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CONFIRMATION HEARING ON THE NOMINATION OF JAMES W. ZIGLAR TO BE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE

HEARING

BEFORE THE

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CONFIRMATION HEARING ON THE NOMINATION OF JAMES W. ZIGLAR TO BE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE

WEDNESDAY, JULY 18, 2001

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to notice, at 2:35 p.m., in Room SD–226, Dirksen Senate Office Building, Hon. Edward M. Kennedy, presiding.

Present: Senators Kennedy, Leahy, Durbin, Hatch, Kyl, DeWine, and Brownback.

Senator KENNEDY. We will come to order. We are delighted to make some opening comments, which I will in just a moment. But we have some very special presenters here who have extremely important responsibilities in leadership in the Senate. I would say in the 39 years that I have been here, I have not seen the Majority and Minority Leaders appear with the strong, strong support of a very distinguished senior Senator as well, Thad Cochran, to get a nominee off to a good start. So we will listen carefully to the presentation here. But I think all of us on the Judiciary Committee and all the Members of the Senate have known what our three important leaders will comment on. We have a very unique and special nominee who has some very special skills and is willing to take on important responsibilities. But we will hear now from his friend, Senator Trent Lott. We are glad to have you here. Senator Cochran, welcome. Senator Daschle, I will say more about you in just a minute.

If you would be good enough to proceed, we would be glad to hear your comments.

STATEMENT OF HON. TRENT LOTT, A U.S. SENATOR FROM THE STATE OF MISSISSIPPI

Senator LOTT. Thank you very much, Senator Kennedy, for having an expeditious hearing, and I thank my senior colleague from Mississippi for allowing me to go ahead and get started.

Senator Kennedy, I know over the years you have had a lot of friends in the Senate that some people would be surprised to find out about. We knew in Mississippi that you had a good relationship with a Senator named Jim Eastland. In fact, you came down to the university when I was a student there. I was one of the demonstrators, you will remember, outside there.

[Laughter.]

Senator LOTT. But you came at the request of Senator Eastland, and so if you have ever been in the Sergeant-at–Arms office, you will notice there is a very large portrait there, but it is not of yours truly or Senator Cochran. It is of Senator Jim Eastland.

So I had planned to support this nominee, but now realizing he actually has as much or more support on the Democratic side of the aisle as the Republican side, I am re-evaluating that. And I will take advantage of this opportunity to roast the nominee in the way that he truly deserves.

No, let me just say, Senator Kennedy I am delighted to be here and join friends and family to support Jim Ziglar to be the head of INS, Immigration and Naturalization Service. I have no doubt that he will be outstanding in that position.

Now, I must confess, when he first came to me and suggested he might be willing to do that or would want to do that, I questioned his sanity. And I said, "You know, you have already taken on a couple of tough jobs in the past. Are you sure you want to do this?" And he said, yes, he did, because he thought it was an important position, it could be a real challenge, and he would like to have the opportunity.

So I am glad to be here, and I can vouch for his intellect, his ability, his education, his fortitude, all of these tremendous things to describe his background. But I also can attest to the fact that he has always been one to be willing to take on a difficult task. He was the newspaper boy in our neighborhood, and he was very aggressive. I don't think we ever had a newspaper person that knocked out more windows in his years in that position. And he attempted to sing in the First Baptist Church choir that I was singing in. So I know him very well from a long time ago.

But out of in respect for his wife—his very charming wife is here—I won't reveal all that I know. But his father and my father worked in the shipyard—a couple of blue-collar guys. We grew up in the small town in Pascagoula, and I watched him grow and create a tremendous record in high school. And then he came to George Washington University, worked for Senator Eastland, went to law school, graduated from law school, was a clerk for Justice Blackmun, and there he began to get the kind of experience he can put to use in this Administration. By the way, he also worked for the Judiciary Committee on the Judiciary Committee staff. He has some background in dealing with the judicial and immigration issues which he will face at INS, having worked on Judiciary, having served as a clerk with Justice Blackmun.

He got out in the private sector and did quite well as an attorney, worked in the Reagan years as Assistant Secretary of Interior in Water Resources, most of his work being in the western areas. And those are certainly not easy tasks to deal with. He did a marvelous job there managing people and getting results on these very important water projects out in the West.

He was also very successful subsequently on Wall Street, and then a few years ago I called him and said we need a Sergeant at Arms with experience managing people, who can provide leadership, deal with security and make sure that the Sergeant at Arms of the Senate in a bipartisan way does the job—one that will be re-

spected on both sides of the aisle. And so he took on that task, and he has just done an outstanding job.

I believe, as you have said, on both sides of the aisle Senators admire and appreciate him and are thankful that he is willing to take on this important task.

So I am delighted to be here and support Jim Ziglar for this position. I know he will do a good job. I know he will undertake the assignment with great vigor. I know he will stay in touch with the Congress as we try to help him make sure that we have rules and regulations that are understandable, that are sensible, and that will help the people.

So I am delighted to be here. Thank you for having the hearing, and I really appreciate the fact that Senator Daschle also is here to support this nominee.

Thank you.

Senator KENNEDY. Thank you, Senator Lott. We appreciate your mentioning how quickly we are going to have the hearing and how quickly we are going to get this out and how quickly we are going to consider him on the Senate floor. That is what Senator Daschle tries to do with all the nominees that we have here.

[Laughter.]

Senator LOTT. We do have 120 others we would like to talk to you about.

Senator KENNEDY. We have been joined by Senator Leahy and Senator Hatch. We will look forward to hearing from our Majority Leader. We thank him very much. As I mentioned before, this is an extraordinary tribute to a nominee, and with the understanding of Senator Cochran, who we would recognize, if you will extend the courtesy, we would welcome the fact to hear from our friend and colleague, Senator Daschle.

Tom, thank you for coming.

STATEMENT OF HON. TOM DASCHLE, A U.S. SENATOR FROM THE STATE OF SOUTH DAKOTA

Senator DASCHLE. Mr. Chairman and distinguished members of the committee, thank you. I think that all that is left to be said is, "Amen. Let's vote."

I think that Senator Lott has said it so well. No one in this room knows Jim Ziglar better than does Senator Lott, but I have come to know him quite well over the last several years and respect him immensely. The job of Sergeant at Arms is a difficult job, but Jim Ziglar has handled it admirably and handled it in a way that we would expect—in a bipartisan, very professional way.

He has worked with and for Democrats and Republicans throughout his career. He has worked both in the private sector as well as in the public sector. He has had challenges dealing with management as well as challenges dealing with major decisions involving the fiscal needs of our country. And I think he has handled each and every one of them extremely well.

So Senator Lott is right. This man is especially prepared and I think most able to take on these new responsibilities. So I only come before the committee to say a few words and I especially appreciate Senator Cochran's willingness to allow me to do so.

I have a longer statement that I will submit for the record, but I am grateful to you, Mr. Chairman, for expediting this hearing, and I will say I think Democrats and Republicans can unanimously support this man. He warrants our support, and it is with enthusiasm that I support him this afternoon.

[The prepared statement of Senator Daschle follows:]

STATEMENT OF HON. TOM DASCHLE A U.S. SENATOR FROM THE STATE OF SOUTH DAKOTA

From 1998 to 2001, James Ziglar served as the Senate's Sergeant at Arms. He came to the Senate after a long and distinguished career in law and business. After graduating from law school from George Washington University in 1972, he served as an aide to former Sen. James Eastland (D–Miss.). After that he did a brief stint at the Justice Department as special assistant for Legislative and Public Affairs, and served as law clerk for Justice Harry Blackmun on the U.S. Supreme Court. He then worked for two well respected law firms.

In the 1980s, Jim began his career in the financial services industry, working for Dillon, Read & Co. and then Paine Webber. The financial and management skills he gained served this Senate well.

Jim and his wife are active in their community, their church and various nonprofit endeavors. Jim has served various natural resource organizations, including: the National Water Resources Association and the American Water Foundation, and a number of organizations that help the poor overseas, such as Mercy International Health Services. Locally, Jim and his wife, Linda, are active volunteers for Christmas in April. He has also been active in the Baptist and Presbyterian Churches.

Jim has also been instrumental in developing a program that is near and dear to me and the people of my state: "Dakota Heart," a partnership between hospitals in North and South Dakota and hospitals in Poland to provide training for cardiologists and cardiac surgeons in Poland.

Jim's tenure here in the Senate has been one which will be remembered fondly by members on both sides of the aisle. He has assisted Democratic and Republican Senators with their many needs over the years—including the need for advice on clothing, and ties—and has always done so with efficiency, attention to detail, and good humor.

For those of us who know Jim, we know that his passion for public service is matched only by his love for his pet pig, porkchop. If you ever discuss this animal with Jim, you realize that his affection is such that "porkchop" is its name—but will never be its destiny.

So now it is my distinct pleasure to introduce a friend, colleague, and a dedicated public servant—a man whose distinguished service I have every expectation will continue as commissioner of the INS. . . Jim Ziglar.

Senator KENNEDY. Thank you very much to both of our Leaders. We know you have other responsibilities, so we thank you very much for taking time and making time. It is an extraordinary tribute to our nominee, and we are grateful to you. We will excuse you because we know you have to be on your way.

We will hear now from a good friend, Senator Cochran. Thank you very much for joining us, and we look forward to your comments.

STATEMENT OF HON. THAD COCHRAN, A U.S. SENATOR FROM THE STATE OF MISSISSIPPI

Senator COCHRAN. Mr. Chairman, thank you very much. I am pleased to be invited to be here today at this hearing, and I am very proud to endorse the nomination of Jim Ziglar to be Commissioner of the Immigration and Naturalization Service.

I have not known Jim as long or as well as my colleague, Senator Lott, but I know from those who have worked closely with Jim over the years and my own personal observations since I came to Washington in 1973 about his diligence, his competence, his integrity,

his ability to get things done under tough circumstances. He came to the Senate at a time when we really needed somebody like Jim Ziglar in this job. I don't want to dredge up unpopular or unpleasant recollections, but the impeachment challenge that we were faced with in the early days of his tenure as Sergeant-at–Arms called on him to come up with a strategy and a plan, work closely with Democrats and Republicans, the leadership of the Senate, and across the Capitol with Bill Livingood over on the House side who was in charge of security.

He did all this in a calm, thoughtful, serious way and reflected a great deal of credit, I think, on the institution of the United States Senate. So I was very pleased to see him discharge those responsibilities in a way that made Mississippi look good. We were very proud of him as a native of our State.

Incidentally, you know, when Senator Eastland was chairman of the Judiciary Committee, his principal interest, as many of you know—and I know the chairman remembers—was the Immigration and Naturalization Service. And Jim Ziglar had the responsibility of being a member of that staff to work closely with the then–Commissioner of INS. So I am very comfortable with the notion that he is qualified for this job and by his experience and his ability and intelligence will do an excellent job in this capacity. So I recommend him without any qualifications except to say that we are very pleased with the dispatch that you have entertained the nomination and arranged this hearing. We appreciate the committee's attention to this nomination very much.

Senator KENNEDY. Thank you very much, Senator Cochran. Those are important observations, and I think all of us who remember that time understand very well what you were talking about, the very important contributions that Mr. Ziglar made to the decorum and to the workings and functionings of the Senate, a very valuable observation. We thank you very much.

We have been joined by Senator DeWine and Senator Durbin. I see Senator Symms also is here present in the audience today. We are always glad to have him back in the Senate.

I would ask our nominee, Jim, if you would be good enough to come forward. Before asking you to give a brief comment, I would like to make a brief opening statement. Then I would ask you if you would be good enough to introduce your wife who is here. We welcome Mrs. Ziglar as well.

OPENING STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. It is a privilege to chair this hearing on the nomination of Jim Ziglar to be the next Commissioner of the INS. Mr. Ziglar has a distinguished record as a fair, effective, experienced manager, and he has demonstrated his ability to work well with Members of the Senate on both sides of the aisle.

As the head of the INS, Mr. Ziglar will be instrumental in influencing immigration policy, including reform of the INS. Many of us feel that the time has long come to divide the agency into two separate bureaus, with clear chains of command—one for services and one for enforcement. These functions will need to be coordinated at the top by a strong Administrator responsible for the supervision

and management of the entire agency and implementation of the Nation's immigration policy.

We also feel that the service functions must be adequately funded. Sole reliance on application fees to fund the processing of all immigration applications has not worked, and as we know from the long backlogs and delays facing immigrants who apply for permanent residence or citizenship, help needs to be there.

Clearly, additional funds are needed to reduce the massive backlogs, upgrade computer and telecommunications systems, and fund other improvements. Without these changes, the high fees, long backlogs, and unresponsive service will continue to plague the INS.

We also need to deal with other important areas of immigration reform, such as enabling qualified persons to adjust their immigration status while in the United States without being required to leave the country or be separated from loved ones.

I am very encouraged by the developments in the U.S.–Mexico migration discussions. As part of these negotiations, the issue of a temporary worker has been suggested. Clearly, it should include strong protections for both U.S. and foreign workers and appropriate legalization provisions for undocumented workers currently employed and residing in the United States.

Finally, we must repeal the unfair provisions enacted by Congress in 1996 that continue to violate basic values such as family unity, individual liberty, and due process.

So I look forward to today's hearing and to working closely with Mr. Ziglar and the administration to achieve these important goals. Immigration continues to be an indispensable part of our Nation's heritage and history, and we must do all we can to see that our laws are fair and consistent with the Nation's fundamental values.

I want to just mention also at the outset, in looking over the qualifications for Mr. Ziglar, I have taken note that he has involvement in a personal way in voluntary services, particularly overseas, and at the end of his comments, I will have a chance, but I want to mention this because I found it very impressive and it made a very important impression on me.

