The Five Years War:

Public Safety vs. Special Interests

The Fifth Annual Special Report by
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■ EXECUTIVE SUMMARY

On the fifth anniversary of the tragic assassination of nearly 3,000 Americans and foreign residents in al-Qaeda-sponsored terrorist attacks on America's homeland, the nation is at a crossroads. One avenue leads towards a continued process of greater control over illegal entry into the country and greater ability to know who is staying illegally in the country after a legal entry. The other avenue leads to continued lax standards on screening of international travelers and more easily penetrated borders.

The proponents of both paths claim to be pursuing the need to achieve greater national security. Unfortunately, the consensus among all experts on national security, whether in government, academia or think tanks is that — five years after the nation's vulnerability was so appallingly demonstrated — we are still far from having control over our borders and from knowing who may be in the country plotting the next terrorist attack. This paper analyzes the alternative approaches of the competing camps, explores whether the claims make sense, and notes how those making the claims may stand to benefit from the agenda they advocate.

There is no question that the country remains vulnerable to further terrorist attacks despite corrective measures to identify and deny visas to potential terrorists. Testimony from experts on security issues have made that point at the series of hearings conducted across the country in the past two months.[1] Our greatest vulnerability lies in the continuing likelihood of intending terrorists being able to enter the country illegally, or legally with fake documents, and avoid apprehension as they obtain false U.S. documents and blend into the enormous illegal alien communities across the country.

We remain at risk of pursuing the wrong course of action. Opposition to border-control policies — that was silenced by the 9/11 attacks — is again surfacing in opposition to continuing efforts to curtail the ability of international terrorists to exploit the remaining loopholes in our policy and enforcement operations. The globalists, who include business interests as well as ideologues — who have found support from ethnic advocacy groups as well as the Bush Administration — are working to thwart greater security precautions on arriving international travelers.

A key issue remains the need to gain greater control over the border by deterring illegal immigration. This requires turning off the job magnet that attracts most illegal migrants. This is also critical to diminishing the operations of alien smugglers, who can facilitate the entry of terrorists. Progress on this objective requires final Congressional action along the lines passed by the House of Representatives in December (H.R. 4437) and a White House committed to its implementation.

We are fighting the battle to keep out terrorists with one arm tied behind our back as long as we exempt foreign travelers from countries that host Islamic jihadists from the visa screening process. This crippling of our counter-terrorism effort could become even worse given current aggressive lobbying to expand the Visa Waiver Program (VWP) to a number of additional countries, including Bulgaria that has a large Islamic population. The argument is that it is discriminatory to waive visas for some friendly countries and not others such as newly admitted

> *"If illicit organizations can bring in tons of narcotics through this region and work a distribution network that spans the entire country, then they can bring in the resources for terrorism as well. If illegal aliens can be smuggled through here in truck loads, then terrorist organizations can also covertly smuggle the people to carry out their plans."*
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> —El Paso Sheriff Leo Samaniego, Chairman, Texas Border Sheriffs' Coalition, in Testimony to the House Judiciary Committee, August 17, 2006

members of NATO, like Bulgaria — including ones that have troops in Iraq. This will continue to be a problem until such time as the VWP is terminated.

Finally, full implementation the US-VISIT entry-exit database on foreign travelers is still lacking. Progress in adopting the legislative mandate to electronically collect data on all foreign travelers is inching slowly ahead, but furious lobbying by the travel industry and other business interests is aimed at heading off full implementation for land ports of entry. Unless the system is made comprehensive, it will leave a gaping loophole that can be used by terrorist. Similarly, new passport requirements for foreign and U.S. travelers and secure state-issued identity documents are mandated by law, but not yet implemented. They too are opposed by many special interests and can still be prevented if security considerations are overridden.

■ BACKGROUND

The country has not forgotten the 9/11 attacks. They are indelibly etched in the national consciousness. That, at least, is one difference from the first terrorist attack on the World Trade Center in February 1993, which was quickly largely forgotten. But, revisiting the precursors to the 2001 devastation that were ignored prompts the question; will we again fail to adopt needed security measures as we did after the 1993 attack?

That attack was not as catastrophic as the 2001 attack simply because it failed in its objective to topple its targets. Yet it caused six deaths, more than a thousand wounded, and mass destruction amounting to half a billion dollars. The carnage was a clear message that America was under attack by jihadist Moslem fanatics.

As the country tragically learned in the aftermath of the September 11, 2001 attacks, U.S. consulates had issued visas to 19 young Moslem males involved in an al-Qaeda plot to be carried out after extensive planning in the United States. None of the participants were in any security alert database on the basis of overseas intelligence collection that would have raised alarms when they applied for visas or when they applied for entry upon arrival in the U.S. Sloppy administration of the data collection system for visa applicants allowed the visas to be issued with absent, incorrect, or misleading information. Immigration inspectors similarly admitted all but one of them, some of them multiple times, despite irregularities in their visa status.

No foreign traveler automated data collection system had been set up — despite the mandate to do so in Section 110 of the 1996 Illegal Immigration and Immigrant Responsibility Act — to collect information on the entry of these intending terrorists so that a baseline would be created to establish whether they left when required to do so. In actuality, several of the 19 participants in the four coordinated attacks had overstayed their visas or had otherwise violated their status by the time of the attacks.

Foreign intelligence information which should have identified some of the terrorists as involved in plotting an attack in the United States was not analyzed

"The first attack on the World Trade Center was an unambiguous indication that a new form of terrorism − motivated by religious fanaticism and seeking mass casualties − was emerging and focused on America. … However, the strategic implications of this shift in lethality do not appear to have been fully recognized. Terrorism had gone from a nuisance that, though frightening and appalling, killed only hundreds, to a menace that directly threatened the lives of tens of thousands of Americans."

−Eleanor Hill, Staff Director Joint Inquiry Staff Hearing on the Intelligence Community's Response to Past Terrorist Attacks Against the United States from February 1993 to September 2001, October 8, 2002

on a timely basis, and when it finally resulted in an alert to the FBI for two of the terrorists only two weeks before the attacks, the FBI was unable to locate the two. Airlines were not alerted to the threat, nor did it have information to look for the two likely terrorists. Similarly, local law enforcement authorities had no information on the terrorist threat or on the identity of the two being sought by the FBI.

The terrorists were able to travel at will around the United States and were facilitated in doing so by being able to obtain U.S. identity documents both legally and illegally that they were able to present to the airlines when boarding the fated flights.

Since the 2001 attacks, progress has been made in closing loopholes on many fronts.

