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of Transportation
United States
Coast Guard



Commandant
United States Coast Guard

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DEPARTMENT OF TRANSPORTATION

U. S. COAST GUARD

STATEMENT OF REAR ADMIRAL WILLIAM P. LEAHY, JR

CHIEF, OFFICE OF LAW ENFORCEMENT AND DEFENSE OPERATIONS

ON CUBAN AND HAITIAN MIGRATION

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL LAW, IMMIGRATION, AND REFUGEES

COMMITTEE ON THE JUDICIARY

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, DC

NOVEMBER 20, 1991

Rear Admiral William P. Leahy, Jr.

Chief, Office of Law Enforcement

and Defense Operations

United States Coast Guard

Rear Admiral William P. Leahy, Jr. became Chief, Office of Law Enforcement and Defense Operations, United States Coast Guard Headquarters, Washington, DC in June 1991. As such, Admiral Leahy is responsible to the Commandant for establishing the program requirements for surface and aviation operations.

Prior to this assignment, Admiral Leahy was Commander, Joint Task Force Five, located in Alameda, California. This command's mission is to conduct operations to detect and monitor aircraft and surface vessels suspected of smuggling illegal drugs within the U.S. Pacific Command area of responsibility.

Rear Admiral Leahy has served aboard many vessels during his career including Coast Guard cutters MCCULLOCH, DUANE, CASTLE ROCK, RESOLUTE, SHERMAN, DALLAS, and COMANCHE. He served as Commanding Officer of cutters DECISIVE and GALLATIN.

His shore assignments include: Commanding Officer of the Long Range Aids to Navigation (LORAN) Station on Marcus Island; Commander, Coast Guard Group Buffalo, New York; Office of Search and Rescue, Washington, DC; Readiness Branch, Coast Guard Atlantic Area; and Commanding Officer of Vessel Traffic Service New York. Rear Admiral Leahy served two tours in Vietnam - first as Division Commander Division 13 in 1970, and later as Senior Coast Guard Officer in 1972. He also served as Chief, Operations Division, and Chief of Staff, Twelfth Coast Guard District in Alameda, California, and as Chief of Staff, Coast Guard Pacific Area Command located at Coast Guard Island.

Rear Admiral Leahy's awards include: Defense Superior Service Medal, the Legion of Merit with Gold Star, Bronze Star medal with combat "V" device, the Meritorious Service Medal with "O" device and Gold Star, the Coast Guard Commendation Medal, the U.S. Navy Commendation Medal with combat "V" device, the Combat Action Ribbon, and the Vietnam Service medal with four Bronze Stars. Rear Admiral Leahy is also authorized to wear the Cutterman Insignia.

Rear Admiral Leahy was born and raised in Worcester, Massachusetts. Upon graduation from Classical High School, he entered the U.S. Coast Guard Academy in New London, Connecticut and graduated in 1959.

Rear Admiral Leahy is married to the former Margaret P. Peirce of Stratham, New Hampshire. They have three children: Sarah, Mark and Matthew.

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GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE.
IT IS A PLEASURE TO APPEAR BEFORE YOU TODAY TO REPRESENT THE
COMMANDANT, ADMIRAL KIME, AND DISCUSS THE COAST GUARD'S MIGRANT
INTERDICTION PROGRAM.

THE COAST GUARD IS OUR NATION'S PRIMARY FEDERAL LAW
ENFORCEMENT AGENCY IN THE MARITIME ENVIRONMENT. COAST GUARD
MIGRANT INTERDICTION OPERATIONS ARE A RESULT OF THE PRESIDENTIAL
PROCLAMATION 4865 HIGH SEAS INTERDICTION OF ILLEGAL ALIENS AND
EXECUTIVE ORDER 12324 INTERDICTION OF ILLEGAL ALIENS, THAT WERE
BOTH ISSUED ON SEPTEMBER 29, 1981. THE EXECUTIVE ORDER DIRECTED
THE SECRETARY OF STATE TO ENTER INTO COOPERATIVE ARRANGEMENTS
WITH FOREIGN GOVERNMENTS FOR THE PURPOSE OF PREVENTING ILLEGAL
MIGRATION TO THE UNITED STATES BY SEA. THE EXECUTIVE ORDER ALSO
TASKED THE COAST GUARD WITH ENFORCING THIS DIRECTIVE THROUGH THE
INTERDICTION OF A CLASS OF "DEFINED VESSELS" CARRYING
UNDOCUMENTED ALIENS. VESSELS WITHIN THAT CLASS INCLUDE VESSELS
OF THE U.S., STATELESS VESSELS, AND VESSELS OF NATIONS WITH WHOM
THE U.S. HAS SPECIAL ARRANGEMENTS TO TAKE SUCH ACTIONS. FINALLY,
THE DEPARTMENT OF JUSTICE, IN CONSULTATION WITH THE SECRETARY OF
STATE AND THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST
GUARD IS OPERATING, WAS TASKED WITH ENSURING THAT THE U.S. MEETS