He has been involved in various organizations assisting the poor overseas, serving on the Board of Mercy International Health Services, which provides health care services in poor and developing countries. He has also been involved in the Dui Hua Foundation in its efforts to identify and bring attention to the plight of political prisoners in the People's Republic of China. He also has been involved in the Adobe Foundation that provides housing and education for orphans in Romania and assisting in developing a program of cooperation between hospitals in North and South Dakota and hospitals in Poland to provide training for cardiologists and cardiac surgeons.

I had just a few moments to talk with him about these matters, and I hope later on after he gives his opening statement he might share some of these experiences. He has clearly demonstrated over his lifetime a strong commitment in terms of public service, and this is very impressive. And he has not only walked that walk, but he has demonstrated in his private life this continuing, ongoing concern for humanity. It is really enormously impressive. So we will look forward to his statement and to his appearance.

Senator Brownback?

STATEMENT OF HON. SAM BROWNBACK, A U.S. SENATOR FROM THE STATE OF KANSAS

Senator BROWNBACK. If I could add a short opening statement, thank you, Mr. Chairman. Welcome, Mr. Ziglar. We are delighted to have you here.

I think what people are going to find, as they see you take over in the Commissioner's position, is a man with a great head and a great heart both. And that is a wonderful combination. You are seeing that in the actions that people are talking about that you have done in your past, and I think they can look forward to that in the future.

I am delighted to have you here, delighted for a man of your background and your expertise to be taking over this position. I will be strongly supporting your nomination for the Commissioner of the Immigration and Naturalization Service.

I want to bring to your attention a couple of items. I have had the opportunity to visit with Mr. Ziglar several times already about his work or hopefully upcoming work, should he be approved by the Senate, which I have no doubt will take place, in some keys areas that we both share common interest and concern about.

First, in the area of humans rights areas, INS faces many responsibilities as the U.S. Government entity that often comes in the closest contact with victims of persecution. On May 3rd, this subcommittee held a hearing on asylum policy, and we heard testimony that genuine refugees from time to time may be mistakenly deported by INS inspectors, that some asylum seekers are treated improperly during the airport inspections, and that many asylum seekers are detained in penal-like conditions well beyond the time needed to determine their identity and establish whether they have a credible fear of persecution should they return to their homeland. A number of former asylum seekers gave moving testimony at that hearing, and I am confident that our nominee will do all he can to address in a meaningful way the issues of expedited removal and the detention of asylum seekers.

A second issue that we have had an opportunity to discuss that I am looking forward to working with you on is on health care providers in the United States. I come from a rural State, and many of our health care providers in rural areas are foreign-born doctors. We are heavily dependent upon them, and we are heavily dependent upon foreign-born people to provide health care in this country. It is a vital issue in my home State as well as in the States of many Members of the U.S. Senate. There is an extraordinary shortage, particularly in rural areas, and we need to address this particular problem as well.

A third issue that I join my colleague, the chairman of the committee, in noting is that I am heartened to hear that the President has identified addressing the processing backlogs at INS as an administration priority. The problem of processing delays and inadequate customer services at INS is a consistently large portion of the constituent service caseload in my State. It is the second highest area of constituent services problem questions that I get behind Veterans Administration. Sometimes Congress can act alone to ad-

dress this problem, such as in last year's H–1B visa bill, where we enabled existing H–1B visa holders to take a new job offer prior to the completion of his or her paperwork at INS. But in many cases, providing relief from Congress is not possible. That is when we must turn to the INS with our sincerest hopes for improvement in this particular area.

Finally, Mr. Chairman, let me close with a reference to Mr. Ziglar's written statement where he talks about America being a shining city on a hill. That was a phrase that we are all familiar with. It is a biblical phrase. It was also one used by Ronald Reagan in his final speech to the Nation, where he did indeed say that he saw America as a shining city on a hill, and he said—and this is a quote: "And if this city has walls, the walls have doors. And the doors are open to those with the energy and the will and the heart to get in."

That's the way I saw it, and that's the way I see it. I also believe that Mr. Jim Ziglar, in taking this position, sees it exactly that way, and that is when we operate the best, when America appeals to the hope in men's hearts rather than the fear that may be in their eyes.

I look forward to working with you in this important position for the future of our country.

Senator KENNEDY. Thank you very much.

We have Senator Leahy, the chairman of the full committee, here. We would welcome to hear from you.

STATEMENT OF HON. PATRICK J. LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

Chairman LEAHY. I am simply going to put my statement in the record. I know that you and Senator Brownback and I have been working on legislation along the lines of the Refugee Protection Act that we introduced in the last Congress. We will want to work with you on that.

I have been chairing a hearing on the FBI, and I am going to have to go back to some aspects of that now, besides which I read in the New York Times this morning that you are controversial, so I would much rather let Ted and Sam take over the hearing and let them worry about that.

I should note, though, for the record, Mr. Chairman, in seriousness, in following up on what my good friend Thad Cochran said about the situation during impeachment, I was very much involved with a number of the aspects of that, including the depositions that took place. I said then privately to Mr. Ziglar, and I want to say it publicly—I know, in fact, Senator DeWine is here. He and I were put in charge, one for the Republicans, one for the Democrats, of handling a very delicate and very sensitive part of that whole situation. I told Mr. Ziglar at the time he handled it more professionally than I ever could have imagined anybody could, but also did it without even a hint, publicly or privately, of partisanship. He did it with the most professional aspect of the Senate. He was there to protect the Senate's role. He did that. I don't think—and I think Senator DeWine would agree with me. There was never any indication to either side of any political bias.

[The prepared statement of Senator Leahy follows:]

STATEMENT OF HON. PATRICK LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

The nomination of James Ziglar to be Commissioner of the Immigration and Naturalization Service is a very important one for our nation and for Vermont. The next Commissioner will hold office at a pivotal time for the agency and for immigration policy in the United States. The Administration has expressed interest in reorganizing the INS and having the new Commissioner implement the reorganization plan. The new Commissioner will also inherit a number of questionable immigration policies that Congress enacted five years ago in the Illegal Immigration Reform and Immigrant Responsibility Act. In addition, many important immigration issues, including the way in which the United States should treat undocumented workers from Mexico and other nations, remained unresolved at the end of the last Congress and promise to be major issues during the coming years.

We are fortunate in the Senate to have the benefit of Senator Kennedy and Senator Brownback serving as Chairman and Ranking Member of this Committee's immigration subcommittee, and I am confident that the nominee will find them to be extraordinarily helpful and dedicated. The nominee will also benefit from the interest in immigration issues in both parties, as Congress should be ready to provide the INS with the resources it needs to achieve its mission. And the new Commissioner will also find that there are many fine men and women and well-run offices and programs at the INS, including the Law Enforcement Support Center, the Vermont Service Center and Sub-Office, the Debt Management Center, the Eastern Regional Office, and the Swanton Border Patrol Sector, all located in my State of Vermont.

We in the Senate know Mr. Ziglar well from his time as Sergeant at Arms. The last few years in the Senate have been difficult and partisan, but Jim Ziglar found a way to serve everyone. During the impeachment trial, the American people saw Chief Justice Rehnquist presiding. They did not see all the work that Jim Ziglar did behind the scenes to make a difficult process run as smoothly as possible. We here all owe him a debt of gratitude for his hard and effective work.

Before he came to the Senate, Jim Ziglar had a long and distinguished career in investment banking and the law, and served as Assistant Secretary of the Interior for Water and Science during the Reagan Administration. He also was a law clerk for Justice Harry Blackmun.

He has chosen to take on a new challenge with the INS, and although I am sure that many of us on the Committee will have a number of questions about his views on immigration matters, I applaud his willingness to head the agency during what promises to be an eventful period.

One of the bigger issues facing the next Commissioner will be restructuring the INS. I strongly support improving the agency and giving it the resources it needs. The tasks we ask the INS to do range from processing citizenship applications to protecting our borders, and I agree that there are some internal tensions in the INS' mission that might be resolved. I also believe, however, that we must ensure that the INS does not lose its strengths, which I think are well represented by the great efficiency of the INS offices in Vermont. I intend to play an active role in the development and consideration of any INS reorganization plan.

In addition to ensuring a fair and sensible organization, I have a number of other legislative priorities for this Congress that I would like to raise today, and I want to ask the Administration and the nominee for their help in making them law. First, Senator Brownback and I, along with Senator Kennedy and others, are developing legislation along the lines of the Refugee Protection Act that we introduced in the last Congress. I hope that this legislation will accomplish a number of needed goals, including restricting the use of expedited removal to times of immigration emergencies and reducing the use of detention against people seeking asylum.

The use of expedited removal, the process under which aliens arriving in the United States can be returned immediately to their native lands at the say-so of a low-level INS officer, calls the United States' commitment to refugees into serious question. Since Congress adopted expedited removal in 1996, we have had a system where we are removing people who arrive here either without proper documentation or with facially valid documentation that an INS officer simply suspects is invalid. This policy ignores the fact that people fleeing despotic regimes are quite often unable to obtain travel documents before leaving—they must move quickly and cannot depend upon the government that is persecuting them to provide them with the proper paperwork for departure. In the limited time that expedited removal has been in operation, we already have received reliable reports that valid asylum seekers have been denied admission to our country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, a Kosovar Albanian was summarily removed from the U.S. after

the civil war in Kosovo had already made the front pages of America's newspapers. I believe we must address this issue in this Congress.

Second, I hope that this Congress will examine some of the other serious due process concerns created by passage of the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act in 1996. Through those laws, Congress expanded the pool of people who could be deported, denied those people the chance for due process before deportation, and made these changes retroactive, so that legal permanent residents who had committed offenses so minor that they did not even serve jail time suddenly faced removal from the United States. The Supreme Court has recently limited some of the retroactive effects of those laws, in *INS* v. *St. Cyr*, but there is more work to do to bring these laws into line with our historic commitment to immigration. This-new legal regime has created numerous horror stories, including the removal of noncitizen veterans of the American armed forces for minor crimes committed well before 1996. In the last Congress, I introduced a bill that would have guaranteed due process rights for veterans, a bill that was supported by the American Legion and other veterans' groups, and I plan to introduce similar legislation this year. In addition, I am a proud cosponsor of Senator Kennedy's Immigrant Fairness Restoration Act, which would restore a broad range of due process rights to immigrants. Third, I have introduced S. 864, the Anti-atrocity Alien Deportation Act, which makes aliens who commit acts of torture, extrajudicial killings, or other atrocities abroad inadmissible to and removable from the United States, and establishes within the Criminal Division of the Department of Justice an Office of Special Investigations with responsibility over all alien participants in war crimes, genocide, and the commission of acts of torture and extrajudicial killings abroad. This legislation passed the Senate in 1999 and now has bipartisan support in the House. I hope that it will become law this year.

Fourth, the Senate needs to act quickly and approve S. 778, legislation introduced by Senators Kennedy and Hagel to extend the deadline for people seeking to adjust their immigration status under section 245(i) of the Immigration and Nationality Act. Section 245(i) allows people who are eligible to become legal permanent residents of the United States to apply for that status from within the country, instead of having to return to their home countries to do so. This policy keeps families together, allows employers to retain valued employees without interruption, and raises substantial revenue for the Treasury through the $1000 fees that applicants must pay. This provision, which had previously been repealed, was restored for a four-month period at the end of the last Congress and has now expired again. There is bipartisan agreement in the Senate that that four-month period was insufficient, and that we should extend the program for another year. I plan to help Senators Kennedy and Hagel move this legislation through the Committee as quickly as possible, and I hope that the full Senate will act on it promptly.

Finally, there are other outstanding issues from the Latino and Immigrant Fairness Act, which so many of us strongly supported in the last Congress, that we must resolve. First, we need to figure out a way to allow some undocumented workers to adjust their immigration status. The White House is apparently considering taking steps with regard to undocumented workers from Mexico. I am encouraged by the White House's apparent interest in this issue, but I believe that we should treat undocumented workers equally, without regard to their native country. Second, we need to change our law so that immigrants who fled from right-wing governments in Haiti, Guatemala, El Salvador, Honduras, and Liberia are treated the same way under our immigration law as we treat those who fled left-wing governments in Nicaragua and Cuba. Last year, we had the strong support of the Clinton Administration on this issue, and I hope that the Bush Administration will look closely at the issue and reach the same conclusions.

In conclusion, we have a lot of work to do on immigration policy during this Congress and this Administration. From my experience with the nominee, I am confident that he will be a good partner in these efforts.

Senator KENNEDY. Thank you very much.

Senator Hatch, we welcome you.

STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM THE STATE OF UTAH

Senator HATCH. Thank you, Senator Kennedy.

I just want to welcome you and your family here and just let everybody know that we believe you have done a terrific job here.

You have the right combination of abilities and management skills that really are needed at this very troubled agency. It is in dire need of reform and direction.

Just to cite a couple of recent examples reported by the media, in March of this year, the Department of Justice Inspector General issued a report criticizing INS for its inability to account for approximately 61,000 pieces of property worth nearly $70 million. This figure includes more than 500 weapons—six of which have been linked to crime—and thousands of computers that may contain sensitive information. And in June, the Department of Justice revealed that the INS was deporting violent criminal aliens from the United States on commercial airliners, without any escort whatsoever.

I don't think the INS can continue to function as a good agency without well-defined direction, internal integrity, and, of course, a commitment to serve, and dedication to fiscal responsibility. I think you are the right person at the right time for this job, and, frankly, I am very grateful that you are willing to serve in this very difficult job. It is demanding, it is difficult, and I have every confidence in the world in you. I am just very grateful that you are willing to take on this assignment and look forward to working with you.

Senator KENNEDY. Thank you very much.

Senator Durbin?

STATEMENT OF HON. RICHARD J. DURBIN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator DURBIN. Thank you, Mr. Chairman.

I want to join the chorus of praise for Mr. Ziglar and his service as Sergeant-at–Arms in the United States Senate. When I saw Jim on the floor and learned that he was going to accept this appointment, I told him—and I sincerely believe this—he has accepted one of the toughest assignments in the Federal Government. About three-fourths of the casework in my Senate offices in Illinois relate to the INS. It is all about immigration, visas. And we work more closely with that agency than any other agency of the Federal Government. And I will have to tell you that even though I was a strong supporter of the Clinton administration, I had some very disappointing experiences with the INS.

