Tighten America's Borders

By Steven A. Cam[arota]

All 19 perpetrators of the horrific attacks of September 11 were foreign citizens who had entered the United States as students, business travelers, or tourists. Clearly, changes in our immigration procedures, including temporary and permanent visa issuance, border control, and efforts to deal with illegal immigration, are critical to reducing the chances of further attacks. In the new kind of war we now face, the primary weapons are the terrorists themselves, so keeping them out or apprehending them after they get in is going to be an indispensable element of victory. The simple fact is that if the terrorists can't enter the country, they won't be able to commit a terror attack on American soil.

Most Americans understand that our border is a critical tool for protecting America's national interests. A Zogby poll taken in the wake of the attacks found that the overwhelming majority of Americans, across all races, regions, incomes, and political beliefs, blamed lax border control and screening of immigrants for contributing to the attacks. There can be little doubt that greatly stepped-up efforts to control the border would be met with overwhelming support by the American people. Unfortunately a small but influential portion of America's leadership has come to see borders as simply an obstacle to be overcome by travelers and businesses. This attitude has to change.

Take Visa Screening More Seriously

Entry to the United States is not a right but a privilege, granted exclusively at our discretion. For the most part that discretion is exercised by members of the State Department's Bureau of Consular Affairs, often referred to as the Consular Corps. Among their other duties, these men and women make the all-important decisions about who gets a visa to enter the United States, making them the forward guard of homeland defense—America's other Border Patrol. Unfortunately, the Consular Corps badly needs more manpower and improved tools in order to fulfill these responsibilities properly.

Some changed procedures and attitudes are also required. It must be reasserted that the American people, and not visa applicants, are the customer. The Consular Corps has adopted a cul-ture of service rather than skepticism, in which visa officers feel it is as important to please visa applicants as it is to screen them thoroughly. There has been pressure to speed processing and to approve marginal applications.

Responsibility for issuing visas fell to the State Department because it was the only agency with offices overseas, where the demand was. But it is difficult to imagine two less complementary functions than diplomacy and enforcement of immigration laws. The diplomat's goal of promoting cooperation and compromise is sometimes in conflict with the gatekeeper's goal of exposing fraud and ensuring compliance with the law. This systemic mismatch is likely to persist regardless of management changes and may only be remedied by transferring all visa-issuing responsibilities overseas to the U.S. Immigration and Naturalization Service, or perhaps a new "Visa Corps" answerable to the U.S. head of Homeland Security. Visa officers need to be highly trained professionals, specializing in their function, respected by their agency, and insulated from political pressure.

Administrative changes won't matter much, of course, if there aren't enough people to handle the work. The current Bureau of Consular Affairs has only 900 officers overseas, assisted by 2,500 foreign nationals, yet the demand for visas to visit the United States is enormous. Last year, the State Department issued 7.1 million non-immigrant visas, more than triple the number issued 30 years ago. So consular officers often have no more than a few minutes to assess each application.

Because of this ballooning workload, all junior Foreign Service officers are required to adjudicate visa applications for a year or more. That has turned this profound responsibility into a dreaded rite of passage for new Foreign Service officers, and visa responsibilities are held in low regard institutionally.

We also need tougher standards. For instance, visa officers should be instructed to deny entry permits to people who are clearly enemies of America, even if they haven't actually committed a terrorist act. Currently, the law makes it extremely difficult to turn down an applicant because of his "beliefs, statements, or

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associations, if such beliefs, statements, or associations would be lawful within the United States." At present, keeping out someone who distributes Osama bin Laden videos, or even a terrorist sympathizer who publicly organizes demonstrations calling for the destruction of America, requires the secretary of state to personally make the decision and then report the case to Congress. As a result, few if any individuals are excluded based on their anti-American beliefs.

Individuals expressing strong anti-American views should be added to the "watch list" used to deny visas. Some may object to the idea of excluding people based on their political beliefs, but being denied a visa does not prevent a person from expressing his views, it simply prevents him from living in this country.