- The 'visa express' operations that facilitated visas for the terrorists without a personal appearance of the applicant have been closed down.
- Visas are now issued with electronically encoded biometric identifiers that can be compared to the traveler at the port of entry.
- Travelers who are not required to present visas are photographed and fingerprinted upon entry and their passports are now required to be machine readable and with a biometric identifier.
- These data on arriving foreign travelers — other than Canadians and Mexicans — are now being collected at nearly all U.S. ports of entry.
- Intelligence sharing among agencies is more integrated.
- We are maintaining separate databases on travelers from four Islamic countries designated as 'state sponsors' of terrorism (Iran, Iraq, Sudan, or Syria).
- We are also monitoring the status of foreign students and exchange visitors admitted to the country for extended periods of time in a separate database.[2]

But loopholes remain, as is discussed below.

■ COMPETING CONCEPTS

No one in government would admit to being soft on international terrorism. Yet there are two distinct views on how to make the country less vulnerable to future efforts to perpetrate attacks on our country.

One view looks at the estimated 11 to 13 million illegal aliens living in the country and the continuing breach in our border security represented by the more than a million apprehensions of illegal entrants yearly and the additional hundreds of thousands of illegal entrants who succeed in avoiding apprehension and concludes that we will never be safe as long as this illegal flow continues. This view remembers the history of the 1986 amnesty for illegal aliens and the failed measures adopted at that time intended to curtail the illegal immigration flow and concludes that the proposed adoption of a similar compromise again while the country is under a proven, serious threat from international terrorism would be mindless. The broken promises to put necessary resources behind efforts to enforce the immigration law by a succession of administrations explains the refusal by realists to accept new promises to step up enforcement efforts in exchange for liberalized entry provisions.

The other view looks at the illegal alien population as hard working, needed to "do jobs Americans won't do," and then proposes some border tightening measures along with a legalization program that would "bring them out of the shadows" and provide them with legal permanent residence and a path to citizenship. The defenders of this view argue that it would not be an amnesty like 1986 because the illegal aliens would have to pay a penalty and continue to work here — which, of course, is what they came here

for. They also claim that the beneficiaries would have 'earn citizenship' by learning English and U.S. civics and history to become U.S. citizens — as if this were a new requirement of the proposed law — but, in fact, has been a requirement for naturalization as a U.S. citizen for ages. In the 1986 amnesty, illegal aliens had to pay a fee for their legalization, but the proponents then did not try to disguise this processing fee by calling it a penalty. Instead, they referred to it for what it was — a fee to relieve the burden of an amnesty program from the U.S. taxpayer. Payment of such a fee has nothing to do with 'earning legalization.'

Those advocating immigration control and enforcement first, reason that the "out of the shadows" argument is disingenuous. Experience with the 1986 amnesty demonstrates that lax screening procedures for the amnesty applicants resulted in rampant fraud, and it allowed enemies of the country to gain legal residence, which in turn facilitated their ability to undertake terrorist plotting. The amnesty provisions in the Senate bill would repeat the same security flaw that characterized the 1986 amnesty by shielding the identity documents presented by the amnesty applicants from law enforcement scrutiny. The 'out-of-the-shadows' argument also ignores the fact that nothing in the current amnesty proposal would guarantee that a potential terrorist would apply for the amnesty rather than continue to operate in the shadows.

■ COMPETING INTERESTS

The interests that oppose efforts to close loopholes in our foreign traveler screening and admission procedures include businesses that cater to foreign tourists and shoppers, businesses that seek to hire foreign workers in order to cut labor costs, ethnic advocacy organizations that seek to increase their political clout and political, religious and labor organizations that see increased strength in being able to recruit among the growing numbers of pliable, poorly educated foreign U.S. residents. At the pinnacle of this pyramid of special interests lie the immigration lawyers who assist businesses in their hiring of foreign workers and who assist illegal aliens in their efforts to resist deportation.

Those special interests have major leverage with Congress because of the campaign contributions and the potential swing voters that they represent. Republicans tend to be attuned to the interests of business. Democrats tend to be attuned to minority and civil liberties advocates.

The balance of forces on immigration issues was significantly altered a decade ago when the AFL-CIO changed its position from support of restricting immigration to support of amnesty for illegal immigration and increased immigration. Because, Democrats have long seen both immigrant-bolstered ethnic minorities and organized labor as a key constituency, the party had a difficult balancing act. Since the AFL-CIO switch in position and the split-off from the AFL-CIO of the Laborers and Service Employees unions — both of which are pursuing a policy of recruiting illegal alien workers — the stance of the Democratic Party has been less conflictive.

On the other side stands public opinion. In the past, public opinion clearly supported both legal and illegal immigration reduction, but was muted. This began to change in the 1990s with growing voter concern over the enormous wave of illegal immigration. The first symptom of this heightened concern naturally erupted in California. It led to the adoption in 1994 of California's restrictionist initiative (Proposition 187) to deny state benefits to illegal aliens. At this time several states focused public opinion as well as that of policy makers on the heavy fiscal costs of illegal immigration by filing lawsuits against the federal government to recover the costs they ascribed to the failure of the federal government to exercise its responsibility to enforce the nation's immigration laws. This new level of activism led to the adoption of restrictions by Congress in 1996 in the Illegal Immigrant Reform and Immigrant Responsibility Act (IIRAIRA).

The tightened measures against illegal immigration did not solve the problem, however, because they did nothing to disrupt the U.S. job magnet that attracts the wave of illegal entrants and visa violators. The IIRAIRA provision that established programs to train local law enforcement agencies in immigration law enforcement so that they could develop cooperative enforcement programs with the federal government was never embraced by Attorney General Reno, so state and local governments were generally unaware of the program. The passive attitude towards implementing this initiative carried over from the Clinton Administration into the Bush Administration. The IIRAIRA Section 110 mandate to develop a new electronic entry-exit database of foreign travelers was prevented from implementation by a rear-guard action in the U.S. Senate under lobbying pressure from northern state business interests.

Some of the business-as-usual attitude towards the increasing invasion of illegal entrants may be explained by the fact that the job market was expanding to absorb a large share of the newcomers. Also, from a national security perspective, the fortuitous interception of 'millennium bomber' Ahmed Ressam in 1999 as he entered the country from Canada on the way to bomb the Los Angeles airport, coupled with the fact that the first World Trade Center terrorists had failed to topple the twin towers in 1993 and were quickly apprehended, gave the impression that our existing security systems could protect us.

When the nation suffered the 9/11 attacks, the country was shocked to learn so horrifically how vulnerable we are to international terrorism. The country was galvanized to combat the threat of international terrorism, but much of the focus was on the intelligence failure to identify and deny entry of the terrorists and to detect their plotting while in the United States. Some of that new effort targeted young Moslem males, many of whom were illegally in the country. But, in general, policy makers chose to treat the multi-million person illegal alien population as having no relationship to or impact on national security.

