

# COALITION FOR IMMIGRATION SECURITY

July 20, 2006

The undersigned each have held high-ranking positions in the Executive Branch with responsibilities for enforcing our immigration laws and securing our borders from those who would seek to harm the United States or violate its laws. We are proud to have been part of the effort since September 11, 2001, to secure our borders and bring integrity back to our immigration system.

As the Congress considers immigration legislation, some have portrayed the debate as one between those who advocate secure borders and those who advocate liberalized employment opportunities. This is a false dichotomy. The reality is that stronger enforcement and a more sensible approach to the 10-12 million illegal aliens in the country today are inextricably interrelated. One cannot succeed without the other. Without reform of laws affecting the ability of temporary, migrant workers to cross our borders legally, our borders cannot and will not be secure.

Since 9/11, the Executive Branch and Congress have worked together to make significant but incomplete efforts to secure our borders. Among the many accomplishments achieved are:

- ▶ Spending: Overall border enforcement spending is up 58% to \$7.3 billion in 2005;
- ▶ Creation of CBP and ICE: The Department of Homeland Security (DHS) created a single agency, U.S. Customs and Border Protection (CBP), devoted to securing our borders and with a priority mission of keeping terrorists and terrorist weapons out of the country, and we created a single agency, U.S. Immigration and Customs Enforcement (ICE), devoted to enforcing our immigration laws in the interior of our country.
- ▶ US-VISIT: DHS deployed an integrated entry-exit immigration enforcement system, enrolling over 50 million travelers and identifying over 1000 criminals and inadmissible aliens.
- ▶ A Single, Consolidated Terrorist Watchlist: At the President's direction, the Terrorist Screening Center now maintains the nation's single, consolidated watchlist of known and suspected terrorists against which all applicants for entry into the country and all detained illegal entrants are now checked.
- ▶ SEVIS: DHS developed a student tracking system confirming over 870,000 students in the 2004-05 academic year and removing over 60,000 questionable schools from the program.
- ▶ Border Patrol: We have increased the number of agents by over 40% and deployed sophisticated equipment, including UAVs and sensors, to secure our borders.

- ▶ Expedited Removal: ER is now operational at all Southern Border sectors to deter illegal entry by non-Mexicans and to maximize use of available detention bedspace.
- ▶ Detention and Removal: ICE achieved a record number of approximately 160,000 deportations, including a historic number of 13,000 fugitives with outstanding orders of removal in FY04.
- ▶ Database Integration: DHS has integrated legacy databases such as IDENT and IAFIS to identify tens of thousands of persons arrested or wanted by federal or local law enforcement to be detained by CBP inspectors and Border Patrol agents.
- ▶ Application Backlog Reduction: U.S. Citizenship and Immigration Services has reduced the backlog of benefit applications from a high of over 3.8M in January of 2004 to under 700,000 in January of 2006, a reduction of 83%.

These accomplishments and others have significantly improved the security to our international travel systems and laid the groundwork to achieve operational control of our land borders with Canada and Mexico.

Clearly, more must be done to strengthen enforcement, and we support additional programs and spending, such as increasing the numbers of Border Patrol agents, deploying more sophisticated technology through the Secure Border Initiative and additional infrastructure to build a “virtual” fence along the Southern Border; ending the “catch and release” policy, deportation procedures that allow for more streamlined litigation to deport illegal aliens, further build-out of entry-exit tracking and facilities, and strengthening our interior enforcement capabilities, such as fugitive operations teams at ICE.

But enforcement alone will not do the job of securing our borders. Enforcement at the border will only be successful in the long-term if it is coupled with a more sensible approach to the 10-12 million illegal aliens in the country today and the many more who will attempt to migrate into the United States for economic reasons. Accordingly, we support the creation of a robust employment verification system and a temporary worker program in the context of an overall reform of our border security and immigration laws.

With each year that passes, our country's shifting demographics mean we face a larger and larger shortage of workers, especially at the low-skilled end of the economy. Entire segments of the economy in a growing number of urban and rural areas depend on large illegal populations. Existing law allows only a small fraction of these workers even to attempt to enter the United States legally, even though our unemployment rate has fallen below 5 percent.