I spoke to Ms. Meissner about that. In fact, I reached a point at one stage in the appropriations process where I withheld several million dollars from the INS appropriation demanding some changes in the way that they have treated people. I thought that it had reached that point. I just don't do that as a rule. I did it out of desperation.

I have to tell you, there is a lot of work in your agency. I think many of your employees are overwhelmed. I assume that is the reason they don't return phone calls. I hope that changes. I hope that Members of Congress who call—and I hope that it is not overworked, but on emergency situations receive a response, because I don't pick up the phone unless I think all else has been tried and the normal process has been followed and there is just nowhere to turn. But I can tell you, I have faced frustrations with the agency

when they were totally unresponsive in what I consider to be emergency situations.

Secondly, you have been dealt a very tough hand of cards here because you are being asked to enforce some laws that I think are fundamentally unfair and unjust and unreasonable. They are laws passed by this Congress during the Gingrich era when there was talk about getting touch on immigrants. They are laws that are just patently unfair and unreasonable to people who are trying to do their very best to bring their family together and to lead a good life.

I am troubled by one of those laws, which has basically said that if you are an undocumented high school student who has lived as long as 15 or 16 years in the United States, you cannot qualify for in-state tuition at any college or university, nor can you qualify for scholarship assistance. I have met with these kids. They can't understand it. And when I ask the INS what are these children supposed to do at this point in their lives, they said, "Go home." Well, the news, of course, is they are home. They are here in the United States, and they want to be educated, and they want to make a life for themselves.

That is the kind of law which, unfortunately, has been sent you way to enforce. I hope that you can work with us to not only be responsive but also to talk about some modernization and changes in these laws to deal with these situations which are truly outrageous.

The quote from President Reagan, your own quote about the city on the hill, is an inspiring one, and now it is a job for all of us. As the son of immigrant, serving in the United States Senate, I have a special sensitivity to this. I think that all of us must remember where we came from and that somebody in our background and our family decided to come to this country and make a go of it, and that is why it is such a great Nation.

But I am sure that you are going to be approved by the Senate because it is a big cheering section for Jim Ziglar, as it should be.

Thanks, The CHAIRMAN.

Senator KENNEDY. Thank you very much.

Senator DeWine?

STATEMENT OF HON. MIKE DEWINE, A U.S. SENATOR FROM THE STATE OF OHIO

Senator DEWINE. Thank you, Mr. Chairman.

Jim, we are delighted with your nomination. I had the same experience that Senator Leahy did during the impeachment, working very closely with you on one of the more delicate assignments, and you carried that out with perfection and impartiality. And I know that is how you are going to handle the job as INS Director.

It is a tough job. You inherit an agency that is a mess. Where do we start? Each one of us has had the same experience. It is anecdotal, yes, when we look at our casework back in our home States, but the substance of our casework involves human beings. And I think that is what makes it so tough for all of us, is that we are dealing with people's aspirations, their goals, their families, their kids.

The anecdotal, frankly, has become the pattern. The pattern has become the norm. It comes from a culture in your agency, and your biggest job is to change that culture. Now, you have got good people in there, but you have got to change the culture. Part of it is Congress' fault. We need to change some laws. And I intend to be a part of trying to do that this year, working with the President, working with my colleagues. But a lot of it is an attitude problem, and it is something that you are going to have to address. I think the hardest thing for a manager to do is to change a culture, and that is going to be your main challenge.

I believe that the INS does need a new perspective, but I also believe that you can provide that. There is a culture at INS that really hinders its ability to carry out the spirit of our immigration laws. These laws are really intended to create an orderly process so that immigrant families can stay together, foreign workers can come to the United States to benefit them, but also to benefit our economy. And, finally, those fleeing persecution from their home countries can find refuge in this great country of ours that you have talked about in your opening statement.

So I look forward to working with you. I think you are going to do a good job. It is a challenging job, but we are here to try to help you.

Thank you.

Senator KENNEDY. Mr. Ziglar, we would be glad to hear from you. We look forward to your testimony.

STATEMENT OF HON. JAMES W. ZIGLAR, NOMINEE TO BE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE

Mr. ZIGLAR. Thank you, Mr. Chairman. I am honored to be here today as President Bush's nominee to be Commissioner of Immigration and Naturalization. I am grateful to the President and to the Attorney General for the confidence that they have expressed in me by nominating me for this job.

I also want to thank the previous panel of Senators that were up here endorsing my nomination. Senator Steve Symms, who was sitting right next to me—I guess he is gone—leaned over to me and said, "Boy, they really want to get rid of you."

[Laughter.]

Mr. ZIGLAR. So I am not sure how you read their coming, but I will take it as a compliment. Senator Lott and I, as all of you know, have been friends for almost 50 years, though neither of us look like we have reached 50s, I would hope.

Senator Cochran and I have been friends for a long time, but not as long as Senator Lott, and he serves in the seat that Jim Eastland held, who was chairman of this committee, as you know.

And, of course, Senator Daschle is my newest of the three friends, but we have had a great working relationship in the last 2 years, and it has been an honor for the last, now, I guess, 6 weeks to serve as the Sergeant at Arms under his tutelage. He is a great fellow.

I do want to introduce my wife.

Senator KENNEDY. Please.

Mr. ZIGLAR. This lovely creature back here is my wife, Linda.

Senator KENNEDY. You are very welcome. We are delighted to have you here.

Mr. ZIGLAR. She is clearly the person that keeps me out of trouble and my best advisor.

I also want to tell you that I have three sons, but because of the scheduling, none of them could be here. However, I am happy to report that they are gainfully employed and not on my payroll. And, therefore, I excused them for not coming to this hearing.

I also want to thank a number of friends here, including a lot of Sergeant at Arms employees for coming today.

I also want to thank the members of this committee and a lot of members who are not members of this committee for the time they have given me to talk about INS issues in the last period since I was nominated. I have learned an awful lot from your perspective about these issues and how you deal with them from a constituent point of view, and I have to tell you, that has been very helpful. That is going to give me a head start on prioritizing how I want to do things. It has been very valuable to me. Everybody should have my experience of being right here in the middle of this all and having a chance to see as many members as I have because it really is a great head start. And I urge you to talk to nominees when you have got a chance before they come into the job because it is very helpful. Certainly to me it was.

I also want to thank the Senate for the opportunity of being Sergeant at Arms. I have made a lot of friends on both sides, and that has been the greatest part of this experience.

Senator Kennedy, at the possibility of appearing to pander, I want to tell you how pleased I am that you are chairing this hearing because, if my memory serves me correctly, you are the only sitting Senator currently who was a member of this committee in the 1960s when I was a young fellow working on the staff of the committee. In fact, I used to sit, as you know, right behind the chairman where this young man is sitting, right next to Senator Everett Dirksen, the chairman and the ranking member. And I had a very important job. My job was to keep Jim Eastland in cigars and to hold a pack of cigarettes for Everett Dirksen, because Senator Dirksen had emphysema and he was always trying to quit smoking. And he would tell me—he would give me his cigarettes and say, "Now, only give me one cigarette during this hearing." And, of course, by the end of it, we got in a fistfight over how many he was going to smoke.

But I tell you what, that was a great experience. It was my first experience with bipartisanship.

Senator KENNEDY. I think that was up until about 5:00 in the afternoon.

[Laughter.]

Mr. ZIGLAR. I wasn't going to bring that up.

I am sure, Senator Kennedy, you also don't remember that in 1972, you honored me by accepting an invitation to come over to the Supreme Court and have a closed lunch with Supreme Court law clerks. You remember that? Well, at that time, as you know, I was clerking for Mr. Justice Blackmun. I want to tell you that after that, my colleagues, my fellow clerks over there, thought, Boy,

Ziglar is a big hitter, he can get Kennedy over here. And I want to tell you, Senator, I appreciate it and I made good use of it.

Senator KENNEDY. You hear that, Orrin?

[Laughter.]

Senator HATCH. I have made good use of it myself.

[Laughter.]

Senator HATCH. All to my detriment, though.

Mr. ZIGLAR. Mr. Chairman, I have submitted a written statement for the record. Those words in there are all my words. I obviously paraphrased from the Bible and from Ronald Reagan, but those are my words, and I would appreciate it if those words could be included in the record.

Senator KENNEDY. Yes, they will be.

Mr. ZIGLAR. Mr. Chairman, I didn't seek this job, but I am enthusiastic about doing it. Together with the Congress, the President, the Attorney General, and the very dedicated employees at the INS, I think we can make a big difference in the lives of millions of Americans and millions of potential Americans. And that is why I accepted this nomination.

Mr. Chairman, I believe that America ought to be welcoming to immigrants and that we ought to be proud of the fact that people around this world want to come to the United States, that we are a magnet for those people.

Now, I think people of good faith everywhere hope that someday in this world every place is going to have freedom and prosperity and peace. But until we have that time, I hope that this country always is the beacon of hope and freedom for those people.

Mr. Chairman, I have a lot of goals for the INS, if you folks decide to give me a tenure over there, and I wanted to give you a summary of my overarching goals. These are the big goals, and as you can figure out when you hear them, they have lots of little subparts to them, which obviously we don't have time, at least in my opening statement, to talk about.

The first one is that I want every person who comes in contact with the INS, no matter what the context is that they come in contact with the INS, to be treated with respect and dignity. One issue I do want to highlight, Mr. Chairman—and you and I have talked about it, and I know that several Senators here, Senator DeWine, Senator Hatch, Senator Brownback, and others I have talked with, a particular interest is the detention and expedited removal issue. I am very concerned about that in particular reference to where children and asylum seekers are part of that issue. I think we need to be careful how we treat children that come within the jurisdiction of the INS, and I definitely think that we need to change the process where asylum seekers come here to make sure that we know who these people are and what their claims are and whether they are legitimate before we turn around and put them on a plane back to an uncertain future.

The second goal is that every person who petitions the INS for some benefit, whatever that benefit is, and regardless of the outcome of that petition—whether it is a good outcome or a bad outcome from their perspective—every person who petitions the INS will get an efficient, hopefully short processing time, but that when they walk away from the INS they say, you know, I got the right

quantity of services, I got the right quality of service, and I got the courtesy that I am entitled to, regardless of the outcome. That is what I want to see happen. And like Senator DeWine says, that is going to take a culture change in some places.

Thirdly, I want to re-energize the INS and, where necessary, to change the culture in a very positive direction, again, as Senator DeWine has pointed out. The vast majority of INS employees—and I have met a few of them, and I am impressed. The vast majority of them are dedicated, professional, hard-working Americans. They deserve a workplace environment that is full of opportunity and that they have an enthusiasm for their mission.

I can tell you, Mr. Chairman and members, if we can accomplish that alone, the rest of these problems are going to fall in line a whole lot more easily.

Mr. Chairman, I have gone on too long. They told me how long I should talk, but in closing, I want you and the entire Congress to know that if you confirm me, I not only want to work with the Congress, I insist on working with the Congress because that is the only way that we are going to be successful in this effort.

Thank you, Mr. Chairman, and I look forward to answering your questions.

[The prepared statement and biographical information of Mr. Ziglar follow.]

STATEMENT OF JAMES W. ZIGLAR, NOMINEE TO BE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE

Mr. Chairman and Members of the Committee:

It is an honor to appear before you today as President Bush's nominee for the position of Commissioner of Immigration and Naturalization. I am grateful for the confidence that the President and the Attorney General have expressed in me by nominating me to this position.

The task that I will be undertaking, should the Senate confirm me, is important to each of us as citizens and to those who yearn for the freedom and opportunity offered by this great nation. I am humbled by the opportunity to serve and I am energized by the challenge before me.

I hope you will indulge me for a moment as I express my gratitude for the honor and privilege that the Senate has bestowed upon me for the past two

and one-half years in allowing me to serve as your Sergeant at Arms. It has been a fascinating and historic experience. But for all those unique experiences, what I will take with me are the warm friendships that I have been privileged to form with Members and staff of both parties and many ideologies. I will miss the daily contact, but I won't be that far away should you choose to confirm me for this position.

Mr. Chairman, I would like to tell you, this Committee and the Senate what you can expect from me. First and foremost, you will have my full cooperation with every member of Congress, regardless of party affiliation or ideology. Further, I will be particularly attuned to the concerns of the various committees of jurisdiction. I will endeavor to always be forthright, truthful and honest in my dealings with you, with the dedicated employees of the INS and with the American people. That being laid upon the record, I want to give you a flavor of my philosophy and a brief overview of some of the goals I hope to achieve, if confirmed. I will also endeavor to describe my operating style, although most of you already have seen it in action. Finally, I would like to conclude with a personal note.

PHILOSOPHY

The Declaration of Independence very simply and elegantly states that "all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness". Those words are deeply imbedded in my mind and in my heart.

The drafters of the Declaration of Independence did not say that all United States citizens are created equal or that all United States citizens plus other specifically

described individuals or groups are created equal-they declared that "all Men are created equal". That principle, and those that I derive from my own religious beliefs and personal value system, provide the foundation for my views on immigration and many other issues. I hasten to add that I believe that the drafters included all of mankind in the term "Men".

Notwithstanding the problems that we face in this country involving race relations, opportunities denied, or unequal treatment on the basis of economic or social status, I still believe that the United States is that shining city on the hill, casting a beacon of light and hope for all the world to see and follow. We can, and we must, do better in addressing our internal social and economic ills. But we are, and I hope always will be, a living symbol of religious, political and economic freedom and opportunity. That makes us a magnet for those who share our dreams and hopes.