This policy of the federal government of relegating the illegal alien population to minor relevance to national security fails to recognize that the procedures and loopholes that accommodate illegal aliens, e.g., state-issued driver's licenses and identity cards, and don't-ask-don't-tell sanctuary policies imposed on state and local law enforcement agencies, also can be used by terrorists to facilitate their plotting. In addition, the enormous population of aliens living illegally in the country provides ample camouflage for obscuring the operations of a full panoply of illegal activities, including terrorist plotting.

But local governments and the U.S. public have been more concerned about the connection between illegal immigration and terrorism. Legislatures in several states rapidly eliminated the policies that had allowed the terrorists to obtain state driver's licenses. Citizen groups actively campaigned to end sanctuary policies, to enter cooperative enforcement relations with the federal government, and to address the issue of employers hiring illegal alien workers.

Arizona took up the effort begun by California, and passed in 2004 Proposition 200 to restrict the availability of state programs that could benefit illegal alien residents. Shortly thereafter citizen groups calling themselves Minutemen were formed to increase border surveillance. Since then, a brush fire of local citizen initiatives has broken out around the country out of frustration with the failure of the federal government to effectively address the problem of illegal immigration.

As the nation approaches the fifth anniversary of the 9/11 attacks it is also approaching the November elections that put every seat in the House of Representatives and one-third of the Senate seats up to the will of the electorate. Public opinion polls clearly establish that immigration has risen to a top issue in the mind of the voters. This is the political environment through which policymakers are currently tiptoeing.

■ THE ISSUE: TO TIGHTEN OR LOOSEN IMMIGRATION CONTROLS

The alternatives are clearly delineated in the competing immigration reform legislation adopted in the U.S. Senate (S.2611) in May and in the U.S. House of Representatives last December (H.R.4437). Supporters of both approaches argue that their approach best addresses the security needs of the country.

Border and Interior Controls

The House approach centers on increased border and interior controls against illegal immigration. It includes expanded border fencing and increased deployment of agents and technological resources, but it also recognizes that controlling the border will never be achieved as long as those who succeed in by-passing border enforcement will be rewarded with the jobs that they violated our immigration laws to achieve. Employers are required to verify the work status of all their employees. This interior control initiative is an effort to make the law against hiring illegal alien workers — that was enacted in 1986 — finally become an effective deterrent to illegal immigration.

Heeding the example of 1986 and 1996, when both reforms and liberalizing measures were simultaneously adopted, but the liberalizing measures were implemented while the reform measures were delayed or disregarded, the House chose to eschew any liberalizing measures such as adoption of a new guest worker program until such time as the enforcement measures were fully implemented and demonstrably effective.

In the Senate, a minority of Republicans joined a majority of Democrats in adopting a very different approach. Rather than pressing illegal aliens in the country to return home by restricting their access to the employment opportunities that attracted them here, the Senate legislation would accommodate the illegal population in those jobs they currently have. An exception would apply for those who have been in the country illegally for less than two years, but even they could benefit from the Senate program if they could obtain documents indicating they have been in the country longer than two years. Regardless of how soon they would be able to become legal permanent residents on a path to U.S. citizenship, this proposal is seen by the illegal alien community and by foreign observers as an amnesty because it would protect the illegal alien population from deportation.

The Senate approach also encompasses enforcement measures for increased border control and interior enforcement, in some respects broader than in the House legislation. The amnesty provisions and other provisions to increase legal immigration and adopt a new guest worker system suggest that once again the Senate proposes to follow the failed model of 1986. Because implementation efforts are dependent on the appropriation of funds to carry them out, promised enforcement measures may lie on the books indefinitely without ever being implemented for lack of appropriated funds. This means that, after new legal authority is enacted, the venue for resisting increased immigration law enforcement simply shifts to the appropriation committees of Congress where

"I also worked with Sen. Abraham, Sen. Kennedy, and other Senators to obtain postponements in the implementation date for the automated system mandated by section 110. We were successful in those attempts, delaying implementation until March 30, 2001."

—Sen. Patrick Leahy (D-VT), press release May 18, 2000.

competing demands for limited resources to satisfy the interests of vested interests facilitates fending off implementation funding. The American people, unlike special-interests, are largely unfamiliar with the appropriation process and are less empowered to influence the outcome of that process.

This, then, provides the backdrop of the current debate. There are numerous ancillary issues such as the Senate's provision of higher Davis-Bacon law wages for foreign workers than for American workers in a new temporary laborers program on federal construction contracts. The principal issue, however, is whether a legislative approach will be adopted which assures that new enforcement measures will be effectively implemented.

The suspicion that the Senate immigration enforcement measures would not be fully implemented is justified by the nature of the coalition that supports S.2611. Business interests that are primarily interested in access to their current low-wage foreign workforce and a liberalized supply of new low wage workers have made common cause with ethnic advocates that are primarily interested in amnesty for their co-ethnics and an increased flow of additional co-ethnics. Neither group has any interest in increased immigration law enforcement. Both have accepted it only as a sine qua non for getting legislation approved. After approval, not only would they have no interest in supporting funding for implementation of the measures but, at least in the case of the ethnic/civil libertarians, e.g., the American Civil Liberties Union, Mexican American Legal Defense and Education Fund, The Asian American Legal Defense and Education Fund, etc. and their supporters, they are likely to actively work behind the scenes to oppose funding for implementation.

Into the current legislative standoff between the Senate and House a 'compromise' approach has been surfaced by Republican Study Committee chair Rep. Mike Pence (R-IN) and Sen. Kay Bailey Hutchinson (R-TX). The key elements of this supposed compromise would be a delay between initiation of enforcement measures and implementation of subsequent liberalizing amnesty/guest worker provisions. The President would have to certify that the enforcement measures are in place. As described by Rep. Pence on his website (he has not presented implementing legislation) the presidential certification would be "…based on objective criteria and achievable goals, such as hiring and training a certain number of new border patrol agents, making additional detention beds available, and utilizing upgraded border surveillance technology."[4]

The trigger called for by Rep. Pence for the liberalizing provisions is not stated in terms of a tangible reduction in aliens illegally entering the country or being deported and, therefore, misses the purpose of immigration reform efforts. In addition, the Pence proposal encompasses a long-term amnesty and it goes even further than the Senate bill in putting U.S. business interests in charge of running the country's immigration policy.

