The 9/11 Commission Report and Immigration: An Assessment, Fourteen Years after the Attacks

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The "War on Terror" continues 14 years after the terror attacks of September 11, 2001. Looking back further, it is more than 22 years since terrorists from the Middle East carried out deadly terror attacks at CIA Headquarters in Virginia (January 25, 1993) and the World Trade Center, in New York City, just one month later (February 26, 1993).

Make no mistake. We are at war with a vicious and insidious enemy that wants nothing less than the utter destruction of our nation and our way of life. They have committed unthinkable atrocities and undoubtedly will continue to slaughter, by the most barbaric means possible, anyone who stands in the way of their goals.

The purpose of my article is to ask a derivative of the fundamental question that was posed repeatedly in the 1976 movie thriller, *Marathon Man*: "Is it safe?" We must now ask, "Are *we* safe?" It begs the question that has a direct bearing on our security: "Have our leaders learned the lessons that history should have taught them?"

Let us begin by considering profound words that are just as relevant today as they were when their author first spoke them:

> When the situation was manageable it was neglected, and now that it is thoroughly out of hand we apply too late the remedies which then might have effected a cure. There is nothing new in the story. It is as old as the Sibylline books. It falls into that long, dismal catalogue of the fruitlessness of experience and the confirmed unteachability of mankind. Want of foresight, unwillingness to act when action would be simple and effective, lack of clear thinking, confusion of counsel until the emergency comes, until self-preservation strikes its jarring gong—these are the features which constitute the endless repetition of history.

Sir Winston Churchill's observation—from a speech he delivered before the House of Commons on May 2, 1935—voiced his frustrations and consternation about missed opportunities and failures to learn from history, as the storm clouds of war were gathering on the horizon [an excerpt from Churchill's speech is posted on the National Churchill Museum website].

The famed playwright, George Bernard Shaw's lament parallels Churchill's perspective:

> We learn from history that we learn nothing from history.

What lessons should our leaders have learned from the way that the 9/11 and other terrorists were able to enter the U.S. and carry out attacks on U.S. soil?

In the wake of those attacks, the U.S. government created the 9/11 Commission, established to conduct an exhaustive investigation to determine how the terrorists were able to enter the U.S., conceal (embed) themselves

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in our country as they went about their deadly preparations, and ultimately carry out the attacks.

I was one of many experts who were interviewed and provided testimony to the 9/11 Commission.

The Commission faced a daunting challenge—there were many vulnerabilities that were determined to have been exploited by the terrorists and many areas where our government was ill prepared to deal with the attacks. Key elements of the immigration system—including the process by which visas are issued to aliens seeking entry into the U.S.—were found to have major flaws.

The 9/11 Commission Report addressed these flaws and vulnerabilities in the immigration system that failed to prevent the entry and subsequent embedding of not only the 19 hijackers who savagely attacked our nation on that horrific day 14 years ago, but other terrorists who were identified as operating in the U.S. in the decade leading up to the attacks on 9/11.

The 9/11 Commission staff produced an important report: *9/11 and Terrorist Travel*. They focused specifically on the ability of the terrorists to travel around the world, enter the U.S., and ultimately embed themselves here as they went about their deadly preparations to carry out an attack. From the preface of this report:

> It is perhaps obvious to state that terrorists cannot plan and carry out attacks in the U.S. if they are unable to enter the country. Yet prior to September 11, while there were efforts to enhance border security, no agency of the U.S. government thought of border security as a tool in the counterterrorism arsenal. Indeed, even after 19 hijackers demonstrated the relative ease of obtaining a U.S. visa and gaining admission into the U.S., border security still is not considered a cornerstone of national security policy. We believe, for reasons we discuss in the following pages, that it must be made one.
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> … [we] endeavor to dispel the myth that their entry into the U.S. was "clean and legal." It was not. Three hijackers carried passports with indicators of Islamic extremism linked to al Qaeda; two others carried passports manipulated in a fraudulent manner. It is likely that several more hijackers carried passports with similar fraudulent manipulation. Two hijackers lied on their visa applications. Once in the U.S., two hijackers violated the terms of their visas. One overstayed his visa. And all but one obtained some form of state identification. We know that six of the hijackers used these state issued identifications to check in for their flights on September 11. Three of them were fraudulently obtained.

Pages 46 and 47 of this report noted:

> By analyzing information available at the time, we identified numerous entry and embedding tactics associated with these earlier attacks in the U.S.
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> **The World Trade Center Bombing**, February 1993. Three terrorists who were involved with the first World Trade Center bombing reportedly traveled on Saudi passports containing an indicator of possible terrorist affiliation. Three of the 9/11 hijackers also had passports containing this same possible indicator of terrorist affiliation [footnote in original report].[5]
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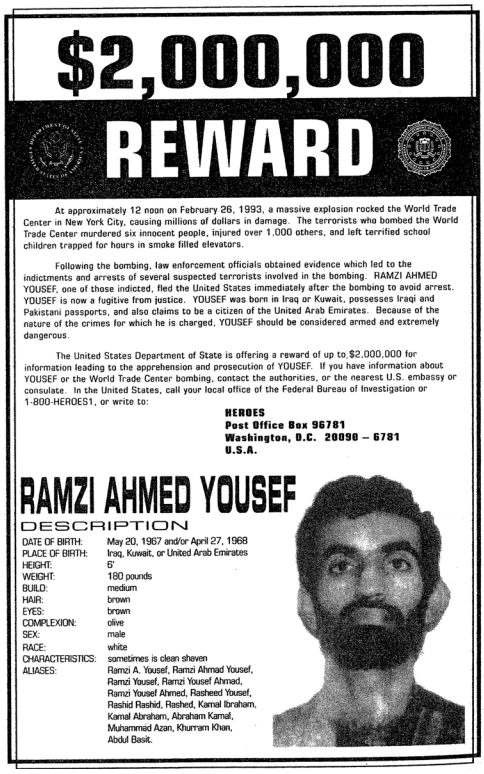
> In addition, Ramzi Yousef, the mastermind of the attack, and Ahmad Ajaj, who was able to direct aspects of the attack despite being in prison for using an altered passport, traveled under aliases using fraudulent documents. The two of them were found to possess five passports as well as numerous documents supporting their aliases: a Saudi passport showing signs of alteration, an Iraqi passport bought from a Pakistani official, a photo-substituted Swedish passport, a photo-substituted British passport, a Jordanian passport, identification cards, bank records, education records, and medical records.[6]



> Once terrorists had entered the U.S., their next challenge was to find a way to remain here. Their primary method was immigration fraud. For example, Yousef and Ajaj concocted bogus political asylum stories when they arrived in the U.S. Mahmoud Abouhalima, involved in both the World Trade Center and landmarks plots, received temporary residence under the Seasonal Agricultural Workers (SAW) program, after falsely claiming that he picked beans in Florida. Mohammed Salameh, who rented the truck used in the bombing, overstayed his tourist visa. He then applied for permanent residency under the agricultural workers program, but was rejected. Eyad Mahmoud Ismail, who drove the van containing the bomb, took English-language classes at Wichita State University in Kansas on a student visa; after he dropped out, he remained in the U.S. out of status.

Page 61 contained this passage:

> **Exploring the Link between Human Smugglers and Terrorists**
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> In July 2001, the CIA warned of a possible link between human smugglers and terrorist groups, including Hamas, Hezbollah, and Egyptian Islamic Jihad.[149] Indeed, there is evidence to suggest that since 1999 human smugglers have facilitated the travel of terrorists associated with more than a dozen extremist groups.[150] With their global reach and connections to fraudulent document vendors and corrupt government officials, human smugglers clearly have the "credentials" necessary to aid terrorist travel.

The following is found on page 98 under the title ***"Immigration Benefits"***:

> Terrorists in the 1990s, as well as the September 11 hijackers, needed to find a way to stay in or embed themselves in the U.S. if their operational plans were to come to fruition. As already discussed, this could be accomplished legally by marrying an American citizen, achieving temporary worker status, or applying for asylum after entering. In many cases, the act of filing for an immigration benefit sufficed to permit the alien to remain in the country until the petition was adjudicated. Terrorists were free to conduct surveillance, coordinate operations, obtain and receive funding, go to school and learn English, make contacts in the U.S., acquire necessary materials, and execute an attack.

It is important to note that bin Laden paid attention to the *9/11 Commission Report* and understood the significance of our immigration system (*New York Times*, May 20, 2015, "In Osama bin Laden Library: Illuminati and Bob Woodward"). Here is a significant detail:

> He also appeared to have maintained a keen interest in what the U.S. government thought of Al Qaeda. A copy of "The 9/11 Commission Report" was found in the compound in Abbottabad, as were three reports on Al Qaeda by the Congressional Research Service. There was also an application for American citizenship (no word on whether it was filled out).

Up until his demise, bin Laden was determined to carry out future attacks on the U.S. He was interested in the analysis of the attacks that was produced by the 9/11 Commission.

Finally—and of great importance—is the fact that an application for U.S. citizenship was found in bin Laden's compound. He knew that U.S. citizenship provides the "Keys to the Kingdom" to those who acquire it, whether it is through birth in the U.S. or through the naturalization process.

Over the years, there have been cases where terrorists and spies, used the naturalization process as an integral part of their plans to enable them to successfully carry out their objectives.

Unlike many other countries, the only distinction the U.S. makes between citizens who acquire their citizenship at birth, as compared with those who acquire citizenship via the naturalization process, is that naturalized citizens may not be elected President or Vice President. The acquisition of U.S. citizenship would truly represent, not a brass ring, but a *gold* ring where embedding of terrorists is concerned.

When an alien naturalizes, he/she may opt to change his name on the day that the great honor of U.S. citizenship is bestowed upon him. When that naturalized citizen applies for a U.S. passport, the passport will only reflect his new name and not reflect his original name. For terrorists and transnational criminals, this enables them to create their own de facto "witness protection program," concealing their true identity.

An international traveler presenting a U.S. passport at an international border raises far less suspicion than would be created by other passports—especially those issued by Middle Eastern countries.

A naturalized citizen who has taken a new name to conceal background may well succeed in evading detection when entering other countries because the U.S. passport he/she was issued does not reflect that person's name, which may well be on a number of terror watch-lists in other countries—and, perhaps, even on our watch-lists.

Furthermore, many aliens who naturalize become "dual nationals," retaining their original citizenship and passport. This enables terrorists to use their U.S. passport to travel around the world with the ability to cover their tracks. Terrorists can use the U.S. passport to enter a country—say, Germany. Their passports are stamped with an admission stamp by German immigration officials, and they then take a flight to the Middle East, or elsewhere, traveling the rest of the way on their original passport and under their original name. That original passport may have been issued by Pakistan, Lebanon, or some other country. On the way back to the U.S. they reverse the process, landing back in Germany and then boarding a flight for the U.S. under their new identity, as reflected in their U.S. passport.

A review of their U.S. passport would make it appear that these individuals simply spent the last three weeks in Germany, while in reality, Germany was only a way-point in their journey to the Middle East.

Other countries similarly issue passports to naturalized citizens that only reflect the individual's new name taken at the time of naturalization. The failure of U.S. passports to reflect the original names of naturalized citizens is a serious loophole. But Congress has not insisted that the federal government close it. Simply adding the naturalized citizen's original name to his/her U.S. passport would effectively address this serious vulnerability, enhancing U.S. national security and the security of our allies and helping to keep terrorists from boarding airliners.

Next, let's consider the Witness Protection Program—an important program that is administered by the U.S. Marshals Service (USMS), an agency that operates under the aegis of the Department of Justice (DOJ). This program is charged with protecting people who provide vital information about major criminal and terrorist organizations by becoming informants and cooperators.

Without this program it would be all but impossible to gain the cooperation of those who have the inside view of some very dangerous organizations. However, while not all of the people who provide the information are "bad guys," many of them, of necessity, are. When bad guys agree to cooperate they do not generally acquire a new set of moral values and become "good guys." It is not unusual for cooperators and informants to commit crimes even as they provide information to law enforcement.

The Inspector General (IG) that has responsibility for the integrity of the Witness Protection Program conducted an audit of that program in 2013 and found gaping holes in the system that provided stark evidence of ineptitude. It must be remembered that witnesses can themselves pose a threat to public safety.