Thus, each week our labor market entices thousands of individuals, most from Mexico but many from numerous other countries, to sneak across our border, or to refuse to leave when a temporary visa expires. These numbers add up: DHS apprehends over 1 million migrants illegally entering the United States each year, but perhaps as many as 500,000 get through our defenses every year and add to our already staggering illegal immigrant population. As believers in the free market and the laws of supply and demand, we believe border enforcement will fail so long as we refuse to allow these willing workers a chance to work legally for a willing employer.

Most such migrants are gainfully employed here, pay taxes, and many have started families and developed roots in our society. And an attempt to locate and deport these 10 to 12 million people is sure to fail and would be extraordinarily divisive to our country.

But others seeking to cross our borders illegally do present a threat – including potential terrorists and criminals. The current flow of illegal immigrants and people overstaying their visas has made it extremely difficult for our border and interior enforcement agencies to be able to focus on the terrorists, organized criminals, and violent felons who use the cloak of anonymity that the current chaotic situation offers.

An appropriately designed temporary worker program should relieve this pressure on the border. We need to accept the reality that our strong economy will continue to draw impoverished job seekers, some of whom will inevitably find a way to enter the country to fill jobs that are available. A successful temporary worker program should bring these economic migrants through lawful channels. Instead of crossing the Rio Grande or trekking through the deserts, these economic migrants would be interviewed, undergo background checks, be given tamper-proof identity cards, and only then be allowed in our country. And the Border Patrol would be able to focus on the real threats coming across our border. This will only happen, however, if Congress passes a comprehensive reform of our border security and immigration laws.

Moreover, current law neither deters employers who are willing to flout the law by hiring illegal workers, nor rewards employers who are trying to obey the law. Bogus documents abound, and there is currently no comprehensive and mandatory mechanism for employers to check the legality of a worker's status. An effective temporary worker program would include a universal employment verification system based on the issuance of secure, biometrically-based employment eligibility documents and an "insta-check" system for employers to confirm eligibility. We recognize the cost of such programs but believe the cost of the current morass is much greater.

Lastly, individuals who have maintained employment in the United States for many years without evidence of ties to criminal or terrorist behavior should be granted the opportunity to make in essence a plea bargain with law enforcement. By paying a stiff fine and undergoing a robust security check, these individuals can make amends for their mistake without crippling our economy and social structures by being part of a mass deportation. Each day that we fail to bring these people out of the shadows is another day of amnesty by default.

In conclusion, we encourage the Congress and Administration to work together to enact legislation that takes a comprehensive approach to immigration reform. We support strong immigration enforcement but it will only be successful when coupled with realistic policies related to our labor markets and economic needs.

Victor X. Cerda  
Partner, Siff & Cerda LLP  
Former Acting Director of Detention and Removal Operations, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security

Elaine Dezenski  
Former Acting Assistant Secretary for Policy Development, U.S. Department of Homeland Security

Brian C. Goebel  
Founder, Sentinel HS Group  
Former Counselor and Senior Policy Advisor to the Commissioner, U.S. Customs and Border Protection

Pancho Kinney  
Former Director of Strategy, White House Office of Homeland Security

Jason Klitenic  
Partner, McKenna Long & Aldridge  
Former Deputy General Counsel, U.S. Department of Homeland Security

Admiral James M. Loy  
Senior Counselor, The Cohen Group  
Former Deputy Secretary, U.S. Department of Homeland Security

Michael J. Petrucelli  
GridPoint, Inc.  
Former Deputy Director and Acting Director, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security

Seth M. M. Stodder  
Senior Counsel, Akin Gump Strauss Hauer & Feld, LLP  
Former Director of Policy and Planning, U.S. Customs and Border Protection, U.S. Department of Homeland Security

C. Stewart Verdery, Jr.  
Principal, Mehlman Vogel Castagnetti, Inc.  
Adjunct Fellow, Center for Strategic and International Studies  
Former Assistant Secretary for Border and Transportation Security, U.S. Department of Homeland Security

