

# Crime and Immigration

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Immigration is not a single issue but impacts nearly every challenge that confronts our nation today. Failures to secure our borders and create an immigration system that has real integrity impacts everything from national security, criminal justice and community safety, the economy, the environment, healthcare, education, and other such challenges.

Furthermore, there is a saying that you only get one opportunity to make a first impression. For millions of people all over the world, the first impression they get of our country comes from what they see and hear about how our country secures or fails to secure its borders. They are also provided with a critically important first impression when they communicate with their friends and family members who succeed in running our borders or manage to game other components of the immigration system.

Finally, they form their first impressions of our nation by listening to what our political leaders have to say. When the President of the United States and leaders in Congress declare that they favor placing millions of illegal aliens on a pathway to United States citizenship, they become convinced that in the United States, our laws are not taken seriously. They become convinced that if they have the audacity or, as we say in Brooklyn, chutzpah, to run our borders and violate a slate of other laws that they will not only get away with those transgressions but should expect to be richly rewarded!

Is this the first impression our nation should be transmitting to people across this planet when we are

threatened by transnational criminals and terrorists who are determined to destroy our nation and our way of life by slaughtering as many innocent victims as possible?

The purpose of our nation's immigration laws is to keep out foreign nationals (aliens) whose presence in our nation would be harmful or even dangerous. The goal of terrorists and criminals is to be able to ply their "trades" inside the United States. Of necessity, this means that they must find a way of entering and then, one way or another, embedding themselves inside the United States. Often this involves acquiring lawful immigration status. All too often, in order to accomplish this, these individuals resorted to defrauding the immigration benefits program. We will revisit this issue later on.

In most instances, you could say that these criminals and terrorists commit crimes — in order to commit crimes!

For the purposes of this article, we will focus on aliens and their pernicious goals of committing crimes and furthering their terrorist objectives in our country. In a very real sense, their goals and objectives threaten the security of our nation and the lives of our citizens and, indeed, all who are, for one reason or another, present in the United States.

The myriad problems created by criminal aliens and aliens who are engaged in terrorism-related activities are not inconsequential. It is further believed that the majority of crimes committed in the United States are directly or indirectly related to narcotics and the drug trade.

This most certainly is not a new phenomenon. In 1988 I was the first INS Special Agent assigned to the Unified Intelligence Division of the Drug Enforcement Agency (DEA) in New York City. Shortly after being assigned there, I decided to compile the arrest statistics of the DEA and the DEA Drug Task Force and conduct and analysis to determine who was involved in these crimes. I was astounded to find that in New York City some 60 percent of those arrested by the DEA and the DEA Task Force were identified as being "foreign born" while nationally some 30 percent of those arrested were so identified.

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Those statistics remained relatively stable for the next 5 or 6 years.

In March 2011, the Government Accountability Office (GAO) issued the following report, *Criminal Alien Statistics: Information on Incarcerations, Arrests, and Costs*. Here is the summation of that report: “Information on Incarcerations, Arrests, and Costs: What GAO Found”:

The number of criminal aliens in federal prisons in fiscal year 2010 was about 55,000, and the number of State Criminal Alien Assistance Program (SCAAP) criminal alien incarcerations in state prison systems and local jails was about 296,000 in fiscal year 2009 (the most recent data available), and the majority were from Mexico. The number of criminal aliens in federal prisons increased about 7 percent from about 51,000 in fiscal year 2005 while the number of SCAAP criminal alien incarcerations in state prison systems and local jails increased about 35 percent from about 220,000 in fiscal year 2003. The time period covered by these data varies because they reflect updates since GAO last reported on these issues in 2005. Specifically, in 2005, GAO reported that the percentage of criminal aliens in federal prisons was about 27 percent of the total inmate population from 2001 through 2004.

Based on our random sample, GAO estimates that the criminal aliens had an average of 7 arrests, 65 percent were arrested at least once for an immigration offense, and about 50 percent were arrested at least once for a drug offense. Immigration, drugs, and traffic violations accounted for about 50 percent of arrest offenses. About 90 percent of the criminal aliens sentenced in federal court in fiscal year 2009 (the most recently available data) were convicted of immigration and drug-related offenses. About 40 percent of individuals convicted as a result of DOJ (Department of Justice) terrorism-related investigations were aliens. SCAAP criminal aliens incarcerated in selected state prison systems in Arizona, California, Florida, New York, and Texas were convicted of various offenses in fiscal year 2008 (the most recently available data at the time of GAO’s analysis). The highest percentage of convictions

for criminal aliens incarcerated in four of these states was for drug-related offenses. Homicide resulted in the most primary offense convictions for SCAAP criminal aliens in the fifth state—New York—in fiscal year 2008.

GAO estimates that costs to incarcerate criminal aliens in federal prisons and SCAAP reimbursements to states and localities ranged from about \$1.5 billion to \$1.6 billion annually from fiscal years 2005 through 2009; DOJ plans to update its SCAAP methodology for reimbursing states and localities in 2011 to help ensure that it is current and relevant. DOJ developed its reimbursement methodology using analysis conducted by the former Immigration and Naturalization Service in 2000 that was based on 1997 data. Best practices in cost estimating and assessment of programs call for new data to be continuously collected so it is always relevant and current. During the course of its review, GAO raised questions about the relevancy of the methodology. Thus, DOJ developed plans to update its methodology in 2011 using SCAAP data from 2009 and would like to establish a 3-year update cycle to review the methodology in the future. Doing so could provide additional assurance that DOJ reimburses states and localities for such costs consistent with current trends.

In commenting on a draft of this report, DHS (Department of Homeland Security) and DOJ had no written comments to include in the report.

### **Washington Post: ‘A New Level of Barbarity’**

Clearly our nation’s obvious inability to keep out criminal aliens costs our nation and our citizens dearly!

Our nation is bleeding red and green!

The drug trade has traditionally been linked to extreme violence, but never more than today where the Mexican drug cartels, which are responsible for the greatest influx of illegal drugs into the United States, have taken to committing such extreme acts of violence that there are real concerns that Mexico could descend into the hell of a “failed state.”

It has been estimated that the death toll in Mexico that is attributable to cartel violence has exceeded 35,000 since the current President of Mexico, Felipe

Calderon was elected in 2006.

The horrific carnage in some cities that lie in close proximity to the U.S./Mexico border such as Nuevo Laredo, opposite El Paso, Texas is chronicled in sickening photos that appear with regularity in various newspapers depicting headless and otherwise mutilated bodies hanging from bridges and other prominent locations to warn everyone what awaits them if they fail to cooperate with the cartels.

Police officers, high ranking members of the military, judges, prosecutors, and reporters have all been killed along with rival gang members and ordinary Mexicans who may have been at the proverbial, “wrong place at the wrong time.”

Even U.S. officials have been killed in Mexico as well as in the United States. On December 15, 2010, U.S. Border Patrol Agent Brian Terry was shot while on duty in Tucson, Arizona. Clearly the shooter knew who he was shooting. Border Patrol Agent Terry was wearing his Border Patrol uniform at the time of his murder.



**Border Patrol Agent Brian Terry killed in the line of duty, Tucson, Arizona, December 15, 2010.**

Exactly two months later, in an apparent ambush, United States Immigration and Customs Enforcement (ICE) Special Agent Jaime Zapata was shot to death and his partner, ICE Special Agent Victor Avila, was seriously wounded while they were driving through Mexico on official business. Circumstances surrounding the shooting certainly provides clear evidence that their assailants knew that they were shooting officials of the United States government.

On May 24, 2011, ICE issued a news release touting the deportation (removal) of an illegal alien by the

name of Ramiro Nieto Garcia, a citizen of Mexico who was wanted in connection with a homicide in Mexico in 2004. Nieto-Garcia was turned over to the Mexican law enforcement authorities. According to the news release, he had been previously deported from the United States and had been arrested and convicted of several felonies. He had been convicted of reentry after deportation and had previously served 30 months for that crime.

What is worth considering is this quote from that press release touting the work being done by ICE in conjunction with the removal (deportation) of nearly 110,000 criminal aliens in a seven-month period from October 1, 2010 and April 30, 2011.

Here is that quote:

Between Oct. 1, 2010 and April 30, ICE returned to their countries of origin more than 215,900 aliens, including 109,700 aliens with criminal convictions. Of those, 585 were convicted of homicide, 3,177 were convicted sex offenders, and 24,593 were convicted of serious drug offenses.

Think about how many people were killed, seriously injured or had their worlds turned upside down when a loved one, close friend, or business associate was killed or seriously injured by these transnational thugs!

Consider that the statistics quoted above were for aliens removed from the United States in just a seven-month period! How many more criminal aliens are still serving out their jail sentences in prisons around the United States?

Now consider how many alien fugitives who are wanted for the commission of serious crimes remain at large and, while they are on the run, are killing and injuring even more victims!

### **Immigration, terrorism, and homeland security**

Meanwhile the President has taken to the tactic of chastising American citizens who demand that our federal government lives up to its Constitutionally mandated responsibilities of securing the borders of this nation against the entry of illegal aliens whose presence in our country represents a threat to national security and the safety of the citizens of our nation.

In my many discussions with members of the political establishment on all levels of government from local politicians to members of Congress, especially when testifying before various Congressional hearings, I have repeatedly heard the same mantra: “Immigration had nothing to do with the attacks of September 11, 2001.”

Another variation on this theme is the statement that immigration has no involvement with terrorism. I even heard former Secretary of Homeland Security Michael Chertoff tell me that when we shared a limousine driven from the Nixon Library in Orange County, California to the hotel where we stayed in conjunction with our appearances at a seminar at Chapman Law School.

I will tell you what I have told the politicians, Chertoff, and anyone else who thinks that they can get away with such an absurd statement. In order to be able to attack our nation, the terrorists first had to enter the United States. Of necessity, this requires crossing our nation's borders and involves the immigration laws of our nation. Furthermore, a study done in conjunction with the 9/11 Commission Report on the Terrorist Attacks of September 11, 2001, disclosed that of 94 terrorists who had been identified as operating in the United States in one capacity or another, in support of terrorism, 59 of these terrorists made use of visa fraud and/or immigration benefit fraud in order to not only enter the United States but to hide themselves in plain sight or, in the parlance of the 9/11 Commission, to embed themselves in our country.