The fundamental issue at stake in the current divergent approaches to immigration reform is whether the country will adopt policies to combat illegal immigration and gain control over our borders that send a

The Difference Between Reform Law and Implementation

The National Intelligence Reform Act, signed into law by President Bush in December 2004, mandated a per year increase of 2,000 Border Patrol agents and 800 immigration investigators for 5 years beginning in 2006. Two months later, when the administration presented its 2006 budget, funding for the first 2,000 agents had been cut to 210 new agents. As the *Houston Chronicle* pointed out, "The law signed by Bush had a caveat that went virtually unreported at the time. A summary, published by the Senate Government Affairs Committee, required the government to increase the number of border patrol agents by at least 2,000 per year, "subject to available appropriations."[3]

message around the world that we will no longer tolerate illegal immigration and we will welcome only those foreigners who come into the country legally. If, instead, we again adopt an amnesty for those who have come into or stayed in the country illegally, we will again send the message — and it will be even stronger — that America accepts illegal immigration, and in order to take advantage of American hospitality it is only necessary to gain entry and then wait for the next amnesty.

If instead we send the message that illegal entrants will not be able to find the jobs they seek and that those who are already illegally in the country are beginning to head home because they have lost their jobs and cannot find new ones — at least in the above-ground economy — this will have a far different result than if we adopt a new amnesty. And, that result will greatly advance our ability to control our borders.

If illegal immigration to the United States is no longer seen as a winning strategy, the pressure on the border will lessen, and our enforcement capability will be increased, thereby, further diminishing the hope of illegal entry. When most employers are denying jobs to illegal alien workers through the new verification system, interior enforcement capabilities will be able to focus more on those employers who continue to deliberately exploit illegal workers. When increased interior enforcement results in increased convictions and imprisonment for deliberately law-breaking employers, this will further constrict job opportunities for illegal workers. Just as the job market has gradually been infused over recent decades with illegal workers in some sectors, comprehensive enforcement measures will gradually decrease the population of illegal workers as they come to realize that the U.S. job market is not longer accessible to them.

It will not be an easy transition for the illegal workers or for their employers, but it is a necessary transition if we are ever to establish operational control over our borders.

■ KNOWING WHO IS IN THE COUNTRY

Neither the Senate nor the House bill, that are currently battling for supremacy in the public domain and in congressional smoke-filled rooms, deal with the continuing flow of foreigners legally entering and exiting the country. This issue was supposedly decided by the Consolidated Appropriations Act of 2004 — adopted pursuant to the recommendation of the 9/11 Commission — which put back on track the comprehensive electronic entry-exit data collection system on all foreign travelers mandated in IIRAIRA Section 110 in 1996. But, the data collection system is still only partially implemented, and the tourism and related business interests are challenging full implementation on the basis that it would hurt the U.S. economy as well as diplomatic relations with our neighbors.

The US-VISIT data collection system is a work in progress. In mid-2006, the Department of Homeland Security (DHS) is in the process of adding data collection at additional ports of entry and expanding the exit-entry data collection requirement for foreigners who are legal permanent residents. Aliens arriving with immigrant visas and persons entering as refugees or seeking asylum and foreigners paroled into the country without travel documents, e.g. Cubans, are also currently scheduled to be added to the system.

Even after these additional data collection requirements are implemented, data collection exemptions will still cause US-VISIT to have major loopholes. The biggest loophole is the absence of departure data to compare with entry data. Without departure data there is no way to know if a foreigner whose entry is recorded in US-VISIT is still in the country. The absence of a departure record should mean the individual is still present in the country, but immigration authorities will be unlikely to follow up on someone who may be in violation of their entry permit as long as they know the individual may have already left the country.

The immigration authorities currently are testing voluntary departure data collection systems. Travelers are asked to record their departure in the airport, but they are then able to turn around and exit the airport

back into the local community. This procedure would facilitate a terrorist or an illegal job-taker in avoiding being recorded in the database as illegally in the country.

Another large loophole is that to date US-VISIT collects data on Mexicans and Canadians only if they enter at air or seaports or if they enter with a long-term visa such as a student visa. Otherwise, travelers from our neighboring countries — the majority of all foreign entries each year — stream across the border with nothing more than a Canadian driver's license — which can be obtained by foreigners residing in that country — or with a Border Crossing Card (BCC) for Mexicans. Even though the BCC is selectively issued by U.S. authorities and is now machine readable and has a biometric identifier, there is no systematic effort to electronically collect data on the Mexican travelers when they enter or depart. There is no systematic effort at land ports to record the departure of foreigners who entered with visas into the US-VISIT database. This means that the database will increasingly be comprised of false information on travelers identified as overstayers when they have in fact departed in compliance with their entry permit.

The more corrupted that the US-VISIT database becomes with false information, the less likely that it will serve a useful purpose in improving the nation's security. DHS is still slowly progressing towards implementing its mandate to make the US-VISIT system comprehensive. But, it has yet to close the remaining loopholes in the system that are already eroding its effectiveness.

The potential already exists for incorporating the BCC data on Mexican travelers into the US-VISIT database. It is clear that for screened frequent travelers and for commercial entries, for which there is a different pass, the use of radio data capturing (RFD) offers both a systematic as well as streamlined screening method. But the integration of all electronic entry-exit screening into US-VISIT is necessary to meet security needs so that a lookout alert for an individual will identify the entry or departure of that individual on a real-time basis.

The BCC system could be used as well for Canadians. However, current negotiations are aimed at enabling the Canadian driver's license to still be used for entry into the United States. That will not meet U.S. security requirements unless the driver's license identifies who is and is not a Canadian citizen. Non-Canadians entering by land must enter the United States with their passports and visas (if they are not from a VWP country). If the Canadian driver's license is to be accepted to meet U.S. requirements for US-VISIT data collection, it must be machine readable in a format compatible with the system. It would be preferable to have the United States rather than Canada issuing the entry documents in order to be able to do security checks as part of the issuance process, but a cooperative agreement with the Canadian authorities to use shared security information would be second best.

Because of the business mindset of the Bush Administration and the internationalist pressure groups such as the Council of the Americas, the Council on Foreign Relations, et. al., the final stages of developing a comprehensive entry-exit data collection system is still subject to further delay and possible derailing. The groups that advocate a North American union along the lines of the European Union oppose the concept that our neighbors should be treated the same as other foreigners.

Border Control

Gaining control over the nation's borders has become more important than ever before in the age of international terrorism. With intelligence cooperation and visa issuance procedures improved, the vulnerability of our borders becomes the most easily used route into the United States for intending terrorists.