The Witness Protection Program is commonly known by an acronym, WITSEC that stands for "Witness Security." An article in *The Atlantic Wire,* dated May 16, 2013, "How Did U.S. Marshals Lose Suspected Terrorists in Witness Protection?", disclosed:

> A public memorandum issued on Thursday by the Department of Justice's Inspector General indicates that in July 2012 the U.S. Marshals Service, the federal law enforcement agency of the DoJ of Tommy Lee Jones notoriety, was unable to locate two "known or suspected terrorists" participating in the Witness Security Program, the well-known protection program (of Goodfellas fame) administered by the Marshals Service. "Through its investigative efforts," the Inspector General writes, the agency "concluded that one individual was and the other individual was believed to be residing outside the U.S."
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> The mishap was apparently one of many incidents where the agency inadvertently allowed protected witnesses, who were also identified as "known or suspected terrorists," to travel freely out of and within the U.S. Indeed, the agency is only beginning to track how many witnesses have been tagged as such. From the inspector's report:
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> > We found that the Department did not definitively know how many known or suspected terrorists were admitted into the [Witness Security Program]. The Department has identified a small but significant number of USMS WITSEC Program participants as known or suspected terrorists. As of March 2013, the Department is continuing to review its more than 18,000 WITSEC case files to determine whether additional known or suspected terrorists have been admitted into the program.
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> The report goes on to list a number of problems (described as "significant issues concerning national security") with the way the U.S. Marshals Service deals with suspected terrorists, such as neglecting to share valuable case information with other agencies like the F.B.I.

A CNN report contained even more details: First on CNN: Witness Protection Program lost two "known or suspected terrorists." From the CNN report:

> The IG summary said that although the Marshals Service was giving known or suspected terrorists who participated in the WITSEC

> program and their dependents new names and identity documentation, the Justice Department "was not authorizing the disclosure to the Terrorist Screening Center," which operates the terrorist watch list that helps provide information to the Transportation Security Administration's No-Fly and Selectee lists. "Therefore it was possible for known or suspected terrorists to fly on commercial airplanes in or over the U.S. and evade one of the government's primary means of identifying and tracking terrorists' movements and actions," the summary said.

Think about that the next time you wait to be screened by the TSA before you board an airliner.

When Space Shuttle Challenger was obliterated, approximately 73 seconds after liftoff, a commission was convened to investigate what went wrong so that appropriate changes could be made.

Our leaders *should* have treated *The 9/11 Commission Report* the very same way as the findings about the Space Shuttle Challenger disaster. They should have treated the recommendations of the 9/11 Commission the same way that our government reacts to recommendations associated with investigations into airplane crashes, train crashes, and other catastrophes. Invariably the factors that were determined to have contributed to a disaster are taken into strict account, and appropriate changes are implemented as soon as possible.

Consider if terror attacks conducted in the U.S. by foreign nationals, *prior* to the attacks of 9/11, could have alerted our government about vulnerabilities in the system. What could have been done to remediate the failures that created the vulnerabilities that terrorists exploited?

In 1993, two deadly terror attacks were launched by foreign nationals who managed to enter the U.S.:

In January 1993, a Pakistani by the name of Mir Aimal Kansi stood outside CIA Headquarters in Langley, Virginia, with an AK-47 and opened fire on the vehicles of CIA employees reporting for work on that cold January morning. When the smoke dissipated, two CIA officers lay dead and three others were seriously wounded. Kansi fled the U.S. and was ultimately brought back to stand trial. He was found guilty and executed for his crimes. He had applied for political asylum in the U.S. before he committed those murders.

Fleeing the U.S. after the attack is a tactic often employed by criminals to evade U.S. authorities. In the case of Kansi, because of the nature of his crimes, our government took extraordinary measures to track him down and return him to the U.S. Many other criminals have successfully fled the U.S.

Just one month later, on February 26, 1993, a bomb-laden truck was parked in the garage under the World Trade Center complex and detonated. The blast nearly brought one of the 110-story towers down sideways. Six innocent people were killed, over one thousand people were injured, and an estimated one half billion dollars in damages were inflicted on that iconic complex of buildings located just blocks from Wall Street.

That attack was also carried out by alien terrorists who managed to not only game the visa process in order to enter the U.S. and get past the inspections process at ports of entry, but game the immigration benefits program as well.

FRAUD AND DECEPTION

Before they launched their attacks, the terrorists committed fraud. They lied about material facts on their visa applications. Similarly, it was determined that they lied when they applied for political asylum, lawful immigrant status, and U.S. citizenship.

These failures created the opportunities for the terrorists to enter the U.S. and carry out those deadly attacks in 1993.

To provide a bit of clarity, the visa process is conducted at U.S. embassies and consulates around the world, which, if properly administered, can provide an invaluable layer of security by pre-screening of those citizens of foreign countries who seek to enter the U.S. There are broad categories of visas, immigrant and non-immigrant.

A foreign national seeking to enter the U.S. for a temporary period of time with no intention of relocating to the U.S. permanently is, by definition, a non-immigrant. This includes tourists, students, temporary workers, diplomats, and others whose authorized period of admission is established by law in accordance with the nature of the visa that is granted. Such aliens may not work in the U.S. unless they have been specifically granted employment authorization to work at a specific job for a specific employer who has abided by labor certification requirements that are supposed to prevent foreign workers from competing with American workers for jobs.

A visa does not guarantee an alien entry into the U.S. An alien can only be admitted into the U.S. by a CBP (Customs and Border Protection Inspector) at a port of entry or at a pre-flight facility at international airports that have such facilities. For aliens who require visas to enter the U.S., the visa is a prerequisite for traveling to the U.S. Aliens who are eligible to enter the U.S. without a visa, under the Visa Waiver Program, for example, still must be admitted by a CBP Inspector.

Aliens generally are granted immigrant visas because they supposedly possess a highly desirable skill that is in short supply, or because of a family relationship, in which their resident alien or U.S. citizen family

member who, by law, is authorized to petition for that intending immigrant has, in fact, filed such a petition.

Aliens who are admitted as lawfully admitted permanent resident aliens are provided with an Alien Registration Receipt Card (Green Card) that signifies that the alien has been so admitted. Each year the U.S. admits roughly one million such aliens, and they are immediately as entitled to work in the United State as an U.S. citizen. They may work on any job for which they have the qualifications.

The term "alien" is defined by the Immigration and Nationality Act, the all-encompassing body of U.S. law that pertains to the entry and presence of aliens in the U.S., as simply being "any person, not a citizen or national of the U.S." There is no insult in that term or in that definition—only clarity.

Clarity is the last thing any con-artist wants when dealing with his/her intended victim. Their motto could be, "Don't confuse the issue with the facts." Of course John Adams had a very different view about facts, which is clear when considering his famous quote:

> Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence.

Remarkably, however, the term "alien" is acceptable when it applies to the DREAM Act and "DREAMERS." DREAM is an acronym for **D**evelopment, **R**elief, and **E**ducation for **A**lien **M**inors. Apparently this problematic word (*alien*) becomes palatable when it can be used to connect aliens to the "American Dream," a dream, I might add, that is being made ever more unattainable by the failures of the immigration system to protect American workers of every race, religion, and ethnicity from unfair foreign competition.

It is apparent that the goal in eliminating the term *alien* from the discussion not only obfuscates the issue but enables the advocates for open borders and elimination of effective immigration law enforcement—the folks I have come to refer to as the *"Immigration Anarchists,"* who claim that anyone who would want our borders secured and our immigration laws enforced is being "anti-immigrant."

The difference between an illegal alien and an immigrant is equal to the difference between a burglar and a houseguest. Demanding effective immigration law enforcement is not "anti-immigrant" but "pro-enforcement."

Our immigration laws were enacted to protect the jobs of American workers and the lives of everyone who is present in the U.S., irrespective of their race, religion, ethnicity, or even country of citizenship. The immigration issue is not about "Left" or "Right" but about right or wrong!

The failures in both the visa adjudications process and the immigration benefits program, which provided the terrorists of the 1993 attacks the opportunity to enter the U.S. and hide themselves in plain sight, were not addressed. The unmistakable lessons that these attacks should have provided were utterly ignored. In fact, in some ways these identified vulnerabilities were exacerbated to placate a wide array of special interest groups and the lobbyists who represent them.

The failure to learn from what should have been compelling lessons unwittingly set the stage for the terror attacks of September 11, 2001.

Since the 9/11 attacks, foreign-born terrorists have managed to enter the U.S. and commit additional acts of terrorism.

It is important to note that some of these terrorists had acquired lawful immigrant status and even U.S. citizenship prior to their attempts to carry out deadly attacks. We will examine some of these individuals and their tactics shortly, but it is worth bearing in mind that on April 15, 2013, the Tsarnaev brothers, Tamerlan and Dzhokhar, carried out deadly terror attacks beginning at the Boston Marathon. They had been granted political asylum by U.S. Citizenship and Immigration Services (USCIS), a federal agency that operates under the aegis of the Department of Homeland Security (DHS). These two brothers, along with other members of their family, were subsequently granted lawful immigrant status.

The investigation that followed the terror attacks determined that members of the Tsarnaev family traveled to Russia voluntarily after they were granted political asylum. This should have alerted the DHS that these individuals likely committed fraud in their applications for asylum.

In order to be eligible for political asylum, an alien has to claim "credible fear," meaning that he/she has strong reasons to believe that if they were to return to their home countries they would face severe persecution, or worse, because of their religion, race, ethnicity, or political beliefs, and therefore cannot return home safely. It would certainly appear that the members of the Tsarnaev family lied about their "credible fears" or they never would have flown back to their native Russia.

The Associated Press article of April 25, 2013, "GOP rep weighs asylum review in immigration bill," included this excerpt:

> "People getting asylum because they are in the minority, but engaging in aggressive tactics in their home country that may cause them to be susceptible to doing the same thing elsewhere, that obviously ought to be a part of our consideration in granting political asylum to avoid situations like Boston," said Rep. Bob Goodlatte (R-Va.), who's working

> to develop a series of bills to fix problems with the country's immigration system.
>
> Goodlatte didn't specify what might need to be changed in the asylum process, only saying it's something that bears examination in the wake of the Boston bombings. So do with other aspects of the U.S. immigration system, including the naturalization process by which immigrants become U.S. citizens, Goodlatte said. Dzhokhar Tsarnaev is a U.S. citizen while Tamerlan Tsarnaev had sought citizenship but had not had his application granted.

Clearly the Tsarnaev case is hardly the first one of its kind, nor is this a new problem. The 9/11 Commission was clear about the nexus between immigration fraud and terrorism, especially where it concerns political asylum.

Mir Aimal Kansi, the Pakistani national who shot up the CIA Headquarters in Virginia on January 25, 1993, had applied for asylum prior to carrying out that deadly attack.

Just one month later, on February 26, 1993, Ramzi Yousef, a native of Kuwait who had been born to Pakistani parents, helped lead the first bombing at the World Trade Center, which killed 6 people, injured more than a thousand, and did approximately half a billion dollars in damage. Had the plot toppled one of the 110 story towers, the casualty count would have far eclipsed the three thousand who would be slaughtered more than 8 years later on September 11, 2001.

Yousef was initially arrested in 1992 when he arrived at John F. Kennedy International Airport with an altered passport, but was subsequently released when he uttered the magic words, "political asylum."

In the wake of the growing turmoil in the Middle East, as ISIS continues its rampage, the U.S. and other countries have admitted large numbers of political refugees and are finding that it is all but impossible to safely vet many of these aliens. The Somali community in cities such as Minneapolis, Minnesota, has been plagued by their young men traveling to Syria to join radical Islamic terrorist groups.

Terrorists concealing themselves within groups of

The devastating aftermath of the Boston Marathon Bombing, April 15, 2013. Two Chechen-born brothers, Dzhokhar and Tamerlan Tsarnaev, carried out the deadly terror attacks. Three died and some 264 others were injured during the two explosions (https://en.wikipedia.org/wiki/Boston_Marathon_bombing). An MIT police officer also died. Author Michael Cutler points out that the Tsarnaevs "had been granted political asylum by U.S. Citizenship and Immigration Services (USCIS).... These two brothers, along with other members of their family, were subsequently granted lawful immigrant status."

refugees is hardly a new tactic, and certainly not limited to the U.S. [See Reuters website for article, "Italy arrests Moroccan over Tunisian museum killings," May 20, 2015.]