During our discussion, I offered to provide Chertoff with a copy of the 9/11 Commission Report of that organization's findings and noted that I had provided testimony to that Commission.

For those who still may insist in claiming that immigration has nothing to do with terrorism, I would offer a bit of advice: repeating a foolish statement, even if you do so as often as possible, will not change the reality; it will only call attention to your foolish and baseless statements!

### **Non-citizens and illegal aliens**

Before we get any further, I want to clear up a bit of propaganda that is often used by those who oppose the enforcement of our nation's immigration laws. These proponents for open borders are adamant in their opposition to the term "alien" to describe non-citizens. You should know that under the Immigration and Nationality Act, an alien is simply defined as being any person who is not a citizen or national of the United States. There is no insult in this definition, only clarity. Furthermore, our nation's immigration laws are totally blind as to race, religion and ethnicity.

Virtually every other country on this planet uses a similar term to distinguish citizens from non-citizens who are present in their country. Those who advocate for amnesty programs under one guise or another and oppose the apprehension of illegal aliens understand that

the facts, the law, commonsense and even morality oppose their untenable position. Those who oppose the enforcement of immigration laws are left with artful use of language and baseless accusations of bigotry when anyone calls for the securing of our nation's borders and the creation of an immigration system that has real integrity that not only protects our nation and our citizens, but also honors the countless millions of lawful immigrants and their descendants who, since the founding of this great nation, made the creation of the country we know and love possible.

We will delve into the issue of Comprehensive Immigration Reform and other such wrong-headed programs a bit later on but first I think it is important to provide some understanding of basic immigration.

Generally there are two ways that an alien may enter the United States. An alien may be admitted into the United States at a port of entry by an inspector of CBP (Customs and Border Protection), or he may seek to circumvent the inspections process by running our nation's borders, stowing away on a transportation conveyance, be it a motor vehicle, an airplane, or a ship and then surreptitiously exiting that conveyance once it has entered the United States.

An alien who enters the United States by submitting to the inspections process is the equivalent of a stranger knocking on the front door of a house and asking the homeowner for permission to enter. This a universally customarily accepted way that strangers seek to enter a home, an office, or, for that matter, a country.

In fact, when I provided the law firm that was retained by Governor Jan Brewer of Arizona with a declaration in support of the Arizona immigration law, SB 1070, I described the four year period that I worked for the former INS as an Immigration Inspector, by stating that at that time I had my eye to the "peephole on America's front door."

An alien who enters or attempts to enter the United States by devising a means of evading the inspections process, whether it is running our borders, stowing away on a vessel, or in some other way entering without inspection is the equivalent of a burglar who gains entry into a building by climbing, undetected, through a back window.

This is why I have come to say that the difference between an immigrant and an illegal alien is comparable to the difference between a houseguest and a burglar! Most of us love to have company stop by; however, I don't know anyone who would want someone to enter their home in the dead of night by climbing through their rear bedroom window!

Having raised SB 1070, I want you to consider how bizarre this situation is. The state government of Arizona acted to fill the void created by the failures of the federal government to secure the borders. There was ample justification for this legislative initiative inasmuch as the city of Phoenix, Arizona had been suffering an average of one home invasion and/or kidnapping each and every day. Most of the crimes were related to the drug trade and were carried out predominantly by illegal aliens.

When the state government of Arizona enacted its own immigration laws that essentially mirror the federal immigration statutes, the federal government took action, but not the sort of action that should have been expected. The federal government did not come to understand the reasonable demands of the state government and agree to secure the porous borders and enforce the immigration laws to help solve the crisis confronting that beleaguered state that was directly attributable to the failures of our borders to prevent the entry of criminals. Instead, the federal government initiated a lawsuit to attempt to block Arizona from doing that which the federal government was unwilling to do; enforce the immigration laws!

Arizona is not the only state to seek to enact its own immigration laws. More and more states are now taking similar steps. Ours is supposed to be a government by the people, of the people, and for the people. Yet the federal government appears to be unwilling to listen to the people that elected them to office and whom they took an oath to protect and represent!

In an equally bizarre fashion, the federal government refused to take action against those cities that declared themselves to be "Sanctuary Cities." Moreover, an argument could certainly be made that cities that create sanctuary policies are actually in violation of 8 U.S.C. § 1324, which creates criminal penalties for "knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation" (8 U.S.C. § 1324(a)(1)(A)(iii)) or "encourage[ing] or induc[ing] an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of that fact that such coming to, entry, or residence is or will be in violation of law." 8 U.S.C. § 1324(a)(1)(iv); see also 8 U.S.C. § 1324(a)(1)(v)(II) ("aids or abets the commission of any of the preceding acts").

In other words, if the federal government was inter-

ested in enforcing federal immigration law, it would be actively working to end sanctuary city policies throughout the U.S. rather than sue local or state governments that seek to enact laws that aid in the enforcement of our nation's immigration laws, especially when the failures to do so endanger public safety and national security.

It is one thing to dispassionately discuss how failures to enforce immigration laws may compromise public safety and national security; it is quite another thing to have witnessed the "real world" situations that provide specific instances of tragedies that would have been prevented if appropriate efforts had been made to enforce our laws.

### **Deporting an alien, losing an NYPD Officer**

As an INS Special Agent, I saw many instances where these failures wreaked havoc in communities and in the lives of people, but one gut-wrenching case in particular stands out. A member of the New York City Police Department, a 24-year-old police officer by the name of Robert Machate, lost his life to an illegal alien. Machate, at the time of his death, was assigned to the Brooklyn South Task Force.

Before we get to the tragic day on which Officer Machate died, let me provide you with a bit of background information to flesh out the details.

In 1986, I was assigned to assist Detention and Deportation Officers of the INS to transport aliens who had been ordered deported to the airport to effect their deportation from the United States. During the course of one of those assignments, I personally escorted an alien by the name of Renaldo Rayside to the airport after an immigration judge entered an order of removal to deport Mr. Rayside to his native country of Panama due to his conviction on several drug charges. As I recall, years earlier, Mr. Rayside had been admitted into the United States as a lawful immigrant, realizing a dream that so many people around the world have. To put it succinctly, he blew his opportunities by becoming involved in committing narcotics-related crimes.

Within two years, Mr. Rayside had returned illegally to the U.S. via unknown means, never having applied for nor received the necessary authorization to return to the United States following his deportation. Once he returned to the United States, according to published newspaper accounts, Mr. Rayside was arrested by members of the New York City Police Department and, in addition to other charges, was charged at least twice with resisting arrest by New York City police officers. New York City had policies in place that prevented city law enforcement officers from contacting INS even

when they had reasonable suspicion that a person in their custody was unlawfully present in the U.S.

New York City's sanctuary policies precluded its officers from contacting INS to inquire about Mr. Rayside's immigration status. Had the INS been contacted, INS would have most likely detained Mr. Rayside based upon his criminal conduct and based upon his presence in the U.S. despite having been previously removed. Mr. Rayside would have been either imprisoned and prosecuted for reentering the U.S., or, at the very least, would have been deported.

On March 3, 1989, as a result of New York City's sanctuary policies, Mr. Rayside was still present and at large in the U.S. (albeit unlawfully) when he was stopped for questioning by Officer Robert E. Machate and his partner. On this day, Mr. Rayside wrestled Officer Machate's gun from him and, in the gunfight that ensued, a bullet struck Officer Machate in the back.

I was called upon to provide testimony at the murder trial because of my knowledge of the factors concerning the defendant's background and the fact that I had executed his Warrant of Deportation.

Because it was impossible to prove if the bullet that had struck Officer Machate came from the gun that Rayside had taken from Officer Machate, Rayside was acquitted of the top charge of Murder of a Police Officer but was found guilty of other crimes.

There are two postscripts to this tragedy.

Approximately two years ago when I was shopping in a local supermarket, I noticed that a very pretty young lady who was working as a check-out clerk in the store was wearing an NYPD "courtesy badge" on a chain around her neck. These are much smaller than a regulation badge and often are given to family members of police officers. I asked her who in her family was a police officer. She told me that her dad was a police officer. When I asked where he was assigned she told me that he was dead. She then told me her father had been killed while on official duty in 1989. I was stunned!

As it turned out, that young lady was Officer Robert Machate's daughter, who had yet to be born when her dad lost his life to New York City's "sanctuary policy."

Suddenly the emotions I had felt on the witness stand at the murder trial came flooding back to me as I met this young woman whose life was irrevocably altered by the senseless death of her father!

The other postscript relates to my declaration that I provided to the law firm retained by Governor Brewer. I made reference to the death of Officer Machate in my declaration and flew to Arizona to attend a rally and participate in panel discussions in Phoenix. Arrangements

had been made for me to stay at the home of friends in Arizona, and I was stunned to turn on my computer to check my e-mail and find out that I had been forwarded an e-mail from a gentleman by the name of Thomas Machate. Thomas, as it turned out, was Robert Machate's younger brother! He had seen my declaration and decided to contact me.

He had sent me an e-mail to thank me for my efforts in conjunction with my testimony at the murder trial. We ultimately had a lengthy phone conversation when I returned to New York. He told me that he had followed in his brother's footsteps and had become a member of the NYPD. He has since retired from the NYPD and is now working as a police officer in a local police department in Florida.

He told me how the murder of his "big brother," Robert Machate forever changed his life and the lives of his parents who are now deceased. This is the sort of real world price all too many people are paying across this nation because of these failures to enforce the immigration laws.

### Visa Waiver Program

Having given consideration to aliens who enter the United States surreptitiously by evading the inspections process, let us now consider the alien who seeks to enter the United States via the inspections process. Such aliens may arrive with an immigrant or nonimmigrant visa in his (her) passport. (Aliens who are citizens of countries that participate in the Visa Waiver Program are not required to obtain a visa before seeking to enter the United States, provided that they plan to remain no longer than 90 days and simply visit the United States as would a tourist. At present 36 countries participate in the Visa Waiver Program.)

The Visa Waiver Program, however, makes no sense in this perilous era.