Joseph D. Whitley  
Partner, Alston & Bird  
Former General Counsel, U.S. Department of Homeland Security

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Name	Former Executive Branch Title(s)	Current Affiliations	Phone Number
Victor X. Cerda	* Acting Director, Detention and Removal, Immigration and Customs Enforcement * Acting Chief Counsel, Immigration and Customs Enforcement	* Partner, Siff and Cerda	202-457-7754
Elaine Dezenski	* Acting Assistant Secretary for Policy Development, Department of Homeland Security * Deputy Assistant Secretary for Border and Transportation Security	* Independent consultant	202-730-5728
Brian Goebel	* Counselor and Senior Policy Advisor, U.S. Customs and Border Protection	* Founder, Sentinel HS Group	703-871-5131
Pancho Kinney	* Director of Plans & Policy, White House Office of Homeland Security * Deputy Director of International Affairs, DHS	* Vice President, HNTB Federal Services Corporation	703-824-5100
Jason Klitenic	* Deputy General Counsel, Department of Homeland Security	* Attorney, McKenna Long & Aldridge	202-496-7233
James A. Loy	* Deputy Secretary, Department of Homeland Security * Administrator, Transportation Security Administration * Commandant, U.S. Coast Guard	* Senior Counselor, Cohen Group	202-689-7900
Michael J. Petrucelli	* Acting Director, U.S. Citizenship and Immigration Services * Deputy Director, U.S. Citizenship and Immigration Services	* Director, Government Relations, Gridpoint, Inc.	202-903-2113
Seth M. M. Stodder	* Director of Policy and Planning, U.S. Customs and Border Protection	* Senior Counsel, Akin Gump Strauss Hauer & Feld	310-229-1000
C. Stewart Verdery, Jr.	* Assistant Secretary for Border and Transportation Security, Department of Homeland Security	* Principal, Mehlman Vogel Castagnetti, Inc. * Adjunct Fellow, Center for Strategic and International Studies	202-585-0244
Joseph D. Whitley	* General Counsel, Department of Homeland Security * Acting Associate Attorney General * U.S. Attorney, Middle and Northern Districts of Georgia	* Partner, Alston & Bird	202-756-3189

**Victor X. Cerda**  
Partner, Siff and Cerda

Former Acting Director, Detention and Removal, U.S. Immigration and Customs Enforcement, Department of Homeland Security

Former Acting Chief Counsel, U.S. Immigration and Customs Enforcement, Department of Homeland Security

Victor X. Cerda is a partner of the firm and focuses his practice on global and federal government affairs, with an emphasis on immigration law and border security policy.

Under the Department of Homeland Security (DHS), Mr. Cerda served as Counsel to the Assistant Secretary of U.S. Immigration and Customs Enforcement (ICE). As Counsel, Mr. Cerda provided policy and operational oversight over a myriad of critical ICE mission areas, to include detention and removal issues, critical infrastructure protection/worksites enforcement, customs investigations, the Student and Exchange Visitor Information System (SEVIS), and high-profile immigration removal cases, including national security cases. In addition, he represented ICE in high-level departmental, interagency, and Congressional discussions on immigration policy. As Counsel, he testified on multiple occasions before the Congress on the SEVIS program and homeland security immigration enforcement issues. Additionally, he has conducted numerous media publication interviews on immigration and homeland security matters including the New York Times, the Washington Post, and USA Today, and has done live and taped television interviews including CNN, MSNBC, FOX, and NBC National News.

Mr. Cerda also served as the acting Director of the Office of Detention and Removal Operations (DRO) and Principal Legal Advisor for ICE. As Acting Director of DRO, he managed a detention system that processed over 200,000 individuals and removed a historical record 150,000 individuals. Additionally, he oversaw ICE's national fugitive operations mission, Criminal Alien Program, and detention bed centralization plan. Mr. Cerda directed the work of approximately 3,500 employees, including over 2,600 sworn law enforcement officers. As the Acting Principal Legal Advisor for ICE, he managed 600 attorneys nationwide and assisted in the development of national legal positions on customs and immigration matters.