My greatest hope is that there will be a day when all nations achieve democracy, freedom, opportunity and prosperity and, therefore, people no longer will need to search for a better life elsewhere. My greatest fear is that the day will come when America loses those cherished qualities I just described and consequently ceases to be a magnet for the tired, the poor, the homeless, the tempest-tossed, the wretched refuse of teeming shores, and the huddled masses yearning to breathe free. What a crime it would be if in our fervor to protect our "way of life," we lose the very things that have made and continue to make that way of life possible.

We should remember that a large number of the people who come to our shores are economic refugees and are not here for a free ride. They provide important services, labor and ideas that keep our economy strong and vibrant. They are the analog to the 19th century American pioneers that we so revere. They are here to take risks and work hard. They remind those of us who have lost a little of that pioneer spirit that opportunity still abounds. They refresh and in fact, embody, the American spirit.

America's strength is found in its religious, cultural, racial, ethnic and intellectual diversity, and in our willingness to honor and celebrate that diversity. Our Constitution guarantees us the right to be different, to think differently and, within the bounds of reasonable and just laws, to act differently. The constant infusion of new immigrant blood into our society tests and strengthens our nation. Immigration is a virtue, not a distraction or a danger.

GOALS

Mr. Chairman, I recognize and support the principle that every sovereign nation has a right-indeed a duty-to protect the integrity of its borders. How you carry out that duty is a measure of the character of a nation and provides a prism through which individuals and other members of the world community fashion their judgment of that nation.

If I am confirmed for this position, my primary goal will be to insure that every person who comes into contact with the Immigration and Naturalization Service, regardless of their citizenship, the circumstances of their birth or any other distinguishing characteristic, and regardless of the circumstances under which they find themselves within the ambit of the INS, will be treated with respect and dignity, and without any hint of bias or discrimination. The first impression is a lasting impression and we have only one opportunity to make a first impression-the first impression of America should be that of a compassionate, caring and open nation of opportunity.

A significant part of this goal can be achieved by providing efficient and friendly service to all who petition the INS. Even if the outcome is one that a petitioner does not like, I want his or her experience with the INS to have been satisfactory with respect to the quantity, quality and courtesy of the service provided. President Bush's goal of a six-month standard for processing cases is appropriate and, I believe, obtainable. We will put in place processes, performance standards and accountability measures that will allow us to achieve the President's directive.

My goal is to provide the leadership that will create an atmosphere and a culture where those who have the responsibility for enforcing our immigration laws do so in a vigorous, measured, consistent, even-handed and fair manner. Where force is required, only the minimum amount necessary to achieve a legitimate law enforcement objective will be tolerated.

I will encourage the employment of common sense, compassion and good judgment in the decision-making process at every level, particularly those areas where the INS has wide discretion. I believe that the vast majority of INS employees today are exercising that good judgment. But there are instances where common sense has not prevailed or discretion has been abused. We will not tolerate such actions or conduct.

I want to insure that we detain only those persons who clearly must be detained by mandate of law or that should be detained, consistent with due process requirements, for the protection of society. Those persons who are detained must be free of abuse, harassment or any other form of substandard or discriminatory treatment. I regard the detention issue as a critical issue, particularly as it pertains to children and families. I pledge to you that I will work with you to guarantee that the most vulnerable of immigrants, especially children, are treated with particular care.

Finally, Mr. Chairman, I am committed to accomplishing a rational restructuring of the INS in order to deliver the services required of the agency in the most efficient, consistent and courteous manner. Although I have not arrived at any firm conclusions as to the form or manner of the restructuring, I am convinced that an overhaul is needed.

OPERATING STYLE

I want to emphasize what I stated at the outset—if confirmed, I intend to carry out my duties as Commissioner of Immigration and Naturalization in a non-partisan, even-handed and fair manner. I have attempted, and I hope succeeded, to follow that path as Sergeant at Arms and I will endeavor to carry on in the same manner. Immigration is not and should not be a partisan issue—it is a truly American issue.

You all know me fairly well, and you know that I believe in following and enforcing the rules. You can rest assured that I will do my best to execute the laws as enacted by Congress and interpreted by the Courts. Where I have discretion, I will always endeavor to exercise it in a fair, compassionate and common sense manner.

I give you fair warning that I will be a strong advocate for the almost 33,000 employees of the INS. I have gotten to know a few of those employees in the past few weeks and I am impressed with their dedication, hard work, loyalty and professionalism. Because of some adverse publicity and harsh criticism over a sustained period of time, INS employees have been painted with a very broad brush. One would think that everyone and everything is dysfunctional. I do not believe it and neither should you.

I am firmly convinced that the vast majority of INS employees are just like those I have met in the past few weeks—dedicated, hard-working, loyal and professional. What the organization needs are leadership, support, a clearer sense of direction, and recognition that the organization has experienced explosive growth in the past few years. Where we lack resources to do the job, you can be assured that I will be on the Hill asking for your support. Where our existing resources are not properly aligned or not properly managed, we will see to it that American taxpayers receive their money's worth. INS employees can expect me to do my best to help create an atmosphere where performance, integrity, creativity and risk-taking are valued. I want INS employees to have rewarding careers and to experience the satisfaction of knowing that they make a positive difference in the lives of millions of future Americans.

To achieve the aggressive goals that the President has set for the INS, it will take much more than leadership from the Commissioner, It will require that we all accept the mantle of leadership—the President, the Congress, the Attorney General and each and every employee of the INS. Together we will be able to do remarkable things. together we will help fulfill the dreams of so many whose very lives and freedom depend on actions taken by the INS.

PERSONAL

I am aware that criticism has been leveled at the President for nomination someone who has no discernible experience in the field of immigration law and policy. I understand and appreciate that perspective. I am honored that the President and the Attorney General sought me out for this important task and I am committed to doing my best to justify that trust that has been reposed in me.

I consider myself one of the most fortunate individuals on the face of this earth. I have been blessed with a wonderful family, great friends, good health, financial success and a wide variety of work and life experiences and opportunities. I hope that my experiences in the public and private sectors have prepared me to take on this very difficult task with a measure of wisdom and judgment.

I grew up in very modest circumstances. It was the opportunity that American provides that made it possible for me to succeed beyond my wildest expectations. My wish and goal is that all Americans and all those who yearn for the freedom and opportunity that America providers, will have that same opportunity to achieve a dream that is beyond their wildest imagination.

Mr. Chairman, thank you again for the opportunity to be here and for the opportunity to serve my country.

I.BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used.)

James Waaser Ziglar

2. Address: List current place of residence and office address(es).

Potomac, Maryland 20854 (residence)

Office of the Sergeant at Arms, S-321, U.S. Capitol, Washington, D.C. 20510 (office)

3. Date and place of birth.

December 8, 1945
Pascagoula, Mississippi

4. Marital Status (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address)es).

Linda Kathleen Larsen Ziglar-married December 16, 1967. Self-employed computer and business consultant doing business under the name LKL Consultants-business address is same as home address

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

George Washington University Law School (Evening Division). Attended September 1968 to June 1972. Graduated in June 1972 with a J.D. degree.

George Washington University. Attended September 1964 to June 1968. Graduated in June 1968 with a B.A. degree.

6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

November 1998 to Present
Sergeant at Arms, United States Senate, Washington, DC

September 1990 to September 1998
Managing Director, PaineWebber Incorporated, New York and Washington, DC

March 1990 to September 1990
Private Consulting/Personal Sabbatical

December 1988 to March 1990
Managing Director, Drexel Burnham Lambert Incorporated, New York

January 1987 to December 1988
Assistant Secretary of the Interior for Water and Science, U.S. Department of the Interior, Washington, D.C.

October 1984 to January 1987
Managing Director, PaineWebber Incorporated, New York and Washington, D.C.

August 1980 to October 1984
Senior Vice President, Dillon Read & Co., Inc., New York

January 1977 to August 1980
Partner, O'Connor Cavanagh Anderson Westover Killingsworth & Beshears, Phoenix, Arizona

August 1973 to January 1977
Associate, Mudge Rose Guthrie Alexander & Ferdon, New York

July 1972 to August 1973
Law Clerk to Associate Justice Harry A. Blackmun, U.S. Supreme Court, Washington, D.C.

April 1971 to July 1972
Special Assistant for Legislative and Public Affairs, U.S. Department of Justice, Washington, D.C.

July 1964 to April 1971
Research Assistant, U.S. Senate Committee on the Judiciary Subcommittee on Internal Security, Washington, D.C. (patronage of Senator James O. Eastland)

BOARDS OF DIRECTORS

I currently serve on the Board of Directors of the following organizations:

a. Harry A. Blackmun Scholarship Foundation
b. George Washington University Law School Advisory Board

To the best of my recollection, the following is a complete list of the organizations on which I have served as a Director, Trustee or similar office since I began my career in 1972. I do not have records of the specific dates on which I served, but I have attempted to provide a general time frame:

a. National Water Resources Association--I served twice, first in the mid-1980's and again in the first half of the 1990's.
b. American Water Foundation--early 1990's
c. Landon School, Bethesda, Maryland--late 1980's
d. International Small Satellite Organization--mid-1990's
e. Equestrian Manor Residents Association, Inc. (Scottsdale, Arizona)--Director and President--late 1970's
f. Municipal Bond Attorneys' Workshop (became the National Association of Bond Lawyers)--I was President-elect for a term beginning in the Fall 1980, but did not serve because I ceased practicing law in August 1980
    1. Served on Steering Committee--1978-1980
    2. Served as Chairman of the Health Care Financing Panel--1978
    3. Served as Co-Chairman of the Panel on Mortgage Revenue Bonds (1979)
    4. Served as Chairman, Committee on Financing Housing--1980
g. Department of Energy Office of Breeder Technology Energy Demand Study--Steering Committee Member--1983-1984
h. First Baptist Church of Washington, DC Foundation--1999-2000
i. Interhealth Incorporated, Columbus, Mississippi--1997-1998 (for-profit)
j. Zig Ziglar Network, Dallas, Texas--2000 (for-profit)
k. Mercy International Health Services--early to mid-1990's
l. Calvary Presbyterian Church, Staten Island, New York--Trustee--1975-1977

m. First Baptist Church of Washington, DC--Deacon--1972-1973
n. American Energy Assurance Council--early 1990's
o. Advisory Committee on Intergovernmental Relations--Senior Advisory Group--early 1990's
p. Eastern European Environmental Coalition--early 1990's

OTHER

During my career in the investment banking business, I had interests in several non-recourse, non-public limited liability investment partnerships offered to key executives as incentives. These partnerships were formed for the sole purpose of providing investment vehicles for key executives. At the time I became Sergeant at Arms of the United States Senate, I withdrew from such partnerships and I no longer have any interest in any such partnerships. I had no control or decision-making authority over the partnerships while I was an investor.

7. Military Service: Have you had any military service? If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.

None

8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

a. Who's Who Among Students in American Universities and Colleges--1967 and 1968
b. George Washington University Order of Scarlet--scholastic and leadership honorary society
c. Omicron Delta Kappa
d. George Washington University Law School Distinguished Advocate Award--1970
e. George Washington University Law School Van Vleck Case Club Honor Board
f. George Washington University Law School Law Review
g. 1988 Water Statesmen of the Year Award (joint recipient with Senator Malcolm Wallop), National Water Resources Association.
h. National Water Resources Lifetime Achievement Award

i. National Water Resources Honorary Life Member Award
j. Secretary of the Interior's Achievement Award

9. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

Arizona Bar Association
District of Columbia Bar Association
Association of the Bar of the City of New York
Virginia State Bar
Municipal Bond Attorneys' Workshop (became the National Association of Bond Lawyers)--I was President-elect for a term beginning in the Fall 1980, but did not serve because I ceased practicing law in August 1980

1. ***Served on Steering Committee--1978-1980***
2. ***Served as Chairman of the Health Care Financing Panel--1978***
3. ***Served as Co-Chairman of the Panel on Mortgage Revenue Bonds (1979)***
4. ***Served as Chairman, Committee on Financing Housing--1980***

American Bar Association
- Congressional Representative to Administrative Law Section (presently)
National Health Lawyers Association

10. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

To my knowledge, the only organization of which I am currently a member that is engaged in lobbying or other advocacy before public bodies is the National Rifle Association. The other organizations of which I am currently a member are:

a. ***Harry A. Blackmun Scholarship Foundation (I have served as a Director since its formation)***
b. ***The George Washington University Law School Advisory Board***
c. ***The Federalist Society***
d. ***Colorado River Water Users Association***
e. ***United States Committee on Irrigation and Drainage***
f. ***National Water Resources Association--Life Member (the***

NWRA represents states and does not have individual members--Life Member is an honorary status)

g. Sigma Alpha Epsilon
h. Congressional Country Club
i. University Club of Washington, D.C.
j. The Capitol Hill Club
k. 116 Club
l. The Washington Club (Courtesy Member)

11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

As noted above, I am admitted to practice in Virginia (1972), District of Columbia (1973), New York (1975) and Arizona (1977--Inactive status presently). Because my law practice never involved appearances in court or before administrative bodies, I have never sought admission to practice before a particular court or administrative body.

12. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.

Casenote on California v. Green, 399 U.S. 149 (1970), The George Washington University Law Review, Volume 39, Number 2, December 1970

Infrastructure Financing: An Overview, James W. Ziglar, principal author, Dillon Read & Co., Inc. (1983)

Pooled Credit Plans Offer Financing Alternatives to Independent Hospitals, James W. Ziglar, Trustee (June 1983)

I have not published any articles since 1983.

I have given innumerable speeches and lectures, as well as participating in panel discussions, over many years on many subjects. The subject matter of a vast majority of these speeches and lectures has involved public project financing

issues and federal water and natural resource policies. However, I have spoken on occasion on issues relating to the Constitution (primarily, First Amendment issues) and the role of the Supreme Court. I deliver speeches from notes and only on rare occasions have I used a prepared text. Unfortunately, I have not kept records of these appearances. I know of no press reports of my presentations involving constitutional issues. Furthermore, since my discussions usually have been in the context of analysis of issues, I doubt that the press would have had much interest.