Visa fraud is often a criminal charge that is brought against aliens who are believed to be terrorists. It may be difficult to prove an alien is engaged specifically in terrorist activities, but if it can be shown that the alien lied on his application for a visa, he can be prosecuted for this felony.

Here is the list of the six benefits that the visa requirement provides to national security and that the Visa Waiver Program denies our nation:

1. By requiring visas of aliens who seek to enter the United States, this process helps to screen potential passengers on airliners that are destined for the United States. Richard Reid, the so-called "Shoe Bomber," was able to board an airliner to come to the

United States although he had no intentions of entering the United States: his apparent goal was to blow up the airliner and its many passengers somewhere over the depths of the Atlantic Ocean by detonating explosives he had concealed in his shoes. Because he is a subject of Great Britain, a country that participates in the Visa Waiver Program, Reid did not obtain a visa before he boarded that airliner. In a manner of speaking, the visa requirement pushes our the borders of the United States to every U.S. Embassy and Consulate where visas are issued.

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 United States. The visa requirement helps them to do a more effective job. Their's is a tough job I can certainly relate to, having begun my career at the former INS as an immigration inspector.

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. You can check out the application for a nonimmigrant (tourist) visa at this website: <https://evisaforms.state.gov/ds156.asp>.

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 United States, 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.

When an alien is admitted into the United States under the auspices of the Visa Waiver Program, because the alien did not apply for a visa, none of the benefits to national security or law enforcement I described above apply.

Visa fraud is a very serious problem because it provides the alien who succeeds in securing a visa by gaming the system with the appearance of legality. From a practical perspective, it is far easier and less arduous and physically dangerous to enter the United States via the inspections process then it is to attempt to run our nation's borders.

The alien who seeks to enter the United States by entering into Mexico and heading north to the border must deal with organized smuggling organizations that often compete with one another for "customers." At times rival smuggling gangs engage in shootouts with their competitors, often killing or seriously wounding their opponents and the aliens who are being smuggled.

Next the alien seeking the services of the smugglers has to contend with the potential for violence that exists in dealing with these smugglers. In the parlance of aliens and the smugglers and the smuggled aliens, the aliens are often referred to as "pollos" while the smugglers are referred to as coyotes.

The term "pollos" is a Spanish word that translated into English means "chickens."

It is well known that coyotes prefer to eat chickens for dinner!

If the alien who seeks to run our border makes it past the smugglers, the gangs, and the corrupt police officials, the next challenge is to evade the Border Patrol by trekking through the desert. The extreme heat, lack of water, poisonous snakes, and insects all pose a serious threat to the very survival of these aliens.

An alien who is able to secure a visa by fraud or other subterfuge, or is eligible to enter the United States under the Visa Waiver Program, simply boards an airliner and enjoys a meal and perhaps a movie and a nap on that airliner. He then disembarks from the airliner, presents himself to that CBP (Customs and Border Protection) inspector, and answers a few cursory questions. If he is admitted into the United States, he heads for his destination, and even if he fails to depart

from the United States or otherwise violates the terms of his admission, the likelihood that anyone will look for him is virtually nil. Estimates as to the actual number of visa violators run from 4.5 million to perhaps 10 million. Yet according to recently published reports, ICE has assigned fewer than 300 Special Agents to attempt to locate and apprehend this huge number of illegal aliens.

In this game of “Hide and Seek,” these illegal aliens who manage to enter through America’s “front door” are likely hiding in plain sight, and just about no one at ICE is seeking to find them!

There is a program known as the Discover America Partnership. Under the umbrella of this “partnership,” executives from the Chamber of Commerce, the hotel and travel industries, and manufacturers have formed what I consider to be an unholy alliance to pressure the government to expand the Visa Waiver Program. They tout the Visa Waiver Program as a way of encouraging more foreign visitors to travel to and enter the United States. These visitors would then likely sleep in hotels, patronize restaurants, attend shows on Broadway and elsewhere, visit theme parks such as Disney World, attend baseball games, and buy souvenirs.

These executives’ motivation is clear: it is about profit. Of course they suffer from extreme myopia. In the days, weeks, and months after the terrorist attacks of September 11, 2001, hotels, especially in major cities like New York, were all but devoid of guests. Few went to Broadway, and it was seen as an act of bravery and patriotism to board an airliner to fly anywhere, especially New York City and other big cities.

They have clearly forgotten that al-Qaeda has already “discovered America!” But it is clear that profit at any cost, is their motivation.

What boggles my mind is that the United States government is all too willing to comply with the demands of these corporate executives. To ignore national security and take advice about national security from

corporate executives whose only concern is profit and who have no background in national security makes as much sense as getting medical advice for a loved one suffering from cancer from someone who has no knowledge whatsoever about medicine.

The reality is that America does have cancer. The malignancy our nation now faces is the combined threats posed by the drug cartels such as the Mexican cartels, international terrorist organizations such as al-Qaeda,

Hamas, and Hezbollah, and transnational gangs from the four corners of our planet.

A point worth considering in conjunction with this concerns Richard Reid, the so-called, “Shoe Bomber.” Weeks after the terrorist attacks of September 11, 2001 he boarded an airliner bound for the United States from Europe. He had concealed explosives in his shoes and was stopped by passengers on the flight as he attempted to set off those explosives. As a result of Reid’s attempt to destroy an

airliner as it flew high over the Atlantic Ocean, all passengers boarding airliners in the United States today are required to remove their shoes to have them inspected by Transportation Security Administration (TSA) officials.

Clearly our government has taken the threat of explosives concealed in shoes seriously. However, the fact that Reid and other terrorists such as Zacarias Moussawi, a citizen of France, who has come to be referred to as the “Twentieth Hijacker,” did not have nor need a visa in order to seek to enter the United States. Consequently the fact that these two men did not need a visa in order to board airliners has been utterly ignored by our government at a time when all Americans are facing a continual erosion of their expectations of privacy and freedom in the name of national security.

Aliens who arrive with immigrant visas are admitted for permanent residence as signified by the Alien Registration Card (Green Card) that is issued to them. Such aliens are immediately placed on the pathway to United States citizenship. They may work in the United



**Michael Cutler addressed the 2010 “Writers’ Workshop” sponsored by *The Social Contract*. Seated next to Cutler is K.C. McKalpin, the president of U.S. Inc.**

States and unless they are convicted of committing felonies or are found to have abandoned their domicile in the United States, may remain as permanent residents for as long as they wish.

Immigrant visas are generally issued because of a close familial relationship, i.e., if immigrants are married to a United States citizen or resident alien or if they are the minor, unmarried children of a resident alien. Immigrant visas are also issued to aliens who have professions or specific job skills that, at least on paper, are in short supply in the area where they plan to live. Other aliens may be granted resident alien status based on the so-called diversity visa or lottery.

Each year our nation issues Green Cards to more than 1.1 million aliens from all over the world. This is to say that the United States admits far more lawful immigrants than any other country on earth!

A Green Card, and especially the naturalization certificate that it may lead to, provides the alien who receives it with the key to the front door of the United States.

You should think of visa fraud and/or immigration benefit fraud in terms of an analogy I believe you may find useful.

When we park in public garages where a parking attendant parks our cars for us, extremely prominent signs are generally posted in conspicuous locations throughout the garage admonishing patrons of these garages to only leave the ignition key. Obviously if you leave the key that opens your glove compartment and trunk, a dishonest employee of that garage may enter those storage areas and steal your valuables.

What may not be as immediately obvious is the threat to your security that leaving your house key may present. There have been a number of instances where burglary rings operated in conjunction with these garages. The members of these rings would make copies of house keys if the owner of a luxurious car was foolish enough to leave his house key attached to the ignition key. By running the license plate of that luxury car, or perhaps finding a document in the car such as an insurance ID card or registration, the thieves would stake out the house for which they had manufactured a duplicate key and wait for the homeowners to leave for work in the morning. They would then simply walk up to the front door and let themselves in with the duplicate key!

Recently upscale cars were broken into in a wealthy neighborhood north of New York City. When the owners got into their cars they noticed that the remote control for their garage doors had been stolen. This was obviously done for the same purpose, to provide thieves

with access to the garages for these houses so that the burglars would not have to break in, just open the garage door, and in most instances, because the garages were an integral part of the houses, once in the garage, the crooks had no problem getting into the houses they had targeted.

Nonimmigrant visas come in various categories, including tourists, students, journalists, exchange visitor programs, and various so-called temporary work visas, to name the most prevalent nonimmigrant visas.

Incredibly, even as our nation approaches the 10<sup>th</sup> anniversary of the horrific attacks of September 11, 2001 and the 19<sup>th</sup> anniversary of the terrorist attacks of 1993, the Visa Waiver Program that permits aliens from certain designated countries to seek to enter the United States without first applying for and receiving a visa, provided that they only plan to visit for no more than 90 days, is not only ongoing but has been continually expanded, so that today some 36 countries are on the list of Visa Waiver countries. This program removes an extremely important layer of security in the name of international trade and commerce, even while our citizens are witnessing a continual erosion of their expectations of privacy and freedom called for in the Constitution of the United States.

Where the lawful immigration system is concerned, the challenge for the terrorists, criminals, and others who seek to enter the United States to carry out attacks, commit crimes, or otherwise violate our laws is to conceal their intentions and often their true identities. Generally this process of concealing their true identities and intentions involves fraud: fraudulent identity documents and fraud contained in applications for visas as well as fraudulent statements made to the inspectors at ports of entry. We will delve into this issue of fraud in a bit more detail later on.

### **The smuggling racket**

The other way that aliens enter the United States, as I noted previously, is to evade the inspections process altogether. This sort of unlawful entry is known as "Entry Without Inspection."

While the terrorists who attacked our nation on September 11, 2001 all entered the United States through the inspections process, many aliens from so-called "Special Interest" countries have been apprehended by the Border Patrol. Special Interest countries are countries that are associated with the state sponsorship of terrorism, such as Iran, Afghanistan, and other Middle Eastern countries. A number of reports have made it clear that individuals who are involved with terrorism

have entered the United States without being inspected. The additional problem that this creates for our country is that such aliens leave no record of their entry into our country. They enter surreptitiously, under the radar, and no record of their entry into the United States is created. You could say that this method of entry is an “undocumented” entry, and hence it creates particularly serious threats to our nation’s security.