Additionally, citizens of countries with many terrorists or terrorist sympathizers (Egypt and Saudi Arabia, for example) should have to pass a much higher bar for visa issuance, including a thorough security clearance (working with local authorities). No visas should be issued to citizens of Middle Eastern countries at U.S. consulates outside their home countries—an American visa officer in Germany is less likely to be able to identify a problem applicant from Saudi Arabia than his counterpart based in Saudi Arabia. There is nothing unusual about country-specific variations in visa policies. A citizen of Poland currently needs a visa to vacation in the United States, while a Japanese national does not.

Control Our Borders

The next layer of protection is the border itself, which has two elements: 1) ports of entry where travelers enter the United States, and 2) the stretches between those entry points. The first are staffed by immigration and Customs inspectors, the second, are monitored by the Border Patrol and the Coast Guard.

We need a greater investment of manpower and infrastructure at each of these levels—many more inspectors and more inspection lanes at crossing points. Immigrant smuggling was almost completely shut down when security was tightened after the September 11 attacks. Continuing this more intensive checking, using additional inspectors to avoid excessive delays, can yield much better security.

We should have learned our lesson in December 1999, when Ahmed Ressam was stopped by a border inspector in Washington state. He had trained at bin Laden's terrorist camps in Afghanistan and had a car full of explosives with which he was going to disrupt millennium celebrations in Seattle and blow up Los Angeles International Airport. He had entered Canada with a forged passport, requested political asylum, and been released into the Canadian population.

As part of improved border control we need an accurate system for tracking the U.S. entries and exits of foreigners. There is currently no mechanism for tracking land departures, and the system for tracking arrivals and departures by air is completely broken. We have no way of knowing whether foreign visitors admitted on visas actually leave the country when their visas expire. There are an estimated 3 to 4 million people living in the

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United States who entered the country legally but never left, accounting for perhaps 40 percent of the total illegal-alien population, but we have no way of picking them out.

In 1994, the bipartisan U.S. Commission on Immigration Reform, headed by the late Barbara Jordan, called for computerized tracking of all arrivals and departures by land, sea, and air (including Canadians, who don't need visas). In the 1996 immigration law, Congress directed the INS to develop such a system, but this provision was postponed and in 2000 effectively shelved, partly at the behest of businesses in border states. The concern was that the system would create interminable traffic jams. A technologically modern system with an adequate number of scanners should not significantly impede traffic at all, however. This, of course, would require greatly increased investment in equipment and personnel at our borders.

A tightly monitored entry-exit system would be of limited value if it continues to be easy to cross our borders illegally. A serious attempt has been made in recent years to expand the Border Patrol, although the total number of agents is still only about 9,000. It may be a reasonable long-term goal to triple that number. Recent patrol improvements along our Mexican border, which have reduced illegal crossings, need to be extended and transferred to the Canadian border as well— where terrorists, for a variety of reasons, are more likely to cross.
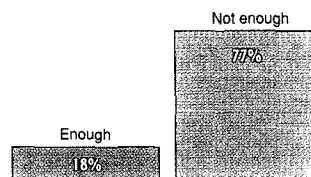
Enforce Immigration Laws

So long as we continue to neglect enforcement of immigration law and allow millions of illegals to live in our country, we will expose our country to very significant terrorist threats. Fortunately there are a number of steps we can take.

Tracking foreign residents granted admission to the U.S. for extended periods is quite possible with the assistance of the American institution responsible for their whereabouts. At least one of the

Too Loose, They Say

"Do you think the government is doing enough or not enough to control the border and to screen people allowed into the country?"

Not enough 77%
Enough 18%

"Enforcement of immigration laws and the border has been too lax and this made it easier for the terrorists to enter the country."

Agree 85%
Disagree 13%
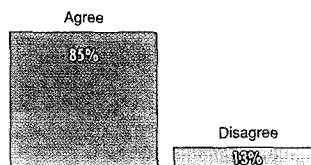
Source: Zogby Poll commissioned by the Center for Immigration Studies; questions asked September 15-16, 2001.

September 11 terrorists entered the country on a student visa, yet never showed up for a class, without triggering any concern anywhere. This should not be possible.