In 1995, Mr. Cerda began his federal government career representing the Government in hundreds of immigration removal hearings. On September 11, 2001, Mr. Cerda was appointed Counsel and Acting Chief of Staff for the INS and played a critical role in implementing post 9/11 measures. He advised the Attorney General, Commissioner and Deputy Commissioner on immigration policy and operations and served as liaison with the White House, Department of Justice components, and other cabinet agencies.

Mr. Cerda, a native of Chicago, Illinois, is a graduate of Brown University. He received his Juris Doctorate degree from DePaul University. On December 2, 2004, Mr. Cerda was one of 13 DHS employees awarded the Secretary's Award for Exemplary Service at DHS' First Annual Secretary's Awards Ceremony. This award is the second highest award given to DHS employees and was issued in recognition of Mr. Cerda's accomplishments while assuming various key leadership roles in the initial years of DHS.

**Elaine K. Dezenski**

Former Acting Assistant Secretary for Policy Development, DHS

Elaine Dezenski launched a consulting and federal affairs firm in July of 2006. She brings fourteen years of management experience in the public and private sectors across a range of domestic and international homeland security and transportation issues.

In April 2006, Elaine completed nearly four years of service with the U.S. Department of Homeland Security. Most recently, she served as the Acting Assistant Secretary for Policy Development within the newly created DHS Office of Policy. She advised DHS leadership on border and transportation security, international issues related to travel and tourism, immigration policy, preparedness, information sharing, screening coordination, and other key security areas. She spoke at many major industry forums and routinely testified before Congress on a range of homeland security issues. Elaine also represented the department before public and private sector organizations and serves on official government policy review boards and federal advisory committees.

Prior to her appointment as Acting Assistant Secretary, Elaine served as Deputy Assistant Secretary (DAS) for Policy and Planning and the Director of Cargo and Trade Policy within the BTS Directorate. She began her service at DHS as the Director Maritime, Land, and Cargo Policy at the Transportation Security Administration (TSA).

Before joining DHS, Elaine was Special Assistant to the Administrator of the Federal Transit Administration (FTA) at the Department of Transportation.

She was selected as a Brookings Institution LEGIS Fellow during her tenure at FTA and served in the office of Congressman Sherwood Boehlert (R-NY), where she managed the transportation and economic development issue portfolios.

Elaine began her professional career in 1992 with Siemens Corporation. From 1992-1999, she held a variety of marketing and business development management positions in the transportation division of Siemens, and was responsible for managing the division's federal affairs activities in Washington, DC.

Elaine holds a Masters in public policy from Georgetown University and a Bachelors degree in international relations from Wheaton College in Norton, Massachusetts. She serves as Vice President of Women's Transportation Seminar, an international not-for-profit organization dedicated to advancing women in transportation.

## Brian C. Goebel

Former Counselor and Senior Policy Advisor, CBP

Before founding the Sentinel HS Group, Mr. Goebel was an attorney in the Washington, D.C. office of Gibson, Dunn & Crutcher, where he specialized in public policy and international trade matters. While at Gibson Dunn, Mr. Goebel:

- Assisted companies in understanding and shaping homeland security-related legislation, regulations, and policies involving port security, supply chain security, immigration enforcement, international trade & travel, transportation, and intelligence matters.
- Assisted companies in shaping and complying with import-related legislation, regulations, and policies.
- Counseled companies regarding compliance with U.S. sanctions and export licensing regimes.

During his tenure as Counselor and Senior Policy Advisor to Commissioner Bonner, Mr. Goebel's responsibilities included:

- Advising Commissioner Bonner on a wide array of matters relating to CBP operations and policies, including the transition into the Department of Homeland Security (DHS), the merger of the U.S. Customs Service and portions of the INS and Agriculture Departments into CBP, and the implementation of the *National Strategy for Homeland Security*.
- Designing and implementing "smart border" programs and initiatives, including:
  - The Customs-Trade Partnership Against Terrorism (C-TPAT)
  - The Container Security Initiative (CSI)
  - The Free and Secure Trade (FAST) program
  - NEXUS
  - NEXUS – Air
  - The Immigration Security Initiative (ISI) — predecessor of the IAP program.
- Advising Commissioner Bonner on policies and operations related to the identification of high-risk shipments and people ("targeting")
  - Overseeing the drafting and promulgation of the Advance Passenger Information (API), Passenger Name Record (PNR), "24-hour" rule, and Trade Act rulemakings.
  - Coordinating efforts to develop a national targeting system, including establishing the National Targeting Center.
  - Coordinating efforts to enhance the Automated Targeting System (ATS) through the application of intelligence, operational experience, additional data sources, and technology.
- Developing international, multilateral, and bilateral strategies for increasing the security of international trade and travel:
  - Assisting in the preparation of the "Resolution of the Customs Co-Operation Council on Security and Facilitation of the International Trade Supply Chain," which was adopted by the WCO in June 2002.
  - Negotiating an agreement with the European Commission on matters related to CSI.
  - Overseeing and negotiating the implementation of sections of the Smart Border Declaration with Canada.

- Coordinating the development of annual CBP budget requests to ensure consistency with homeland security priorities.
- Overseeing the Office of Trade Relations and working closely with the trade community on key initiatives.
- Working closely with the Homeland Security Council, the State Department, the DHS Offices of the Secretary and the Under Secretary for Border and Transportation Security, the Transportation Security Administration, the Coast Guard, and the Bureau of Immigration and Customs Enforcement on US VISIT, visa, immigration, maritime security, air cargo screening and inspections, and other aviation security matters.

Before serving in the Department of Homeland Security, Mr. Goebel was an attorney with Gibson, Dunn & Crutcher and Jones, Day, Reavis and Pogue. He also served as a law clerk to Judge Fortunato P. Benavides on the United States Court of Appeals for the Fifth Circuit.

Mr. Goebel is a 1996 graduate of the William and Mary Law School, where he served as an Articles Editor on the *William and Mary Law Review* and was elected to the Order of the Coif. He graduated with High Honors from the College of William and Mary in 1993.

Francis X. "Pancho" Kinney

Director of Strategic Planning, HNTB Federal Services Corporation

Former Director of Plans & Policy, White House Office of Homeland Security

Former Deputy Director of International Affairs, Department of Homeland Security

Homeland Security and international affairs expert Francis (Pancho) Kinney most recently served as the deputy director of international affairs for the Department of Homeland Security, reporting directly to Secretary Tom Ridge. Previously, he served at the White House Office of Homeland Security, where he developed and implemented the U.S.-Mexico "smart border" accord and was part of the team that wrote the national strategy on Homeland Security. A retired Army officer, he was also the director of strategic planning at the White House Office of National Drug Control Policy.

## Jason Klitenic

Partner, McKenna Long & Aldridge

Former Deputy General Counsel, Department of Homeland Security

Jason Klitenic focuses his practice on government enforcement, corporate compliance and homeland security matters. He divides his time between McKenna Long & Aldridge LLP's Atlanta and Washington, DC offices.

Prior to joining the firm, Jason served from 2003-2005 as the Deputy General Counsel of the United States Department of Homeland Security (DHS), the agency's second-ranking legal officer. In this role, he was responsible for advising the Secretary and other senior leadership on legal issues arising throughout DHS, including those relating to immigration, customs enforcement, environmental compliance, international agreements, CFIUS reviews, complex civil litigation, the SAFETY Act, transportation security, labor and employment, public health, incident management, government contracts, infrastructure protection and intelligence sharing. In addition, Jason worked closely with his counterparts at the White House, Departments of Justice, State, Treasury, Defense, as well as other agencies, to coordinate counterterrorism and federal law enforcement initiatives. In 2005 he was appointed acting General Counsel of DHS and served as the chief legal officer of the 1,500 lawyer agency.