Often these aliens avail themselves of the “services” offered by alien smugglers. Today’s alien smugglers are among the most pernicious criminals you can imagine. For the right price they will move any contraband, whether it involves narcotics, weapons, or even human beings. To smugglers, humans are indistinguishable from any other “load,” as contraband is generally referred to. Often aliens who are smuggled into the United States are made to carry drugs on their bodies, and it is not uncommon for smugglers to beat those they smuggle and, in the case of young women, rape is also a frequently committed crime.

Smugglers also run what have come to be known as “safe houses” where they hold large numbers of illegal aliens captive under conditions that redefine the term “squalor.” The smugglers then contact family members who must come up with the money that is demanded by the smugglers if they want to have their family member released. At times the conditions of the release gets renegotiated and more money is extorted from the family.



Today the government often refers to smuggled aliens as being “victims of human trafficking.” Indeed, many times the aliens are treated far worse than they had anticipated, but unless the smuggled alien had no intention of traveling to the United States because he (she) was abducted, then the alien, who paid the smuggler for the “services rendered” is actually a co-conspirator. Such is the way that the issue of illegal immigration has become so politicized that it would appear that commonsense has been lost along the way.

Many of the organized smuggling organizations are associated with the Mexican drug cartels and, according to recent disturbing news reports, have come to work in close cooperation with Hezbollah and other terrorist organizations.

What is impossible to fathom is why the President of the United States, key members of his administration, and political leaders in Congress would now insist that aliens who make such evasive and undocumented entries into our country should be rewarded with United States citizenship, which, in a very real sense, provides the keys to America’s front door to those aliens who acquire United States citizenship. It would all but declare that running our nation’s borders should be a prerequisite for being naturalized!

A long-established tactic of criminals and terrorists is to make use of false identities in order to conceal themselves and hide in plain sight, or, in the parlance of the 9/11 Commission, embed themselves. The use of changes in identity provides criminals and terrorists with camouflage, not unlike the way that changes in coloration enable chameleons and other such creatures to hide in plain sight, often among their intended victims.

### **‘Comprehensive Immigration Reform’ aka ‘Terrorist Assistance and Facilitation Act’**

Those who advocate Comprehensive Immigration Reform claim that in order to participate in such a massive amnesty program, each alien would undergo a “security check.” Please give some thought to what this really means. Each illegal alien would be fingerprinted and the name that they claim is their rightful name will be run through a computer database. If their fingerprints come back as “no hit,” meaning that they have never been arrested in our country, and their names, which may or may not really be their names, come back as a “no hit,” they would immediately be eligible for a temporary identity document with which to apply for and receive a Social Security card, a driver’s license, library cards, credit cards, and bank accounts and be hired to work nearly anywhere that they wish. If a terrorist whose real name is on every terror watch list and every “No Fly” list used a false name and was never fingerprinted by law enforcement, that terrorist would most likely be issued a brand new identity document in a false name that would enable him (her) to travel freely under his assumed identity!

This is why I have come to refer to Comprehensive Immigration Reform and other similar programs by a more honest and descriptive name: I refer to it as the “Terrorist Assistance and Facilitation Act.”

Today all aliens who are admitted into the United States through ports of entry are fingerprinted at the time of their entry. This means that if such a lawfully admitted alien is subsequently arrested for committing a crime, when his fingerprints are run through the various databases, the system will indicate that he is an alien and provide the entry data and his country of citizenship to the authorities including ICE (Immigration and Customs Enforcement). Such an alien would not be able to successfully claim to be a United States citizen in order to evade the deportation (removal) process. Aliens who run our borders or otherwise evade being inspected and fingerprinted may succeed in making a false claim to being a United States citizen when questioned by local or state law enforcement officers. Rather than face deportation when his jail sentence has been served, presuming he is convicted of committing a felony, such aliens, who successfully falsely claim to be United States citizens, are able to evade deportation and wind up being released from prison and back out on the street where they may commit more crimes. Recidivism represents a huge challenge for the criminal justice system, and the extremely effective tool of removing and deporting criminal aliens from our nation is thus thwarted.

When an alien is deported from the United States after he serves his time for a conviction for committing a felony, that alien faces a maximum of 20 years in prison for the crime of Reentry After Deportation as an "Aggravated Felon." I am gratified by that particular law because back in the early 1980s I approached then New York State Senator Al D'Amato and convinced him to create that particular statute, which differentiates criminal aliens from non-criminal aliens who are deported and then unlawfully reenter the United States without first securing authorization to legally reenter the United States. In order to substantiate what I had told him, I convinced more than 30 of my colleagues to come forward and meet with the Senator or members of his staff during a period that lasted for more than 6 months.

(We did this without the knowledge or consent of the bosses at INS. When it was discovered, I caught hell from INS management, but I took the approach that I was not only an INS employee but a citizen of this nation as well. All citizens of our nation should want the immigration laws of our nation effectively and fairly enforced to protect our nation and our citizens.)

Non-criminal aliens face a maximum of 2 years of incarceration for unlawful reentry, and until the law was changed, a criminal alien who was deported, no matter how serious his crimes were, also faced no more than 2 years in jail. This law is not only about punishing crimi-

nal aliens who unlawfully reenter the United States, but it is also about deterring aliens who pose a threat to the safety of our nation and our citizens and others who live in our country, from reentering the United States illegally. This law also provides law enforcement with an opportunity to get such criminal aliens off the street if they ignore the laws and illegally reenter the United States.

Finally, it is also worth noting that often federal prosecutors exercise prosecutorial discretion and refuse to prosecute cases when they believe that with the extremely limited resources they only want to pursue cases where the punishment is sufficiently significant that it is worthwhile prosecuting those cases. In New York City, where there is no shortage of criminal cases to prosecute, it was often all but impossible to get these reentry cases accepted for prosecution prior to the enactment of the "Aggravated Felony Reentry" law. Because of the enhanced penalties that such criminal aliens now face, the various United States Attorney's offices around the United States are far more willing, if not eager, to pursue these important prosecutions.

**I have come to refer to Comprehensive Immigration Reform and other similar programs by a more honest and descriptive name: I refer to it as the "Terrorist Assistance and Facilitation Act."**

Not long ago, Janet Napolitano, the Secretary of Homeland Security, made an issue about whether or not it is a felony or even a crime for an alien to enter the United States without inspection. She contended that such entries were simply administrative violations and all but equated aliens who ran our nation's borders with motorists who committed an infraction of motor vehicle laws. In point of fact, while it is not a felony for an alien who has never been ordered deported (removed) to run our nation's borders, as I noted above, aliens who have been formally deported and then reenter the United States without first obtaining the authorization of the appropriate government agencies to do so are committing a felony.

Regardless of the fatuous claims of Secretary Napolitano, there can be no doubt that previously deported aliens are committing felonies if they run our nation's borders or otherwise manage to enter the United States without first securing the appropriate authorization to reenter the United States.

What has been completely missing from this entire discussion, however, is not whether or not an alien who enters our country without being inspected is committing a crime, or even whether or not such a crime is a felony. What has been ignored is the reason that there is an inspections process in the first place that compels aliens to present themselves for inspection by CBP, inspectors to prevent the entry of aliens into the United States whose presence poses a threat to the security of our nation and the safety of our citizens and others who are in the United States.

When aliens evade the inspections process, that is supposed to prevent the entry of aliens whose presence in our country would be harmful or pose a threat, it must be presumed that such aliens evade the inspections process because they know that they fall into a series of categories of aliens who are, by law, to be prevented from entering our country. Title 8, United States Code, Section 212 enumerates the statutory grounds that deem aliens to be inadmissible into the United States. The immigration laws are absolutely blind as to race, religion, and ethnicity. The only distinction the Immigration and Nationality Act makes is between citizens and non-citizens (aliens).

When the open borders advocates get riled up about the use of the term “illegal,” I would remind you that the term illegal means contrary to law. The law in this case is the Immigration and Nationality Act (INA), which is intended to protect our nation and our citizens. When Nancy Pelosi, the former Speaker of the House, decried the enforcement of our nation’s immigration laws as being “Anti-American,” she was conveniently forgetting the purpose of those laws!

I ask that you take the time and review the various categories of aliens who are deemed excludible under the INA.

Here is the link to that critically important section of the Immigration and Nationality Act: <http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-1956.html>.

Included in the list of categories of aliens who should be excluded from the United States are aliens who suffer from dangerous communicable diseases, mental illness, are prone to violence, convicted felons, aliens who traffic in narcotics or human beings, and aliens who are war criminals or who have committed human rights violations or are engaged in terrorism or in espionage. The list is far longer, and you can read all of these reasons that, under the law, aliens are supposed to be prevented from entering our country or may be removed (deported) from our country. This section of

law is designed to protect our nation and all those who are present in the United States. This section of law is no mere technicality but is of extremely great importance.

The Immigration and Nationality Act (INA) can be thought of as having two components: administrative law and criminal law. When an alien who is illegally present in our country is apprehended, the potential exists that this alien may be subject to two processes. On the one hand, such an illegal alien may be ruled to be deportable (removable) from the United States by an Immigration Judge who administers the administrative side of the INA. The administrative remedies where aliens who are illegally present or who have committed criminal offenses that may render him (her) removable would enable the Immigration Judge to strip the alien of any lawful immigration status he may have and also order his deportation (removal) from the United States.

The criminal provisions of the INA are no different from other criminal laws. When such violations are found, the goal is to seek to have the violator convicted for his (her) violation of the laws and to then seek to have an appropriate punishment implemented through the usual sentencing procedure. Generally a conviction for violating the criminal provisions of the INA can include the imposition of a prison sentence and/or a fine.

When an alien is convicted of a crime and sentenced to a prison sentence, a detainer is generally lodged that would require ICE to be notified by the prison officials before the alien is to be released so that ICE can take custody of the alien to seek his (her) removal from our country.

