

Insanity on Steroids

How Our Leaders Refuse to Learn the Lessons of the 1986 Amnesty

By MICHAEL W. CUTLER

Today, our nation stands at a crossroads. Our nation is currently facing a series of challenges and threats that have the potential to unravel the United States. This is not hyperbole but the stark reality.

Virtually every one of those threats is greatly exacerbated by our nation's continuing failures to secure our nation's borders, effectively enforce the immigration laws from within the interior of the U.S., and create an immigration benefits program that has real integrity. That program should not only protect our nation and our citizens but also honors the unknown millions of lawful immigrants and their descendants who, since the founding of this nation, entered our country in accordance with our laws to build our nation and create the "American Dream" for Americans of all races, religions, and ethnicities.

Immigration benefits refers to the various applications for all sorts of issues relating to the continuing presence of aliens in the U.S. and the conferring of authorization to attend schools, participate in temporary training programs the conferring of lawful immigrant status and even U.S. citizenship upon aliens.

I want to make it clear that what I have to say is not about scapegoating immigrants but about drawing clear distinctions between aliens, who are lawfully present in our country, and aliens whose presence in our country represents a violation of our nation's borders and our nation's immigration laws.

While those who oppose the securing of our nation's borders and the enforcement of our nation's immi-

gration laws routinely claim that those who favor secure borders and the enforcement of our nation's immigration laws are xenophobic racists — in point of fact, the immigration laws are utterly blind as to race, religion, and ethnicity and only make one distinction, the distinction between citizens and those who are not citizens who are, by law, defined as being aliens.

As an INS special agent I arrested aliens from nearly every country on the face of the Earth, as did my colleagues.

Our nation's immigration laws were enacted to protect our nation and our citizens from those aliens whose presence in our country would be harmful or dangerous. 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."

Illegal aliens are not just aliens who run our borders and hence, leave no record of their entry into our country, but also evade the scrutiny of the Customs and Border Protection (CBP) inspectors, whose mission is to prevent the entry of aliens into the U.S. whose presence would be harmful or dangerous, as enumerated in Title 8, U.S. Code, Section 212. This section of law is contained in the Immigration and Nationality Act (INA), lists the various categories of aliens who, under the Immigration and Nationality Act, are supposed to be prevented from entering the U.S. and are supposed to be removed if they are subsequently found here. Here is that section of the law: <http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-1956.html>

Among the categories of aliens who are supposed to be kept out of the U.S. are aliens with dangerous communicable diseases, aliens who suffer serious mental illness and are prone to violence, aliens who are convicted felons, aliens who are fugitives from justice in other countries, aliens who are human traffickers and drug smugglers, aliens who are war criminals, and aliens who have committed human rights violations, are spies or terrorists.

Additionally, the immigration laws are *supposed* to prevent the entry of aliens into the U.S. who would seek

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to live and work in the U.S. without authority. These aliens would displace American workers and, by their presence, lower the wages and working conditions of American workers.

Recently the President addressed an extremely unusual joint session of Congress to unveil his plan to create new jobs. Although the term “stimulus” was avoided as assiduously as the open borders advocates avoid the term “alien” to describe foreign nationals present in our country, it was quite clear that the President was, in fact, calling for yet another stimulus package, one with a price tag of at least \$400 billion! Who could blame him for avoiding the term “stimulus?” Most of the “shovel-ready” jobs his previous proposals promised to create failed to materialize, although the money that was appropriated to fund those stimulus packages was spent (squandered?).



President Obama explained why Latinos would benefit from his “jobs bill” during a speech to the Congressional Hispanic Caucus, September 14, 2011.

Meanwhile, in order to get our millions of unemployed Americans back to work, our nation does not need to create new jobs, only *liberate* the jobs currently held by illegal aliens and aliens who gamed the visa process through programs such as the H-1B visa program, which enables a wide variety of foreign workers to take the high tech jobs such as computer programmers that had been done and done effectively by American workers until they were displaced by foreign workers, who would work for lower wages and who provided significant income for attorneys who assisted corporations in gaming the visa process.