From 2002-2003 Jason was Deputy Associate Attorney General of the United States Department of Justice. There he oversaw matters in the Antitrust Division, Civil Division, Civil Rights Division, Environment and Natural Resources Division and other DOJ components, including matters regarding Civil False Claims Act litigation, corporate fraud, environmental enforcement, terrorism, healthcare fraud and immigration. While at the Justice Department, he also coordinated international trade policy, served as a member of the administration's Trade Policy Review Group and participated in the negotiations of the US-Singapore, US-Chile and US-Australia Free Trade Agreements.

Prior to his federal service, Jason was a partner in a national law firm, where he represented clients in criminal and civil government enforcement actions, including grand jury investigations, criminal prosecutions, Civil False Claims Act litigation and corporate compliance matters.

**Admiral James M. Loy**  
Senior Counselor, The Cohen Group

Former Deputy Secretary, Department of Homeland Security  
Former Administrator, Transportation Security Administration  
Former Commandant, U.S. Coast Guard

In 2005, Admiral James Loy completed a 45-year career in public service, retiring as the first Deputy Secretary of Homeland Security. In this capacity, he was involved in all aspects of consolidating 22 separate agencies into one unified Cabinet department as well as managing the day-to-day activities of the agency.

Prior to the establishment of the Department of Homeland Security in 2002, Admiral Loy served in the Department of Transportation as Deputy Under Secretary for Security and Chief Operating Officer of the Transportation Security Administration (TSA), and later as Under Secretary for Security. In these roles, he served as the first administrator of the newly created TSA, which is responsible for protecting the Nation's transportation systems to ensure freedom of movement for people and commerce.

Admiral Loy retired from the U.S. Coast Guard in 2002, having served as its Commandant since May 1998. As head of the 90,000 person organization, he restored readiness through workforce development and modernized the Coast Guard's fleet of ships and aircraft.

Prior to his service as Commandant, Admiral Loy served as the Coast Guard Chief of Staff from 1996 to 1998, during which time he redesigned the headquarters management structure and overhauled the Coast Guard planning and budgeting process to focus more sharply on performance and results. From 1994 to 1996, he was Commander of the Coast Guard's Atlantic Area, supervising U.S. forces during the mass Haitian and Cuban migrations of 1994, and leading Coast Guard forces participating in Operation Restore Democracy.

A career seagoing officer, Admiral Loy has served tours aboard six Coast Guard cutters, including command of a patrol boat in combat during the Vietnam War and command of major cutters in both the Atlantic and Pacific Oceans.

His military commendations and civilian honors are numerous, including the Department of Transportation Distinguished Service Medal; four Coast Guard Distinguished Service Medals; the Defense Superior Service Medal; the Bronze Star with Combat "V"; the Combat Action Ribbon; the Naval Order of the United States' Distinguished Sea Service Award, the Seaman's Church Institute Silver Bell Award, the Navy League prestigious Admiral Arleigh Burke Leadership Award, the Intrepid Foundation Lifetime Achievement Award, and many other distinctions. Admiral Loy graduated from the U.S. Coast Guard Academy in 1964 and holds Master's degrees from Wesleyan University and the University of Rhode Island.

Admiral Loy is a native of Altoona, Pennsylvania.

**Michael J. Petrucelli**

Director of Government Relations, Gridpoint, Inc.

Former Acting Director and Deputy Director, U.S. Citizenship and Immigration Services, Department of Homeland Security

Mr. Petrucelli joins GridPoint from the Department of Homeland Security (DHS), where he served as the Acting Director of U.S. Citizenship and Immigration Services after previously working for two years as Deputy Director. Prior to holding positions within DHS, Mr. Petrucelli was Senior Vice President for Operations and Chief of Staff of the Export-Import Bank of the United States. He has also worked on economic and business issues at the Federal Communications Commission (FCC) in both the Office of Commissioner Furchtgott-Roth and the Satellite & Radiocommunication Division of the FCC's International Bureau. "Mr. Petrucelli's work will prove invaluable to meeting the needs of government clients as well as helping customers understand and utilize government-sponsored renewable energy programs," said Peter L. Corsell, President and CEO of GridPoint. "He will also be instrumental in our research and development efforts with federal agencies to create a smarter grid."