I previously noted how I had worked with Al D’Amato, who was at that time the Senior Senator from the State of New York, in order to convince him that he should propose legislation to create the “Aggravated Felony” statute concerning aliens who are deported and then illegally reenter the United States. Working with the Senator and his staff, my colleagues and I also convinced him to create a program whereby aliens who had been incarcerated after being convicted of committing felonies would have their deportation hearings conducted in the prisons where they were serving their criminal sentences for a wide variety of crimes. The reason for doing this was that often aliens appeal their orders of deportation and, depending on the specific circumstances, the appeals process may take years. If an alien is ordered deported shortly after he is incarcerated, he can file his appeals, and hopefully long before he is to be released, the appeals process would have run its course and he could be simply released from prison and immediately removed from the United States.

This program became known as the Institutional Hearing Program. It is in effect today, but as is the case with almost everything that has to do with immigration, it has never received the funding it needs to be as effective as it should be.

It is important to note that criminal provisions of the INA can also be violated by United States citizens who, for example, might enter into a criminal conspiracy with an alien to provide that alien with residency in conjunction with a fraud marriage or a fraudulent application for a job. Alien smugglers, those who transport, shield, harbor, or induce illegal aliens to enter our country or remain thereafter without authority, are also committing felonies under the INA. Employers also commit violations of the INA when it can be proven that they intentionally hired illegal aliens.

### Immigration Fraud

Fraud can be divided into two categories: fraud schemes and fraudulent documents.

A fraud scheme should be thought of as a conspiracy that an alien and a coconspirator or coconspirators enter into to enable the alien to be granted an immigration benefit that he would not be entitled to if all of the true material facts concerning the application were known.

Fraudulent documents include photo-substituted identity documents or identity documents that are counterfeited. These may include Alien Registration Receipt Cards (also known as Green Cards), driver's licenses, passports, and Social Security cards. Supporting documents are also often produced and sold by document vendors that include birth certificates, marriage licenses, diplomas, rent receipts, utility bills and other such documents.

An easy-to-understand example of such a conspiracy involves a marriage fraud in which the alien engages in a marriage to a United States citizen or resident alien and then has the person that they marry, file a petition for them with the agency known as USCIS (United States Citizenship and Immigration Services). The petition, in effect, asks that the government confer resident alien status upon the alien based on that marriage. A number of movies have been made about marriage fraud, the most recent being *The Proposal*, starring Sandra Bullock, Ryan Reynolds, and Mary Steenburgen. While the film may be entertaining, the issue of immigration fraud is anything but entertaining.

I began my career with the former INS (Immigration and Naturalization Service) in October 1971 as an Immigration Inspector assigned to John F. Kennedy International Airport in New York. In 1973 I was as-

signed to a pilot program with the I-130 Unit, the unit with the immigration benefits program that adjudicates applications for residency based on marriage. The unit was given that odd-sounding name because the petition that is filed to accord aliens residency based on marriage is the I-130 Petition.

The goal of this program was to have the adjudications officers, who were, back then, referred to as "Examiners," work in close cooperation with investigators assigned to the Frauds Unit of the Investigations Branch of the New York District Office of the INS.

The methodology that we employed in conducting the interviews was simple. We would interview the two spouses separately and ask questions to determine if they appeared to live in a marital relationship. When the program started out, the U.S. Citizen petitions and their alien spouses had no idea that they would be subjected to an in-depth interview. Prior to the implementation of the pilot program, most applications were applied on the face of the documentation. The petition was sent to the INS office along with a marriage license and any other essential documents, and the petition was often adjudicated without the couple being extensively interviewed.

Under the auspices of the project I became a part of, the interviews became more detailed. The objective of the interviews was to determine if there were material inconsistencies in the answers the husband and wife gave.

Initially it was relatively easy to find fundamental discrepancies. You would ask the couple about where they lived. Because they did not expect to be interviewed, it was not uncommon for the husband to claim that they lived in the basement apartment of a private home and the wife to claim they lived on an upper floor of an apartment house!

In short order, the couples appearing for interviews often rehearsed their answers in anticipation that they would be carefully interviewed. As a result, we had to become more skilled interviewers. The skills I honed in this assignment served me well throughout the balance of my career. These interviews became a sort of chess game where I was always seeking to find new ways to uncover fraud while being fair to those I interviewed.

What was interesting was how effective the "grapevine" was within the immigrant communities. I devised a tactic where I would ask to see the keys of the spouse I was speaking with. I then made a photostat of the keys and then labeled each key according to its function. For example, I would label the key to the main entranceway into the apartment house where the couple claimed to live and then label the key for the door on their apart-

ment. When the spouse of the person I had just interviewed was summoned to answer my questions, I would then ask to see that person's keys and ask them to identify which key was used to open which lock. One day when I introduced myself to a couple and their attorney, the United States citizen husband quickly reached into his pocket and dropped his keys on my desk. I asked him why he did that and he told me that he had heard that I was the examiner who would ask to see their keys!

On another occasion, when I asked to see the keys of the United States citizen spouse, he promptly handed me his keys. I asked him how he had gotten to the immigration office that day and he told me that he had driven. When I asked him where he parked his car, he told me that he had parked it at the parking garage across the street from my office. What concerned me was that the keys he had handed me did not have a car key on the key ring so I asked him for his car key. His attorney asked me why I wanted to see the car key and I explained that the public garage across the street was a "Park and Lock," meaning that those who parked their took their car keys with them.



With a panicked look on his face, the guy reached into his pocket and pulled out his car key that was attached to what appeared to be house keys! I asked whose house keys were on the key ring, and he blurted out that the keys belonged to his girlfriend! His attorney groaned loudly and then admonished him to not make things worse and lie under oath! He confessed that he had been paid to get married, and his "wife" was promptly arrested by the agents of the Frauds Unit and was subsequently brought before an Immigration Judge for a deportation hearing.

Of course no one should really be surprised that the immigrant community had a very effective grapevine. These people certainly had a vested interest in knowing what was going on. When I first became an INS Special

Agent, the "old timers" were happy to take me and the other new special agents under their wings and provide us with invaluable advice and insight. One of these gentlemen was a Jack Stearn. He had been a United States Marine during the Second World War and had retired from the New York City Police Department. One day as we all stood around sipping coffee and engaging in a discussion, Jack admonished us to remember that when a cop was running after a bad guy, the cop was running for a paycheck while the bad guy was running for his life!

In some instances the fraud marriages were arranged between two people who knew each other from work or some other such social setting. In other instances, massive fraud rings that may have involved members of the clergy, notaries public, attorneys or other such individuals arranged the marriages.

Back then there was a close level of cooperation between the local city government and the INS. When a United States citizen woman claimed to be married to an alien and had children from a different man, we would be able to make an inquiry with the welfare agency. Often these women were receiving public assistance by claiming to be single parents, while at the same time claiming to be married to an alien for whom they filed petitions to provide their alien spouses with resident alien status.

In such instances fraud was clearly being committed; the only real question was who was being lied to. When such citizens were confronted with the fact that they had been determined to be receiving public assistance as single parents while, at the same time, they claimed to the INS that they were married, they had a choice to make. In nearly every instance, it was determined that the marriage that they had entered into was simply a business deal where they were paid to marry the alien and file a petition for his residency.

They withdrew the petition, the alien was taken into custody, and soon the word got out that it would be far more difficult to get away with filing fraud applications.

In some cases, we found that the loving "bride" had used many false identities and had married a number of aliens. A few of these women who assumed multiple identities to marry a number of aliens and then filed, multiple applications, actually wore disguises to make it less likely that their deception would be discovered! In these instances, these citizens were prosecuted for entering into criminal conspiracies and committing fraud and other related crimes.

Sometimes I was able to get to the truth by being a bit sneaky. I remember interviewing one young American girl who I believed was not living with her husband.

In a matter-of-fact manner, I told her that I could understand the motivation for someone who was young and desperate for money to think that a sham marriage would provide some easy cash. I said that I had heard that most of the women who married illegal aliens had received over ten thousand dollars and that it must be really tempting to have someone offer that much money for something as simple as a marriage of convenience. Certainly the money would be convenient! The young woman became really agitated and asked me to repeat how much money was generally being paid. I repeated that I had heard that the going rate was ten thousand dollars (this was a total fabrication!).

The young woman flew into a rage, leapt to her feet, and blurted out that she had only been paid eight hundred dollars!

I thought her lawyer was going to fall off his chair!

Suddenly she realized what she had just said! Her “husband,” a Greek sailor who had jumped ship, was promptly arrested and was soon thereafter sent back to Greece.

In one case that I became involved with, an attorney had arranged a number of marriages for Chinese citizens who had worked on various ships and then jumped ship when the vessel docked in New York City. It was not very difficult to determine that fraud was involved because most of these men only spoke a dialect of Chinese, and their “wives,” as it turned out, were of Puerto Rican heritage and spoke English and Spanish but could not utter a word of Chinese in any dialect!

Ultimately the attorney who represented these people was arrested and charged with multiple counts of criminal conspiracy. I was called to testify at the trial which was well covered by the news media. This was my very first appearance in court, and the trial could not have been of a much higher profile!

Not all of the cases I encountered involved fraud, however.

I recall one couple I interviewed and found a way of determining the bona fides of their case in just a few minutes.

In this case the alien who was seeking residency was a young man who was attending graduate school. He lived on campus during the week but was commuting to his wife’s apartment every weekend. I recall that he was nervous about their living arrangement, but I explained that the purpose of the interview was not to play “gotcha” but to determine if the couple was truly married. Certainly many couples have similar situations — think about members of the military or those who work for the government or corporations that require that they

travel frequently.

I decided to ask him about the car he drove when he met his wife. He told me that he had driven a motorcycle when they met and that she was scared to death of his two-wheel ride. He told me that she only agreed to marry him if he would first sell his motorcycle. He told me that it was with great reluctance that he sold his motorcycle.

I asked him what he did with the helmet after he sold the motorcycle, and he laughed and asked if I had been spying on him. I was confused by this question and asked what he was talking about. He told me that the previous weekend he and his wife were cleaning out their closet and she found the helmet. He told me that she was absolutely furious because she thought he had gotten rid of it! He claimed that she did not talk to him for the rest of the weekend, angry that he might still be thinking of buying another motorcycle!