I have appeared before committees of the House and Senate in my role as Assistant Secretary of Interior for Water and Science (including my nomination hearing) and as Sergeant at Arms of the Senate. I can recall only one instance where I have appeared before a Committee in other than an official capacity. In the mid-1990's, I was a member of a panel of experts on federal water policy that appeared before the Senate Energy and Natural Resources Committee to discuss, among others, the economic impact of federal investment in water development projects.

13. Health: What is the present state of your health? List the date of your last physical examination.

My health is excellent. I had a physical examination during the first quarter of 2001.

14. Public Office: State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

I have never been a candidate for, or held, elective public office. The appointive offices that I have held are as follows:

November 1998 to Present
Sergeant at Arms, United States Senate, Washington, DC

January 1987 to December 1988
Assistant Secretary of the Interior for Water and Science, U.S. Department of the Interior, Washington, D.C.

July 1972 to August 1973
Law Clerk to Associate Justice Harry A. Blackmun, U.S.

Supreme Court, Washington, D.C.

April 1971 to July 1972
Special Assistant for Legislative and Public Affairs, U.S. Department of Justice, Washington, D.C.

July 1964 to April 1971
Research Assistant, U.S. Senate Committee on the Judiciary Subcommittee on Internal Security, Washington, D.C. (patronage of Senator James O. Eastland)

15. Legal Career:

a. Describe chronologically your law practice and experience after graduation from law school including:

1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

I was a law clerk for United State Supreme Court Associate Justice Harry A. Blackmun during the October Term 1972. I commenced service as a law clerk to the Justice in July 1972 and departed in August 1973.

2. whether you practiced alone, and if so, the addresses and dates;

I ceased the practice of law in 1980 to join the investment banking industry. I have never practiced alone. I have not provided legal representation to any individual or organization since August 1980. However, I do maintain active status in the Virginia, New York and District of Columbia bars. I have taken inactive status in the Arizona bar.

3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

In my capacity as a lawyer, I have been associated with two law firms and the United States Supreme Court, as listed below. All other of my associations (as outlined in

response to question 6) have been in non-legal capacities.

<u>July 1972 to August 1773</u>--Law Clerk to the Honorable Harry A. Blackmun, Associate Justice, United States Supreme Court, Washington, DC

<u>August 1973 to January 1977</u>-I was an Associate Attorney in the Public Finance Practice of Mudge Rose Guthrie Alexander & Ferdon in New York City. The firm is no longer in existence.

<u>January 1977 to August 1980</u>- I was a Partner (Partner in Charge)in the Public Finance Practice of O'Connor Cavanagh Anderson Westover Killingsworth & Beshears in Phoenix, Arizona. The firm is no longer in existence.

b. 1. What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?

During the period that I practiced law (1973-1980), my practice was devoted almost exclusively to representing local and state governmental entities, not-for-profit corporations and investment bankers with respect to financing public and quasi-public projects. I represented an occasional corporate client with respect to financing pollution control projects.

As an investment banker I was not engaged in the practice of law. I specialized in providing financing for public projects, primarily in the areas of water development and treatment, wastewater treatment, energy development, health care and housing financing. I also had significant management responsibilities during my investment banking career.

In my role as Assistant Secretary of the Interior for Water and Science (1987-1988) and

in my role as Sergeant at Arms of the United States Senate (1998-present), I was not and I am not engaged in the practice of law.

2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.

During the period I practiced law, my typical clients were states, cities, special districts, housing agencies, native American corporations, non-profit health care corporations and securities firms. As noted above, I specialized in financing public and quasi-public projects.

As an investment banker, my typical clients were the same as those I had as a lawyer. Also as noted above, I specialized in financing public benefit projects.

c. 1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.

Not at all

2. What percentage of these appearances was in:
   (a) federal courts;
   (b) state courts of record;
   (c) other courts.

None

3. What percentage of your litigation was:
   (a) civil;
   (b) criminal.

None

4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

None

5. What percentage of these trials was:
   (a) jury;
   (b) non-jury.

None

16. Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

    (a) the date of representations;
    (b) the name of the court and the name of the judge or judges before whom the case was litigated; and
    (c) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

    I have not litigated matters

17. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this question, please omit any information protected by the attorney-client privilege (unless the privilege has been waived.)

    As noted above, my legal practice in the 1970's was almost exclusively in the area of public financing transactions. On occasion, I was involved in test cases with respect to the constitutionality of legislation authorizing certain forms of public financing within a state. I worked on such matters in Colorado and Arizona, but I was not primary counsel. My participation was in the nature of providing research and analysis, and assisting in the drafting of pleadings.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.

   Other than my investment in the federal Thrift Savings Plan, a vested retirement benefit in UBS PaineWebber's defined benefit pension plan, and tax-deferred retirement funds in PaineWebber's 401K plan, I have no other compensation arrangements or other benefits to be derived from any past employment.

2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.

   I do not anticipate, nor can I conceive of any potential conflicts of interest that will arise in executing the duties of Commissioner of Immigration and Naturalization. Should such a conflict arise, I will be guided by the advice of the Department of Justice Ethics Officer.

3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service in the position to which you have been nominated? If so, explain.

   None.

4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500 or more. (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)

   Form SF278 attached.

5. Please complete the attached financial net worth statement in detail (add schedules as called for).

Net worth statement attached

6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have always been interested in public policy and politics. Since a very young age, I have participated in political campaigns, but always in a volunteer capacity. To my knowledge, I have never held an official position, paid or unpaid, in a campaign. I have contributed to candidates and raised money for candidates over a long period of time. I have served as a surrogate speaker and I have provided policy advice to candidates for local, state and federal offices. During the many years I have participated in the political process, I have supported Republicans and Democrats. Unfortunately, I have not maintained specific records of these activities.

III. GENERAL (PUBLIC)

1. An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have not practiced law for over 20 years and have not been involved in legal "pro bono" work since leaving the practice of law. However, over the years, I have supported religious, educational and other organizations that support charitable endeavors.

Several examples of personal charitable work I have been involved with include:

a. ***One of the most meaningful of my experiences in the charitable area was serving on the board of Mercy International Health Services. MIHS was a subsidiary of Mercy Health Services (Sisters of Mercy) and provided health care services in poor and developing countries.***

b. ***Another experience which I found very meaningful was working with former Governor George Sinner of North Dakota (in the early 1990's) in developing a program of cooperation between hospitals in North and South Dakota and hospitals in Poland to provide training for cardiologists and cardiac surgeons in Poland. Poland had the highest heart disease rate in the world at the time and the level of cardiac care in the country was very low. This program was called "Dakota Heart".***

c. ***In recent years, my wife and I volunteered with the Montgomery County Christmas In April program. I helped primarily in the fundraising effort.***

d. ***My wife and I have supported the Dui Hua Foundation in its efforts to identify and bring attention to the plight of political prisoners in the Peoples' Republic of China. The Dui Hua Foundation primarily supports the activities of John Kamm, a well-known human rights activist. Our involvement with Mr. Kamm's efforts during the past decade has included, among others, fundraising, personal contributions, providing ideas and advice, and***

making introductions to persons who potentially could aid his cause.

e. In recent years, I have attempted to be of assistance to the One by One Foundation. This foundation provides aid to Washington, D.C. inner city children. I have personally contributed to the foundation, provided assistance in fundraising, and provided summer employment opportunities in the Sergeant at Arms office.

f. My wife and I recently have become involved with the Adobe Foundation. The Abode Foundation provides housing and education for orphans in Romania. We have assisted in fundraising activities and intend to continue to assist in other helpful ways.

g. My wife and I also have consistently contributed financially to charitable, cultural, educational and religious organizations during our 33 years of marriage. For example, in calendar year 2000, we made contributions to over 40 such organizations.

2. Do you currently belong, or have you belonged, to any organization which discriminates on the basis of race, sex, or religion - through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies.

I joined the University Club of Washington, DC in 1985. As I recall, at the time it did not admit female members. However, shortly thereafter, the policy was changed.

My college social fraternity, Sigma Alpha Epsilon, is an all-male organization. To my knowledge, that policy continues in effect. Other than occasional financial contributions to the SAE Foundation, I have had no active involvement with the fraternity since college.

I know of no other organization to which I belong or have belonged that discriminates or discriminated on the basis of race, gender or religion.

United States Senate
Committee on the Judiciary

Financial Statement
Net Worth

for James W. Ziglar
as of May 10, 2001

ASSETS		LIABILITIES	
Cash on hand in banks	$74,000.00	Notes payable to banks - secured	None
U.S. Government securities - add schedule	$212,000.00	Notes payable to banks - unsecured	None
Listed Securities - add schedule	$2,114,000.00	Notes payable to relatives	None
Unlisted Securities - add schedule	$20,000.00	Notes payable to others	None
Accounts and notes receivable:		Accounts and bills due	None
Due from relatives and friends	None	Unpaid income tax	
Due from others	$10,000.00	Other unpaid tax and interest	None
Doubtful	None	Real estate mortgages payable - add schedule	$350,000
Real estate owned - add schedule	$1,540,000	Chattel mortgages and other liens payable	None
Real estate mortgages receivable	None	Other debts - itemized:	
Autos and other personal property	$450,000	1. Margin on securities account	$150,000
Cash value - life insurance	$125,000	2. Loans on insurance policies	$75,000
Other assets - itemized: (See attached Schedule)	$143,000	Total liabilities	$575,000
		Net Worth	$4,113,000
Total assets	$4,688,000	Total liabilities and net worth	$4,688,000

CONTINGENT LIABILITIES		GENERAL INFORMATION	
As endorser, co-maker or guarantor	None	Are any assets pledged? (Add schedule).	No
On leases or contracts	None	Are you defendant in any suits or legal actions?	No
Legal Claims	None	Have you ever taken bankruptcy?	No
Provision for Federal Income Tax	None		
Other special debt	None		

U.S. GOVERNMENT SECURITIES

United States Senate Committee on the Judiciary

Financial Statement
Net Worth

for

James W. Ziglar

1. U.S. TREASURY BOND (TINT) MATURING 11/15/16
2. U.S. TREASURY BOND (TINT) MATURING 5/15/15 (IRA)
3. U.S. TREASURY BOND (CUBES) MATURING 5/15/06 (IRA)
4. U.S. TREASURY BOND (TINT) MATURING 11/15/11 (IRA)
5. U.S. SAVINGS BONDS
6. U.S. TREASURY BOND (TINT) MATURING 2/15/18 (IRA)

LISTED SECURITIES

UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

FINANCIAL STATEMENT
NET WORTH

FOR

JAMES W. ZIGLAR

1. UBS AG ORD
2. 3COM CORPORATION
3. AMERICAN INTERNATIONAL GROUP
4. AOL TIME WARNER
5. AT&T
6. BOEING AIRCRAFT
7. J.P. MORGAN CHASE AND COMPANY
8. WAL MART DE MEXICO
9. CISCO
10. COMPAQ
11. CYGNUS
12. GENERAL ELECTRIC
13. INTEL CORPORATION
14. MEDTRONIC

LISTED SECURITIES (CONT)

James W. Ziglar

15. MERCK
16. MICROSOFT
17. MERCURY FINANCIAL
18. EXXON MOBIL
19. PHARMACIA
20. NETWORK ASSOCIATES
21. NEXTEL
22. PFIZER
23. PROCTOR AND GAMBLE
24. TEXACO
25. SCANSOFT
26. PAINEWEBBER PACE INTERNATIONAL EMERGING MARKETS FUND
27. PAINEWEBBER TACTICAL ALLOCATION FUND A
28. CONEXANT SYSTEMS INC
29. PUTNAM VISTA FUND (MUTUAL FUND –401K)
30. AIM CONSTELLATION FUND (MUTUAL FUND 401K)
31. COCA COLA
32. JOHNSON AND JOHNSON

LISTED SECURITIES (CONT)

James W. Ziglar

33. LEHMAN BROTHERS HOLDINGS
34. MCKESSON HBOC
35. VISX INC
36. EARTHLINK
37. IBM
38. MINIMED INC
39. ARIBA INC
40. APPLERA CORP. CELERA GENOMICS
41. COVAD COMMUNICATIONS GROUP
42. COMMERCE ONE INC
43. CREE INC
44. EXODUS COMMUNICATIONS INC
45. FORD MOTOR COMPANY NEW
46. GOLDMAN SACHS GROUP INC
47. HUMAN GENOME SCIENCES INC
48. IMAGING DIAGNOSTIC SYSTEMS INC
49. INTERTRUST TECHNOLOGIES CORP
50. JABIL CIRCUIT INC
51. JDS UNIPHASE CORP

LISTED SECURITIES (CONT)

James W. Ziglar

52. LUCENT TECHNOLOGIES INC
53. MOTOROLA INC
54. NASDAQ 100 SHARES
55. PALM INC
56. RAZORFISH INC
57. VERISIGN INC
58. WEBMETHODS INC
59. WORLDCOM INC

UNLISTED SECURITIES

UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

FINANCIAL STATEMENT
NET WORTH

FOR

JAMES W. ZIGLAR

1. PAINEWEBBER JUNIPER CROSSOVER FUND

REAL ESTATE OWNED

United States Senate Committee on the Judiciary

Financial Statement
Net Worth

for

James W. Ziglar

1. Personal Residence— Potomac, Maryland 20854 (estimated value $1,500,000)

2. Undeveloped land in Jackson County, Mississippi (inherited from parents—undivided ½ interest with my brother, Dr. William L. Ziglar) (estimated total value $30,000)

3. Undeveloped land in Yazoo County, Mississippi (inherited from parents—undivided ½ interest with my brother, Dr. William L. Ziglar) (estimated total value $10,000)

OTHER ASSETS

UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

FINANCIAL STATEMENT
NET WORTH

FOR

JAMES W. ZIGLAR

1. MEAGER MEANS INVESTORS - SPOUSE INVESTMENT CLUB

2. JVF ASSOCIATES LIMITED PARTNERSHIP– FEDERAL EXPRESS HEADQUARTERS, MEMPHIS, TN

3. CAUCUS ROOM PARTNERS, LLC – LIMITED PARTNER IN RESTAURANT LOCATED AT 401 9TH ST., NW

4. THRIFT SAVINGS PLAN

REAL ESTATE MORTGAGE PAYABLE

United States Senate Committee on the Judiciary

Financial Statement
Net Worth

for

James W. Ziglar

I have a mortgage loan on my personal residence with a current balance of $345,600. The loan is with Countrywide Mortgage Company, Dallas, Texas, and bears a fixed rate of 7.625%. The mortgage has a remaining term of approximately nine years.