ITS INTERNATIONAL OBLIGATIONS CONCERNING THOSE WHO FLEE THEIR HOMELAND TO AVOID POLITICAL PERSECUTION.

IN IMPLEMENTING THE EXECUTIVE ORDER, THE COAST GUARD, ASSISTED BY IMMIGRATION AND NATURALIZATION SERVICE (I.N.S.) AGENTS AND INTERPRETERS, STOPS AND BOARDS "DEFINED VESSELS" WHEN THERE IS REASON TO BELIEVE SUCH VESSELS ARE ENGAGED IN THE TRANSPORTATION OF ILLEGAL ALIENS. A VESSEL AND ITS PASSENGERS ARE RETURNED TO THEIR POINT OF ORIGIN WHEN THERE IS REASON TO BELIEVE THERE HAS BEEN A VIOLATION OF EITHER U.S. OR FOREIGN IMMIGRATION LAWS.

SINCE 1981, THE COAST GUARD HAS INTERDICTED OVER 32,500 ILLEGAL ALIENS; WHILE THE VAST MAJORITY (OVER 25,000) HAVE BEEN HAITIAN, RECENT TRENDS HAVE SHOWN A DRAMATIC INCREASE IN BOTH DOMINICAN REPUBLIC AND CUBAN INTERDICTIONS.

CURRENTLY, HAITI IS THE ONLY NATION WITH WHICH THE U.S. HAS A MIGRANT INTERDICTION AGREEMENT. THE HAITIAN INTERDICTION AGREEMENT, WHICH WAS SIGNED ON SEPTEMBER 23, 1981, ALLOWS THE COAST GUARD TO BOARD HAITIAN FLAG VESSELS ON THE HIGH SEAS WHEN U.S. AUTHORITIES BELIEVE THE VESSEL MAY BE INVOLVED IN THE IRREGULAR CARRIAGE OF PASSENGERS FROM HAITI. WHEN INQUIRIES SUGGEST AN OFFENSE AGAINST EITHER U.S. OR HAITIAN LAWS, THE AGREEMENT CONSTITUTES CONSENT BY THE GOVERNMENT OF HAITI TO DETENTION OF THEIR VESSEL AND PASSENGERS, PENDING THE OUTCOME OF I.N.S. INTERVIEWS TO DETERMINE PASSENGER STATUS. DURING INDIVIDUAL INTERVIEWS, THE I.N.S. AGENTS ATTEMPT TO DETERMINE WHETHER PASSENGERS ARE ECONOMIC MIGRANTS OR PERSONS WITH A VALID CLAIM OF POLITICAL ASYLUM. PRIOR TO THE SEPTEMBER 1991 COUP IN

HAITI, REPATRIATION OF ECONOMIC MIGRANTS NOT QUALIFYING FOR REFUGEE STATUS, AS WELL AS THE DELIVERY TO THE U.S. OF PERSONS REQUIRING FURTHER SCREENING, HAS OCCURRED AS ROUTINE PROCEDURE UNDER THE BILATERAL AGREEMENT.

THE COAST GUARD MIGRANT INTERDICTION OPERATION IS VERY MUCH A HUMANITARIAN AS WELL AS A LAW ENFORCEMENT MISSION. MIGRANTS TAKE GREAT RISKS AND ENDURE SIGNIFICANT HARDSHIPS IN THEIR ATTEMPTS TO FLEE THEIR COUNTRY AND TRAVEL TO THE U.S. IN MOST CASES, MIGRANT VESSELS INTERDICTIONED AT SEA ARE OVERLOADED, UNSEAWORTHY, LACKING BASIC SAFETY EQUIPMENT, AND OPERATED BY INEXPERIENCED SAILORS. A GREAT NUMBER OF MIGRANTS THAT HAVE BEEN RETURNED TO HAITI BY THE COAST GUARD WOULD MOST LIKELY HAVE PERISHED AT SEA HAD THEY NOT BEEN INTERDICTIONED.