I called in the wife and asked her if she could describe the car her husband drove when they met. She described the motorcycle in great detail and then told me how she would not marry her husband until he sold the motorcycle.

When I asked about the helmet, her account of their fight the previous weekend matched what her husband had told me.

There was no way that this sort of story could have been rehearsed! I quickly approved the petition to grant him resident alien status!

### **Fraud, deception, and terrorism**

Some of these cases were truly astounding, but perhaps they will be a part of a book I have been told I should write about my 30-year adventure that was my career with the former INS!

You may think that these cases of immigration fraud did not endanger our safety or well being, but, in point of fact, they do. As more aliens commit fraud and are able to get away with their deception, ever more applications for various immigration benefits are then filed by aliens that further erode the integrity of the process. Eventually we get to the point where we are today, where the entire bureaucracy at USCIS (United States Citizenship and Immigration Services), the division of the Department of Homeland Security that is charged with adjudicating all of these applications for various immigration benefits, is driven by a desire to keep up with the backlog of cases.

The harsh reality is that the easiest way for an adjudications officer to move applications he is assigned to process is to approve those applications. In order to

approve an application, all that the adjudications officer needs to do is affix the appropriate approval stamp in the right place on the paperwork and perform a couple of other quick steps. A denial of an application, however, requires far more time-consuming work. If the employees of USCIS are rewarded for productivity, and indeed they are, then the way to get the bonuses and good evaluations, which determine promotions, is to do everything possible to approve applications for immigration benefits.

Now give this some thought: most of those who get the really good evaluations understood that the key to success was to approve as many applications as possible as quickly as possible.

Consider, for example, that on November 29, 2006, the *Washington Post* ran the article: "Citizenship Agency Lost 111,000 Files," <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/28/AR2006112801402.html>.

Incredibly, the applications that related to those 111,000 files were all processed without the relating immigration files, including the 30,000 aliens who were naturalized by adjudications officers who were not provided with the critically important immigration files relating to the aliens who applied for United States citizenship. This travesty took place more than 13 years after a citizen of Pakistan, Amil Kanshi, gamed the system to acquire political asylum by lying on his application for asylum. He repaid the kindness of our nation by standing outside CIA Headquarters in January 1993 and opening fire on the cars of CIA officers who were pulling into the parking lot at the CIA complex. When the smoke cleared, two CIA officers were dead and three others were wounded.

Just one month later, other terrorists from the Middle East who launched the first attack on the World Trade Center had also committed visa fraud and immigration fraud in order to facilitate their plans to attack our nation and kill our citizens.

Those 111,000 files were reported lost and the applications relating to each and every one of those files were adjudicated, including 30,000 applications for United States citizenship without the adjudications officers having access to those critically important files. I would remind you that this outrageous madness occurred more than five years after the terrorist attacks of September 11, 2001.

On September 1, 2006 I was invited to testify at a field hearing that was conducted by the House Judiciary Committee on the topic: "Is The Reid-Kennedy Bill A Repeat of The Failed Amnesty of 1986?"

In explaining my concerns about the national security implications of a massive program that would provide millions of illegal aliens with lawful status and with official identity documents, even though there would be no verifiable way of determining the true identities of these people, I decided to recount the case of one of the terrorists who participated in the first attack on the World Trade Center. Here is an excerpt from my prepared testimony for that hearing:

A nation's primary responsibility is to provide for the safety and security of its citizens and yet, for reasons I cannot begin to fathom, the members of the Senate who voted for S. 2611 are seemingly oblivious to the lessons that the disastrous amnesty of the Immigration Reform and Control Act of 1986 (IRCA) should have taught us. That piece of legislation led to the greatest influx of illegal aliens in the history of our nation. Fraud and a lack of integrity of the immigration system not only flooded our nation with illegal aliens who ran our borders, hoping that what had been billed as a "one time" amnesty would be repeated, but it also enabled a number of terrorists and many criminals to enter the United States and then embed themselves in the United States. A notable example of such a terrorist can be found in a review of the facts concerning Mahmud Abouhalima, a citizen of Egypt who entered the United States on a tourist visa, overstayed his authorized period of admission and then applied for amnesty under the agricultural worker provisions of IRCA. He succeeded in obtaining resident alien status through this process. During a 5 year period he drove a cab and had his license suspended numerous times for violations of law and ultimately demonstrated his appreciation for our nation's generosity by participating in the first attack on the World Trade Center in 1993 that left 6 people dead, hundreds of people injured and an estimated one half billion dollars in damage inflicted, on that iconic, ill-fated complex. America had opened its doors to him so that he might participate in the "American Dream." He turned that dream into our worst nightmare. The other terrorists who attacked our nation on subsequent attacks, including the attacks of September 11, 2001, similarly exploited our generosity, seeing in our nation's kindness, weakness, gaming the immi-

gration system to enter our country and then, hide in plain sight, among us.

A succession of GAO (Government Accountability Office) investigations and the reports that followed document endemic failures of USCIS to create a system that possesses even a modicum of integrity! Similar investigations conducted by the OIG (Office of the Inspector General), what most folks would call “Internal Affairs,” have yielded comparable results that are reflected in the reports that this watchdog agency has filed.

It is important to bear in mind that the woebegone USCIS would be the agency that would administer any program to accord illegal aliens with lawful status under the aegis of the DREAM Act or “Comprehensive Immigration Reform.”

This agency cannot carry out its current vital missions effectively and with meaningful integrity, I shudder to think what the overworked and beleaguered employees would do if suddenly many millions of applications for lawful status would be dropped on their collective desks and the agency would be mandated to process at least 100,000 of these applications each and every day in addition to dealing with the workload that they are already struggling under. In my judgement, this is the equivalent of telling a patient suffering from congestive heart failure, as he struggles to inhale oxygen hissing from tubes under his nose, that he will be required to not only run in the New York Marathon, but he must win and that lives will undoubtedly be lost if he loses the race!

The point is that these components of what should be a coherent system that should carry out the common-sense missions of denying terrorists and criminals access to our nation and then prevent them from embedding themselves in our country continue to fail each and every day.

Many of the crimes relating to our nation’s borders, the issuance of visas, and the immigration benefits program that are committed by criminals and terrorists all too often, go undiscovered.

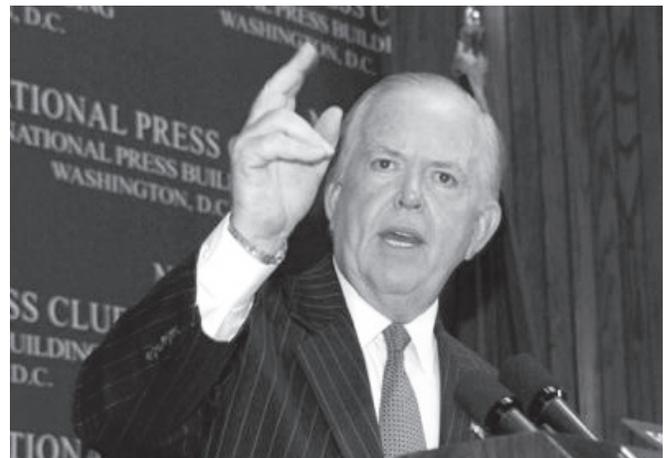
Rather than closing the gaping holes in the system that have demonstrably aided terrorists and criminals to enter and then embed themselves in our country, our nation’s leaders seem to be determined to squander huge sums of money that our nation, especially now, can ill afford. Additionally, what is arguably even worse than the largesse being squandered in the pursuit of worthless projects such as the Secure Border Initiative Network (SBI-Net), also known as the “Virtual Fence,” are the years that were wasted while nothing was done to secure our nation’s borders and prevent terrorists and criminals

from acquiring lawful status in our country by defrauding the system.

Politicians from both major political parties have been engaged in practices that imperil our nation’s security and endanger the survival of our citizens and their way of life.

I do not believe that most of these leaders fully understand the implications of what they are doing or not doing, but rather often attempt to placate those who make the deep pocket campaign contributions or promise to provide other support to their campaigns.

As a federal agent, I was not permitted to accept a cup of coffee while on official duty. We were instructed that if we knocked on the door of someone who was not involved in an investigation that we were conducting but lived down the block from the location we were interested in, that if that person offered a cup of coffee to us that we should request that they simply provide us with ice water. The point being that once you accept anything from someone, an expectation may develop where that person may think you owe them some special treatment at some point.



**Television Show Host Lou Dobbs**

This makes sense. However, think about all of the politicians who openly boast about being effective “fund raisers!” Could you imagine what would happen if my colleagues or I had gone to our superiors and boasted about being an effective fundraiser? I suspect that we would have been hauled before a grand jury so quickly that we would not have known how we got there!

One day while attending a luncheon for Lou Dobbs when he had his show on CNN, a show that often invited me to appear as a guest, I told Lou that every time there was an election, we got the best government money could buy! As I recall, he ran a 7 or 8 segment series on his program after that luncheon that were appropriately entitled, “The Best Government Money Can Buy!”

Today our government permits special interest groups and major campaign contributors to make decisions that have a tremendous impact on national security, our nation's economy and diplomacy. I have gotten so frustrated by this seemingly sanctioned corruption that I have, on occasion, stated that perhaps the time has come to give the House of Representatives a more honest name: I would call it the "House of Corporate Interests!"

I mentioned how the massive influx of applications for various immigration benefits leads to a lack of integrity within the immigration benefits program because the beleaguered employees of USCIS are fixated on keeping up with the ever-burgeoning backlog. Clearly there is an inverse proportion between quality and quantity. The faster that you attempt to do a job, the more that the quality of the work you are doing suffers.

This is a point that reminds me of the episode of "I Love Lucy" when Lucy and her sidekick, Ethel, got jobs at a candy factory where they were supposed to wrap morsels of candy as they were delivered to them on a conveyor belt.

Initially all went smoothly until the belt began to pick up speed, and soon the bonbons were hurtling at them at warp speed! This made for one of the most hilarious episodes in the annals of television comedy: Lucy and Ethel frantically try to keep up with the candy, and in order to keep up they try eating the candy and stuffing the morsels down their clothing, but to no avail!