Incredibly, 20 years after those attacks and more than 13 years after the terror attacks of September 11, 2001, virtually nothing has been done to address this obvious vulnerability. Indeed, the current administration's headlong dash to provide hundreds of thousands of illegal aliens with lawful status and official identity documents without interviews or field investigations has greatly exacerbated threats to national security.

America opened its arms to the Tsarnaev family in a demonstration of compassion. These terrorists, not unlike the other terrorists who carried out deadly attacks in 1993 and 2001, and still others who, thankfully, were unsuccessful in their efforts to kill innocent victims, saw in America's kindness, weakness, and an opportunity to kill, maim, and destroy innocent lives—the lives of the citizens of the very country that welcomed them.

At the risk of playing the frustrating and futile game of "What if...," perhaps this attack would have been averted *if* the Department of Homeland Security had lived up to its name and followed up on the apparent fraud committed by the Tsarnaev brothers and their other family members, who lied about their credible fear of returning to Russia as the predication for being granted political asylum. Most news agencies were quick to speculate about the fact that the FBI ignored warnings from Russia about the Tsarnaev brothers, but ignored the immigration component of this case.

In "F.B.I. Interview Led Homeland Security to Hold Up Citizenship for One Brother," the *New York Times* revealed on April 20, 2013, that both brothers were seeking U.S. citizenship via the naturalization process. Only Dzhokhar's application was approved. The final decision about Tamerlan's application was put on hold, pending further investigation when it was discovered that the FBI had interviewed him in 2011.

The graphic photos taken in the immediate aftermath of the explosion these two terrorists triggered show the horrific suffering and destruction they caused. It is fair to say that the dead and injured depicted in those photographs are victims of immigration fraud.

Tamerlan died during a confrontation with police after the bombing of the Marathon, and his younger brother, Dzhokhar, was wounded but survived. Dzhokhar Tsarnaev was found guilty of numerous crimes, at the ensuing trial and sentenced to death.

Arguably the most confounding and egregious of all immigration foul-ups relating to the terror attacks of September 11, 2001, to the chagrin of the management at INS, was the discovery that precisely 6 months after the terror attacks of September 11, 2001, two of the dead terrorist-hijackers, Mohammed Atta and Marwan al-Shehhi, had been granted authority, by the former INS, to change their immigration status to enable them to attend a school in the U.S. Incredibly, compounding this obvious glaring example of ineptitude and incompetence, the school these two terrorists sought permission to attend was a *flight school,* for which they applied to *receive pilot training.*

By then the entire world knew that these two individuals were terrorists—indeed, dead terrorists, who had participated in the deadliest terror attack ever carried out on U.S. soil. Granted "student" visas, they used their training to gain access to the cockpits of the airliners, killed or disabled the pilots and first officers, and then launched the planes like kamikaze cruise missiles against their targets.

The student visa program is wide open to abuse. On November 20, 2013, ABC News reported, "Exclusive: U.S. May Have Let 'Dozens' of Terrorists Into Country As Refugees." This is not a new problem. On July 13, 2011, the *Washington Tim*es published a truly disturbing article, "Visas reviewed to find those who overstayed: Aim is to find any would-be terrorists." And, again, on September 2, 2014, ABC News reported, "Lost in America: Visa Program Struggles to Track Missing Foreign Students."

Here is how this report began:

> The Department of Homeland Security has lost track of more than 6,000 foreign nationals who entered the U.S. on student visas, overstayed their welcome, and essentially vanished—exploiting a security gap that was supposed to be fixed after the Sept. 11, 2001 terror attacks.
>
> "My greatest concern is that they could be doing anything," said Peter Edge, the U.S. Immigration and Customs Enforcement official who oversees investigations into visa violators. "Some of them could be here to do us harm."
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> Homeland Security officials disclosed the breadth of the student visa problem in response to ABC News questions submitted as part of an investigation into persistent complaints about the nation's entry program for students.
>
> ABC News found that immigration officials have struggled to keep track of the rapidly increasing numbers of foreign students coming to the U.S.—now in excess of one million each year. The immigration agency's own figures show that 58,000 students overstayed their visas in the past year. Of those, 6,000

were referred to agents for follow-up because they were determined to be of heightened concern.

"They just disappear," said Sen. Tom Coburn, R-Okla. "They get the visas and they disappear."

Coburn said since the September 11, 2001 terror attacks, 26 student visa holders have been arrested in the U.S. on terror-related charges.

Tightening up the student visa program was one of the major recommendations made by the 9/11 Commission, after it was determined that the hijacker who flew Flight 77 into the Pentagon, Hani Hanjour, had entered the U.S. on a student visa but never showed up for school.

Edge said ICE agents are trying to locate every one of the 6,000 missing students, but acknowledged that "we really have a lot more work to do" to tighten up the student visa program.

Despite repeated concerns raised by Congress, federal immigration officials have also continued to grant schools certification to accept overseas applicants even if the schools lack accreditation, state certification, or any obvious measure of academic rigor.

There are now more than 9,000 schools on the government approved list. The list includes such top-flight American colleges as Harvard and Yale, but it also includes 86 beauty schools, 36 massage schools, and nine schools that teach horseshoeing. Foreign students can enter the U.S. on a visa to study acupuncture, hair braiding, or join academies that focus on tennis and golf.

Once the student arrives in the U.S., it is up to the schools to keep track of the visa-holder's whereabouts—and report to the government if they repeatedly miss class.

That is a serious concern, Coburn said, because a number of for-profit schools appear to have been operating with a primary goal of selling visas, not educating students.

I have repeatedly tried to alert lawmakers and the general public about this issue. In a discussion about 6,000 "missing" foreign students who were at large in the U.S., Newsmax published a report about my concerns under the title, "Ex-INS Officer: Hire More Agents to Find Missing Visa Holders."

Consider that we now have more than one million foreign students in the U.S., studying at some 9,000 schools. There are not enough ICE agents to determine if all of those schools even exist and are not simply "mills" that crank out the necessary paperwork to enable students from every country on this planet to enter the U.S. as students. Because of the huge numbers of schools and students, DHS has tasked the foreign student advisors at these schools to keep tabs on their students and notify the government if these students fail to attend class or to maintain a proper grade point average. For legitimate schools, the need to maintain their standing as authorized schools is important, and it is likely that they will take their responsibilities to report to DHS seriously.

Sen. Tom Coburn (R-OK)

Bogus schools, however, are as likely to report about their "students" who go missing as a car thief driving a stolen car is likely to ask a uniformed police officer for directions. The owners of those "schools" are not in business to educate anyone, but to get paid "tuition" and other fees in exchange for providing foreign nationals with a seemingly legitimate way of entering the U.S.

This is a huge issue that has serious national security implications.

Schools also create other problems for the U.S. In some instances, foreign nationals engaged in terrorism have been well educated in American schools and universities. Consider the case of Aafia Saddiqui. This Pakistan-born scientist was educated in the U.S. at MIT and Brandeis University and was subsequently convicted of attempting to kill U.S. soldiers and FBI agents in Afghanistan. On September 23, 2010, CNN published a report about her case, "Pakistani scientist gets 86 years for Afghan attack," which began with the following excerpt:

> New York (CNN)—A federal judge Thursday sentenced a Pakistani scientist convicted of

attempting to kill Americans in Afghanistan to 86 years in prison.

A jury in Manhattan convicted Aafia Siddiqui on seven charges, including attempted murder and armed assault on U.S. officers, in February. She will serve her sentence at a facility in Texas where she was previously held while awaiting trial.

Prosecutors said Siddiqui picked up a rifle and shot at two FBI special agents, a U.S. Army warrant officer, an Army captain and military interpreters while she was being held unrestrained at an Afghan facility on July 18, 2008. The agents returned fire shooting her in the abdomen.

Afghan police had arrested her outside the Ghazni governor's compound in central Afghanistan after finding her with bomb-making instructions, excerpts from the "Anarchist's Arsenal," papers with descriptions of U.S. landmarks, and substances sealed in bottles and glass jars, according to the charges.

The indictment said Siddiqui had "handwritten notes that referred to a 'mass casualty attack'" listing several locations in the U.S. and "construction of 'dirty bombs.'" Upon her conviction, the American-educated neuroscientist, blasted the decision as "a verdict from Israel, not America." Siddiqui's family said she had been unjustly convicted.

At her sentencing Thursday morning, the 38 year-old MIT graduate shook her head in defiance and wagged her finger in a "no" gesture as U.S. District Judge Richard M. Berman laid out the case against her.

About two weeks after the media reported on the case of Aafia Siddiqui, the media turned its attention to another terrorist who was born in Pakistan. On October 5, 2010, Fox News, in conjunction with the Associated Press, published a report, "Times Square Bomber Sentenced to Life in Prison," about Faisal Shahzad, a 31-year-old man who had first entered the U.S. on a student visa when he was 20 years old.

He ultimately became a naturalized U.S. citizen and then, less than one year later, attempted to detonate an SUV packed with explosives in the heart of Times Square, "the crossroads of the world," with the goal of killing as many innocent victims as possible.

Here is how this report began:

NEW YORK—A Pakistani immigrant who tried to set off a car bomb in Times Square was sentenced Tuesday to life in prison by a judge who said she hopes he spends time behind bars thinking "carefully about whether the Koran wants you to kill lots of people."

A defiant Faisal Shahzad smirked as he was given a mandatory life term that, under federal sentencing rules, will keep him behind bars until he dies.

"If I'm given 1,000 lives I will sacrifice them all for the life of Allah," he said at the start of a statement that lasted several minutes. "How can I be judged by a court that does not understand the suffering of my people?"

Shahzad—brought into the Manhattan courtroom in handcuffs and wearing a white skull cap—had instructed his attorney not to speak, and U.S. District Judge Miriam Goldman Cedarbaum told prosecutors she didn't need to hear from them. That left Shahzad and the judge free to spar over his reasoning for giving up his comfortable life in America to train in Pakistan and carry out a potentially deadly attack in the heart of Times Square.

"You appear to be someone who was capable of education and I do hope you will spend some of the time in prison thinking carefully about whether the Koran wants you to kill lots of people," Cedarbaum told Shahzad after she announced his mandatory life sentence.

Shahzad, a 31-year-old former budget analyst from Connecticut who was born in Pakistan, responded that the "Koran gives us the right to defend. And that's all I'm doing."

Afterward, the head of the FBI's New York office, Janice K. Fedarcyk, cited evidence that Shahzad hoped to strike more than once.

"Shahzad built a mobile weapon of mass destruction and hoped and intended that it would kill large numbers of innocent people and planned to do it again two weeks later," Fedarcyk said in a statement. "The sentence imposed today means Shahzad will never pose that threat again."

Calling himself a Muslim soldier, a defiant Shahzad pleaded guilty in June to 10 terrorism and weapons counts.

He admitted that the Pakistan Taliban provided him with more than $15,000 and five days of explosives training late last year and early this year, months after he became a U.S. citizen.

> For greatest impact, he chose a crowded section of the city by studying an online streaming video of Times Square, the so-called Crossroads of the World, prosecutors said.

Here is an interesting account of an exchange that the federal judge had with Shahzad at his sentencing:

> He added: "We do not accept your democracy or your freedom because we already have Sharia law and freedom."
>
> The judge cut him off at one point to ask if he had sworn allegiance to the U.S. when he became a citizen last year.
>
> "I did swear but I did not mean it," said Shahzad.
>
> "So you took a false oath," the judge told him.

Incredibly, New York City Police Commissioner Ray Kelly described Faisal Shahzad as being "a classic example of homegrown terrorism" ["Kelly: NYC bomb suspect 'homegrown'," *New York Post*, May 11, 2010]. It is inconceivable that Ray Kelly, who had previously served as the commissioner of the U.S. Customs Service and the commissioner of the NYPD at the time of the attempted bombing of Times Square, could refer to a man who had first come to the U.S. as an adult on a student visa as being a "*homegrown* terrorist."

Shahzad was anything but "*homegrown*"! Kelly is not that naïve or inexperienced. The problem is that, for purposes of political expedience, a narrative has been fashioned that, regardless of the facts, is continually repeated: "Immigration has nothing to do with terrorism."

I have had members of Congress make this very same assertion in response to my statements when I have testified as an expert witness, before Congressional hearings into the nexus between immigration and terrorism.