U.S. Department of Justice

JUN 14 2001

Washington, D.C. 20530

Ms. Amy L. Comstock
Director
Office of Government Ethics
Suite 500
1201 New York Avenue, NW
Washington, DC 20005-3919

Dear Ms. Comstock:

In accordance with the provisions of Title I of the Ethics in Government Act of 1978 as amended, I am forwarding the financial disclosure report of James W. Ziglar who has been nominated by the President to serve as Commissioner of the Immigration and Naturalization Service, Department of Justice. We have conducted a thorough review of the enclosed report.

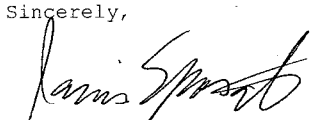
The conflict of interest statute, 18 U.S.C. § 208, requires that Mr. Ziglar recuse himself from participating personally and substantially in a particular matter in which he, his spouse, or anyone whose interests are imputed to him under the statute has a financial interest (including any organization he serves as a director). We have counseled him to obtain advice about disqualification or to seek a waiver before participating in any particular matter that could affect his financial interests. Because of his interest in a defined-benefit plan with his former employer, PaineWebber, we have asked him to seek advice before participating in matters in which it has a financial interest. He left the company in October 1998 and has had a government position since that time. He will receive no benefits from the defined benefit plan until he is 65. He will also seek advice before participating in any matter in which his wife's sole proprietorship has a financial interest.

We have advised him that because of the standard of conduct on impartiality at 5 CFR 2635.502 he should seek advice before participating in a particular matter having specific parties in which a member of his household has a financial interest or in which someone with whom he has a covered relationship is or

represents a party. He understands that he should seek advice before participating in matters involving any of the organizations listed on Schedule D of his report. He will remain on the boards of the Harry A. Blackmun Scholarship Foundation and George Washington Law School.

Based on the above agreements and counseling, I am satisfied that the report presents no conflicts of interest under applicable laws and regulations and that you can so certify to the Senate Judiciary Committee.

Sincerely,



Janis A. Sposato
Acting Assistant Attorney General
for Administration and
Designated Agency Ethics Official

Enclosure

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Form Approved:
OMB No. 3209 - 0001

Date of Appointment, Candidacy, Election, or Nomination *(Month, Day, Year)*	**Reporting Status** (Check Appropriate Boxes)	Incumbent ☐	Calendar Year Covered by Report	New Entrant, Nominee, or Candidate ☑	Termination Filer ☐ Termination Date *(If Applicable) (Month, Day, Year)*
Reporting Individual's Name	Last Name: Ziglar			First Name and Middle Initial: James W	
Position for Which Filing	Title of Position: Commissioner, Immigration and Naturalization Service			Department or Agency *(If Applicable)*: U.S. Department of Justice	
Location of Present Office (or forwarding address)	Address *(Number, Street, City, State, and ZIP Code)*: S-321, U.S. Capitol, Washington, D.C. 20510			Telephone No. *(Include Area Code)*: 202-224-2341	
Position(s) Held with the Federal Government During the Preceding 12 Months *(If Not Same as Above)*	Title of Position(s) and Date(s) Held: Sergeant at Arms, U.S. Senate - November 9, 1998 - Present				
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination: Committee on the Judiciary			Do You Intend to Create a Qualified Diversified Trust? ☐ Yes ☑ No	
Certification: I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.	Signature of Reporting Individual: James Wasson Ziglar			Date *(Month, Day, Year)*: 5/23/01	
Other Review (If desired by agency)	Signature of Other Reviewer: Mary Broderick			Date *(Month, Day, Year)*: 5/23/01	
Agency Ethics Official's Opinion: On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments in the box below).	Signature of Designated Agency Ethics Official/ Reviewing Official: James Thomas			Date *(Month, Day, Year)*: 6/13/01	
Office of Government Ethics Use Only	Signature			Date *(Month, Day, Year)*	

Comments of Reviewing Officials *(If additional space is required, use the reverse side of this sheet)*

(Check box if filing extension granted & indicate number of days _____) ☐

(Check box if comments are continued on the reverse side) ☐

Fee for Late Filing
Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a $200 fee.

Reporting Periods
Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable.

Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable.

Nominees, New Entrants and Candidates for President and Vice President:

Schedule A -- The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of date of filing.

Schedule B -- Not applicable.

Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing.

Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing.

Schedule D -- The reporting period is the preceding **two** calendar years and the current calendar year up to the date of filing.

Agency Use Only

OGE Use Only

SF 278 (Rev. 03/2000)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Ziglar, James W.

SCHEDULE A

Assets and Income — BLOCK A

For you, your spouse, and dependent children, report each asset held for investment or the production of income which had a fair market value exceeding $1,000 at the close of the reporting period, or which generated more than $200 in income during the reporting period, together with such income.

For yourself, also report the source and actual amount of earned income exceeding $200 (other than from the U.S. Government). For your spouse, report the source but not the amount of earned income of more than $1,000 (except report the actual amount of any honoraria over $200 of your spouse).

None ☐

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

	Assets and Income	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
Examples	Central Airlines Common				X												X						X										
	Doe Jones & Smith, Hometown, State			X																												Law Partnership Income $150,000	
	Kempstone Equity Fund					X								X										X									
	IRA: Heartland 500 Index Fund							X						X											X								
1	LLKL CONSULTANTS (Sole proprietorship of Linda K. Ziglar) Montgomery County, MD																																
2	UBS AG ORD (Part in 401K)						✓										✓			✓								✓					
3	3COM CORPORATION		✓																	✓		✓											
4	ADVANCE TISSUE SCIENCES	✓																		✓	✓												
5	AMERICAN INTERNATIONAL GROUP				✓												✓			✓			✓										
6	AIRBORNE FREIGHT	✓																		✓	✓												

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Prior Editions Cannot Be Used.

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F 278 (Rev. 03/2000)
C.F.R. Part 2634
U.S. Office of Government Ethics

Reporting Individual's Name: Ziglar, James W.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (Block A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
7	AOL TIME WARNER					✓														✓					✓								
8	AT&T			✓													✓					✓											
9	BOEING AIRCRAFT			✓													✓			✓				✓									
10	JP MORGAN CHASE AND CO.			✓													✓					✓											
11	WAL MART DE MEXICO		✓														✓			✓			✓										
12	CISCO			✓																	✓												
13	COMPAQ			✓													✓			✓				✓									
14	CYGNUS		✓																	✓	✓												
15	EASTMAN KODAK	✓															✓			✓	✓												

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Reporting Individual's Name: Ziglar, James W.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
16	GATEFIELD	✓																		✓	✓												
17	GENERAL ELECTRIC				✓												✓			✓				✓									
18	HOPEWELL HOLDINGS	✓															✓			✓	✓												
19	HOST MARRIOTT	✓																		✓		✓											
20	INTEL CORPORATION					✓											✓					✓											
21	ISIS PHARMACEUTICALS	✓																		✓	✓												
22	MARRIOTT INTERNATIONAL	✓															✓			✓					✓								
23	MEDTRONIC				✓												✓					✓											
24	MERCK				✓												✓					✓											

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Reporting Individual's Name: Zigler, James W.

SCHEDULE A continued
(Use only if needed)

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Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
25	MERCURY FINANCIAL	✓																			✓												
26	METALCLAD	✓																		✓	✓												
27	MICROSOFT					✓															✓												
28	MID-AMERICA WASTE	✓																			✓												
29	EXXON MOBIL			✓													✓					✓											
30	PHARMACIA			✓													✓				✓												
31	NETWORK ASSOCIATES		✓																		✓												
32	NEXTEL			✓																✓					✓								
33	PPFIZER				✓												✓					✓											

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Reporting Individual's Name: Zigler, James W.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

	Assets and Income (BLOCK A)	Valuation of Assets (BLOCK B): None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Rent and Royalties	Interest	Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
34	PROCTOR AND GAMBLE			✓													✓					✓											
35	ROCKWELL	✓															✓			✓		✓											
36	SODEXHO MARRIOTT SERVICE	✓															✓					✓											
37	SOLUTIA	✓															✓				✓												
38	SUMMA	✓																			✓												
39	TEXACO			✓													✓			✓			✓										
40	TICKETMASTER	✓																		✓	✓												
41	UNITED COMPANIES FINANCIAL	✓																			✓												
42	SCANSOFT		✓																		✓												

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U.S. Office of Government Ethics

Reporting Individual's Name: Ziglar, James W.

SCHEDULE A continued
(Use only if needed)

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Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
43	VIVUS	✓																		✓	✓												
44	PIMCO SMALL CAP VALUE FUND	✓												✓							✓												
45	PAINEWEBBER PACE INTL. EMERGING MARKETS FUND		✓											✓							✓												
46	PAINEWEBBER TACTICAL ALLOCATION FUND A					✓								✓											✓								
47	MARYLAND TRANSPORTATION AUTHORITY	✓																	✓	✓			✓									Original issue dis-	
48																																count bonds (OID BOND)	
49	U.S. TREASURY BONDS (TINTS) MATURING 11/15/16			✓															✓		✓											Original issue dis-	
50																																count T Bond	
51	U.S. TREASURY BOND (TINT) MATURING 5/15/15 (IRA)				✓																✓											OID BOND	

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Reporting Individual's Name: Zigler, James W.

SCHEDULE A continued
(Use only if needed)

Page Number: 8 / 17

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
52	CONEXANT SYSTEMS INC		✓																		✓												
53	CRESTLINE CAPITAL CORP	✓																		✓	✓												
54	US TREASURY BOND MATURING 11/15/03 (IRA)	✓																	✓	✓			✓									OID BOND	
55	US TREASURY BOND (CUBES) MATURING 5/15/05 (IRA)	✓																	✓	✓			✓									OID BOND	
56	US TREASURY BOND (CUBES) MATURING 5/15/06 (IRA)			✓																	✓											OID BOND	
57	US TREASURY BOND (CUBES) MATURING 11/15/06 (IRA)	✓																	✓	✓			✓									OID BOND	
58	US TREASURY BOND (TINT) MATURING 11/15/11 (IRA)			✓																	✓												
59	PAINEWEBBER RMA TAX-FREE MONEY FUND		✓											✓										✓									
60	DREYFUS INTERMEDIATE TAX-EXEMPT BOND FUND		✓											✓							✓												

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U.S. Office of Government Ethics

Reporting Individual's Name: Ziglar, James W.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
61	BANK OF AMERICA (PERSONAL ACCOUNT) POTOMAC, MD		✓																✓		✓												
62	CITIBANK (PERSONAL ACCOUNT) NEW YORK, NEW YORK	✓																			✓												
63	BANK OF AMERICA (LKL CONSULTANTS BUSINESS ACCOUNT), POTOMAC, MD			✓															✓			✓											
64	PAINEWEBBER CASH FUND			✓										✓					✓			✓											
65	PAINEWEBBER STABLE VALUE FIXED INCOME FUND (401k)		✓											✓								✓											
66	PUTNAM VISTA FUND (MUTUAL FUND-401k)				✓									✓							✓												
67	AIM CONSTELLATION FUND (MUTUAL FUND-401k)				✓									✓							✓												
68	RIGGS NATIONAL BANK (PERSONAL ACCOUNT), POTOMAC, MD		✓																		✓												
69	US SAVINGS BONDS		✓																		✓												

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Reporting Individual's Name: Ziglar, James W.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
70	US TREASURY BOND (TINT) MATURING 2/15/18 (IRA)			✓																	✓											OID BOND	
71	COCA COLA			✓													✓					✓											
72	BEAR STEARNS INC	✓															✓			✓	✓												
73	JOHNSON AND JOHNSON			✓													✓					✓											
74	LEHMAN BROTHERS HOLDINGS			✓													✓			✓					✓								
75	MCKESSON HBOC			✓													✓					✓											
76	VISX INC			✓																	✓												
77	EARTHLINK			✓																	✓												
78	IBM				✓												✓			✓		✓											

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Reporting Individual's Name: Ziglar, James W.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	Valuation of Assets (BLOCK B)															Income (BLOCK C) Type				Amount											
		None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Dividends	Rent and Royalties	Interest	Capital Gains	None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
79	MINIMED INC			✓																	✓											
80	MEAGER MEANS INVESTORS - SPOUSE INVESTMENT CLUB -Washington, D.C. **		✓																		✓											
81	UNDEVELOPED LAND IN JACKSON CO. MS (1/2 INTEREST W/ WILLIAM L. ZIGLAR)			✓																	✓											
82	UNDEVELOPED LAND IN YAZOO CO. MS (1/2 INTEREST W/ WILLIAM L. ZIGLAR)		✓																		✓											
83	JVF ASSOC. LIMITED PARTNERSHIP PROPERTY IN MEMPHIS, TN				✓																										Partnership income is	
84																															$10,049.59	
85	INSURANCE POLICIES-CASH VALUE (NW MUTUAL LIFE INS CO, - WHOLE LIFE					✓															✓											
86	CAUCUS ROOM PARTNERS, LLC-limited partner in restaurant located at 401 9th St., NW				✓																✓											
87	Washington, D.C.																															

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Prior Editions Cannot Be Used.

