Terrorism and Immigration

by Richard D. Lamm

September 11, 2001 is the date on which the nature of warfare changed. It is not enough to say – as many do – that "everything changed" or that "the world will never be the same." We owe it to our country and each other to be specific and comprehensive. We need to assess what we learned and speculate and debate what we have yet to learn. The lessons we do not learn from September 11 will come back to haunt us.

I would suggest the most important factor that changed on September 11 was the type of warfare that we must protect ourselves against. One of the most important but most neglected subjects of the new national agenda is the relationship between immigration and terrorism. The nineteen Islamic fundamentalists who wrought the destruction of

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Richard D. Lamm is the former governor of Colorado. This address was delivered to the Franklin L. Burns School of Real Estate and Construction Management, Daniels College of Business, for a seminar entitled "Real Estate – Can We Be Secure?" Denver, Colorado, January 17, 2002.

September 11 and killed over 3,000 innocent people were all foreigners who had been in the United States from a week to three years. They apparently all entered the U.S. legally, though some of their visas had expired before September 11, 200l. No official of the U.S. knew where they were, what they were doing, nor did any alarm bells go off when they overstayed their visas. This was not unique, as approximately one-half of the 8 to 11 million illegal aliens in the U.S. entered with valid visas but overstayed their legal duration.

Gary Hart and his National Commission on Terrorism warned of this immigration/terrorism relationship over a year ago, concluding in a 2000 report that, "In spite of elaborate immigration laws and the efforts of the Immigration and Naturalization Service, the United States is, de facto, a country of open borders."

We must understand that the border is a critical tool for protecting America and we have to recognize and admit to ourselves how vulnerable we are. According to an article in the *Atlantic Monthly* we have 86 football stadiums that seat more than 60,000 people and 10 motor speedways with capacity of over 100,000 spectators. The Indianapolis Speedway seats more than 250,000. We have 50 of the 100 tallest buildings in the world and the Mall

of America gets 600,000 visitors a week. What good is the best airport security if our borders are open and we present targets like these?

The actions of September 11 were acts of war carried out against our civilian population by foreign civilians who came here legally and who lived, played, worked, and went to school in the United States. There is every reason to suspect that a number of additional terrorists are here in the U.S. right now. Many more have vowed to come here and commit their own acts of terror. Thousands of Islamic schools in various parts of the world are teaching millions of impressionable children to "hate America" and that we are "The Great Satan." A chorus of voices warns us that there will be additional acts of terrorism on American soil and that these terrorists are either hiding in plain sight or seeking lawful admission. We ignore the immigration lessons of September 11 at our great peril.

We face a ruthless, fanatical foe that flies civilian airplanes into buildings and is dedicated to killing Americans. In other wars the nation had to deal with domestic security, but as an extension of some foreign war. The new reality is that America is now the

battlefield and every American is a potential target. The problem is larger than "foreigners" of course. Let us not forget that Timothy McVeigh was an American and the FBI's best guess is that the anthrax attacks were most likely domestic terrorism.

The border is an important tool in preventing terrorism. As every house has to have a door, every country has to have a border. We have been singing, "We are the World" more that we have been singing "America The Beautiful." It is now imperative that we better monitor who we admit into this country, and insure that people honor the terms of their admission. We must monitor *whom* we admit, *where* they are, *whether* they are going to the schools they were admitted to attend, and we must know *when* they leave or don't leave. The INS admits that there are 300,000 foreigners who have been ordered out of the country but have disappeared before they could be deported. THREE HUNDRED THOUSAND: that's as many people as live in Ft. Collins.

Interpol and our own intelligence people have found that the twentieth terrorist was not able to enter the U.S. from Germany because the U.S. refused him a visa. The border worked; the score: one out of twenty terrorists coming here to do us harm. We should be thankful for that one, but this is not a good score. Because of that one visa denial, we can reasonably speculate that the plane that crashed in Pennsylvania missed its Washington D.C. target because it

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only had four terrorists (instead of five) and that Todd Beamer and his "let's roll" brave band were able to frustrate the fourth plane's unidentified target in Washington, D.C. – albeit at the cost of their own lives.