This is delusional and very dangerous. The only way to solve problems is to identify all of the components of the problem and then devise effective strategies to neutralize all of the threats.

This commonsense approach is missing where immigration is concerned.

On December 6, 2014, Fox News aired a report, "Saudi-born U.S. naval engineer allegedly gave undercover agent info on how to sink carrier," which focused on how Mostafa Ahmed Awwad was educated in the U.S., became a resident alien and acquired U.S. citizenship, and then agreed to provide an FBI undercover agent with the plans of the Gerald R. Ford, a $13-billion aircraft carrier that is still under construction and has brand-new, unique innovations. Allegedly Awwad even told the undercover agent where the ship would be most vulnerable to being sunk by a missile strike.

On December 22, 2014, a far more extensive report about Awwad's case was published in the *Virginia Pilot,* "Engineer's arrest shows weakness with security checks." It includes a very interesting statement made by the defendant, himself:

> The Ford is the lead ship of the Navy's first new aircraft carrier class in nearly 50 years. Scheduled to sail by 2016, the ship is packed with cutting-edge systems, from catapults to radars to electronics.
>
> Obtaining that technology could help a nation with a developing navy shave off years of research and development, the official said.
>
> In a Dec. 10 hearing in federal court, prosecutor Joseph DePadilla said Awwad told an agent he turned down a better-paying job with Lockheed Martin so he could work at the shipyard and sell its secrets to Egypt.
>
> DePadilla said Awwad, believing that he was talking with an Egyptian intelligence officer, mocked the U.S. government for hiring people like himself.
>
> "I don't know what is wrong with this government," he cited Awwad as saying. "They hire the Chinese. They hire the Russians. They hire us."
>
> The Awwad case is still unfolding. In the meantime, he's been denied bond, indicted for crimes that could send him to prison for 40 years.

What is wrong with our government when it seeks to hire people from foreign countries to do extremely sensitive work upon which our security and, indeed, our survival depends? Educating foreign students provides countries that compete with the U.S. with opportunities—not just to beat us in the business world but to undermine our national security for the benefit of their homelands.

China currently sends us the greatest number of foreign students, followed by India. South Korea comes in third. Saudi Arabia is in the top ten list of countries whose students are studying in the U.S.

China has been rattling its military sabers of late. A recent CBS/60 Minutes news report, "The Battle Above: U.S. and China are locked in a high stakes contest over satellites that are critical to national security and everyday life," originally aired on April 26, 2015, focused on China's ability to launch anti-satellite missiles that can take out satellites in low-earth orbit and even at the somewhat higher orbit where our GPS satellites are positioned. The report noted that it may not be too long before China will have the capability of taking out satellites in geo-synchronous orbits. These are sat-

ellites that appear to be stationary over one spot of the earth because their orbits are so high, (22,300 miles up) that it takes them as long to orbit the earth as it takes the earth to rotate.

A question that should be asked, is, "Did [at least some of] the Chinese engineers who have been building these anti-satellite missiles study in the U.S.?" *Newsweek*'s article of May 20, 2015, "A New Cold War, Yes. But It's With China, Not Russia," ends with this excerpt:

> There is, of course, tremendous irony in that. For decades, U.S. policy was to help China succeed economically. We had convinced ourselves that through trade and prosperity, political change would come in Beijing (just as it had in South Korea and Taiwan, former authoritarian economic success stories turned vibrant democracies). That notion is now long gone. The Chinese Communist Party, and its one-party rule, doesn't appear to be going anywhere. It's also playing a long game; its military is just a regional player now, but by 2049, when the party expects to celebrate its 100th anniversary in power, it may well be able to project force globally. That, anyway, is the intention of the more hawkish elements of the party and its military.
>
> Washington had earnestly hoped that the days of a global struggle against a powerful adversary were gone, the stuff of history books. That it's now waking up and acknowledging a different reality is step one in what Liu Mingfu calls the central "fight" for the twenty-first century.

We are now training our adversaries, and little if anything is being done to stop this self-destructive and potentially suicidal practice.

Politicians disingenuously insist that foreign students who acquire education in the U.S. should be given lawful immigrant status to enable them to live in the U.S. Otherwise, they reason, these students will go back to their home countries and work for companies that compete with American companies. Most major American companies are actually multi-national companies that have factories all around the world that employ foreign engineers and other professionals.

The obvious solution would be for the U.S. to provide opportunities for American students to acquire the education that would enable them to succeed. Flooding the U.S. with ever more foreign workers and ever more foreign students will simply drive down wages—and not just at the bottom of the economic ladder but within the ranks of American middle class and highly educated workers.

Meanwhile the U.S. economy will suffer and more opportunities for industrial espionage and the training of our adversaries will increase [I addressed this in my May 7, 2015, article for *FrontPage Magazine*, "Hopeless in America: Immigration lawlessness and the destruction of the American dream," and July 22, 2014, *FrontPage Magazine*, "Immigration 'Reform': Engineered Destruction of the Middle Class: The real reason high-tech titans are lining up behind the amnesty effort"].

The leaders of both political parties, and many of the thus far announced candidates for the presidency, have stated that they would support "Comprehensive Immigration Reform," whereby unknown millions of illegal aliens, who evaded the inspections process, and whose true identities are unknown and unknowable, would be granted lawful status and official identity documents.

Because of the huge number of aliens that we are talking about, there would be no face-to-face interviews and no routine field investigations to verify the information contained in their applications.

What is neglected in all of the news coverage and the discussions about this legislation is the underlying fact that there would be no way to instill integrity in this program, which has repeatedly demonstrated an inability to uncover fraud that would undermine national security.

On September 17, 2014, Congressman Lou Barletta posted a press release titled, "DHS Secretary Admits Pathway to Citizenship Checks Would Miss Terrorists," which included a link to the video of his questioning Homeland Security Secretary Jeh Johnson at a hearing about this issue. Although Johnson attempted to dance around the question, he eventually confirmed that aliens who have reasons for not coming forward would not likely do so, and there are no plans to address this huge issue.

Congressman Barletta also questioned Jeh Johnson about amnesty and the *9/11 Commission Report* at a hearing on December 2, 2014, and a video of that exchange is well worth watching. During their exchange Barletta said, "When it comes to illegal immigration, the conversation is always about the illegal immigrant and not about the people it would affect...and it's not fair."

By providing millions of aliens who evaded the inspections process with lawful status, the message to aspiring illegal aliens around the world is as clear as it is dangerous: in the U.S., violations of our borders and our laws will not only be tolerated but rewarded.

Our leaders, ranging from the president to members of Congress, repeatedly mock our immigration laws every time they state that aliens who have committed those violations are entitled to "earned" citizenship. This constitutes nothing less than government-created and sanctioned anarchy.

On February 11, 2014, House Judiciary Committee Chairman Bob Goodlatte conducted congressional hearings into the lack of integrity in the process by which aliens are granted political asylum [House Judiciary Committee, "Asylum Fraud: Abusing America's Compassion?"]. Another hearing two months before this one explored the issue: "Asylum Abuse: Is it Overwhelming our Borders?" It disclosed how abuse of the political asylum program was *overwhelming our borders*—in point of fact, this program has overwhelmed the *entire* immigration system in every one of our *fifty states*.

Rep. Lou Barletta (R-PA) addressed the American Cause National Conference, "Building the New Majority," June 2009.

Both hearings made it clear that there is a serious lack of integrity to the political asylum program. This important humanitarian program processes thousands of applications each year, yet the fraud rate in this program bears witness to its lack of integrity. Because USCIS (U.S. Citizenship and Immigration Services) cannot effectively identify fraud and take measures to counter this fraud, national security is compromised.

Furthermore, as more aliens succeed in gaming this program by committing fraud that goes undetected, more aliens are emboldened to file fraud-laden applications, further increasing the workload of the beleaguered adjudications officers at USCIS, the division of the Department of Homeland Security that is charged with adjudicating more than 6 million applications for a wide array of immigration benefits each year.

These applications are filed by aliens seeking authorization to extend their period of stay in the U.S., aliens who apply for political asylum based on claims of "credible fear" that they cannot safely return to their home countries. Additionally, USCIS adjudicates applications for resident alien status and U.S. citizenship via the naturalization process.

The greater the number of applications filed, the more rapidly the process needs to dispose of these applications to keep up with the workload. The fastest way to accomplish this is to have the adjudications officers approve nearly every application. An application can be approved in just minutes, but it may take days or even weeks to deny an application. Denials may require a field investigation and a formal report of findings that need to be reviewed by attorneys for legal sufficiency, in anticipation of the alien filing an appeal.

This creates a vicious cycle of more applications to be dealt with in a shorter period of time. This further erodes any semblance of integrity to this vital process, which the 9/11 Commission identified as having a clear nexus with national security. It is important to focus on the term "adjudicate" and the fact that it is supposed to describe a deliberative process. An Adjudications Officer is supposed to weigh all of the material facts before rendering a decision. Consider these observations by the Chairman of the House Judiciary Committee, Bob Goodlatte. He provides insight into just how screwed up this process is, where applications for political asylum are concerned:

> Accounts indicate that aliens are being coached in the asylum process and are being taught to use certain terms to ensure that they are found to have a credible fear. According to critics many of these claims are often an orchestrated sham.
>
> In addition to this alarming trend, the House Judiciary Committee recently obtained an internal CBP memo that states many people claiming a "credible fear" of persecution at our ports of entry have a direct or indirect association with drug trafficking and other illegal activity, such as human smuggling. Since there are intelligence gaps and loopholes in the system, the asylum process is often being abused by individuals who would otherwise be subjects of interest or of criminal investigations. Once these unscrupulous individuals falsely claim a "credible fear" of persecution, there is virtually no investigation by U.S. authorities. Because the Obama Administration refuses to detain most of them, criminals and those who pose national security threats are then able to live and work in the U.S. for many years before their cases are ever heard by immigration judges.

The 9/11 Commission made many important dis-

coveries about the way that multiple failures of our government—law enforcement, intelligence gathering and sharing, and a host of other failures—contributed to the ability of the 19 terrorists to enter the U.S. and carry out the attacks, not only on September 11, 2001, but, as noted previously, in attempted terror attacks prior to 9/11.

The Commission uncovered the undeniable fact that the visa process, which is *supposed* to screen aliens seeking entry into the U.S. and prevent the entry of aliens whose presence would be dangerous or harmful to America and Americans, is flawed. It was determined that the 9/11 terrorists were issued visas.

However, it was also discovered that at least some aliens who were ultimately found to be cohorts of the terrorists were denied visas. Consequently, they were unable to enter the U.S. and participate in the terror attacks. In those instances, the system did work—but they were the exceptional cases.

Similarly, the Commission found numerous flaws in the process by which aliens seek entry into the U.S. At the time of the terror attacks of 9/11, that inspection was conducted by Immigration and Naturalization Service (INS) inspectors. Today that vital responsibility is vested in Customs and Border Protection (CBP) inspectors.

Again the point must be made that at least one of the would-be participants in the terror attacks was denied entry by an Immigration Inspector.

Beyond the vulnerabilities in the visa issuance process and the immigration inspections program conducted at ports of entry, multiple other components of the immigration system were determined to have failed abysmally.

The adjudications process that granted some of the terrorists immigration benefits ranging from employment authorization to political asylum and conferring lawful immigrant status, and the lack of routine enforcement of the immigration laws, have all contributed to the ability of the terrorists to enter the U.S. and hide in plain sight.

The 9/11 Commission Report addressed the importance of the immigration inspections process conducted at ports of entry, noting:

> Inspectors at the ports of entry were not asked to focus on terrorists. Inspectors told us they were not even aware that when they checked the names of incoming passengers against the automated watchlist, they were checking in part for terrorists. In general, border inspectors also did not have the information they needed to make fact-based determinations of admissibility. The INS initiated but failed to bring to completion two efforts that would have provided inspectors with information relevant to counterterrorism—a proposed system to track foreign student visa compliance and a program to establish a way of tracking travelers' entry to and exit from the U.S.

