

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

KEITH B. ASHDOWN, STAFF DIRECTOR
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December 7, 2015

Honorable R. Gil Kerlikowske
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue NW
Washington, DC 20229

Dear Commissioner Kerlikowske:

I write today regarding your plans for permanently replacing Michael J. Fisher, Chief of the United States Border Patrol. As I am sure you are aware, there have been concerning reports about a potential candidate from a sanctuary city jurisdiction. As the Police Chief in San Francisco, this person has, on camera, proclaimed “We do not enforce immigration laws” and “We do not cooperate with ICE when they go out for enforcement of immigration violations to the law.”¹

Obviously, the selection of such a candidate would send a strong message — both in the U.S. and outside of the U.S. — that enforcing our immigration laws is not the priority of U.S. Customs and Border Protection (CBP). Such an appointment would surely create another incentive for illegal migration to our country.

It is reported that the current Governor of Texas, a key border state home to the busiest border sector in the country — the Rio Grande Valley sector in South Texas, recently stated that “there will be a ‘revolt’ in the United States” if this candidate is selected to lead the Border Patrol.² Indeed, over the last several weeks, Border Patrol agents from both the northern and southwest borders have contacted my staff, fearful that such a candidate would prevent them from doing their jobs.

While you have publicly stated that no one is currently being considered as a potential candidate to replace the outgoing Chief, I am concerned about the transparency in this process. To ensure that the next Chief of the U.S. Border Patrol will assist in your mission of securing our nation’s borders and enforcing the nation’s immigration laws, I respectfully request that you provide the following information no later than December 21, 2015:

¹ See William La Jeunesse, *Sources: Vocal Supporter of Sanctuary Cities on Short List to be next Head of Border Patrol*, FOX NEWS (Nov. 10, 2015), <http://www.foxnews.com/politics/2015/11/10/former-vocal-supporter-sanctuary-cities-reportedly-on-short-list-to-be-next/>.

² *Id.*

The Honorable R. Gil Kerlikowske

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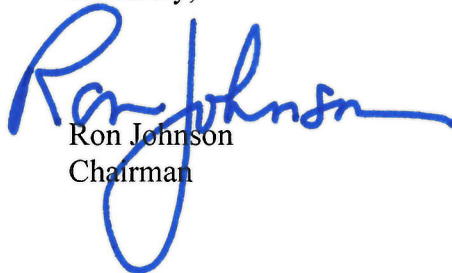
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- 1) Will you commit to the Committee that you will not select any candidate with ties to a sanctuary city jurisdiction to serve as the next Chief of the U.S. Border Patrol?
- 2) Do you believe the Chief of the U.S. Border Patrol should come from CBP ranks? If not, why not?
- 3) Does CBP have any policies you must consider when selecting the next Chief of the U.S. Border Patrol?
- 4) What qualities do you believe are important when looking to fill the position for Chief of the U.S. Border Patrol?

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.”³ Additionally, S. Res. 73 (114th Congress) authorizes the Committee to examine “the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.”⁴ For purposes of this request, please refer to the definitions and instructions in enclosure.

If you have any questions about this request, please contact Brooke Ericson of the Committee staff at (202) 224-4751. Thank you for your prompt attention to this matter.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Thomas R. Carper
Ranking Member

³ S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

⁴ S. Res. 73 § 12, 114th Cong. (2015).