Progress has been made in strengthening personnel and technological resources on the border since the 9/11 attacks. Border Patrol strength has been increased and the temporary addition of up to 6,000 National Guardsmen in support operations on the southern border for up to two years until the same

number of new Border Patrol agents can be added, also demonstrates a significantly improved capability. Since deployment of the National Guard to the border with Mexico apprehensions have sharply declined.[5]

The problem with this picture, however, is that the threat has also increased, and even Homeland Security officials are not claiming that they are anywhere near gaining operational control over the border. As American Enterprise commentator Nicholas Eberstadt notes, "The emergence of *mara* [Central American gang] crime syndicates raises the possibility that migration throughout the region will be consolidated under networked criminal organizations that can deliver an individual or his cargo to anywhere in the United States without detection by either U.S. officials or Latin American governments. Reports suggesting that Mara Salvatrucha control both the western and eastern Mexican train routes through Mexico indicate the seriousness of this risk.[6]

The opportunity for terrorists to enter from Canada illegally or at legal ports of entry with Canadian documents persists as long as our immigration policies continue to treat travelers from Canada at the border as if they were U.S. citizens. Vast stretches of our northern border remain open to unimpeded illegal entry, and people smugglers are available to act as guides.

The U.S./Mexican border represents a different but no less significant security threat. Alien smugglers are omnipresent in Northern Mexico staging areas, and U.S. immigration authorities continue to concede that more illegal entrants may succeed in bypassing the Border Patrol than are apprehended. The volume of illegal entry simply overwhelms border security efforts. That remains true even with National Guard forces supplementing those of the Border Patrol, and will continue to be the case until the volume of attempted illegal entry is significantly decreased by ending the job magnet that attracts most illegal entrants.

Our vulnerability to terrorist entry by sea cannot be overlooked. The U.S. Coast Guard is hard pressed to intercept alien smugglers coming from Cuba, other Caribbean countries or elsewhere. This fact is attested to by the constant number of illegal entrants from Cuba and Haiti who continue to surface in Florida and Puerto Rico. The flow of illegal entrants from Cuba, in particular, has significantly changed from when it was characterized by persons attempting to float to Miami on rubber tire rafts. It now is largely a sophisticated, for-hire smuggling operation using high-speed boats.

Visa Waiver Program

Finally, our immigration policy still accepts that any traveler with a passport from one of 27 countries can enter the United States with only cursory screening at the port of entry. This VWP provision ignores the fact that many of those 27 countries have immigrant communities from countries that are on our list of state sponsors of terrorism. The terrorist attacks in Madrid in 2004 and London in 2005, and the exposed terrorist plots identified in Canada and the United Kingdom this year demonstrate this point. The VWP, begun as a trial program in 1986, eliminates one of the screening steps that would deter intending terrorists from entering our country. From a security perspective, the VWP should be eliminated, but instead, there is a concerted effort by a number of countries, including former parts of the Soviet Union that have large or majority Moslem

"The Department of Homeland Security, properly supported by the Congress, should complete, as quickly as possible, a biometric entry-exit screening system, including a single system for speeding qualified travelers."

—9/11 Commission Report
July 22, 2004

populations that have recently joined NATO campaigning to expand the program so that they can be included.

The U.S. experience with international terrorism demonstrates that there are no terrorist-safe countries. Yet the United States continues to treat travelers from the 27 Visa Waiver Program (VWP) countries as if they could not represent a threat.

Richard Reid, who attempted to destroy a U.S.-bound airliner by explosives in his shoes did not have a visa because he carried a British passport. Zacharias Moussaoui, also convicted of terrorism and serving a life sentence in the United States, is believed to have been part of the 9/11 plot. He too entered the country without a visa because, as a naturalized French citizen, he carried a French passport.

The recent British experience with home-grown terrorists pursuing the agenda of international terrorism — like Reid — underscores our vulnerability. The apprehension of about two-dozen intending bombers of airliners destined for the United States, like the Islamist terrorist London underground and bus bombers in July 2005, were home-grown terrorist activities pursuing an international agenda. These terrorists could have entered the United States with their British passports and carried out their activities in this country.

Europe has a large and growing Moslem population, currently estimated at about 20 million persons. Furthermore, large sections of that population are unassimilated, unemployed and live on the margins of that society. As Robert Leiken, the Nixon Center's Immigration and National Security Program director points out, "The very isolation of these diaspora communities obscures their inner workings, allowing mujahideen to fund-raise, prepare and recruit for jihad with a freedom available in few Muslim countries."[7]

The operation of the VWP changes what is a two-step screening process for travelers from all other countries to a one-step process. Travelers from most countries must obtain a visa from a U.S. consular officer. The consular officer is required by our immigration law to screen applicants for any criminal, health, national security ineligibility for a visa as well as likelihood that the traveler is a bone fide nonimmigrant. The consular officer in most cases sees the applicant and on the basis of familiarity with the local customs, language, economy and security situation decides whether a visa should be issued. That visa may be of indefinite validity or restricted to as few as one entry depending on the purpose of the travel, the circumstances presented by the traveler, reciprocity and experience with other travelers in similar circumstances from that country.

Post-9/11 visa screening has been tightened with the revelation that many of the terrorists had received visas in Saudi Arabia in a streamlined processing that did not require the applicants to appear in person, and which ignored incomplete information on the visa applications. Currently, visa applicants are having their fingerprints and photographs electronically encoded into their visas so that they can be compared to the identity of the traveler at the port of entry.

The immigration inspector at the U.S. port of entry has a similar responsibility but under very different circumstances. The immigration inspector is confronted with thousands of travelers who may or may not be returning U.S. citizens or travelers from around the world, some of whom have visas and others who do not. In addition, some travelers may request asylum protection in the United States claiming fear of prosecution if sent back to their country. The inspector has to decide on the authenticity and validity of the travel document as well as whether the applicant for admission is a bona fide nonimmigrant with only a few seconds to do so under pressure to avoid any backup of arriving travelers. Unlike the consular officer, the immigration inspector is not expected to be familiar with the language or customs of the foreign travelers.

It is a tribute to the immigration officers that they did intercept one of intending the 9/11 terrorists and refuse him entry, judging him not to be a bona fide nonimmigrant.[8]

The argument for the VWP is that it subjects the vast majority of travelers from the VWP countries to inconvenience while only a few persons from those countries may have any ties to international terrorist groups. If all of these travelers are required to obtain visas, our U.S. Consulates will be unable to handle all of the requests, and travel to the United States would be curtailed.

This argument ignores that the VWP is a relatively new creation. Prior to its adoption, travelers from the countries now in the program had to obtain visas. Eligible travelers were documented with visas for multiple entries that allowed entry over an indefinite duration, which meant they could be used repeatedly without any further renewal requirement. There was an increase in foreign tourist and business entry after adoption of the VWP in 1986 by an additional 1.3 million entries — or an 18 percent increase. At least some of that increase may be attributable to persons who did not believe they would qualify for a visa now finding that they did not need one.