### **Aliens and transnational terrorists**

Where applications of immigration benefits are concerned, however, the hapless adjudications officers at USCIS can not eat the applications nor can they stuff them down their clothing! These adjudications officers quickly find out that the easiest and quickest way of disposing of applications for immigration benefits and even for United States citizenship is to simply approve the applications.

It only takes a minute or two if an adjudications officer approves an application but it can take an hour or more to deny an application and prepare the report and other paperwork. If the goal is to dispose of the maximum number of applications per day, then it becomes readily apparent that the only way to be rewarded for productivity is to approve as many applications as possible!

There is another problem that massive numbers of illegal aliens impose on national security and criminal justice. The huge numbers of aliens living in densely packed "immigrant communities" create huge human "haystacks" in which transnational criminals and terror-

ists easily conceal themselves.

This is the case for every immigrant community that contains aliens from every part of the planet. This is not simply about aliens from Mexico or Latin America but is also about aliens from Russia, Asia, Africa, Europe the Caribbean and anywhere else you could imagine. These transnational criminals and terrorists know that it is far easier to conceal themselves in communities where they are likely to blend in. They also want to live in those communities where the folks who live their speak their language and enjoy the same foods, music and culture that they are accustomed to.

Additionally, the transnational criminals and international terrorists also know that they are much more likely to find those who are sympathetic with their goals, and that when they encounter aliens who might pose a threat to their operations, they can easily threaten to do harm to family members in their home country and then, if necessary, make good on that threat.

These communities that serve as home to large numbers of illegal aliens are also likely to have a number of business establishments that offer services that are of great importance to illegal aliens and that are absolutely essential to transnational criminals and international terrorists. We will talk about those establishments shortly.

Where the drug trade is concerned, most often the international cartels use citizens from their home countries. They do this to maintain control over their workers. When an individual who works for a cartel is found to either be stealing money or narcotics, it is a common practice for the leaders of the drug organization to do harm to the family members of the individual who stands accused of stealing or otherwise acting disloyally to the cartel that employs him.

If that individual has no family members or close friends in the United States, the cartel bosses can easily take retribution against that person's family in his home country. For the cartels, nothing is off limits. In the United States, organized crime families usually avoid killing law enforcement officials, or the wives and children of someone who "got out of line."

According to statements made by Janet Napolitano, the Secretary of Homeland Security, the extremely violent Mexican drug cartels have infested hundreds of cities from coast to coast and border to border. Immigration is not simply a problem for so-called border states, but has created a crisis for every state of this nation.

A chilling *New York Daily News* headline published on April 11, 2011 summed it up succinctly:

"Feds finding it harder and harder to combat escalating presence of Mexican drug cartels in New York,"

Consider this quote from that article:

ICE agents also have seen a rise in dirty money and weapons confiscated in the New York area.

Last year, the feds seized more than \$35 million and 57 firearms, a record number in New York, according to ICE figures.

“We spent these hours investigating violent, transnational street gang members who are now working closely with sophisticated drug-trafficking organizations,” said James Hayes, special agent in charge of Homeland Security investigations in New York.

“We see more and more a correlation between Mexican drug organizations and gangs here in New York,” Hayes added.

“New York is a big market for drugs. Mexican cartels want to increase their presence here.”

As we have seen in a succession of gut wrenching news reports, in Mexico and other countries in which drug cartels operate, no one is immune from the wrath of the cartels, and the violence that is carried out is no less violent than what we have come to expect from terrorists.

Where the drug trade is concerned, most often the international cartels use citizens from their home countries. They do this to maintain control over their workers. When an individual who works for a cartel is found to either be stealing money or narcotics, it is a common practice for the leaders of the drug organization to do harm to the family members of the individual who stands accused of stealing.

Additionally, just as those who work for the cartels are often intimidated by their bosses who can make good on threats to do harm to family members back in their home countries, thugs living within immigrant communities can also make similar credible threats to the immigrants they live among. They can use this leverage to good advantage to convince witnesses to a crime, for example, to not speak with the police unless they want someone to “pay a visit” to their mother, sister, brother, or child back in their native country.

One of the tactics that are employed by drug traffickers who are operating in the United States is to “borrow” the apartment of a member of the community in which they live. The drug traffickers approach a person, often an older person, and tell them that they want to use their apartment for a couple of days. They will

generally offer to give that person what would seem to be an amazing amount of money for a few days and require the person whose apartment is being “borrowed” to check into a hotel or sleep at a friend or family member’s apartment for a couple of days.

This is done to make it all but impossible for law enforcement to know where the drug transactions are being carried out.

Meanwhile nonstop drug sales will take place in the “borrowed” apartment for the next few days.

In some instances the person who is approached may balk at “renting” out his apartment and not be bothered. In other cases, however, the criminals make it clear that the person whose apartment is needed will either comply and be paid handsomely — perhaps a couple of thousand dollars — or the person or a family member in this country or back home, will be made to suffer the consequences.

This is the reality that those who oppose the enforcement of immigration laws deny.

They will continually make statements about how the enforcement of our nation’s immigration laws would do serious harm to community policing. I can tell you from personal experience that nothing could be further from the truth! While it is certainly true that aliens who come from countries where police corruption is widespread would be reluctant to speak with anyone who carries a badge, this is not because of potential interaction by police with immigration. As an INS Special Agent assigned to the Unified Intelligence Division of the DEA, and then when I was promoted to Senior Special Agent and assigned to the Organized Crime, Drug Enforcement Task Force, one of my key responsibilities was to work closely with members of various police departments, including the NYPD, New York State Police, and other local police departments, to cultivate informants and cooperators without whose assistance a number of our successful investigations might never have been conducted.

The immigration laws provide tremendous incentives for aliens to come forward to provide information about criminal activities. Visas can be awarded to illegal aliens who provide important information. When the information is of sufficient importance, even immediate family members may be brought to the United States as lawful immigrants.

Victims of crimes who are illegal aliens may also receive immigrant status under certain conditions, and hence there are real and compelling incentives for aliens to welcome opportunities to cooperate with law enforcement when immigration is factored in.

While aliens who are victims of crimes and aliens who are cooperators can secure significant rewards, immigration laws can be extremely effective in punishing aliens who commit serious crimes. There are specific criminal charges that can, for example, be brought against an illegal alien who is found to be in possession of a firearm, unlawfully reentered the United States after being deported without first securing the appropriate authorization, or committed visa fraud.

There is another advantage that is almost never discussed, where synergy can be created by coupling immigration law enforcement with other law enforcement agencies: the issue of bail hearings.

As an INS Special Agent I was often called upon to provide evidence at bail hearings.

Bail hearings generally focus on two primary issues: danger to the community and risk of flight by the defendant. When a police officer or other law enforcement officer arrests a suspect, it is usually not difficult to make a compelling case to illustrate the risk of violence to the community if the suspect was, for example, found to be in possession of a weapon when he was arrested. The issue of danger to the community comes into sharper focus if the crime the suspect was arrested for committing involved the use of force or violence.

Risk of flight, however, can be more difficult to ascertain and goes to the state of mind, community ties, and other possibly nebulous factors.

Where illegal aliens are concerned, however, the immigration file relating to that alleged criminal alien may prove to be a veritable “treasure trove” of information concerning lack of ties to the community, previous instances where the alien failed to show up for immigration hearings even when it cost him a substantial bond, and instances where he may have been deported and subsequently reentered the United States without authorization, thereby committing a felony.

Additionally, the alien’s file may also reflect that he has used many false identities and had, in the past, provided false addresses that turned out to be utterly fictitious.

I recall one case in particular where a citizen of Colombia had been arrested after he showed up at a freight forwarder’s office located near John F. Kennedy International Airport in New York City to reclaim a cargo pallet or “skid” that had been smashed by a forklift. This individual had sent a number of those pallets to the freight forwarder to be shipped to Colombia with a stack of new, unfolded cardboard boxes piled on top of them. To the great surprise of the forklift operator, when the pallet was hit by the lift, money began pouring out!

The forward immediately called U.S. Customs, and their Special Agents went to the freight forwarder and upon examining the pallets found that \$970,000 had been secreted in hollowed out spaces in the pallets. They quickly hatched a plan. One of the agents, acting as an employee of the freight forwarder, called the guy whose company had sent over the pallets and told him that he was going to simply discard the pallets and, because it was an employee of that company that destroyed the pallet, that he would generously agree to simply provide new pallets.

The guy they spoke with, who claimed to be the president of the company that sent the pallets and the cargo of unfolded cardboard boxes, told them to not do anything until he arrived.

A short while later the guy, whose first name was “Jaime,” showed up demanding to see the pallets. He identified the pallets as belonging to him. At this point he was arrested and charged with money laundering and the failure to disclose the exportation of a large sum of money.

I was told about this case the next day when I had lunch with the Customs agents who had previously worked with me at the INS.

When they showed me the pallets, I noticed that the compartments that concealed the money had been carefully crafted, and I told my colleagues that I had a feeling that this was not a “one shot” deal. A day later, U.S. Customs in Miami, Florida discovered more pallets from the same company; this time the pallets were coming into the United States from Colombia. When they dismantled the pallets they were amazed to find that the same hollowed-out spaces were being used for a different “cargo”; this time those spaces contained kilo “bricks” of pure cocaine!

Customs opened the case under the name of the company that had sent the pallets, but I suggested a more apt name for the investigation would be “Skid Row,” seeing as how cargo skids were being used by those bums!

I was asked to join the investigation and did a thorough investigation of the guy that they had arrested a couple of days later. Time was of the essence because he was about to have a formal bail hearing the next day.

As it turned out, Jaime had been admitted into the United States to attend Brooklyn College, my alma mater, as a music student. It was an interesting experience heading for the campus where I spent a number of years to run some of the leads to ground. It turned out that he had not attended classes in more than two years and had failed to maintain a passing average, in any event.

It was also determined that he had used several false names, and the list of the lies he told grew along with the clear impression, given his apparent access to large sums of money, and his propensity to lie and use false identities, that he was a bad flight risk.

The federal magistrate who conducted his bail hearing had a track record of not remanding criminal suspects without bail because she was strong on the concept of the “presumption of innocence” guaranteed by our Constitution. Her philosophy was certainly reasonable, but we were extremely concerned that if Jaime was released from custody he would simply become yet another fugitive who would never be seen again.

