see real benefits from our efforts, and we will continue our collaborative initiatives. I assure you that ICE will continue to utilize its broad jurisdiction to forge strategic partnerships with our fellow law enforcement agencies, here and abroad.

I thank the Subcommittee for its continued support of ICE and our border security mission. Your support is vital to the work of ICE. Moreover, your continued interest and oversight of our actions is important to the men and women at ICE, who work each day to ensure the safety and security of the United States. I would be pleased to answer any questions you may have at this time.

BIOGRAPHY OF JOHN MORTON

ASSISTANT SECRETARY
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

John Morton is the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement (ICE). He leads the principal investigative component of the Department of Homeland Security and the second largest investigative agency in the federal government, with more than 19,000 employees and an annual budget of more than $5 billion.

Mr. Morton came to ICE with an extensive background in federal law enforcement and immigration law and policy. Mr. Morton, who began his federal service in 1994, has held a variety of positions within the Department of Justice, including as a trial attorney and special assistant to the general counsel in the former Immigration and Naturalization Service and as counsel to the deputy attorney general.

From 1999 to 2006, Mr. Morton prosecuted criminal cases as an Assistant United States Attorney in the Eastern District of Virginia, first in the Major Crimes Unit and later in the Terrorism and National Security Unit. From 2006 to mid-2009, Mr. Morton served in the Criminal Division of the Department of Justice, first as the Acting Chief of the Domestic Security Section and then as the Acting Deputy Assistant Attorney General.

Mr. Morton is a graduate of the University of Virginia School of Law.