Immigration reform will not solve the problem of terrorism, but this problem will not be solved without immigration reform. We talk a lot about non-immigration solutions to terrorism that are not realistic. According to the same *Atlantic Monthly* article, we would need 14,000 air marshals to cover every domestic flight, which is more than the total number of special agents in the FBI. We can run but we can't hide from the fact that we have an immigration/terrorist problem. We cannot fully protect America once people enter this country. It is now clear that all hijackers had documents and came in at a U.S. port of entry. Their names were checked against a "watch list" and apparently no alarms went off.

We must do better. We must better evaluate the potential for harm that comes with visitors, students and immigrants. I suggest

this visa part of the problem has at least two parts: (l) that many students and visitors received their visas in a country where it was impossible for American officials to do an adequate background check; (2) that the U.S. consular offices worldwide are understaffed and cannot adequately do background checks even if the sending country cooperates.

America had about 500 million border crossings last year, 350 million of them non-U.S. citizens. Over seven million visas were issued to foreigners last year and another 2.4 million applicants for visas were denied. Most of the 31 million foreigners who enter the U.S. temporarily each year do so without visas under reciprocal visa waiver policies that permit nationals of twenty-nine countries to enter the U.S. for up to ninety days without visas. One of the hijackers was a recently-naturalized French citizen who entered under this waiver program. No visas are required for Mexicans or Canadians entering the U.S. with Border Crossing Cards that permit limited travel in the U.S.

What To Do?

First, I suggest we pass into federal law a proposal of Senator Diane Feinstein who submitted a bill for a six-month moratorium on visas from countries which sponsor terrorists. In 1998, America issued 564,683 student visas including over 7,999 from Saudi Arabia, 4,500 from Pakistan, 2,000 from Jordan, and 1,600 from Egypt. I think it is a reasonable question whether we are doing or even can do adequate

background checks on persons from these terrorist-sponsoring countries. While a moratorium on visas pending a review of the procedure for the issuance of visas seems only common sense to most of us, America's univer-sities, including my own, vehemently protested this legislation and it died. It should be revived. How could we possibly take the risk of giving a student or tourist visa to someone from Iran, Iraq, Syria, Sudan and Libya? Why not at least a six-month moratorium? If Americans have to wait in long lines at airport security, it is not unreasonable to make people from these countries wait longer for their visas so we can be reasonably sure they will not do us harm.

Related to this, America needs an increase in consular officers assigned to issuing visas and increased scrutiny and background checks for each applicant. There are U.S. embassies in some foreign countries where less than five minutes is devoted on average per applicant.

The second way that illegal immigrants enter the country is through the "back door" of slipping across our border. The United States has 93,000 miles of coast line in addition to a 2000-mile border with Mexico and a 4000-mile border with Canada. There are 400 border agents on the Canadian border to cover 3 shifts and 4000 miles. We have Swiss-cheese borders without adequate policing.

The gargantuan number of illegal aliens who come (mostly to find jobs, not engage in terror) undercuts national security and border control. The Clinton administration, with the tacit approval of much of corporate America), substantially crippled the interior enforcement of our laws against illegal immigration. We must better protect ourselves against illegal immigration so we can better protect ourselves against terrorists. Even though the vast majority of the illegal aliens come seeking jobs, the enormous numbers of illegals prevent the U.S. from coming close to knowing who is legally in this country and who is not. It is essential to identify and remove the millions of aliens who enter legally and then stay on illegally, as well as those who enter illegally from the start. If we can deny jobs to illegal aliens, we will not eliminate but we will go a long way towards reducing illegal immigration.

For those who over-stay their visas we need a comprehensive ID reform that includes machine-readable visas and documents for all entrants to the U.S. to minimize forged entry documents, and a database of entry and exit information. An electronic work eligibility document will make it more difficult for unauthorized aliens to work and support themselves while in the U.S. Several pilot programs have proven successful and must be made mandatory in all work places by Congress.

What do we do about illegal immigrants who sneak across our border? I believe that border enforcement is not enough. I believe that we also need a national ID card. There is a simple and reliable system already in effect in Germany, Austria, France, Greece, Spain, Hong Kong, Belgium and the Netherlands. Every citizen and lawful resident would be required to obtain a tamper-proof national identification card. It would be encoded with some type of biometric data – a fingerprint, retina scan, or voice pattern – and have a hologram, like we see today on most drivers' licenses. Fingerprints

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or a retina scan are much harder to fake or forge than a picture. This ID will not only help us dramatically cut down illegal immigration, but will help with the growing problem of identity theft.