NORMAL COAST GUARD MIGRANT INTERDICTION OPERATIONS CONSIST OF ONE MEDIUM ENDURANCE CUTTER, TYPICALLY EQUIPPED WITH A HELICOPTER, PATROLLING IN THE VICINITY OF THE WINDWARD PASSAGE BETWEEN CUBA AND HAITI, WITH AN I.N.S. INTERVIEW TEAM ABOARD. THE CUTTER RECEIVES SURVEILLANCE SUPPORT FROM A COAST GUARD AVIATION DETACHMENT STAGED AT GUANTANAMO BAY, CUBA. OUR PRESENCE IN THE WINDWARD PASS DEPARTURE ZONE PROVIDES BOTH A CRITICAL INTERDICTION PRESENCE AND AN IMPORTANT SEARCH AND RESCUE RESPONSE CAPABILITY. IN ADDITION TO BEING EXTREMELY UNSAFE, THE HAITIAN VESSELS WHICH HAVE BEEN INTERDICTIONED INVARIABLY LACK SUFFICIENT FOOD AND WATER. THESE REALITIES UNDERSCORE THE NECESSITY OF APPROACHING MIGRANT INTERDICTION AS A POTENTIAL SEARCH AND RESCUE CASE FIRST, LEAVING THE ISSUE OF STATUS AND DISPOSITION OF PASSENGERS TO BE RESOLVED LATER. A COAST GUARD LIAISON OFFICER

STATIONED IN PORT AU PRINCE, HAITI, COORDINATES WITH THE HAITIAN GOVERNMENT DURING REPATRIATION OF INTERDICTED HAITIAN MIGRANTS, AND ENSURES THAT THE INTERNATIONAL COMMITTEE OF THE RED CROSS IS NOTIFIED TO MEET THE RETURNING MIGRANTS UPON ARRIVAL.

THE COAST GUARD DOES NOT MAKE DETERMINATIONS AS TO THE STATUS OF MIGRANTS ENCOUNTERED ON THE HIGH SEAS. I.N.S. AGENTS INTERVIEW ALL PERSONS INTERCEPTED BY THE COAST GUARD AND DETERMINE WHETHER MIGRANTS QUALIFY FOR REFUGEE STATUS OR ARE ECONOMIC MIGRANTS IN VIOLATION OF IMMIGRATION LAWS. ALL COAST GUARD CUTTERS ON DEDICATED MIGRANT INTERDICTION PATROLS CARRY AN I.N.S. AGENT AND AN INTERPRETER. ALSO, I.N.S. AND COAST GUARD PERSONNEL ARE COLLOCATED IN AN OFFICE IN MIAMI, FLORIDA, FOR EFFICIENT COORDINATION BETWEEN THE AGENCIES. INCIDENTS INVOLVING ENCOUNTERS WITH MIGRANTS AT SEA BY CUTTERS NOT CARRYING I.N.S. AGENTS ARE COORDINATED THROUGH THIS OFFICE. WHERE POSSIBLE, I.N.S. AGENTS ARE TRANSPORTED TO THE CUTTER TO DETERMINE THE STATUS OF THOSE INTERDICTED. IN CIRCUMSTANCES WHERE IT IS NOT POSSIBLE TO DELIVER AN I.N.S. AGENT TO THE CUTTER, THE MIGRANTS ARE TURNED OVER TO AGENTS UPON ARRIVAL IN A U.S. PORT. THE COAST GUARD DOES NOT REPATRIATE HAITIAN MIGRANTS WHO HAVE NOT BEEN INTERVIEWED BY AN I.N.S. AGENT, OR WHO ARE INTERDICTED WITHIN THE U.S. TERRITORIAL SEAS. ADDITIONALLY, THOSE HAVING EMERGENCY MEDICAL CONDITIONS THAT CANNOT BE ADEQUATELY TREATED ON SCENE BY COAST GUARD MEDICAL PERSONNEL ARE EVACUATED ASHORE FOR FURTHER CARE.