The 9/11 Commission Staff Report on Terrorist Travel detailed numerous examples of instances where terrorists made use of visa and immigration benefit fraud, including political asylum fraud to enter and also embed themselves in the U.S. Under the title "3.2 Terrorist Travel Tactics by Plot," here is an excerpt from p. 54 of that report that makes the above issues crystal clear:

> Although there is evidence that some land and sea border entries (of terrorists) without inspection occurred, these conspirators mainly subverted the legal entry system by entering at airports.
>
> In doing so, they relied on a wide variety of fraudulent documents, on aliases, and on government corruption. Because terrorist operations were not suicide missions in the early to mid-1990s, once in the U.S. terrorists and their supporters tried to get legal immigration status that would permit them to remain here, primarily by committing serial, or repeated, immigration fraud, by claiming political asylum, and by marrying Americans. Many of these tactics would remain largely unchanged and undetected throughout the 1990s and up to the 9/11 attack.
>
> Thus, abuse of the immigration system and a lack of interior immigration enforcement were unwittingly working together to support terrorist activity. It would remain largely unknown, since no agency of the U.S. government analyzed terrorist travel patterns until after 9/11. This lack of attention meant that critical opportunities to disrupt terrorist travel and, therefore, deadly terrorist operations were missed.

[See also my prepared testimony of March 10, 2005, when I testified before a hearing conducted by the House Judiciary Committee, Subcommittee on Immigration, Border Security, and Claims, on the topic, "Interior Immigration Enforcement Resources."]

It has been estimated that nearly half of the illegal aliens in the U.S. did not run our borders but were legally admitted into the U.S. at ports of entry and then went on to violate the terms of their admission, often by over-staying or changing their status [entering as a "student" and then moving on].

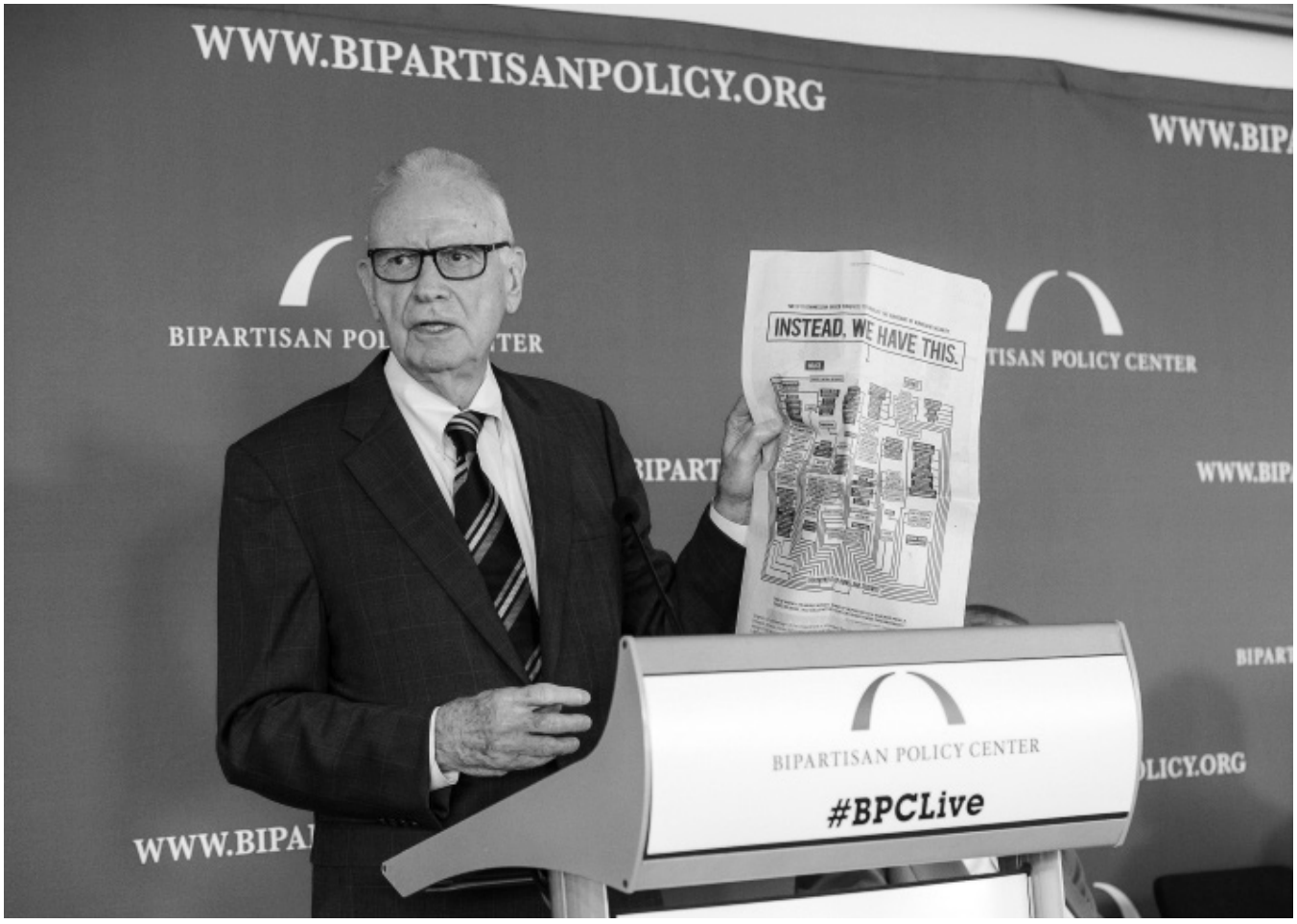
It should now be obvious that the key to effective immigration law enforcement is to have an effective and robust interior enforcement program. Yet this critical component of the immigration system has been utterly ignored for decades. This situation was personally frustrating inasmuch as I was assigned to the various elements of the interior enforcement program for 26 years of my 30-year career.

It is important to understand just how important this mission is and how the interior enforcement program has many components that have extreme significance for our nation. The best way to do this is to provide you with a brief overview of how the interior enforcement program *should* be conducted if the findings and recommendations of the 9/11 Commission and its staff were to truly be taken into account. This must be done to protect America from aliens whose presence poses a threat to our safety and wellbeing.

Even before the terror attacks of September 11, 2001, when I unofficially worked with members of the House Immigration Subcommittee, I devised a concept of effective immigration enforcement, which I referred to as the "Immigration Enforcement Tripod." Simply stated, Immigration Inspectors, as they were referred to back then—now they are CBP (Customs and Border Protection) inspectors—enforce the immigration laws at ports of entry, while Border Patrol agents enforce the immigration laws between ports of entry and Special Agents and Deportation Officers comprise the third leg of the "Immigration Enforcement Tripod," backing up the other two elements of the tripod and also carrying out other related missions.

To flesh out the roles of the elements of the tripod, CBP (Customs and Border Protection) inspectors are charged with enforcing our immigration laws at ports of entry and with preventing the entry of aliens that are noted in one of the sections of the Immigration and Nationality Act (INA)—Title 8, U.S. Code, Section 1182—which enumerates the categories of aliens who are to be excluded. Among these classes of aliens who are to be prevented from entering the U.S. are aliens who suffer from dangerous communicable, diseases or extreme mental illness.

Additionally, convicted felons, human rights violators, war criminals, terrorists, and spies are to be excluded, as well as aliens who would seek unlawful



Lee Hamilton, co-chair of the 9/11 Commission, addressed the conference, "The 9/11 Commission Report: Ten Years Later," at the Newseum, Washington, D.C., on July 22, 2014.

employment, thus displacing American workers or driving down the wages of American workers, who are similarly employed, and aliens who would likely become public charges.

It is vital to note that our immigration laws make absolutely no distinction, in any way, shape, or form, as to the race, religion, or ethnicity of any alien.

The Border Patrol's mission is to enforce our immigration laws between ports of entry, through interdiction to make certain that aliens do not evade the inspections process that is supposed to prevent the entry of aliens whose presence would be problematic, as noted above. Their duties also involve identifying smugglers and "safe houses" and taking appropriate law enforcement actions to dismantle such smuggling operations by arresting the smugglers and transporters and the aliens they smuggle.

Finally, we have the final leg of the tripod, the interior enforcement mission, which is the responsibility of personnel at ICE (Immigration and Customs Enforcement). This vital and all but ignored leg of the "Enforcement Tripod" backs up the other two divisions of the DHS and has a number of vital missions.

During my career with the former INS I rotated through every squad of the Investigations Branch, giving me an intimate familiarity with the various missions that constitute the interior enforcement mission.

It is must be understood that no matter how effective the Border Patrol is, some aliens will manage to evade detection by the Border Patrol. These aliens do not run our borders the way that Neil Armstrong and the other Apollo astronauts went to the moon. These aliens do not simply seek to set foot on American soil, grab a few rocks, plant a flag, and go home. They are intent on making their way to towns and cities across our vast nation for a variety of purposes known only to them.

An alien who is arrested by the Border Patrol but is willing to make multiple subsequent attempts to get past them may well ultimately succeed.

These aliens are not only from Mexico or even just from Latin America, but come from nearly every country on the planet.

Additionally, Iran has been working closely with Venezuela, and it has been reported that for years Iranian "shock troops" known as the "qodz" have been flying routinely from Tehran directly to Caracas, Venezuela. It is unlikely that they are coming for vacation [see the House Committee on Homeland Security Hearing on, "Iran, Hezbollah, and the Threat to the Homeland"].

The Huffington Post published a report about that hearing, "Peter King: Iran May Have 'Hundreds' Of Hezbollah Agents In U.S." Here is an excerpt from that news report:

> "As Iran moves closer to nuclear weapons and there is increasing concern over war between Iran and Israel, we must also focus on Iran's secret operatives and their number one terrorist proxy force, Hezbollah, which we know is in America," said New York Rep. Peter King at a Wednesday hearing of his committee.
>
> The hearing, which featured former government officials and the director of intelligence analysis for the New York Police Department, follows a foiled plot to assassinate the Saudi ambassador in Washington, D.C., and testimony by Director of National Intelligence James Clapper in late January that Iran's leaders are "more willing to conduct an attack inside the U.S. in response to real or perceived U.S. actions that threaten the regime."

The *Washington Times* mentioned the details of a Pentagon report to Congress on Iran's military operations in Latin America (April 21, 2010, "Iran boosts Qods shock troops in Venezuela"). Here is an excerpt:

> The report gives no details on the activities of the Iranians in Venezuela and Latin America. Iranian-backed terrorists have conducted few attacks in the region. However, U.S. intelligence officials say Qods operatives are developing networks of terrorists in the region who could be called to attack the U.S. in the event of a conflict over Iran's nuclear program.

Also noteworthy is a May 30, 2013, UPI article that addressed the case of an alleged former member of Hezbollah successfully immigrating to the U.S. by reportedly concealing his terrorist background. According to the report, Wissam Allouche used his lawful immigrant status to get a job as a translator for a company hired by our military in the Middle East. Translators and interpreters are in a unique position to do considerable harm. They act as the eyes, ears, and mouths of agents and those being questioned or interrogated. They are therefore able to know who all of the players are and can alter the conversation or interrogation sessions by not translating faithfully. They can learn what issues are of importance to our government and can propagate disinformation to alter our officials' understanding of situations that could ultimately have deadly results.

Here is an excerpt from this report:

> Wissam Allouche, 44, who became a citizen in 2009, was arrested last week by the FBI Joint Terrorism Task Force, the *San Antonio Express-News* reported Thursday. He has also been charged with failing to reveal mem-

> bership in Hezbollah, the Lebanese militant group classified as terrorist by the U.S. government, when he sought a security clearance.
>
> A federal judge ordered Allouche held without bail after a hearing Wednesday.
>
> Allouche has lived in the U.S. for more than a decade. His attorney, Cynthia Orr, said he owned a gas station at one point.
>
> Allouche formerly worked for L3 Communications, a military contractor that supplies interpreters and translators. He spent several months with the company in Iraq.

Allouche is just one of many aliens accused of being linked to terrorism who applied for U.S. citizenship [see my article, April 20, 2015, *FrontPage Magazine*, "How DHS Ineptitude Facilitates Terrorist Operations"].

The FBI arrested Abdirahman Sheik Mohamud, a 23-year-old naturalized U.S. citizen originally from Somalia, who was charged with supporting a terrorist organization and for lying to an FBI agent about his travel to Syria, where he had planned to join his brother in aiding a terrorist organization. His brother was killed in battle, and after receiving training, it is alleged that Mohamud returned to the U.S. with the goal of killing American soldiers inside the U.S.