Mr. Petrucelli has extensive experience promoting U.S.-Asia trade relations, serving as Executive Director of the U.S.-Thailand Business Council, a trade association which promotes trade between the two countries, and as Director for Thailand, Burma and Financial Services at the U.S.-ASEAN Business Council. As a U.S. State Department Foreign Service Officer from 1992 to 1996, Mr. Petrucelli was assigned to the U.S. Embassy in Bangkok, Thailand, the Bureau of Intelligence & Research in Washington, D.C., and the U.S. Consulate General, Netherlands Antilles.

Mr. Petrucelli holds a master's degree in business administration from Goizueta Business School, Emory University, with concentrations in leadership and international business and also studied international business in the MBA program at Nijenrode University in The Netherlands. Mr. Petrucelli also holds a bachelor's degree in political science from Trinity College in Hartford, CT.

Seth M.M. Stodder

Senior Counsel, Akin Gump Strauss Hauer & Feld LLP

Former Director of Policy and Planning, U.S. Customs and Border Protection, Department of Homeland Security

Seth M.M. Stodder is Senior Counsel at Akin Gump Strauss Hauer & Feld LLP, and specializes in national/homeland security policy, immigration, supply chain security, and customs law and policy issues, as well as appellate and constitutional litigation. Prior to joining Akin Gump, Mr. Stodder served in the U.S. Department of Homeland Security as Director of Policy and Planning for U.S. Customs and Border Protection (CBP) and Counselor / Senior Policy Advisor to Commissioner Robert C. Bonner. In that role, Mr. Stodder helped create and implement such key post-9/11 homeland security initiatives as the Container Security Initiative (CSI), the Customs-Trade Partnership Against Terrorism (C-TPAT), the Arizona Border Control Initiative, the National Border Patrol Strategy, and other efforts to secure the borders, seaports, and airports of the United States, as well as to secure and facilitate the international movement of people and commerce. Mr. Stodder is a Senior Associate with the Center for Strategic and International Studies (CSIS), and a Senior Fellow with the George Washington University Homeland Security Policy Institute. Mr. Stodder served on the CSIS-Heritage Foundation task force that wrote *DHS 2.0: Rethinking the Department of Homeland Security*, which substantially influenced DHS Secretary Chertoff's reorganization of DHS through his "Second Stage Review." Mr. Stodder is also a frequent writer and commentator on homeland security, immigration, and border security issues, has published articles in various publications. Most recently, he published a piece in the *San Diego Union Tribune* on the necessary interrelationship between the President's proposed temporary worker program and border security, entitled "Securing the Border." Mr. Stodder has also presented congressional testimony on border security. Mr. Stodder is a 1991 graduate of Haverford College and a 1995 graduate of the University of Southern California Law School.

C. Stewart Verdery, Jr.  
Principal, Mehlman, Vogel, Castagnetti, Inc.

Adjunct Fellow, Center for Strategic and International Studies

Former Assistant Secretary for Border and Transportation Security Policy, Department of Homeland Security

Stewart joined MVC in March of 2005 following over a decade of high-level positions in the Executive Branch, the Congress, and the private sector. Stewart has extensive experience delivering public policy results to clients and the public in a wide range of fields including homeland security and law enforcement, technology and telecommunications, intellectual property, election law and legal reform.

Prior to joining MVC, Stewart served as Assistant Secretary for Homeland Security, following his confirmation by the U.S. Senate in 2003. Stewart led efforts by the Department of Homeland Security to develop and implement policies related to: immigration, visas and travel facilitation; cargo security and international trade; transportation security; and counter-narcotics and other law enforcement priorities. Stewart worked extensively with foreign governments, and appeared frequently as a witness in hearings before numerous Congressional committees and as a public speaker on topics related to homeland security, travel facilitation, and international trade issues. Stewart chaired official government committees related to international trade and tourism and served on the President's Advisory Committee to Protect Americans' Civil Liberties. Among the major DHS policy initiatives Stewart spearheaded were:

- Border Security. Responsible for policy development for US-VISIT entry-exit program for foreign visitors.
- Aviation Security. Negotiated international data-sharing agreement with the European Union.
- Cargo Security. Supervised DHS strategy for national cargo security policy.
- Immigration and Visa Policy. Responsible for development of U.S. immigration enforcement and visa policy.