The 1996 immigration law mandated that the INS develop a computerized tracking system for foreign students, to replace the current paper-based, manual system. Unfortunately, the system has not gone beyond the pilot stage, and is only being tested in a couple of dozen southeastern schools, largely because of opposition from colleges.

The nature of a visiting student's studies should also be a legitimate matter of concern. We currently make little or no effort to prevent students from terrorism-sponsoring states from studying subjects that could be used in weapons programs. A lack of monitoring allows students to declare their intention to study an innocuous social science, for instance, but then change to nuclear engineering or microbiology without anyone being alerted to this fact.

The INS tracking system now in development should be expanded to cover foreigners working in the U.S. as well as students. Biometric identifiers like a fingerprint scanning system are critical, because we know Middle East terrorists (and other unwanted visitors) now routinely enter this country using aliases and forged identity documents (see next article)—as several of the September 11 hijackers did. Biometric tracking of foreigners should be used at each border crossing, each change in school or work status, each arrest, each application for government benefits. This tracking file should be accessible to law enforcement authorities.

Civil libertarians may howl. But remember, these are not American citizens entitled to full American freedoms; they are guests from overseas whose presence here is a privilege. Americans will have to wait in longer lines and endure tighter checks from now on; it is not too much to ask foreign citizens to do the same. The simple truth is, there is no alternative to improved monitoring if we want to keep admitting large numbers of foreign citizens while protecting national security as well.

Some may object to increased screening, law enforcement, and border control on the grounds that only a fraction of all immigrants and visitors who come to the United States each year break laws or represent a threat. We are, some would say, looking for a needle in a haystack. But then *all* security measures are directed at small numbers of lawbreakers within large groups. Millions of people boarding airplanes must pass through metal detectors and have their baggage X-rayed in a search for needles in the haystack. It is the same with screening foreign visitors.

To be sure, no reforms will catch all those who mean us harm. But we can make enormous improvements. If only one of the people involved in the September 11 plot had been identified by a consular officer, or when he entered the United States, or when his visa expired, the entire conspiracy might have been uncovered. Only a well-funded and well-run immigration system will be able to put to use the new information that will result from improved intelligence gathering over coming years. The different elements in national security all interconnect. Today's antiquated system for controlling our borders is one of our weakest links.

They're Coming to Our House

By Steven Emerson

Most Americans don't realize that the entire spectrum of Islamic terrorist groups now operates on American soil, including Hamas, Hezbollah, the Algerian Armed Islamic Group, the Egyptian al-Gamat al-Islamiya, the Palestinian Islamic Jihad, the Islamic Liberation Party, and Osama bin Laden's al-Qaeda. Immigrants and visitors have come to our shores, legally and illegally, to set up fundraising operations, political headquarters, military recruitment, and sometimes even command and control centers for each of these organizations.

Multiple factors attract these groups to America:
- our freedoms of religion and speech
- the ease with which our borders can be penetrated
- loopholes in our immigration procedures
- legal limitations which prevent agencies like the Immigration and Naturalization Service and the Customs Service from working closely with FBI counter-terrorism officials
- easy fundraising opportunities
- increasing cross-fertilization among different Islamic terrorist groups in the U.S.
- access to supporters among Muslim American immigrants
- easy availability of student visas even in countries supporting terrorism
- failures by universities to keep track of foreign students and their spouses
- protections afforded by specially created educational programs in areas like "Islamic studies"
- ease of visa fraud and the invention of false credentials ranging from passports to driver's licenses to credit cards