** All attributable underlying assets are below the reporting threshold JWZ

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Reporting Individual's Name: Ziglar, James W.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rents and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
88	ARIBA, INC		✓																		✓												
89	APPLERA CORP, CELERA GENOMICS		✓																		✓												
90	AVAYA, INC	✓																		✓	✓												
91	COVAD COMMUNICATIONS GROUP		✓																		✓												
92	COMMERCE ONE, INC		✓																		✓												
93	CREE INC		✓																		✓												
94	EXODUS COMMUNICATIONS INC		✓																		✓												
95	FORD MOTOR COMPANY NEW		✓														✓					✓											
96	GOLDMAN SACHS GROUP INC			✓													✓				✓												

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Reporting Individual's Name: Ziglar, James W.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (BLOCK A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
97	HUMAN GENOME SCIENCE INC		✓																		✓												
98	IMAGING DIAGNOSTIC SYSTEMS INC	✓																			✓												
99	INTERTRUST TECHNOLOGIES CORP		✓																		✓												
100	JABIL CIRCUIT INC		✓																		✓												
101	JDS UNIPHASE CORP		✓																		✓												
102	LUCENT TECHNOLOGIES INC				✓												✓				✓												
103	MOTOROLA INC		✓														✓				✓												
104	NASDAQ 100 SHARES		✓											✓							✓												
105	PALM INC			✓																✓				✓									

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Reporting Individual's Name: Ziglar, James W.

SCHEDULE A continued
(Use only if needed)

Assets and Income — BLOCK A

Valuation of Assets at close of reporting period. — BLOCK B

Income: type and amount. If "None (or less than $201)" is checked, no other entry is needed in Block C for that item. — BLOCK C

#	Assets and Income (Block A)	None (or less than $1,001)	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Excepted Investment Fund	Excepted Trust	Qualified Trust	Type: Dividends	Type: Rent and Royalties	Type: Interest	Type: Capital Gains	Amount: None (or less than $201)	$201 - $1,000	$1,001 - $2,500	$2,501 - $5,000	$5,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	Over $5,000,000	Other Income (Specify Type & Actual Amount)	Date (Mo., Day, Yr.) Only if Honoraria
106	PAINEWEBBER JUNIPER CROSSOVER FUND			✓										✓							✓												
107	RAZORFISH INC		✓																		✓												
108	VERISIGN INC		✓																		✓												
109	WEBMETHODS INC		✓																		✓												
110	WORLDCOM INC			✓																	✓												
111	ALBERTSON'S INC	✓															✓			✓	✓												
112	VISTEON	✓															✓			✓	✓												
113	PAINEWEBBER DEFINED BENEFIT PLAN					✓															✓												
114																																	

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Do not complete Schedule B if you are a new entrant, nominee, or Vice Presidential or Presidential Candidate

Reporting Individual's Name: Ziglar, James W.

SCHEDULE B

Page Number 15 / 17

Part I: Transactions

None ☐

Report any purchase, sale, or exchange by you, your spouse, or dependent children during the reporting period of any real property, stocks, bonds, commodity futures, and other securities when the amount of the transaction exceeded $1,000. Include transactions that resulted in a loss.

Do not report a transaction involving property used solely as your personal residence, or a transaction solely between you, your spouse, or dependent child. Check the "Certificate of divestiture" block to indicate sales made pursuant to a certificate of divestiture from OGE.

	Identification of Assets	Transaction Type (x): Purchase	Sale	Exchange	Date (Mo., Day, Yr.)	Amount of Transaction (x): $1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000*	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000	Certificate of divestiture
Example	Central Airlines Common	X			2/1/99			X									
1																	
2																	
3																	
4																	
5																	

* This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Part II: Gifts, Reimbursements, and Travel Expenses

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than $260, and (2) travel-related cash reimbursements received from one source totaling more than $260. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. **Exclude** anything given to you by the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child totally independent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth $104 or less. See instructions for other exclusions.

None ☐

	Source (Name and Address)	Brief Description	Value
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/99 (personal activity unrelated to duty)	$500
	Frank Jones, San Francisco, CA	Leather briefcase (personal friend)	$300
1			
2			
3			
4			
5			

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Reporting Individual's Name: Zigler, James W.

SCHEDULE C

Part I: Liabilities

Report liabilities over $10,000 owed to any one creditor at **any time** during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. **Exclude** a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None ☐

	Creditors (Name and Address)	Type of Liability	Date incurred	Interest Rate	Term if applicable	$10,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000 *	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000
Examples	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs.			X								
	John Jones, 123 JSt., Washington, DC	Promissory note	1999	10%	on demand					X						
1	UBS PAINEWEBBER, NEW YORK, NEW YORK	MARGIN ON SECURITIES ACCOUNT	2000	Broker loan rate	ON DEMAND				✓							
2	NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY, MINNEAPOLIS, MINNESOTA	LOANS AGAINST INSURANCE POLICIES	1970	VARIES	NA			✓								
3																
4																
5																

Category of Amount or Value (x)

* This category applies only if the underlying liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

None ☐

	Status and Terms of any Agreement or Arrangement	Parties	Date
Example	Pursuant to partnership agreement, will recieve lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith, Hometown, State	7/85
1	I CONTINUE TO HAVE TAX DEFERRED RETIREMENT FUNDS IN PAINEWEBBER 401K PLAN.* I ALSO HAVE A VESTED PARTICIPATION IN PAINEWEBBER DEFINED PENSION PLAN. **	PAINEWEBBER INCORPORATED	10/84
2	* SEE # 2 (PART IN 401k), #65, #66, #67		
3	** WILL RECEIVE MONTHLY BENEFIT AT AGE 65 (See Schedule A, Number 113)†		
4			
5			
6			

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Reporting Individual's Name	SCHEDULE D	Page Number
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Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature.

None ☐

	Organization *(Name and Address)*	Type of Organization	Position Held	From *(Mo., Yr.)*	To *(Mo., Yr.)*
Examples	Nat'l Assn. of Rock Collectors, NY, NY	Non-profit education	President	6/92	Present
	Doe Jones & Smith, Hometown, State	Law firm	Partner	7/85	1/00
1	HARRY A BLACKMUN SCHOLARSHIP FOUNDATION, WASHINGTON, DC	NON-PROFIT EDUCATION FOUNDATION	DIRECTOR	01/94	PRESENT
2	ZIG ZIGLAR NETWORK INC, DALLAS, TEXAS	FAMILY OWNED MARKETING BUSINESS (CEASED OPERATION IN 12/2000- I HAD NO EQUITY)	DIRECTOR	01/00	12/00
3	FIRST BAPTIST CHURCH OF WASHINGTON, DC FOUNDATION, INC	NON-PROFIT FOUNDATION FOR BENEFIT OF FIRST BAPTIST CHURCH OF WASH DC	CHAIRMAN OF BOARD	09/99	06/00
4	GEORGE WASHINGTON UNIVERSITY LAW SCHOOL	EDUCATION	ADVISORY BOARD	04/00	PRESENT
5					
6					

Part II: Compensation in Excess of $5,000 Paid by One Source

Report sources of more than $5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than $5,000. You need not report the U.S. Government as a source.

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate.

None ☑

	Source *(Name and Address)*	Brief Description of Duties
Examples	Doe Jones & Smith, Hometown, State	Legal services
	Metro University (Client of Doe Jones & Smith), Moneytown, State	Legal services in connection with university construction
1		
2		
3		
4		
5		
6		

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Senator KENNEDY. Well, thank you. Thank you very much for your comments.

I am going to ask you just to talk a little bit about these organizations that you have been a part of and that have impacted needy people overseas. But let me mention just a couple of observations.

One is I welcome the fact that you are going to tell us what you need over there at the INS, because I think you need a lot. You have the broad issues of policy, and I will mention a couple of those, but we understand that. Today we ought to be talking about your own background and experience and competency to deal with the challenges of the INS. And down the road, we will get into the greater details and the specifics of legislation.

But that is an agency that is in trouble. I hope you will ask the Attorney General to visit the INS. I can remember when my brother was the Attorney General and visited the INS, and it was the first time in 40 years that any Attorney General had ever gone down there. I hope you invite him down there and have him spend some time and tell him what you need and tell us what you need, so that when you come up here on appropriations, you can say, Look, if you want us to answer your constituents within, you know, 2 weeks or 3 weeks, I need X appropriations. If you want it in 6 months, give me X minus this. And if you want it in a year, don't expect anything better if you give me Y appropriations.

I think we have got to understand it, and we haven't had many people who were willing or had the confidence that you really have in dealing with the Congress. And I think you are finding out from this hearing that we want to really hear it. I think people have enormous confidence in your own very successful private sector expenence—understanding management, understanding what is necessary to run a department, understanding what it means in order to get the morale up in terms of developing an organization. You have had remarkable success at all these things. But this agency really needs that kind of leadership, and I think that that is going to be enormously important as you go down the line.

I would just, if I could, ask you one area, which you have referenced, and that is the unaccompanied immigrant children. As you know, in 1999 the INS took in its custody 4,607 children who came to the United States unaccompanied by a parent or adult guardian. More than 2,000 of these children are held in jails and youth detention centers across the country, even though the overwhelming majority of these children, 80 percent, have committed no crime. The INS continues to pursue this policy 7 years after the INS agreed to hold the children in the least restrictive setting appropriate for minors with special needs.

I have been appalled, quite frankly, by the way that many unaccompanied alien children have been treated by the INS, and this treatment has included the shackling and the handcuffing of children, who are no threat to themselves or others, long periods of confinement, inappropriate penal facilities, pressuring children to voluntarily depart the country without having access to counsel and adequate avenues of humanitarian relief when that relief might be appropriate.

So would you be willing to take a good look at this issue and review it and give us your judgment about how we can try and deal with that?

Mr. ZIGLAR. Senator, I mentioned that in my opening remarks for the simple reason that it is at the very top of my list. Of course, I have a lot of things at the very top of my list, but that is one of them, absolutely.

Senator KENNEDY. Others are here and want to ask you questions. I have referenced these other activities, and maybe at the end of the hearing, after we have some questions, I will ask you about some of those.

Senator Brownback?

Senator BROWNBACK. Thank you, Mr. Chairman, and thank you again, Mr. Ziglar, for being here.

I want to focus on treatment of refugees and the refugee reform area. You mentioned some comments about that on the detention issue at the outset, and I appreciate you saying that.

I note in looking back in the history of the country and kind of digging the old wells that are still out there, it was 400 years ago, approximately, that the first refugees hit our shores. Those were the Pilgrims that came here, set foot on Plymouth Rock. They were seeking religious freedom at that time. And then George Washington had this great comment about receiving refugees into our country. He said this, he said, "The bosom of America is open to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions." And then President Bush even just last week at Ellis Island said these words: "America at its best is a welcoming society." A consistent thread of how we treat both the well-to-do and those who, by struggle and by whatever means, are coming to our shore.

We have talked some privately, and I have held a hearing here on the treatment of asylum seekers and on refugees. Can you flesh out any further what you are looking at in the brief period of time you have had a chance to look at what should the INS be doing differently? I think the detention is a key starting point of looking at particularly asylum seekers, if there are ways not to go into detention, rather by working with non-governmental organizations that proffered and made offers to keep track of individuals prior to going to hearings. But I am wondering if you have given any further thought on this particular subject.

Mr. ZIGLAR. Senator, I have given a lot of thought to this one. My knowledge of what has happened is based upon what I have read and stories that I have heard, a lot of which I heard up here from you folks. I want to look at the facts and the cases up close when I get there, but I can tell you that I am not one who particularly likes the idea in general of people being detained unless they have been convicted of a crime or unless they create some kind of danger to the community.

So my inclination in general is not to detain people unless there is a really valid reason, subject to all the due process requirements. So you will find that I am going to look at alternative ways to manage these problems, particularly with asylum seekers, children, and others, by hopefully using community-based organizations or other

ways of being able to treat these people like the human beings they are.

Senator BROWNBACK. An issue close to home for me is what I mentioned in my opening statement about foreign-born physicians. In Ulysses, Kansas, I was there traveling—oh, this is probably a year or better ago and met the physician community. There are five physicians in Ulysses serving Grant County, Kansas. And the physician community consists of two Canadians, a Brit, a Pakistani, and somebody from Trinidad. That is the physician community that is there. We are heavily dependent upon foreign-trained physicians, yet I am finding in our casework INS has severely limited the longstanding definitions used to grant national interest waivers, particularly for physicians.

One effect of that was to force small hospitals sponsoring physicians, in many cases they do in my State, serving on J–1 exchange visas to endure really a very time-consuming and expensive process of labor certification through the Department of Labor.

I raise it and bring it to your attention because I hope you will be willing to work with a number of us, particularly from rural States, where these are a number of our health personnel, on dealing with this topic. It is coming up increasingly with nurse shortages. We received a number of medical technologists that are foreign born, and I would hope you would give that some of your attention as well.

Do you have any initial thoughts or comments on that?

Mr. ZIGLAR. Senator, I am obviously aware of the issue and the problem. I can't say that I have studied it in enough detail to know how to approach it.

One interesting fact, though, is that as much as I heard about that issue over here, I have the good fortune of having a number of Members of the House side who are friends, notwithstanding the fact I work in the Senate, that have called me about that very issue, particularly because they have a lot of rural areas that they serve. And they have a real problem, and it is clearly something that Congress, both sides, is very interested in and something I will clearly take very seriously.

Senator BROWNBACK. Well, I hope you can have that at the top of your agenda because it really goes to a great need in an area that I think there is opportunity to help a lot of people out on all sides. I have found, too, that the ones in Kansas, the foreign-born physicians, will a lot of times then spend time in sending resources back to their home country frequently as well, particularly if it is a nation with not as developed an economy as ours, that they use the resources and the development that they get here to help more people back home as well, which to me is the positive, the double positive that you can get from something working together like that.

Senator KENNEDY. Senator Durbin?

Senator DURBIN. Thank you.

Mr. Ziglar, during the course of your interviews within the administration in preparation for this position and this hearing, is it your understanding that you will be called on to discuss policy when it comes to immigration, your experience as Commissioner, suggestions you might have for changes in policy?