The three-count indictment that was made public disclosed that he had communicated via electronic means with his brother about his having acquired U.S. citizenship as a means of obtaining a U.S. passport which would facilitate his travel to the Middle East. Yet he was not charged with lying on his application for citizenship. This is more than a formality. As a U.S. citizen Mohamud would never be subjected to deportation (removal). However, if he was successfully prosecuted for committing fraud in that application for citizenship, he would lose his citizenship and his U.S. passport and would be subject to deportation.

His plans to kill American soldiers are alarming. Even if he is found guilty of the crimes for which he is charged, he is likely to complete his prison sentence while he is still relatively young—young enough to pose a serious threat to Americans in the U.S. The best solution is to move him out of the U.S. so that he could not continue to pose a threat here. Successfully prosecuting him for naturalization fraud would provide that opportunity, yet he has not been charged with that crime [see my April 16, 2015, article for CAPS (Californians for Population Stabilization), "Prosecutorial Discretion Would Enable Terrorist to Remain in the U.S."].

A U.S. citizen who was born in Somalia has recently been placed on the FBI's "Most Wanted Terrorists List." [see my piece: "The Immigration Factor –Naturalized U.S. Citizen Added to FBI's Most Wanted Terrorists List."].

An FBI press release provides insight into just how dangerous our immigration system failures are. [see FBI release issued on January 29, 2015, "Naturalized U.S. Citizen Born in Somalia Added to FBI List." Here are three brief paragraphs from that FBI press release:

> Liban Haji Mohamed, a naturalized U.S. citizen born in Somalia, has been named to the FBI's list of Most Wanted Terrorists, and a reward of up to $50,000 is being offered for information leading to his arrest and conviction. Mohamed is charged with providing material support and resources to al Qaeda and al Shabaab, a Somali-based terrorist organization.
>
> Traveling with his U.S. passport, Mohamed is thought to have left the U.S. on or about July 5, 2012. Before his departure, the 29-year-old lived in the Northern Virginia suburbs of Washington, D.C. where he worked as a cab driver.

It is important for us to locate Mohamed because he has knowledge of the Washington, D.C. area's infrastructure such as shopping areas, Metro, airports, and government buildings. This makes him an asset to his terrorist associates, who might plot attacks on U.S. soil.

Clearly this individual is of great concern because of his familiarity with our Nation's Capital acquired by driving a taxi. Given the track record amassed by USCIS (U.S. Citizenship and Immigration Services), the possibility exists that those who were involved with the process were pressured to put speed ahead of accuracy—not specifically in this case, but in terms of the priorities that exist at all components of the dysfunctional immigration system.

Tens of thousands of refugees from the Middle East are being admitted into the U.S. as the situation in that political tinderbox continues to heat up. I am certainly sympathetic to the plight of people who are running for their lives. However, it has been established repeatedly that there is precious little integrity to the screening process.

ANOTHER ISSUE OF CONCERN

Because of the ludicrous program known as "Catch and Release," wherein the Border Patrol arrests illegal aliens and then turns them loose with a Notice To Appear (NTA), the equivalent of a summons issued to a motorist who violates vehicle and traffic law and is told to report to court at a later date, the vast majority of aliens who are served with an NTA never show up. In this game of hide-and-seek the aliens hide and no one seeks. Frustrated Border Patrol agents have come

to refer to Notices to Appear as Notices To *Dis*-Appear!

Complicating this issue is the presence of large numbers of Iranian qodz forces in Venezuela and other countries of Latin America and the fact that the "Tri-Border Region" of Brazil has terror training camps involving Hezbollah, Hamas, and likely al Qaeda. How difficult would it be for aliens from the Middle East, over a period of time, to develop fluency in the Spanish language and thus be able to pass themselves off as natives of Latin America?

By releasing illegal aliens into the U.S., aliens who in the vast majority of cases never show up for hearings as ordered, the potential exists that terrorists may well be among those aliens.

Furthermore, not all aliens run the U.S./Mexican border; some evade the inspections process by running the U.S./Canadian border and by stowing away on ships.

It is important to note that not all of the alien smuggling rings involved citizens of Mexico or even Latin America. When I was on active duty, we identified and dismantled alien smuggling rings that involved citizens of China and many other countries.

In the 1980s, for about 3 years, I was assigned as the Marine Intelligence Officer in New York City and worked in close cooperation with the U.S. Coast Guard and the U.S. Customs Service, boarding ships to search for stowaways and contraband and looking to locate ship-jumpers. Ship-jumpers are aliens who work on various ships and disembark from those ships, generally without permission, and go missing. I was responsible for tracking them down and arresting them.

The one factor that aliens who evade the inspections process all have in common is that they know that they could not be lawfully admitted into the U.S. They may be poor and have no money, and so it would be obvious that they are coming to work illegally.

Other aliens seek to enter the U.S. surreptitiously because they are fugitives from law enforcement in other countries—they have committed serious crimes and are on the run.

What must also be understood is that alien terrorists and criminals do not hide in a hole in the ground. Almost invariably they seek work to provide money and also to provide an appearance of "normalcy."

Terrorists tend to seek employment that provides them with camouflage, mobility, and a means of meeting clandestinely with their cohorts in a way that will not be obvious to a surveillance team. Generally, driving a public conveyance such as a taxi, limo, or airport van are ideal and have all been used by aliens engaged in terrorism here and in other countries such as Canada.

Aliens may be legally admitted into the U.S. as immigrants or as non-immigrants. The admission process is conducted at ports of entry found at international airports, at land border ports, and at seaports.

Aliens who are admitted as immigrants are issued a "Green Cards" (Alien Registration Receipt Cards) that signifies that they are permanent residents. They may work on any job for which they have the requisite qualifications and may petition the government to permit their spouses and minor children to be admitted into the U.S. to reside as immigrants with them. They are immediately placed on the pathway to U.S. citizenship, although the naturalization process is not required to remain in the U.S.

The only way a lawful permanent resident alien can be ordered removed (deported) from the U.S. is if he/she has committed serious crimes. When this happens, ICE agents bear the responsibility for locating and arresting such aliens.

Additionally, aliens may be admitted into the U.S. as non-immigrants, meaning that they are admitted for a temporary period of time in order to accomplish the purpose(s) for which they were admitted. Such aliens may be admitted as tourists, as students, as exchange visitors, as temporary workers, or as diplomats. There are other categories of non-immigrant aliens, but this provides an overview of the fundamental concept behind non-immigrant aliens.

Non-immigrant aliens may be arrested and deported if they violate the terms of their admission. Examples of such violations include remaining in the U.S. beyond the period of time for which they were admitted, and accepting employment for which they are not authorized. Aliens who are admitted to perform specific work but fail to go to the job they were admitted to do are subject to removal, as are foreign students who fail to attend the schools they were admitted to attend or fail to maintain an adequate scholastic average.

Aliens who enter the U.S. without inspection and aliens who violate the terms of their admission should be arrested by ICE agents to seek their removal from the U.S. This is essential to creating a deterrent to discourage aliens from running our borders or entering the U.S. via the inspections process with the intention of violating our immigration laws.

When little or no effort is expended to seek aliens who evade the inspections process or violate the terms of their admission, our laws are rendered meaningless. This encourages still more violations of our laws and also removes a vital layer of protection that our borders and immigration laws should afford our nation and our citizens against international terrorists and transnational criminals.

Aliens who fail to appear for immigration hearings (absconders) should be sought by ICE agents. Similarly, aliens who violate the terms of their admission should also be sought and arrested. Additionally, ICE

agents should work to identify and, through appropriate law enforcement actions, should seek to dismantle alien smuggling operations, including those who harbor, shield, or transport such aliens.

Aliens who are arrested and convicted of committing serious crimes should be sought by ICE so that they can be given a removal hearing to seek their deportation from the U.S. when their jail sentences are completed.

Immigration fraud was identified by the 9/11 Commission as a key factor in the ability of terrorists to enter the U.S. and embed themselves in communities around the country. Fraud takes two principal forms—schemes and documents.

Fraud schemes include those individuals who exploit the immigration benefits program to provide aliens with Green Cards (Alien Registration Receipt Cards) through sham marriages, false employment offers, and making false claims of "credible fear" to be granted political asylum. Additionally, there are instances where aliens who apply for various benefits, including U.S. citizenship, may lie about material facts that would prohibit the alien from being granted such benefits if all of those facts were known.

Fraud document vendors produce counterfeit or altered identity documents and supporting documentation such as driver's licenses, Social Security cards, birth certificates, and marriage licenses.

Again, these issues can and should be addressed by a robust interior enforcement program.

Because of the extreme importance of immigration law enforcement, many multi-agency task forces require the participation of ICE agents. Among their task forces are the Gang Task Forces, the Joint Terrorism Task Force (JTTF) and the Organized Crime, Drug Enforcement Task Force (OCDETF) [I spent the final 10 years of my career assigned to OCDETF].

Adding to this madness is the fact that the administration and leaders from both parties insist that aliens who are illegally present in the U.S. have somehow, "*earned*" the right to remain in the U.S., with the only difference between the Democrats and the Republicans being whether these aliens should be given U.S. citizenship or "only" lawful authority to work in the U.S.

Rather than deterring illegal immigration, our politicians are making it clear that running our borders and committing other related crimes will not just be tolerated but richly rewarded.

The huge number of illegal aliens in the U.S. has created a humongous haystack, which conceals a growing number of deadly needles—including criminals and terrorists. The deliberate policy of refusing to enforce our immigration laws enables that haystack to grow, each and every day. For years, journalists and politicians have insisted that there are about 11 million illegal aliens in the U.S. This defies logic and common sense. Yet this is the number that they have decided to use. Perhaps a focus group was created and it was determined that most Americans would be willing to accept an illegal alien population of 11 million but would become agitated if they heard that the number was higher.

There is no way of knowing what is behind that ridiculous number. It is just impossible to understand why the media refuse to acknowledge that the number is getting larger each and every day. Those sheer numbers contribute to many of the challenges and threats confronting the U.S. and its citizens.

The romanticized version of the immigration story is that aliens who come to the U.S., whether legally or illegally, are simply seeking a better life and the opportunity to do the work Americans won't do. Of course what is neglected in that assertion is that illegal aliens, who tend to perform on the bottom economic rung, and aliens with visas to perform middle class and high-tech jobs, are willing to work for lower wages under worse, indeed, often illegal conditions that would be unacceptable for American workers.

The reality is that the majority of illegal aliens are primarily seeking illegal employment. This creates all sorts of other problems, ranging from providing unfair competition for American workers and wage suppression, to adding pressure on our educational system, our healthcare infrastructure, and other areas of critical infrastructure. It also contributes to the demand for false identity documents, and with it, a huge increase in identity theft, which can wreak havoc on the lives of those who fall victim to this crime.

The money that is wired home by foreign workers is hardly insignificant. It has been estimated that anywhere from $125 billion to perhaps $200 billion is wired annually from the U.S. by foreign workers who are working legally and illegally in the U.S. When the multiplier effect is taken into account, the impact on the U.S. economy is to increase the national debt by roughly one-half billion dollars each year. This is without taking job loss of Americans workers into account.

When American workers lose their jobs, they may well go from being middle class, tax-paying consumers to people living below the poverty level who not only stop paying taxes but resort to seeking assistance from government programs that include food stamps, housing subsidies, and Medicaid.

However, some aliens who enter the U.S. have more serious goals; they are part of transnational criminal organizations and enter the U.S. to ply their "trades" or to evade law enforcement officials in other countries because they are fugitives.

Finally, others may well be involved in terrorism. Just as only a very small percentage of members

of the U.S. Air Force who proudly wear an Air Force uniform hold combat positions, while many more members of the Air Force have essential supporting jobs, not all members of a terrorist organization are hijackers or planning to become involved in carrying out an attack. In some instances these individuals are sympathizers who engage in a variety of activities, both legal and illegal, to acquire money for the terrorist organization, provide housing for another member of the organization, or gladly accept tasks such as photographing potential targets.

The problem is we don't have any way of knowing why an alien runs our borders and often have no idea as to their true identities or even their actual countries of citizenship.

Jimmy Carter may have wanted INS personnel to refer to illegal aliens as "Undocumented Workers" but the reality is that aliens who run our borders were referred to by INS agents and other personnel as being EWI (entrants without inspection).