Terrorists will gravitate to those areas that give them the greatest freedom to maneuver, and the U.S. and Canadian landscapes have thus far been very comfortable. The list of major international militants allowed to enter the United States in recent years—some of them even granted permanent residency or citizenship—is nothing less than staggering. The arrivals include:
- Ayman Zawahiri, lieutenant to Osama bin Laden, leader of the Egyptian Al-Gihad organization, and convicted conspirator in the assassination of Egyptian President Anwar Sadat
- Ali Mohammed, a top lieutenant to Osama bin Laden (who enrolled as a Special Forces sergeant at Fort Bragg)
- Wadih el Hage, secretary to Osama bin Laden
- Ramzi Yousef, the top organizer of the World Trade Center bombing
- Sheikh Omar Abdul Rahman, head of the Egyptian Al-Gamat Al-Islamiya, and convicted leader of plot to bomb U.S. landmarks, bridges, and tunnels in New York City
- Musa Abu Marzook, one of the top three officials of Hamas (he founded a "think tank" in Chicago and Virginia)
- Ramadan Abdullah Shallah, head of the Palestinian Islamic Jihad (who served as a professor at the University of South Florida in Tampa)

- Sheikh Abdel Aziz Odeh, spiritual leader of the Palestinian Islamic Jihad and unindicted co-conspirator in the World Trade Center bombing (who visited the United States multiple times for fundraising and political recruitment without any knowledge by the INS)
- Leith Shbeilat, a militant Islamic leader implicated in an assassination plot against Jordan's King Hussein
- Khalid Mishal, a top leader of Hamas, who, in his speeches in the United States, has called for stabbings of enemies
- Kamal Hilbawi, a spokesman for the Muslim Brotherhood, who has called for attacks on American targets and who has encouraged suicide bombings
- Yusef Al-Qaradawi, a leader of the Muslim Brotherhood and active supporter of Hamas and other violent groups, who has called for suicide bombings for and taking over the United States
- Qazi Hussein Ahmed, leader of Pakistani Jamaat-e-Islami, a militant group that supports violent *jihad*
- Wagdi Ghuniem, a militant Islamic cleric from Egypt who, on one of his recent visits to the U.S. was barred from entering Canada because of his terrorist affiliations and sent back to the United States, where he continued his tour exhorting Islamic groups to carry out *jihad*.

Foreign nationals who are terrorist operatives routinely use false identity documents to enter the U.S. illegally and/or remain here once they have entered. The ability of Islamic Jihad leader Abdel Aziz Odeh to enter the U.S. repeatedly without leaving a record under his real name is just one of many examples.

Other times, militants exploit due process procedures we have foolishly allowed to grow within our immigration law, despite the fact that the subjects involved are not U.S. citizens. Ghazi Ibrahim Abu Mezer, for example, who was arrested in 1997 for a plot to bomb the New York City subway system, had been apprehended by the INS three times in the 13 months prior to his conspiracy arrest for illegally entering the U.S. from Canada. The INS had begun deportation proceedings against him, but he was free on bail (and had filed a request for political asylum based on his fear that the Israeli government would arrest him for membership in Hamas if he was deported) while he worked on his subway plot.

All one has to do is show up at a U.S. port of entry, even without documents, utter the two magic words "political asylum" accompanied by any moderately truthful sounding story, and one is likely to be processed in—at least temporarily. If a name (real or false) does not appear on any of the watch lists, and the applicant merely has an alleged "friend" to stay with in the U.S., then parole from detention is likely. Of course, terrorist aliens so released seldom show up for later hearings. Other immigration schemes—marriage fraud, family relation fraud, work visa fraud, and religious worker fraud, to mention a few, have also been used by Islamic militants to gain entry to this country.

Many times, Islamic militants will come to the U.S. openly. In certain cases, Islamic "think tanks" have sponsored them for work visas. Shorter U.S. visits have been made by many Islamic militants with the official purpose of appearing at a religious-based conference in the U.S. attended primarily by American Muslims. The real rationale for these visits is to recruit new members of militant organizations; facilitate fundraising for their activities; coordinate political and even military strategies

with other militants; indoctrinate new "foot soldiers"; and even participate in terrorist training sessions.

During these conferences, it is not uncommon to hear Islamic militants praise terrorists and attack the United States. These incendiary lectures, almost invariably in Arabic, are not illegal, and federal law enforcement agents are largely prohibited from attending the conferences because of restrictions imposed by the attorney general guidelines against any surveillance of religious groups unless there is ironclad evidence ahead of time that a crime or a conspiracy to commit a crime will take place. Of course, absent direct surveillance, it is almost impossible to obtain such evidence—which creates a Catch-22 conundrum.