The Assistant United States Attorney who was assigned to the prosecution asked me to provide all of the information I had amassed over the past two days. He told me he was confident I could do a good job of arguing the bail case for the government. I nervously laid out the information and thought it would be a good idea to have a strong summation so, at the conclusion of my remarks I said, “Your honor, the defendant is as amorphous as a puff of smoke and would be as difficult to recapture should you let him out of the bottle!”

The magistrate seemed really upset and said that she was going to call for a 30-minute recess to consider the evidence. When she returned to the bench she appeared worked up. For the next 20 or 25 minutes she lectured everyone in her courtroom about the “presumption of innocence.”

The prosecutor whispered in my ear that no matter how it turned out, he felt I could not have done a better job of gathering and articulating the evidence concerning the extreme risk of flight that the defendant presented.

Finally, the magistrate uttered that pivotal word, “However!”

Expressing her consternation at remanding the defendant without bail, she said that she agreed with my conclusions about risk of flight! (Score one for the good guys that day!)

Jaime ultimately pleaded guilty to his crimes and, as I recall, was sentenced to serve 7 years in prison before being deported. Meanwhile the ensuing investigation uncovered a major narcotics smuggling organization operating out of Colombia. The investigation also disclosed that a number of years earlier, one of the leaders of that organization had studied structural engineering at Texas A & M University. It is believed that he was the one who had designed and constructed those hollowed-out cargo skids — apparently putting his education to *bad* use!

In all I assisted in arguing bail in about two dozen criminal cases, and in each one, the information concerning the defendant’s immigration record was instrumental in enabling the magistrate to make a proper decision.

Clearly the immigration laws, when properly used, provide law enforcement with a hefty stick and a juicy carrot!

In point of fact, it was the transnational criminals who most worried many of the immigrants in these communities, and those who lived in those communities were often thrilled to help us arrest those thugs.

Aliens who commit crimes in the United States have a distinct advantage over citizens of our country who commit crimes. Alien criminals and terrorists have, in effect, a “trap door” they can escape through to evade law enforcement as well as criminal competitors. They can flee from the United States when they believe that law enforcement or other criminals appear to be closing in on them. They can easily hide in their own countries and often stay out of the grasp of the “long arm of the law.” This should provide even more reasons for our government officials on the local, city, and state levels to want to work cooperatively with ICE, but where politics are concerned, reasoning is often missing, and all too often, decent people pay with their lives. Often those who are killed or made to suffer are the members of the immigrant communities.

As I noted previously, the immigrant communities also have something else to offer aliens who are engaged in serious crimes, whether it is narcotics trafficking or other criminal endeavors. These communities have numerous establishments that cater to the needs of the huge number of aliens who need various services that are essential to them and are of particular significance to transnational criminals and terrorists. Among the services that are highly valued by the criminals, are companies that facilitate the movement of cash from the United States to their home countries. In addition to the money remitters such as Western Union, banks, and other such establishments, companies that offer to buy gold can facilitate the movement of large sums of money by enabling drug traffickers or other major criminals to convert their ill-gotten proceeds to gold, which is far easier to conceal and move across international borders.

Other businesses also spring up to provide the large numbers of illegal aliens with a means of doing what they need to do in the United States in order to stay “below the radar.” This not only involves the fraud document vendors I noted earlier, who produce and sell counterfeit identification documents. In order to lend

more credibility to these documents and enable them to be used by illegal aliens seeking employment, many of these document vendors either engage in identity theft or work in conjunction with those who commit large-scale identity theft. This is a major factor that has caused identity theft to have become the fastest-growing white collar crime in America.

Ask anyone who has fallen victim to identity theft and they will tell you, in no ambiguous terms, how identity theft is not a “victimless crime”!

Other business establishments that are highly valued by transnational criminals and terrorists include businesses that provide the opportunity to make phone calls without fear of having their calls tapped. Telephone arcades provide those who so desire, a means of making phone calls, where the patrons of these establishments are provided with random telephones. This makes it all but impossible for law enforcement to set up a wire tap on those phones that are randomly assigned.

Mail box rental services are also valued by illegal aliens who may live nomadic lives in the United States, remaining in a particular apartment for a short period of time before moving on to another apartment. By renting a mail box at a private establishment, no matter where they may live or how frequently they may move, these illegal aliens have a reliable way of receiving mail and other items from home. Mail box establishments also provide another advantage to those seeking to “fly under the radar.” Such mail boxes can be nearly as secure as messengers for providing illegal aliens and criminals and terrorists with a secure means of communicating.

Think about how Osama bin Laden was able to stay “under the radar” by avoiding all “high tech” means of communicating. He avoided all forms of electronic communication and resorted to the oldest form of communication: he used trusted messengers. In my experience, drug traffickers and other other criminals and terrorists use a private mail box service, rented under a false name, as an easy way to communicate with a minimum chance of having those communications intercepted by law enforcement.

When you drive through neighborhoods that have large numbers of illegal aliens, one of the first things you will notice is the profusion of the sorts of services I noted above.

One of the “dirty secrets” about communities in which large numbers of illegal aliens live and work is the prevalence of houses of prostitution. Often the illegal aliens who enter the United States to seek illegal employment are young, able-bodied men who arrive

in the United States without their wives or girlfriends. They frequently seek the companionship to be found in a house of prostitution. This leads to more horrendous exploitation of young women, many of whom are also aliens who are illegally present in the United States. While some of these women came here with the understanding that they would seek to work in brothels, many other young women are tricked into coming to the United States to work at jobs that they believe will involve watching small children or working in a restaurant. When they arrive in the United States they find that they have been duped and their lives become a living nightmare.

When I was an INS Special Agent, my colleagues and I would often raid these brothels and take the illegal alien prostitutes into custody. We also often worked the buzzer to the front door of these establishments. We buzzed lots of young men in, most of whom were illegal aliens who, we arrested, and, as we used to joke, many of them got screwed but no sex was involved!

This is yet another example of how crime begets still more crime and often horrific exploitation.

Once again I am compelled to ask how anyone could honestly claim that it is “Anti-Immigrant” to advocate for secure borders and the creation of an immigration system that has real integrity, which not only protects our nation and our citizens but honors the countless millions of lawful immigrants and their descendants who built this nation since its founding nearly a quarter of a millennium ago?

The problem is that the illegal immigration crisis provides unscrupulous business owners many ways to maximize their profits. Landlords who rent apartments to these illegal aliens count on the fact that these illegal aliens will not complain to the appropriate authorities about the hellish conditions under which they live.

At work, the illegal aliens are often terribly exploited and paid wages that are well below prevailing wage levels and may even be beneath the minimum wage standards. It is not uncommon for illegal aliens to work many more hours than they are paid for or to not be paid appropriate overtime or premium pay when they work long hours or on weekends or holidays. Similarly, the workplace is often so filthy and dangerous as to not meet many of the commonsense standards that various law enforcement agencies on all levels of government would require. Employers count on the vulnerability and desperation of the illegal alien workforce to not report truly egregious violations.

When aliens are paid “off the books,” appropriate taxes are not paid and money under such circumstances

is not being sent to Social Security or Workman's Compensation.

Furthermore, not surprisingly, the goal of foreign workers is to send as much of their paychecks to their families in their home countries. For many countries these remittances represent one of the most significant sources of money for their economies. It is believed that each year well over one hundred billion dollars is sent from the United States to the home countries of these foreign workers. This is money not earned by citizens or resident aliens of the United States and money that is not spent or invested in the United States. This is money that is totally lost to the American economy.

Unscrupulous landlords who intentionally rent apartments to illegal aliens often run buildings that are filthy where many of the systems within the building don't work properly. Many times apartments have interior walls constructed to provide small separate bedrooms that can be locked. When there are fires in these buildings, it is often impossible for the individuals sleeping in these rooms to escape the fire, and at times firefighters also get caught in the mazes that are illegally constructed in these apartments, either by the landlords or by those who see an opportunity to make money by subletting and subdividing these apartments to large numbers of illegal aliens.

The direct consequences of this is that people are badly burned and suffer for the rest of their lives. Others die. This involves the residents of the buildings and it involves firefighters and other first responders. These are yet more examples of greed running amok and the price that the victims pay.

I hope that I have made it clear that immigration involves far more than our nation's borders. Whenever I travel around the United States to participate in debates and panel discussions about the immigration crisis that confronts our nation today, I am often asked about the border fence. I have come to say that we should think of a fence on the border the way we think about an airplane's wing. Without that wing the airplane certainly will not get off the ground- however, that wing by itself will go nowhere!

Each and every component of what should be a coherent and integrated immigration system must work effectively. No matter how much money and efforts are expended on securing the border, those efforts will fail if visas are provided to criminals or terrorists who seek to ply their "trades" in our country.

I think of each of the components of the immigration system as being comparable to a hole in the bottom of a boat. If all of the holes are not plugged, that boat will wind up at the bottom of the lake. Similarly, all elements of the immigration system must be made as secure as possible.

Time and again we have heard our leaders tell us that in order to protect our nation from terrorist attacks our government must "get it right" 100 percent of the time while in order to successfully attack us, the terrorists only need to get it right once!

When our soldiers went to Iraq after the attacks of September 11, 2001, members of the United States Border Patrol were sent to Iraq to secure the Iraqi border against the entry of terrorists and insurgents. Among those Border Patrol agents were members of the elite BORTAC units.

Meanwhile our borders are anything but secure and we have millions of illegal aliens living and working in our country in nearly every city and town. Our government has no idea as to the true identities of these millions of aliens, whose entry into our country constitutes a violation of law. Our government does not even have any real way of knowing how many such illegal aliens are present in our country today. Our government does not know anything about the backgrounds of these illegal aliens or their potential affiliation with criminal or terrorist organizations, yet the administration has made it clear that the "solution" to this unacceptable situation is to provide these illegal aliens with a "pathway to United States citizenship"!

It has been said that the only thing worse than no security is false security. This sort of program would provide us with precisely that false security!

A country without secure borders can no more stand than can a house without walls! ■