One of the lies being told by politicians and others, who want to maintain the status quo of open borders and immigration anarchy, is that effective immigration law enforcement would cause illegal aliens who become the victims of crimes to not come forward. This is another one of those false claims perpetrated by politicians and others who seek to undermine effective immigration law enforcement.

USCIS has posted information on its official website about visas that may be granted to Victims of Criminal Activity: U Nonimmigrant Status. These visas are available as a matter of compassion and as a way of obtaining vital information about criminal activities.

Additionally, chiefs of police, who are often more politicians than law enforcement officers, may claim that community policing is harmed when police cooperate with immigration enforcement officials. My personal experiences contradict this fatuous claim.

Throughout my career I worked closely with local police, including the New York City Police Department (NYPD). Often I helped these police officers cultivate informants and cooperators by using my authority as an immigration agent to convince aliens who might be subject to arrest for immigration law violations to provide vital information about criminal aliens. Those who cooperated were often rewarded with being granted employment authorization. In fact, there are specific visas that can be granted to illegal aliens who provide vital information in serious cases involving crimes of violence, drug trafficking, and terrorism. I was repeatedly told by local police, as well as other federal agents from other agencies, that providing visas to alien cooperators was often a far more conducive reward than large sums of cash.

Even after the 9/11 Commission identified the visa process as being too lax, rather than ending the wrong-headed Visa Waiver Program, which back on September 11, 2001, allowed aliens from 26 countries to apply to enter the U.S. without first applying for and receiving a visa, that program has been expanded to include the citizens of 38 countries.

On May 11, 2006, I testified before the House Subcommittee on Oversight and Investigations of the Committee on International Relations on the topic, "Visa Overstays: Can We Bar the Terrorist Door?" *If that topic and the concerns it raises gives you "cause for pause"* you should know that at some international airports in the U.S., on an average day, the great majority of arriving non-immigrant aliens are admitted under the auspices of the Visa Waiver Program.

If you wonder why in the world the dangerous Visa Waiver Program was expanded and not terminated after the terror attacks of 9/11 and the findings and recommendations of the 9/11 Commission were made public, identifying immigration failures as directly contributing to the ability of terrorists to enter the U.S. and embed themselves in the U.S., the answer can be found in a three word program, the Discover America Partnership. The organization that is leading the charge to push this lunacy is the U.S. Chamber of Commerce, which has partnered with executives of the hotel, hospitality, and travel industries, along with some manufacturing industries, to dictate national security policies.

How reassuring is it to know that the folks who are responsible for providing you with room service and (hopefully) clean linens on your next trip are now making national security decisions to help their bottom line?

I have compiled a list of the six ways in which the visa process can be helpful to law enforcement and bolster our nation's efforts to prevent the entry of aliens whose presence on our country may prove harmful to our nation and our citizens. Under the Visa Waiver Program, not one of these important benefits applies:

1. By requiring visas of aliens who seek to enter the U.S., this process helps to screen potential passengers on airliners that are destined for the U.S.

2. The CBP inspectors are supposed to make a decision in one minute or less as to the admissibility of an alien seeking to enter the U.S. The visa requirement helps them to do a more effective job.

3. The application for a nonimmigrant visa contains roughly 40 questions that could provide invaluable information to law enforcement officials should that alien become the target of a criminal or terrorist investigation. The information could provide intelligence as well as investigative leads.

4. If an alien applicant lies on the application for a visa, that lie is called "visa fraud." The maximum penalty for visa fraud starts out at 10 years in jail for those who commit this crime simply in order to come to the U.S., ostensibly to seek unlawful employment or other such purpose. The penalty increases to 15 years in jail for those aliens who obtain a visa to commit a felony. For aliens who engage in visa fraud to traffic in narcotics or commit another narcotics-related crime, the maximum jail sentence that can be imposed rises to 20 years. Finally, when an alien can be proven to have engaged in visa fraud in furtherance of terrorism, the maximum penalty climbs to 25 years in prison. It is important to note that while it may be difficult to prove that an individual is a terrorist, it is usually relatively simple to prove that the alien has committed visa fraud when there is fraud involved in the visa application. Indeed, terror suspects are often charged with visa fraud.

5. The charge of visa fraud can also be extremely helpful to law enforcement authorities who want to take a bad guy off the street without tipping their hand to the other members of a criminal conspiracy or terrorism conspiracy that the individual arrested was being arrested for his involvement in terrorism or a criminal organization. You can arrest the alien who commits visa fraud for that violation of law and not for other charges that might make it clear that the investigation under way is targeting a criminal or terrorist organization.

6. Even when an alien applies for a visa and his application is denied, the application he filed remains available for law enforcement and intelligence personnel to review to seek to glean intelligence from that application.

As if the vulnerabilities created by the Visa Waiver Program didn't already undermine security, in 2013 a new program was implemented that enables aliens who seek to enter the U.S., including those who are under the Visa Waiver Program, to not even face an immigration inspector but only a machine that resembles an ATM upon arrival at ports of entry.

The phrase "Safety First" has been supplanted by a new expression—"Greed First!" [For more about this program, see my May 12, 2015 *FrontPage Magazine* article, "U.S. Welcomes Millions of Aliens 'Sight Unseen,' Replacing the in-person inspections process with a kiosk."]

The emphasis of this program as posted on official websites of port authorities that have bought these machines has been on how it moves people far more quickly and cuts down on waiting time at airports. The issue not discussed is how, by taking Immigration Inspectors "out of the loop," we are missing the opportunity for our law enforcement officers to review passports and look into the eyes of an arriving alien, who, under our laws, has no absolute right to enter the U.S.—that right is reserved purely for U.S. citizens,

Consider this excerpt from Chapter 12 of the *9/11 Commission Report*:

> Before 9/11, no agency of the U.S. government systematically analyzed terrorists' travel strategies. Had they done so, they could have discovered the ways in which the terrorist predecessors to al Qaeda had been systematically but detectably exploiting weaknesses in our border security since the early 1990s.
>
> We found that as many as 15 of the 19 hijackers were potentially vulnerable to interception by border authorities. Analyzing their characteristic travel documents and travel patterns could have allowed authorities to intercept 4 to 15 hijackers and more effective use of information available in U.S. government databases could have identified up to 3 hijackers.[32]
>
> Looking back, we can also see that the routine operations of our immigration laws—that is, aspects of those laws not specifically aimed at protecting against terrorism—inevitably shaped al Qaeda's planning and opportunities. Because they were deemed not to be bona fide tourists or students, as they claimed, five conspirators that we know of tried to get visas and failed, and one was denied entry by an inspector. We also found that, had the immigration system set a higher bar for determining whether individuals are who or what they claim to be—and ensuring routine consequences for violations—it could potentially have excluded, removed, or come into further contact with several hijackers who did not appear to meet the terms for admitting short-term visitors.[33]
>
> Our investigation showed that two systemic weaknesses came together in our border system's inability to contribute to an effective defense against the 9/11 attacks: a lack of well-developed counterterrorism measures as a part of border security, and an immigration system not able to deliver on its basic commitments, much less support counterterrorism.

These weaknesses have been reduced but are far from being overcome.

It is important to understand just how important the inspections process conducted by diligent CBP inspectors at ports of entry is, as compared with a mindless machine. Perhaps the best way of making this case is to consider this excerpt from the *9/11 Commission Staff Report on Terrorist Travel*, which provides an in-depth account of how two of the terrorists who were involved in the 1993 terror attacks sought to game the system by acquiring multiple false passports in aliases and making spurious claims for political asylum. This case study addresses the importance of the inspections process and the threats to national security that are posed by document fraud, and how the "catch and release" program was not, and, in fact, still is not unique to the U.S./Mexican border that our supposed leaders appear to be fixated on—to the exclusion of so many other failures of the immigration system and how this lunacy impacts national security:

Ajaj and Yousef: A Case Study in Fraud

This case study illustrates some of the techniques used by two of the 1993 World Trade Center bombing terrorists to enter and remain in the U.S. Almost all of these tactics—italicized here for emphasis—would continue to be used by al Qaeda during the 1990s and in preparation for the 9/11 attack.

Using the services of a travel agent in Pakistan and traveling under aliases, on August 31, 1992, Ahmad Ajaj and Ramzi Yousef boarded Pakistan International Airlines Flight 703 in Peshawar and flew to Karachi, Pakistan, and then on to Kennedy Airport in New York City.[10] They sat in first class during both legs of the trip, believing they would receive less scrutiny there. Between them, they carried a variety of documents to support their alias identities, including identification cards, bank records, education records, and medical records.[11]

Upon Ajaj's arrival at Kennedy, the immigration inspector noted that he was traveling on a photo-substituted Swedish passport. Ajaj was sent to secondary immigration inspection, where he claimed he was a member of the Swedish press.[12] His luggage was searched and officers found *a partially altered Saudi passport and a passport* from Jordan, the documents supporting their alias identities, a plane ticket and a British passport in the name of Mohammed Azan, bomb-making manuals, videos and other material on how to assemble weapons and explosives, letters referencing his attendance at terrorist training camps; anti-American and anti-Israeli material, instructions on document forgery, and two rubber stamp devices to alter the seal on passports issued from Saudi Arabia.[13] The immigration inspector called an agent on the FBI Terrorist Task Force to tell him about Ajaj, but the agent declined to get involved, instead requesting copies of the file. The inspector also called the Bureau of Alcohol, Tobacco and Firearms, which was "not interested."[14]

Meanwhile, Yousef also was sent to secondary immigration inspection for lacking a passport or a visa that would allow him to enter the U.S. He there presented an Iraqi passport he allegedly bought from a Pakistani official for $100.[15] Upon questioning, Yousef said that the passport was fraudulent and that he bribed a Pakistani official in order to board the flight. Inspectors also found in his possession an Islamic Center identity card with Yousef's photo and the name Khurram Khan, under which Ajaj had traveled into the U.S. They also found a boarding pass in the name of Mohammed Azan.[16] Although their documents were thus oddly intermingled and both men were in secondary inspection, Yousef was not linked to Ajaj. Rather, Yousef was arrested for not having a visa. He made a claim for political asylum and was released into the U.S. pending a hearing.[17]

Ajaj told authorities he had a political asylum claim from a prior entry in February 1992, and was detained pending a hearing. The evidence suggests that Ajaj left the United States in April 1992, thereby abandoning his asylum claim. In fact, it appears that he traveled under an alias to attend a terrorist training camp on the Afghan-Pakistani border.[18]

Ajaj later pleaded guilty to a charge of use of an altered passport and served six months in prison. Not surprisingly, Yousef never appeared for his hearing. The World Trade Center was bombed on February 26, 1993. Ajaj was released from prison shortly thereafter, although he had no grounds for remaining in the U.S. He was arrested in connection with the attack on March 9, 1993. Yousef was indicted on September 1, 1993, but had left the U.S. on a fraudulent Pakistani passport. He was captured in Pakistan and returned to the U.S. to stand trial on February 8, 1995.

> Although Ajaj was arrested for involvement in the bombing, he did not give up on his political asylum claim. He petitioned for a new attorney and an exclusion hearing—held to determine whether someone is admissible into the U.S.—in Houston, where he had filed his original political asylum claim. Ajaj's request was denied on April 24, 1993, on the grounds that a passport holder from a visa waiver country who uses a fraudulent passport—Ajaj had used a bogus Swedish passport to enter the U.S.—is not entitled to such a hearing. Not satisfied with that outcome, Ajaj asked to file a new political asylum claim and was given ten days by an immigration judge to do so. Thus, Ajaj was able to file a political asylum claim after his arrest for involvement in the bombing of the World Trade Center. Yousef was sentenced to 240 years in prison; Ajaj was sentenced to 90 years.

Today ISIS continues to expand its operations and continues to seize ever more territory in the Middle East. They behead Christian men, women, and children. They slaughter and enslave their adversaries and continue to threaten to come to the U.S. to ultimately fly their flag over the White House, and through the Internet, claim to have recruited an army of adherents inside the U.S.

This claim by ISIS is not simply a matter of bluff and bluster; the FBI acknowledges tracking ISIS sympathizers in all 50 states, and the attack on May 4 at Garland, Texas, at which, thankfully, the only fatalities were the terrorists who were killed by law enforcement, was attributed to two American-born ISIS sympathizers.

