

United States Senate

WASHINGTON, DC 20510-4502

December 19, 2007

The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

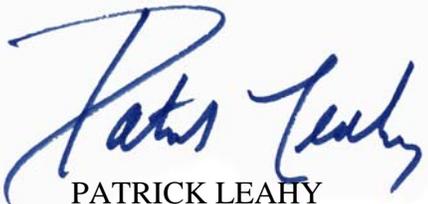
Dear Secretary Chertoff:

I understand that the U.S. Department of Homeland Security intends to end its long established practice of accepting oral declarations of citizenship at our nation's ports of entry on January 31, 2008.

The Administration's cavalier approach to the expressed will of Congress on the Western Hemisphere Travel Initiative (WHTI) in the past – most recently concerning the WHTI-related provisions in the Department's FY 2007 appropriations bill – have led to even stronger provisions in the bill containing the Department's appropriations for FY 2008. Given the extremely poor record of implementing the WHTI at virtually every stage, the Administration's intentions to unilaterally impose additional requirements at our borders early in the coming year similarly have every indication of being unwise, ill considered, and counterproductive.

The President's signature on the Omnibus Appropriations Bill will delay the implementation date for the Department's still unfinished WHTI rule until June 1, 2009, at the earliest. Yet the Department has announced publicly that it intends to require proof of citizenship documents, such as birth certificates, in order for entry into the United States beginning on January 31, 2008. I ask that you please provide me with the legal basis for this decision, including citations of specific authority the Department deems it has to end oral declarations prior to the date before which Congress has determined WHTI implementation shall not occur.

Sincerely,



PATRICK LEAHY
United States Senator