After a certain date, ID cards would help identify people here illegally two ways. First, it will be impossible for people without ID cards to remain unseen throughout the American landscape. They would not be able to get on a plane, collect federal benefits, open a bank account, obtain health care, cash a check, or get a job without a national ID. This is how most European countries help control their borders. For a foreigner, not having an ID card would be grounds for deportation. For all stops, detentions and arrests, police would require ID cards.
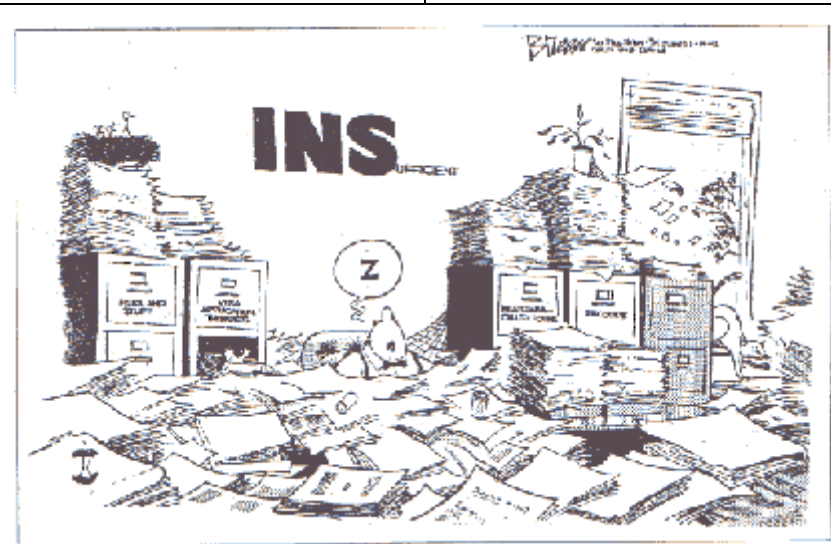
It is not adequate merely to have to show a drive's licenses or equivalent ID's issued by the state.

Three of the nineteen September 11 terrorists had Virginia ID's-issued under a permissive Virginia policy. I believe me must adopt a national standard for driver's license issuance and design. All states must protect these vital identity documents by cross-referencing them with the Social Security database and adopting anti-tampering laws.

We may choose to start with some sort of voluntary ID issued under uniform rules by states on a voluntary basis. This might be an alternative or a first step. A separate line at security gates could be available for those with a proper ID having a biometric identifier. If you wanted to avoid the long line, you would get a government issued ID.

Understand that all U.S. citizens would also have to acquire and show the national identification card. For the average U.S. citizen, it would be little different from what it is now. When you get a job, cash a check, get on a plane, or collect a benefit, you will have to show your ID card instead of your driver's license. Police would still need reasonable suspicion to stop anyone. It would save American citizens billions in tax and welfare fraud and identity theft. It is not a silver bullet against terrorism; there is no silver bullet. It would not catch Timothy McVeigh or other citizen terrorists, but it would help us to start to get a handle on who is in our country legally.

Then there is the question of legal immigration. In 1998, the United States took in 7,883 immigrants from Iran, 2,220 from Iraq, 4,831 from Egypt, 13,094 from

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Pakistan, 2,840 from Syria, and 166 from Libya. The same question applies here as it does in the matter of visas: can we really do an adequate background check from places like Libya or Sudan?

One of the most intriguing issues to me is the question of profiling. There is a lot of jerking of knees on the subject, but it seems to me that we should pay more attention to someone with a visa from a terrorist-supporting country than from Hong Kong or Peru. It would be public policy malpractice not to. It would not make sense in the name of non-profiling to check everyone equally. Some people are obviously more of a security risk than others. It may well be that an elderly Thai woman with a visa might cause us harm, but it is far less likely than someone with a visa from Libya, Iraq or the Sudan – or someone wearing an Osama bin Laden T-shirt.

Conclusion

The famous military strategist Von Clauwitz observed that "generals always fight the last war." Are we not doing the very same thing? We are thousands of times more likely to be invaded by a foreign terrorist than a foreign country. We need a military but we also need a border. The front line in this phase of warfare is the border. We ignore it at our peril.   •