Undoubtedly some of those who would carry out attacks inside the U.S. are "homegrown," but that phrase has been deceptively used to describe foreign-born terrorists who entered the U.S. either legally or illegally. The point to remember is that, *to date, the vast majority of terror attacks that were successfully or unsuccessfully launched inside the U.S. were initiated by aliens who managed to gain entry into the U.S.*

The very term, "International Terrorist" makes it clear that terrorism involves aliens who need to travel across international borders to conduct their deadly operations. Furthermore, in order to be able to operate in the U.S., these terrorists needed to find a way to hide in plain sight or, in the parlance of the 9/11 Commission, embed themselves in our country.

The 9/11 Commission Staff Statement [Terrorist Entry and Embedding Tactics, 1993 to 2001, p. 45] included this excerpt about the CIA's findings on the nexus between immigration and terrorism under the heading:

> The relative ease with which the hijackers obtained visas and entered the U.S. underscores the importance of travel to their terrorist operations. In this section we explore the evolution of terrorist travel tactics and organization. We begin with terrorist plots in the 1990s and conclude with the 9/11 attack.
>
> 3.1 The Redbook
>
> Since the early 1970s numerous terrorist organizations have provided their operatives with a wide variety of spurious documents. After showing their spurious passports and papers at border control, these terrorist operatives have proceeded to hijack airplanes, plant bombs, and carry out assassinations. These terrorist acts, however, can be stopped.
>
> If we all screen travelers and check their passports, as past experience proves, terrorist will lose their ability to travel undetected, and international terrorism will come one step closer to being stopped!
>
> —The Redbook (1992)
>
> By definition, transnational terrorist groups need to travel to commit terrorist acts. Indeed, without freedom of movement terrorists cannot plan, conduct surveillance, hold meetings, train for their mission, or execute an attack. Terrorists rely on forged passports and fake visas to move around the world unimpeded and undetected. This has been known for more than three decades. It is difficult today to judge with certainty what else was known about terrorist travel methods in the 1970s and 1980s. However, the existence of a CIA training video and manual is evidence of an understanding that terrorists relied on certain tactics when they traveled and that they could be stopped by alert individuals who recognized the use of those tactics.

From the outset, it was understood that our borders and our immigration laws have a critical role to play in defending our nation and our citizens, yet precious few politicians or journalists, are willing to acknowledge this fundamental and seemingly commonsense notion.

The Patriot Act was enacted in the wake of the terror attacks of September 11, 2001. As a consequence, expectations of privacy provided for our Constitution have been greatly reduced. "No Fly" lists are checked before Americans are able to board airliners, and all airline passengers are required to undergo an ever more stringent search before boarding airliners and need to arrive at airports long before the flight is expected to depart, to allow sufficient time for that security process.

At major international airports it is prudent to arrive at least two hours before flight time.

It would certainly appear that inconveniencing Americans is not an issue for our government. However, where the admission of aliens into the U.S. is concerned, an entire new set of priorities come into play. Simply stated, the extremely wealthy and powerful want a limitless supply of cheap *foreign* labor (across a broad spectrum of jobs and income levels), *foreign* students, *foreign* tourists, and *foreign* consumers.

Additionally, religious organizations want more members, as do labor unions—there is power to be had in the numbers of members.

Finally, politicians are seeking an excuse to import large numbers of immigrants who will become voters and key constituents. It is understandable that politicians view the world from a unique perspective, where just about everything that they look at is seen through the prism of politics. As the saying goes, "To a hammer, everything looks like a nail." However, this tunnel-vision view of the world can have dire consequences outside the political arena.

The "DREAMERS" I discussed earlier are not being interviewed in person, and no routine field investigations are being conducted to verify the information contained in their applications. The administration and politicians from both political parties have worked hard, and largely in unison, to create the mistaken belief that "DREAMERS" are only young aliens whose illegal presence in the U.S. was beyond their control because they were brought here by their parents when they were no older than 15 years of age.

This is an utter, bald-faced lie. These illegal aliens who entered the U.S. without inspections may be as old as 30 years of age. They simply need to make the unsubstantiated claim in their application that they were no older than 15 when they came here. This is an open invitation to massive fraud. Remember how the 9/11 Commission viewed the nexus between immigration fraud and terrorism. Yet you would be hard-pressed to find any leader of either party who would be willing to raise this serious threat to our safety and wellbeing.

The immigration crisis is not only being exacerbated by the federal government but by local and state government officials as well through the implementation of "sanctuary policies." These policies not only impact the local jurisdictions where these wrong-headed and, indeed, criminal policies are implemented, but undermine national security across the U.S. In point of fact, sanctuary cities and states can provide safe havens for "terror sleepers." I focused on this threat in my January 23, 2015, *FrontPage Magazine* article, "Sleeper Cells: The Immigration Component of the Threat."

If you wonder why I refer to sanctuary policies as being "criminal," consider that under one of the provisions of the Immigration and Nationality Act, Title 8, U.S.C. § 1324, it is a felony to aid, abet, encourage or induce aliens to enter our country illegally or to conceal, harbor, or shield aliens who are illegally present in the U.S. That same section of law deems those who make any concerted effort to commit those crimes by working in concert with others to be guilty of conspiracy to violate the immigration laws.

However, under the Obama administration, rather than face criminal charges, the mayors and governors who implement sanctuary polices will likely get a phone call from the Oval Office commending their actions.

When states, for example, provide driver's licenses to illegal aliens who may use false identities to conceal their criminal or terrorist backgrounds, they are able to easily move around the U.S. and gain access to corporate and government buildings and secure employment that may provide them with camouflage and mobility that further the goals of terrorists who need the ability to move freely and conduct surveillance of possible future targets. Furthermore, a terrorist who drives a commercial conveyance such as a taxi, limo, or airport van can easily conduct covert meetings that would be all but difficult for even a surveillance team to detect.

New York City's current mayor, Bill De Blasio, is now providing hundreds of thousands of illegal aliens in New York City with municipal identity documents-in flagrant disregard of common sense, the findings and recommendations of the 9/11 Commission, and the REAL ID Act [see *FrontPage Magazine*, September 24, 2014, for my commentary, "'Sanctuary Cities' or 'Safe Havens' for Terrorists? De Blasio's New York takes a dangerous turn."].

Our political "leaders" talk about securing only the U.S./Mexican border while ignoring the obvious fact that all 50 states are, in effect, border states. There is a laundry list of failed components of the immigration system that the 9/11 Commission and its staff have linked to terror attacks and serious risks to national security. Furthermore, even the plan to supposedly secure the U.S./Mexican border would be imperfect by design and would take nearly as long to achieve as it took for NASA to create the Apollo Moon Program. These are not coincidences but strategies. The obvious strategy is to create the illusion of protecting our nation and our citizens while making certain that under no circumstances will anything be done that is truly effective.

Our leaders are failing to make certain that our government lives up to one indisputable mandate—to protect national security and the lives of our citizens. The views expressed by Senator Dianne Feinstein, then chair of the Senate Intelligence Committee, illustrate the problem:

[*The Huffington Post* article of December 1, 2013, "America Is 'Less Safe' Than 2 Years Ago, Intelligence Committee Chairs Say."]

The report focused on statements made by Senator Dianne Feinstein, who, at the time, chaired the Senate's Intelligence Committee, when she was interviewed for CNN's program, "State of the Union."

Here is how the report began:

> Interviewed on CNN's "State of the Union," Sen. Dianne Feinstein (D-Calif.) said she believed that there are now more terrorists with the technological means to carry out a bombing in the U.S.

Here is an additional important excerpt from the *Huffington Post* article:

> "I think terror is up worldwide," said Feinstein, who chairs the Senate Intelligence Committee. "There are new bombs, very big bombs, trucks being reinforced for those bombs. There are bombs that go through magnetometers. The bomb-maker is still alive. There are more groups than ever. And there is huge malevolence out there."
>
> Feinstein added that there was "a real displaced aggression in this very fundamentalist jihadist Islamic community, and that is that the West is responsible for everything that goes wrong and that the only thing that's going to solve this is Islamic Sharia law."

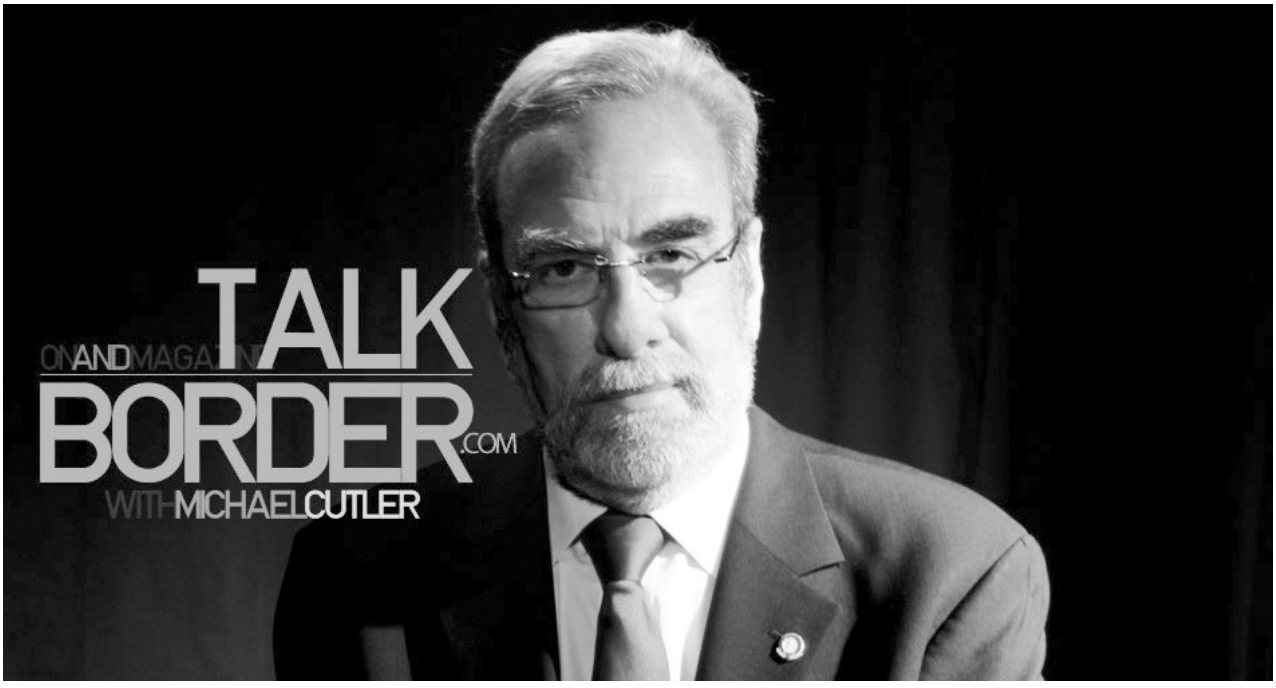
On the same day, *Newsmax* reported an even more dire warning, "Sen. Feinstein, Rep. Rogers: Terror Threat Greater Than Before Sept. 11."

It includes this unambiguous assessment:

> The U.S. is in greater danger of a terrorist attack than it was prior to September 11 and has less ability to prevent such aggression by Islamist radicals, key congressional intelligence leaders said Sunday.

Clearly these two senior members of Congress claim to understand the nature of the threats America and Americans face. They have, in effect, answered the question I posed at the beginning of my article, "Are we safe?" Since the attacks of 9/11 we have been told that for America and Americans to be safe we have to get it "right" 100 percent of the time. For the terrorists to succeed they need to get it right only once.

A nation that is unable or unwilling to secure its borders and enforce its immigration laws has no justification for sending its men and women into harm's way in the armed forces. Our military's primary mission is to keep our enemies as far from our shores as possible. That vital mission is catastrophically undermined and compromised when millions of foreign nationals are able to set up shop within the borders of our nation with no way of our knowing who they are or why they are here.

Yet our nation's leaders continue to ignore the existential threats posed by the myriad failures of our immigration system. The time for excuses and foot-dragging has long since passed. To quote the title of the Gene Kranz book about the safe return of the Apollo 13 astronauts, "*Failure Is Not an Option!*"

The question we should be demanding an answer to, from every candidate for office, is: "*What Are You Really Willing to Do to Stop Terrorists from Entering the U.S.?*" ■