Could our consulates in the 27 countries resume screening tourist and business travelers? To do so would require a transition because the consular staffing has been allowed to atrophy because of the decreased workload following implementation of the VWP. But it could and should be done. It would not be a burden on the U.S. taxpayer to restore to the visa application screening process overseas — another argument advanced by the travel industry — because the visa issuance process is now based on visa fees that are set at rates designed to cover the cost of the visa issuance process.

Decreasing Identity Fraud

The work of the 9/11 Commission led to the adoption of two new laws, the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 and the REAL ID Act of 2005. The former contains a number of measures to, inter alia, regulate the documentary requirements for entering the United States and the latter, inter alia, regulates standards for acceptance of state-issued identity documents by the federal government. Both respond to the ease with which 9/11 terrorists entered and were facilitated by U.S. documents as they carried out their plot in the United States. The adoption of these laws, does not close these loopholes, but it does launch a process by which the loopholes will be closed if the process is not derailed by business, civil libertarian, globalists and ethnic advocacy interests.

The 2004 IRTPA mandate to have machine-readable passports and visas with biometric identifiers is for the purpose of attacking the increased problem of identity fraud in a technological age when the creation of false identity documents is both pervasive and technologically sophisticated. Identity verification is also complicated by an electronic age when criminals have access to vast amounts of personal data with which to create false identity documents.

False identity documents and identity theft are problems both within our country as well as at its portals. The new security requirements for identity documents required of foreigners applying for entry into the United States respond only in part to the potential threat of entry on false documents. The other part of the threat is that foreigners may enter posing as U.S. citizens. However, that loophole is also being closed by an impending requirement that all U.S. citizens will have to present a U.S. passport to reenter the country as of January 8, 2007 if they are entering by land or sea, and a year later if entering by land. This requirement effectively applies only to travelers returning from contiguous and nearby countries where there is no passport requirement at present for returning Americans. The implementation schedule is the same as the new requirement for foreigners from the same areas to enter on passports or similar secure nationality document.

This new security provision is another one that is being resisted by the U.S. travel industry as well as by governments of the neighboring countries because of the prospect of a possible drop in U.S. tourist travel when U.S. passports are required. The timetable for implementation of the new passport requirement has a built-in allowance for deferral by one year, which the U.S. travel industry currently is urging be adopted.[9] The nation's experience with the IIRAIRA Section 110 mandate to establish the nation's electronic entry-exit system, i.e., legislative postponement first, and then elimination, should serve as a warning in this case. The mandate of the REAL ID Act (which modified some provisions of the IRTPA) aimed at the ability of aliens to use lax state-issued ID document standards to break our laws and target U.S. security. The provisions of the law include establishment of minimum standards — which have not yet been promulgated — verification of the identity of the applicant's documents by reference to original databases for births, name changes, Social Security registration, etc. It requires that the database used for the issuance of the new IDs be made accessible to other states and the federal government so that individuals will be able to verify the authenticity of a document presented to them with the issuing authority.

The provisions of REAL ID are being opposed on several fronts. Some states have complained that they are a new unfunded mandate. Civil libertarians have suggested a possible court challenge on the basis that the requirement is an invasion of privacy. They have also raised the specter that the new system will be a national identity system, even though it will be decentralized as at present among the states. Some have argued that the proposal is an infringement on the ability of a state to issue driver's licenses to illegal aliens.[10]

IRTPA and REAL ID taken together constitute a blueprint for combating document fraud and identity theft and for assuring that would-be terrorists are not able take advantage of the same documentary loopholes that the 9/11 terrorists were able to exploit. Implementation of these measures, however, is not yet assured and opponents of the measures are actively engaged in trying to assure that they are stillborn.

■ CONCLUSION AND ACTION RECOMMENDATIONS

The fact that progress has been made in closing loopholes that were exploited by international terrorists to enter and plot in the United States is no reason to forget that we are still vulnerable and that there are further measures that are needed. History shows that we have been too slow to recognize the seriousness of the threat of international terrorism and to act on it.

The national consensus on the need to take actions quickly and forcefully in the nation's defense — that guided action shortly after the 9/11 attacks — has weakened as proponents of internationalist policies, who were sidelined five years ago by the attacks, have begun to resume their campaign for a more open border. Our security will be left with major loopholes if the following steps are not taken.

- In order to decrease the flow of illegal aliens into the country and increase the ability of the Border Patrol to gain control over the border, the employer sanction system for denying jobs to illegal aliens must be made effective with a nationwide system of worker ID verification linked to the Social Security database and alien registration numbers. This will also narrow the scope of work for interior immigration inspectors and allow them to increase efforts against unscrupulous employers who knowingly hire illegal aliens.
- The computer assisted system to match entry and exit records of arriving and departing foreigners (US-VISIT) needs to be made comprehensive for all arriving and departing foreigners. In addition, those who enter the United States in long-term nonimmigrant visa status (including professional temporary workers) should be added to the current foreign student monitoring system (SEVIS) to track their status and whereabouts on the basis of reports from the U.S. institution responsible for their presence in the country. When the data base reveals aliens in violation of their status, action should be initiated to locate and deport them.

- Our national security is weakened as long as we continue to allow foreigners from a number of countries that have terrorist cells and sympathizers to enter the United States without full screening. The way to tighten security screening is to terminate the Visa Waiver Program.
- Measures adopted to implement security reforms recommended by the 9/11 Commission are not yet in force. Efforts to stymie implementation of these measures by business groups, civil libertarians, globalists, and ethnic advocates must be resisted.

The hospitality of the United States to arriving foreigners — whether they be refugees, students, tourists, business travelers, or immigrants — is undermined by both illegal immigration and our concern about keeping out intending terrorists. The best way to assure continued American hospitality towards arriving foreigners is to have the public know that those arriving in our country have passed rigorous screening to identify potential threats to the country and that they come at our invitation rather than by breaking our immigration laws.

■ ENDNOTES

1   Griffen, Darryl and Reynaldo Garza, "Despite the progress we have made, we do not yet have control of our border." Griffen and Garza are Chief Border Patrol Agents in the San Diego and Laredo Sectors who testified in July 2006 at hearings of the House International Relations Subcommittee on International Terrorism and Nonproliferation.

2   However, the identification of 11 Egyptian students who failed to arrive at the end of July 2006 at a school in Montana for a training program and subsequent apprehension by the FBI was only in part a validation of the new system. The school responsibly did not wait to notify the federal government – as they could have done under the reporting system – when the students did not arrive on schedule, and it took nine days after the FBI issued a national alert for the missing students to find the last two.

3   "Bush budget scraps 9,790 border patrol agents: President uses law's escape clause to drop funding for new homeland security force," *Houston Chronicle*, February 9, 2005.

4   http://mikepence.house.gov/Issues/Issue/?IssueID=2146. Website consulted August 15, 2006.