Mr. ZIGLAR. Yes, sir, Senator, it is. And, frankly, if I hadn't had a chance to have serious input into the policy, I wouldn't have taken the job.

Senator DURBIN. Well, I am glad to hear that because you will be on the front line and will see firsthand how these laws work or do not work.

My observation is this: I think that the immigration laws, as we have written them historically in this country, really are not as relevant as they used to be. Our world is so mobile. People move so easily back and forth. What took a several-week boat trip for my mother to come from Lithuania to the United States is now a matter of a few hours in an airplane. And I think that reality is changing immigration as we know it in this country.

Just this past Sunday, President Vicente Fox of Mexico was in Chicago, greeted by some 25,000 cheering people. This is the fastest-growing minority in the State of Illinois. It grew by 69 percent in the last 10 years, over 1.3 million Mexicans in our State. That is a lot different than we have seen in the past. Things have changed. And I think we have to reorder our thinking and how we deal with it in a sane and legal way.

There are so many people living in the United States today who are undocumented. At times in our history we have declared that if you have been in the United States for a certain period of time, you have been a good citizen, haven't broken the law, are making a good contribution to the community, we are going to give you a chance to become an American citizen. The last time we did it I think was 1986, wasn't it, Senator Kennedy?

Senator KENNEDY. That is right.

Senator DURBIN. And we said if you had been here since 1972, you have your chance, we want you to be part of the American family.

We haven't done it since. It has been 15 years. And you can imagine the millions of people who are out there now in questionable status.

Do you think it is time for us to renew that opportunity, to say to people, if you have been here, been a good citizen for a period of time, we will give you a chance to become a legal American citizen?

Mr. ZIGLAR. Senator, as you know, in the newspaper there is a lot of speculation about discussions particularly with Mexico in that vein. I have not been privy to those discussions. I am not sure what all the considerations are. I would rather not—since I don't have the knowledge base to give you an answer about that in the context that we are in, I would rather be given a little time to study it, and then I would be more than happy to sit down with you personally and talk about it. But I don't want to make news on something where I am not involved in it yet and haven't been involved in it.

Senator DURBIN. Well, that is fair. I don't know if you can go so far as to say what you feel about this policy and what you feel about our past efforts to give people who have been in the United States for a long period of time, whether they should have that kind of opportunity, without getting into specific numbers or timetables.

Mr. ZIGLAR. Senator, let me say it one very short way, if you don't mind, and that is, I am not anti-immigrant.

Senator DURBIN. That is good for a person at the INS.

I will give you an example that I referred to earlier. It relates to a bill that I am sponsoring, and I hope to prevail on my beloved chairman to hold a hearing on, and that relates to a phone call that I received in my Chicago office. A fascinating story. A high school student in Chicago, Illinois, Korean, a musical prodigy, applied to the Juilliard School and was accepted. Her parents, everyone, her family, just elated at the chance that she is going to be able to pursue her musical career.

She filled out the application forms, came to the realization her parents had never, ever been legally documented in the United States. So, of course, it meant that when it came to scholarship assistance, under Federal law she couldn't qualify for it. We prohibit that if you are not documented. If she had been trying to go to a State university, she couldn't qualify for in-state tuition because she was undocumented.

So we contacted the INS and said, What is this young girl to do? And they said, "Go back to Korea." Well, there is no place to go back to. Her family is here. America is her home.

That is an illustration of where our law has taken us, a law that, sadly, you are going to be asked to enforce. Time and again I think you will see the desperation and frustration that we see in our offices.

What is your feeling about the way we treat people in that predicament, high school students who have been here for years, 5 years, 10, 15, done everything right, and now are being denied an opportunity for a college education because of our law?

Mr. ZIGLAR. Senator, once again, I don't mean to be evasive. I don't know enough about this issue. I am aware of it. I don't know enough about it to give you a reasoned, learned opinion on it.

I do know that the Department of Education has a lot of play in this issue, also, and that it probably is going to take an effort, a cooperative between the Education and Justice Departments and the Congress, obviously, to work out this issue.

But I hear you, and I will promise you this, that we will give it our best.

Senator DURBIN. I promise you this: I will give you at least 24 hours after you have taken the oath before I call you and ask you again.

Thank you.

[Laughter.]

Mr. ZIGLAR. Mr. Chairman, could I make one comment?

Senator KENNEDY. Sure.

Mr. ZIGLAR. Back in, I think, 1982, the chairman asked the Congressional Research Service to do a history of immigration and naturalization laws and trends. If you haven't read it, it is fascinating because it is a travelogue of American history and culture. And, Mr. Chairman, I hope that you will ask the CRS at some point to update it, maybe next year. But I think that would be a great—it is a great document, and I am sorry that more people haven't read it.

Senator KENNEDY. That is useful. It was a very helpful examination of the history. And it is important to know. We had some very odious aspects of immigration, the McCarran–Walter Immigration Act, the Asian Pacific Triangle that discriminated against Asians, and the national origin quota that discriminated against Europeans. So we have had some difficult times over that, but it is an important part of American history and the Immigration Service.

Senator Kyl?

STATEMENT OF HON. JON KYL, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator KYL. Thank you, Mr. Chairman. I want to welcome Jim Ziglar, a friend of long, long standing prior to his service to the United States Senate. And I think by virtue of my conversations with him and those that everybody else has had, he is well aware of the challenges that lie before him. He is a person of great good will who understands how to listen as well as how to make decisions, and I am confident he will do a superb job in this position, notwithstanding the difficulties that are inherently involved.

He is also aware that there are literally two halves to this job which are greatly different from each other. One has to do with enforcement of laws; one has to do with implementation of laws relating to immigration matters, citizenship and the like.

There are issues relating to the possible reorganization of the Immigration and Naturalization Service. I know he has his own ideas on those, and I am hopeful that he will soon be able to weigh in with his views since there are those of us in the Congress as well as the administration that would like to get on with whatever changes might be made. And I don't prejudge it in any way. I am anxious to hear, Jim, what you have to say about those issues, and I know the administration has been waiting until you are in place to do that as well.

Mr. Chairman, let me just make two comments, and if Mr. Ziglar wants to comment on them, that is fine.

Just relating to the issue that our colleague from Illinois talked about, each one of us has stories. I could tell you stories about people in my own State that are—while they are anecdotal, I suppose they represent large segments of the population that really tear at your heart about experiences that people had that are heart-rending. And we have to learn how to deal with those because of the reality that there are people here who suffer one way or another and who would like to have the benefits of American citizenship.

By the same token, I think we also have to recognize that the United States is a Nation of laws, that that distinguishes us, frankly, from a lot of countries from which immigrants wish to come because of the very fact that their countries don't treat people equally. They are not nations that abide by laws, that grant people freedom.

In fact, one of the first things that people applying for citizenship learn about our country is that we are a Nation of laws, and that means that people obey the law. And I think, therefore, it presents a difficult situation for all the folks involved in immigration to deal with people who have broken laws and yet who have very difficult stories to tell.

We should not, as we consider these issues, think only with our heart, but recognize that in the long run it is precisely because we are a Nation of laws and that we enforce those laws that we remain a great country, a country that can afford to be a beacon of hope to the rest of the world and, indeed, as I said, a country that everyone else—most everyone would like to come to.

There is a specific problem in my own community that I haven't had a chance to mention to you, and I just wanted to mention it, and I hope that my colleagues can perhaps help with this, too, because it gets back to the very difficult problem of resources. We have talked about the delay in processing of various kinds of documents that INS needs to process, the delays that occur in applications and so on. There are also problems that result from a lack of resources on the Border Patrol side of things.

We have been adding the numbers of Border Patrol agents to our border with Mexico to great effect. It has been able to stem the tide of smuggling of contraband drugs, illegal immigrants and so on.

One of the things that has occurred as a result, though, is that we have closed down some offices in the interior. In my own State, in Phoenix, for example, there is no more uniformed Border Patrol.

The net result is that people who have come to the United States illegally, many of whom have been smuggled in by what at least the Mexican Americans call coyotes, are horribly mistreated. They are the subject of robbery, rape, and assault, kidnapping, and there is no way really to help these people or, even when they are discovered, to be able to send them back to their country of origin in a safe and humane way. There is no way to prevent felons from melding in with this group, including the very coyotes that bring them over and take advantage of them.

I am very glad that both Mexico and the Justice Department and local law enforcement have begun to focus on the arrest and—the tracking down and arrest and prosecution of these smugglers, these human smugglers, who mistreat people so badly. They take all of their money, mistreat them, and then basically turn them over to American law enforcement, which can't deal with them very effectively, because this is one way to get at the heart of the problem and in the meantime save a lot of people from some very difficult circumstances.

We will need to have more resources. When I mentioned this to the Attorney General, he said, well, does that mean we should take people from the border and bring them to the interior? Of course, that is just robbing Peter to pay Paul.

So I guess my plea to both my colleagues as well as you is that we, A, recognize the nature of this problem; B, the opportunities that it actually presents for us to do something worthwhile both in enforcement of law and helping people in a human way; and provide the resources necessary not just to put the people on the border to protect our borders, but also to provide what services are important and necessary in the interior of the States.

It is going to require more money. I don't expect you to comment or solve that problem today, except I am sure you will commit to look at it and do the best you can. But we also have an obligation up on this side of the dais to do the best we can in providing the resources for you to do your job.

That was more of a speech than a question, but if you would like to comment in any way, I would appreciate it.

Mr. ZIGLAR. Well, Senator, I am very aware of the issue you are talking about, and, in fact, fortunately, what you talked about, you and I have talked about.

The smuggling rings, the kind of people that are doing that, what they are doing to these innocent folks that are trying to get here is just despicable. And then, like you say, when they get here, we don't know what to do with them. It is clearly a very difficult problem. It is going to require more resources, and it is going to require a flexibility in the organization that will allow us to move our resources more readily to where we need them at a particular time.

I want to make sure that when we ask for resources up here, we are using the ones we already have most effectively. But I can tell you that I won't be reluctant, as you know, to come up and ask for resources. I have certainly done that as Sergeant at Arms in order to take us into the 20th century on technology up here. If you have a good reasoned approached to the situation, I find the Congress to be very willing to help resolve problems, and you can bet I will be up here talking with you about it.

Senator KYL. Thank you, Mr. Chairman.

Senator KENNEDY. Thank you very much.

Senator DeWine?

Senator DEWINE. Thank you, Mr. Chairman.

Jim, I am delighted with your comments about being concerned about children. You and I talked about this in the office the other day, and, you know, anecdotally, probably the worst stories we get are children placed in detention and what happens with them and how they are treated, how they are not treated.

One of the things I would like for you, if you could—not today, but I would like for you to look at is how much of this problem can administratively be corrected and how much really do you need legislation to correct. I think that is for this Congress something that we need to look at. I don't believe that the previous administration really got into it deep enough and exhausted their remedies, and I would like to see what could be done administratively, and then if we have to do additional things, then we should obviously do those as well.

Another problem that I have run into in trying to determine what is going on is trying to get statistics out of the INS. And they are horrible. And you just cannot make good policy judgments, this Congress can't, you can't as the upcoming head, without those statistics. And it's not just a question of keeping statistics for statistics purposes, but these are things that we really need to know. And I would be more than happy to share with you when we have more time specific examples of things that we tried to find out and we couldn't find out. We just have to know how it is operating to make those decisions.

And so I think when you look at the reforms that you are going to have to make, it seems to me that one of the things you need to do is to start to gather the facts, and the best way to gather the facts is to come up with better tracking systems.

Any comments on that statement?

Mr. ZIGLAR. A couple of things, Senator. One, the issue that you just brought up about how much can we do administratively is a very important issue to me. At the danger of saying something that maybe I will have to retract, I believe that an awful lot of the reform over at the INS can be done without coming to Congress asking for legislation, because I think we have the authority to reorganize the place and to undertake initiatives within the place without having Congress mandate exactly what the form of management structure ought to be.

I would just as soon try to do this in a rational way instead of having some Rube Goldberg kind of contortion on the organization, and that is what it looks like now. I mean, looking at the organizational chart, I still can't keep up with where everything goes. And that means that you don't have a very efficient place.

So I think we can do a lot of things without having to ask Congress to spend its time on legislation that will achieve the purposes that I have seen in the legislation that has been advanced in various fora here about the INS.

The other side that you are talking about, the statistics, I understand that, and one of the problems in gathering statistics is you have to have a way to compile them. You have got to have the place to put the data and then analyze it, and that is where the IT, or information technology, upgrades that we need to do will help us a lot by being able then to gather good information, put it in there, and then bring it to a central point so it makes some sense.

Senator DEWINE. Good. Thank you.

Thank you, Mr. Chairman.

Senator KENNEDY. Well, I think unless there are other questions, Mr. Ziglar, we want to thank you. I have been asked by the chairman of the committee to indicate that we would keep the record open for a week for questions, but there is desire for us to conclude this and pass this prior to the time of the recess. It is all of our intention to do it as early as possible. But since the hearing was on shorter notice, he had at least indicated that he wanted to give a chance for people that hadn't gotten to, to submit questions.

Senator BROWNBACK. Did the chairman indicate when he would hold the vote, the committee vote, by chance?

I think it is his desire that we are going to conclude it before the break.

Senator BROWNBACK. Good.

Senator KENNEDY. That is certainly what I would hope that we would do it as early as possible.

Senator BROWNBACK. Great. That would be excellent.

Senator KENNEDY. So we will process along those ways.

If there are questions—I have just a few which I will submit, but we will do it in a timely way and get all the material together and make every effort, and I am confident that we will act in the very, very near future.

Again, we thank you and congratulate you and wish you well, and I look forward to voting in support of your nomination.

The committee stands in recess.

Mr. ZIGLAR. Thank you, Mr. Chairman. It has been a pleasure.

[Whereupon, at 3:46 p.m., the committee was adjourned.]