Stewart continues to appear before Congress and as a public speaker as a homeland security expert.

Prior to his service at DHS, Stewart served as General Counsel to Sen. Don Nickles (R-OK), the Assistant Senate Majority Leader, from 1998 until 2002. Stewart played a major role on a wide range of policy issues including crime and law enforcement, commerce, judicial nominations, constitutional law, campaign finance, and telecommunications. Stewart also handled lead staff duties for the creation and management of the Senate Republican High Tech Task Force, the Republican leadership's outreach arm to the technology community.

Stewart also served as counsel to Chairman Orrin Hatch (R-UT) on the Judiciary Committee's crime unit in 1998 and, while at the Committee on Rules and Administration from 1996-1998 working for Chairman John Warner (R-VA), investigated the contested Louisiana Senate election.

In addition to his government service, Stewart was the Senior Legislative Counsel for Vivendi Universal Entertainment, focusing on telecommunications and intellectual property issues. He was also an associate at the Washington office of the law firm Baker & Hostetler, concentrating on antitrust and litigation.

**Joe D. Whitley**  
Partner, Alston & Bird, L.L.P.

Former General Counsel, Department of Homeland Security

Former Acting Associate Attorney General, Department of Justice

Former United States Attorney, Middle and Northern Districts of Georgia, Department of Justice

Subsequent to the September 11, 2001 terrorist attacks, in 2002 Congress enacted the Homeland Security Act bringing together 22 government agencies. Alston & Bird partner Joe Whitley was appointed by the President as the first General Counsel to the United States Department of Homeland Security (DHS), the highest ranking legal official in the department. He held that position for two years before his departure and return to private practice. Previously he had led Alston & Bird's white-collar and government investigations practice.

During his tenure with DHS, Joe advised Secretary Tom Ridge and Secretary Michael Chertoff on legal issues including some of the following: immigration, customs enforcement, environmental compliance, international agreements, Committee on Foreign Investment in the United States (CFIUS), complex civil litigation, the Support Anti-terrorism by Fostering Effective Technologies (SAFETY) Act, transportation security, labor and employment, government contracts, incident management, public health, infrastructure protection and intelligence sharing. He worked closely with his counterparts at the White House, Departments of Justice, State, Treasury, Defense and other agencies to coordinate counterterrorism and federal law enforcement initiatives.

At DHS he oversaw approximately 1,500 lawyers and 400 support staff from numerous agencies, including the Secret Service, the Coast Guard, Border and Transportation Security, the Transportation Security Administration, Information Analysis and Infrastructure Protection, and Emergency Preparedness and Response (FEMA).

As the first person to hold the position of General Counsel with DHS, Joe has dealt with virtually every aspect of the law touching on homeland security. This experience allows him to conceptualize and to then achieve solutions for clients within a wide variety of areas. Together with diverse Alston & Bird legal teams he will counsel major corporations on public policy and legislative issues such as: disaster recovery and forward-looking mitigation strategies; cyber-security and critical infrastructure protection; immigration; customs and trade compliance; issues related to the USA Patriot Act as they affect banking and financial services firms, together with the insurance industry; the myriad of laws and regulations affecting all segments of the transportation industry; vulnerability assessments for members of the energy sector to include the broad spectrum of environmental regulations; and enforcement actions and criminal prosecutions, as well as civil litigation.

Joe previously had an extensive career in the Department of Justice, serving as the Acting Associate Attorney General, the third-ranking position in the Department of Justice, in the George H.W. Bush administration. He was appointed by Presidents Reagan and Bush, respectively, to serve as U.S. Attorney in the Middle and Northern Federal Districts of Georgia. At the time of his appointment he was one of the youngest persons ever to be appointed U.S. Attorney and the only person to ever serve as a Senate-confirmed U.S. Attorney for two separate jurisdictions. Throughout his career Joe served under five United States Attorneys General.

Joe received his J.D. and his undergraduate degrees from the University of Georgia.