5   "Border chief: Guard not only factor: He says more staffing, equipment also led to drop in apprehensions," *The Dallas Morning News*, August 16, 2006.

6   Eberstadt, Nicholas, "The Changing Demographics of the U.S. Southern Security Perimeter: A First Look at the Numbers, American Enterprise Institute, July 28, 2006 (Eberstadt draws on analysis by Thomas Davidson in "Terrorism and Human Smuggling Rings in South and Central America," *Terrorism Monitor*, November 2005).

7   Leiken, Robert, "Europe's Angry Muslims," *Foreign Affairs*, July/August, 2005.

8   Mohamed Ahmad al-Kahtani was denied entry at the airport in Orlando on August 4, 2001 where 9/11 coordinator Mohammed Atta had gone to meet him. He had arrived from Dubai with a one-way ticket and little money and changed his story about the purpose of his visit. On August 4, 2001, al-Kahtani flew into Orlando from Dubai. Mohammed Atta, the lead hijacker and pilot, was at the airport allegedly to meet him, but al-Kahtani was being held by immigration officials. The officials were suspicious because al-Kahtani had little money, could speak no English, and used a one-way ticket. He frequently changed his story and could not adequately explain why he was visiting the United States. Thinking he was likely to become an illegal immigrant, al-Kahtani was sent back to Dubai.

9   "Travel Industry Seeks Delay on New Passport Rules at U.S. Borders," *The New York Times*, August 18, 2006

10   Ramasastry, Anita, "Why the 'Real ID' Act is a real mess," CNN.com, Friday, August 12, 2005 (website consulted August 21, 2006).

■ **APPENDIX**
Terrorism Timeline – U.S. Domestic Actions

The following timeline describes terrorist attacks and attempted attacks that impinge on U.S. homeland security and changes in U.S. law designed to reduce the country's vulnerability to such attacks.

February 1993—Under the influence of Sheik Abdel-Rahman, Ramzi Ahmed Yousef organized a bombing at New York's World Trade Center that caused six deaths, more than a thousand wounded, and enormous property destruction, but did not achieve its objective of toppling the Twin Towers. Yousef, who claimed to be Kuwaiti, entered the United States on an Iraqi passport in September 1992 without a visa, but was allowed to enter provisionally after asking for asylum, and was not detained because of lack of detention space. His companion, a Palestinian named Ahmad Ajaj, arrived on a fake Swedish passport, was found to have bomb making videos and manuals in his luggage and was arrested on a passport fraud charge. He was convicted for involvement in the plot, although he didn't participate in person, because he was detained since his arrival. Mohammed Salameh entered the United States in 1988 on a Jordanian passport and a visitor's visa issued in Amman, Jordan. He applied for legal residence status, was turned down, but remained in the country for years on appeal of that decision. Eyad Ismoil, the Palestinian who drove the explosive to the site, had entered in 1989 on a student visa to attend Wichita State University in Kansas but dropped out after three semesters and remained illegally in the United States.

June 1993—Eight militant Muslim fundamentalists, also under the influence of Sheik Abdel-Rahman, were arrested in New York for plotting to blow up tunnels under the Hudson River, a federal office building, and the United Nations headquarters. The arrestees were from Sudan, Egypt, the Israeli West Bank and Gaza, Jordan and Pakistan. . Sheik Abdel-Rahman, the Egyptian religious leader, obtained a U.S. visa in Khartoum, Sudan even though he had been charged in Egypt with inciting a 1989 riot, because the embassy had no access to the a security alert in the automated lookout system. He entered as a tourist, applied for political asylum, and received legal residence. In March, 1993, an immigration judge ordered him deported, but he was still in the country four months later when he was arrested and convicted for his involvement in the February attack and the June plot.

September 1994—FBI Director Freeh sent Deputy Attorney General Gorelick a package of antiterrorism recommendations from the Executive Advisory Board of the Department of Justice's Office of Investigative Policies. The recommendations were:

1. Develop a uniform database of State Department visa refusals;
2. Rethink the visa waiver pilot program;
3. Expand INS pre-inspection;
4. Allow classified information to be used by the court in deportation proceedings;
5. Tighten the asylum screening provisions and detain and expeditiously deport anyone suspected of terrorist intent;
6. Tighten controls against nonimmigrant visa overstayers and persons involved in sham marriages;
7. Share INS files with FBI terrorism investigators.

April 1996—The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) provided for expeditious removal of mala fide asylum applicants, restricted judicial review of deportation, increased penalties and RICO investigation powers for terrorism investigations. The State Department was tasked with developing a list of foreign terrorist organizations. President Clinton signed the legislation but said he considered some of the changes "ill advised." Subsequently the Administration tried unsuccessfully to strip summary exclusion from the law through the Leahy amendment to the Illegal Immigration Reform Act of 1966. In the end, the latter act softened some of exclusion process for asylum claimants. Surviving in the INA are AEDPA amendments to Section 219 ("Designation of Foreign Terrorist Organizations.")

September 1996—The Illegal Immigration Reform and Alien Responsibility Act of 1996 (IIRARA) made activities that "incite terrorism" or represent a danger to the community or security of the United States a grounds for exclusion from the United States. Section 110 of the Act specified, "Not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—(1) collect a record of the departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and (2) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United states beyond the period authorized by the Attorney General.

July 1997—Two Palestinians and a Pakistani were arrested in New York City after police found them to have suicide bombs and a note indicating they intended a terrorist attack in the city's subways. Ghazi Ibrahim Abu Mezer, a Palestinian, entered the United States illegally from Canada three times and was apprehended and returned to Canada. After his last U.S. entry, the Canadians would not take him back because he had committed crimes in Canada. He applied for asylum here, and on June 23, 1997 at a hearing on his asylum application, he withdrew it, and the judge gave him 60 days to depart the country. Lafi Khalil, the second terrorism suspect entered the country in December 1996 on a transit visa, but was mistakenly admitted as a tourist, and stayed on illegally.

August 1997—The State Department acknowledged that it still had not prepared the list of international terrorist organizations required by the Antiterrorism Act in 1996. A Dept. State spokesman said the report was overdue because any group designated as a terrorist organization had the right to challenge that designation in U.S. courts. The designation causes U.S. fundraising activities for the group to be cut off and members of the group to be barred from entering the United States.