THERE IS NO MIGRANT INTERDICTION AGREEMENT WITH THE DOMINICAN REPUBLIC. IN THE PAST TWO YEARS, HOWEVER, THERE HAVE

BEEN INCREASING NUMBERS OF DOMINICAN REPUBLIC NATIONALS ATTEMPTING TO MAKE THE CROSSING OF THE MONA PASSAGE TO REACH PUERTO RICO. AS OF NOVEMBER 10, COAST GUARD VESSELS HAVE INTERCEPTED 1,034 DOMINICAN MIGRANTS IN 1991. OUR UNITS OPERATING IN THIS AREA ROUTINELY ENCOUNTER SMALL DOMINICAN REPUBLIC VESSELS WHICH ARE OFTEN UNSEAWORTHY AND OVERLOADED. IN ALL CASES TO DATE, PASSENGERS HAVE ACCEPTED REMOVAL TO THE SAFETY OF THE COAST GUARD CUTTER. I.N.S. TEAMS HAVE BEEN FLOWN TO THE SCENE TO CONDUCT ASYLUM SCREENING INTERVIEWS. A SPECIAL ARRANGEMENT FOR EACH CASE HAS THEN BEEN MADE WITH THE GOVERNMENT OF THE DOMINICAN REPUBLIC FOR THOSE QUALIFYING FOR REPATRIATION; TO DATE, THAT GOVERNMENT HAS BEEN RESPONSIVE IN ARRANGING FOR PROMPT RETURN. IN VIEW OF THE INCREASE IN CASES INVOLVING DOMINICANS, THE COAST GUARD AND I.N.S. JOINTLY REQUESTED THE DEPARTMENT OF STATE, IN ACCORDANCE WITH THE EXECUTIVE ORDER ON MIGRANT INTERDICTION, TO PURSUE AN AGREEMENT WITH THE DOMINICAN REPUBLIC SIMILAR TO THE ONE THE U.S. HAS WITH HAITI.

THE NUMBER OF CUBANS ARRIVING IN FLORIDA OR ASSISTED BY THE COAST GUARD HAS ALSO INCREASED DRAMATICALLY. THIS CALENDAR YEAR WE HAVE INTERCEPTED 1,796 CUBANS. THIS NUMBER IS GREATER THAN THE NUMBER OF CUBANS INTERCEPTED IN THE PREVIOUS EIGHT YEARS COMBINED. THIS INCREASE IS GENERALLY ATTRIBUTED TO THE DETERIORATING ECONOMIC CONDITIONS IN CUBA COUPLED, AT TIMES, WITH LAX CUBAN ENFORCEMENT PATROLS. WE INTERCEPT A LARGE NUMBER OF THESE PEOPLE BECAUSE OF THE CLOSE PROXIMITY OF CUBA TO FLORIDA. WHILE SOME OF THOSE MAKING THE TRANSIT FROM CUBA DO SO IN VARIOUS SMALL FISHING VESSELS AND PLEASURE CRAFT, MANY OTHERS CONTINUE TO

ATTEMPT THIS PERILOUS TRANSIT ON RAFTS, INNER TUBES, AND OTHER MAKE-SHIFT CONVEYANCES. THE INDIVIDUALS MAKING SUCH TRANSITS ARE AT THE MERCY OF THE WINDS AND SEA CURRENTS. BASED ON THE PREVALENCE OF DEHYDRATION AND SHARK BITES AMONG THOSE WE HAVE INTERCEPTED, IT IS LIKELY THAT THERE ARE MANY RAFTERS WHO PERISH IN THEIR ATTEMPT TO REACH THE U.S. COAST GUARD UNITS ENCOUNTER THESE CASES WHILE CONDUCTING ROUTINE OPERATIONS IN THE FLORIDA STRAITS. WHEN WE INTERDICT CUBANS ENROUTE THE UNITED STATES, OUR PROCEDURE IS TO DELIVER THEM TO AN APPROPRIATE U.S. PORT AND TURN THEM OVER TO THE I.N.S. FOR FURTHER PROCESSING. IN THE PAST YEAR, DUE TO THE INCREASED POTENTIAL FOR LOSS OF LIFE IN THIS AREA, WE HAVE INCREASED BOTH OUR AIRCRAFT AND VESSEL PATROL PRESENCE.

THE COAST GUARD WILL CONTINUE TO INTERDICT MIGRANTS OF ALL NATIONALITIES WHO ATTEMPT TO ILLEGALLY ENTER THE UNITED STATES BY SEA. EACH PERSON WILL BE TREATED WITH PROPER RESPECT AND CARE -- THE SAFETY OF EVERYONE INVOLVED IN THIS MISSION WILL ALWAYS BE OUR HIGHEST PRIORITY.

THANK YOU MR. CHAIRMAN. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.