In recent years, liberal editorialists and members of Congress have tried to block the use of classified law enforcement evidence in immigration proceedings which might prevent such individuals from entering the U.S. This is shortsighted. What opponents of classified evidence forget is that immigration proceedings are administrative—not criminal—in nature, and that the persons in question are foreigners, not citizens. For both reasons, we need not be so fastidious about extending civil liberties privileges. Besides, any aliens detained in such hearings hold their own jail keys—all they have to do is agree to return to their country of origin and they can go free.

Unfortunately, the critical role played by the Immigration and Naturalization Service in keeping America safe from terrorists has not been recognized by many American leaders—or even by INS managers themselves. More attention to this important mission, and more support for those carrying it out, is badly needed.

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This is adapted from terrorism expert Steven Emerson's testimony to a January 2000 Congressional hearing on terrorism and immigration policy.

By Deroy Murdock

Walking The Tightrope

To Thwart Overseas Enemies

A French stuntman once traversed a tightrope between the two World Trade Center Towers. Now Uncle Sam must conduct his own tightrope walk. He must avenge the September 11 massacre and prevent another assault from ever happening again. Yet he must do so without letting the scope of police powers or the size of government bloat excessively—as often happens in times of strife. Maintaining a balance between security and liberty is essential, and avoiding a stumble will require unparalleled discipline by both the White House and Capitol Hill.

The meticulously scripted terrorist attacks on New York and Washington were quickly followed by calls for stronger federal police powers. The total surprise, sheer audacity, and lethal results of this unprecedented onslaught made enhanced federal surveillance and prosecutorial tools tough to resist. In fact, the Senate passed the Bush administration's plan after barely half an hour of debate.

In the House, though, an unlikely alliance of conservative Republicans and liberal Democrats grabbed the emergency brake before Big Brother's bandwagon could leave the driveway. The House Judiciary Committee unanimously scaled back an administration request for powers to detain suspicious immigrants indefinitely. Instead, they will be able to be held for seven days, after which they must be released, deported, or indicted. Without a search warrant, police may read the origins and destinations of a suspect's e-mails, but not the "content," as the Department of Justice had hoped. The DoJ also wanted to permit criminal investigators to view a suspect's tax records. The House limited that new authority to terrorism cases. At this writing, negotiators are trying to reconcile the more restrictive House bill with the more expansive Senate measure. Thus far, things seem to be moving the House's way.

The frightening reality is that there likely will be more attacks on America as the War on Terror unfolds. New acts of mass murder may prompt additional proposals that restrict our personal freedoms. How might we assess the long-term wisdom of such policies? Three principles may help assure that any new measures oppress terrorists rather than American citizens.

First, expanded police powers should be directed at suspected terrorists, not the American people in general. Non-violent offenders should not be prosecuted as robustly as those who detonate office buildings.

Second, domestic surveillance operations should always require court orders. While these tend to be granted almost automatically, the fact that two branches of government must cooperate before anyone in this country has his phone or computer tapped should frustrate overzealous or malicious officials.

Third, all new powers granted in the War on Terror should be subject to "sunset" provisions. This would require each Congress to review and reauthorize such laws. Those that proved helpful and unproblematic could be renewed. Those that backfired could be expunged from the U.S. Code. This would give Congress regular opportunities to modify or remove laws if they were abused by the Bush administration or some future government (e.g. the Hillary Clinton administration or Attorney General Maxine Waters). Sunset clauses also would make the balance between freedom and security an issue in congressional elections.

On the whole, the law enforcement reforms adopted after September 11 have been fairly sensible. But up on his tightrope, Uncle Sam is being buffeted severely by the winds of government growth. He had better hold on for dear life.

No one would argue against the $40 billion in emergency funding that Congress approved shortly after terror struck. These funds—to boost America's defenses and rebuild the attacked areas—are for precisely the objectives for which a limited government is constituted.

Alas, that's only where the spending began. The fatal blasts blew open the so-called Social Security "lock box," and triggered

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