December 1999—Ahmed Ressam, an Algerian, who was admitted to Canada as an asylum applicant in 1994, despite being expelled from Algeria and France for suspicion of terrorist activities, was arrested attempting to enter the U.S. from Canada with a carload of bomb-making materials destined for Los Angeles airport. He was to be met and assisted by Abdel-Hakim Tizegha, who entered the United States with another Algerian, Abdel-Ghani Meskini as stowaways on a ship from Algeria. Meskini pleaded guilty and testified against the others. Tizegha applied for U.S. asylum and was released pending a hearing, and then went to Canada and illegally reentered the U.S. posing as a Mexican. Another Algerian, Bouabide Chamchi, who was allegedly also involved in the plot, was apprehended entering the United States in Vermont using a forged French passport.

June 2000—Immigration and Naturalization Service Data Management Improvement Act (DMIA) of 2000. The DMIA modified the entry-exit system mandated by Section 110 of IIRAIRA to exempt Canada and Mexico from new entry documentary requirements and directed the integration of existing Department of Justice and Department of State electronic foreign visitor arrival and departure databases, including those created at ports of entry and at consular offices. This was the mandate for beginning the electronic collection of entry-exit data in the current US-VISIT program.

In February 2000, FAIR noted in its *Immigration Report* newsletter, "Under pressure from Canada and some northern border states, the Senate voted three times to repeal Section 110, but the House has refused to allow it. Implementation of the exit-entry system, originally slated to be in place in 1998, has been delayed until March 2001. Sen. Leahy claimed in a May 18, 2000 press release, "I also worked with Senator Abraham, Senator Kennedy, and other Senators to obtain postponements in the implementation date for the automated system mandated by section 110. We were successful in those attempts, delaying implementation until March 30, 2001."

September 11, 2001—In the most destructive terrorist attack in history, four U.S. commercial airlines were skyjacked by armed Al Qaeda terrorists, and two of them were crashed into the twin towers of the

World Trade Center in New York City. The third plane was crashed into the Pentagon, and the fourth plane that presumably was headed for another Washington, D.C. target crashed in Pennsylvania as a result of a heroic effort by passengers to thwart the skyjackers. About 3,000 victims lost their lives in the attacks.

October 2001—USA PATRIOT Act (extended in March 2006) enacted provisions that deal mostly with intelligence operations and information sharing. Other provisions include authorization to detain non-U.S. citizens suspected of terrorism for up to seven days without specific charges; tripling the number of Border Patrol, Customs Service Inspectors and INS inspectors at the northern border; creation of a foreign student monitoring program and a requirement for machine readable passports.

December 2001—Richard Reid, a British citizen, who converted to Islam while jailed in Great Britain as a juvenile, was arrested for attempting to destroy a passenger airliner en route from Great Britain to the United States by igniting explosives hidden in his shoes. He was convicted in the United States on terrorism charges and is serving a life sentence.

June 2002—The National Security Entry-Exit Registration System (NSEERS) was announced and termed, a "vital line of defense in the war against terrorism" by then Attorney General John Ashcroft. Under existing legal authority (INA section 263), registration and fingerprinting may be required of any alien, other than those admitted for permanent residence. The NSEERS registration requirement applies to aliens from Iraq, Iran, Sudan and Libya (designated as state sponsors of terrorism by the Department of State). The purpose of the registration requirement is to identify by fingerprints known or suspected terrorists at the port of entry, to obtain fingerprint, photograph, current address, telephone, and email data on aliens from high-risk countries, and to alert the FBI and other law enforcement agencies when aliens in the United States deviate from their stated plans or overstay the terms of their permitted entry. Registered aliens are required to register at local immigration offices within 30 days of arrival in the country and then every 12 months thereafter, and notify an immigration official at the exit port upon departure from the country.

November 2002—The Homeland Security Act established the Department of Homeland Security consolidating the border control functions of the INS, Customs Service, Coast Guard and other agencies.

December 2004— The Intelligence Reform and Terrorism Prevention Act of 2004 restored the original coverage of Section 110 of IIRAIRA by providing that DHS, in consultation with the State Department, develop and implement a plan to require a passport or other document, or combination of documents, deemed by DHS sufficient to denote identity and citizenship, for all travel into the United States by U.S. citizens and by aliens for whom documentation requirements have previously been waived under INA section 212(d)(4)(B) — i.e., persons from contiguous or adjacent island countries or aliens in transit — to be implemented not later than January 1, 2008. It also mandated increased airline passenger prescreening, authorized testing of increased border surveillance technology on the Canadian border, called for a drone aircraft surveillance system on the

"Both in terms of attempts and actual attacks, there was considerable historical evidence, prior to September 11, that international terrorists had planned and were, in fact, capable of conducting major terrorist strikes within the United States. The 1993 attack on the World Trade Center, the subsequent discovery in 1993 of plots to bomb New York City landmarks, and the arrest in 1999 during the Millennium celebrations of an individual with al-Qa'ida connections intending to bomb Los Angeles International Airport should have erased any doubts, to the extent they existed, about that point."

−Eleanor Hill, (Congress' Joint Inquiry into the 9/11 attacks) September 18, 2002

Mexican border, required a per year increase of 2,000 Border Patrol agents and 800 immigration investigators for 5 years, directed a per year increase of 8,000 detention beds for 5 years, tightened visa interview requirements and called for a study of how the asylum system could be exploited by terrorists.

May 2005—The REAL ID Act was enacted to tighten asylum screening provisions and to establish a uniform standard for issuance of driver's licenses and ID cards by the states to limit the ability of aliens illegally in the country to obtain state-issued identity documents and to confront the growing problems of identity theft and fraudulent identity documents. State implementation is optional, but states are likely to comply because the residents of a state that does not comply with the new standards will not be able to use that state's ID for federal purposes such as entering a federal building or boarding a plane. The implementation deadline is not until 2008.

May 2006—Zacharias Moussaoui, a naturalized French citizen born in Morocco, who attended U.S. flight school training in early 2001, and was apprehended for suspicion of involvement in terrorist activities in August 2001, was sentenced to life in prison without the possibility of parole for involvement in terrorism plotting.

August 2006—In a plot similar to the 2001 Richard Reid attempted terrorism, British authorities announced the arrest of 24 mostly British-born Moslems who planned coordinated suicide missions to blow up as many as 10 airliners destined for the United States by assembling bombs in flight.

The Federation for American Immigration Reform (FAIR) is a national, nonprofit, public-interest, membership organization of concerned citizens who share a common belief that our nation's immigration policies must be reformed to serve the national interest.

FAIR seeks to improve border security, to stop illegal immigration, and to promote immigration levels consistent with the national interest—more traditional rates of about 300,000 a year.

With more than 250,000 members and supporters nationwide, FAIR is a non-partisan group whose membership runs the gamut from liberal to conservative. Our grassroots networks help concerned citizens use their voices to speak up for effective, sensible immigration policies that work for America's best interests.

Help stop illegal immigration and bring legal immigration under control.

Here's an additional contribution to help spread the word.

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