Let us consider the challenges and threats our nation faces today: Our nation is in the midst of a recession that has left millions of our fellow citizens unemployed or, at the least, underemployed. As a consequence, rec-

ord numbers of American homes are being lost to foreclosure, and many Americans are now paying mortgages that are greater than the value of the homes for which they are making those monthly mortgage payments. Such homes are referred to as being “under water,” part of the reason for which is that, as more homes are being foreclosed and dumped on the already saturated market, under the economic laws of “supply and demand,” the value of these homes continues to plummet.

This is further exacerbated by the damage that abandoned homes have on the communities in which those homes stand. No one wants to live on a block or in a neighborhood where there are abandoned houses that, all too often, are subsequently broken into, so that drug dealers and prostitutes can set up shop in those houses that had been the homes of now homeless American families.

In addition to the economic crisis, our nation continues to wage a “War on Terrorism.” We have been waging this war for a decade, ever since the terrorist attacks of September 11, 2001, and in the name of “National Security” we have surrendered nearly every expectation of privacy and freedom that the Fourth Amendment declared to be the birthright of our citizens.

For nearly four decades our nation has waged a “War on Drugs.” Yet our borders remain so porous as to represent little more than speed bumps to the smugglers who move huge numbers of illegal aliens into our country each and every day, along with unknown tons of illicit drugs of every variety. Marijuana, cocaine, heroin, meth, and other poisons freely flow into our country, destroying millions of American lives, and are directly and indirectly involved in the great majority of crimes committed in our country. Additionally, the proceeds from the drug trade fills the coffers of the Mexican drug cartels as well as other transnational gangs and terrorist organizations. It is estimated that each year some \$30 billion flows into the bank accounts of the Mexican cartels, which use their largesse to purchase weapons, increasingly sophisticated ships (including submarines), aircraft, and to corrupt the government of Mexico, along with its military and police officials, and to also cause corruption within the ranks of American law enforcement agencies.

Our nation is paying an extremely heavy price to wage wars in the Middle East. The costs are two-fold: billions of dollars of taxpayer funds that finance our military and, more importantly, the lives of our valiant members of our armed forces in terms of casualties.

There is a famous scene in the *The Godfather* (Part II) when Michael Corleone recalls his father’s admoni-

tion: “Keep your friends close, but your enemies closer.”

Of course in terms of national security the enemy must never be permitted to be close to our nation. That is the primary *raison d’être* for our military — to send our troops and their weapons in harm’s way, to protect our nation and our citizens.

However, our nation’s all but nonexistent borders work in direct opposition to the gallantry, the valor, and the commitment and dedication of our brave men and women of the military services as they attempt to protect our nation overseas while pernicious transnational criminals and international terrorists are able to easily enter our country.

The components of our immigration system are dysfunctional and inept. Our borders are not secure, immigration laws are not enforced in any meaningful way, and the means by which applications for immigration benefits are adjudicated lack real integrity. They all work against the best interests of our nation and our citizens.

While millions of Americans are unemployed, the administration has acted to provide employment authorization to hundreds of thousands of aliens, whose very presence in our country represents a violation of our laws. This is counterintuitive and, in fact, impossible to understand.

Many of our nation’s “leaders,” from the President to members of his administration and members of Congress from both political parties, often talk about the need to place illegal aliens on a pathway to U.S. citizenship.

Recently the administration has devised a policy for the non-enforcement of our immigration laws that apply to aliens who have not been convicted of serious crimes. It is now clear that any alien who maintains a low profile and has not been convicted of a felony has absolutely nothing to fear from Immigration and Customs Enforcement (ICE).

These statements and policies are perceived by those who aspire to become illegal aliens in our country as justification for running our nation’s borders or finding some other way of making their way to our country — and who could blame them?

It is notable that our nation’s immigration laws deem it a felony to encourage or induce aliens to enter our country in violation of law or remain illegally in our country, yet these clear and unequivocal statements issued by our nation’s leaders do, indeed, encourage and induce aliens to violate our borders and our laws. It is incomprehensible.

Furthermore, the Obama administration has de-

cidated to have some 300,000 ongoing deportation cases reviewed to determine if the aliens who are charged with being in our country illegally and subject to removal (deportation) should, instead of being removed, be granted employment authorization!

The administration’s “cover story” that most of the news media have seized upon and spread far and wide is that the administration has done this to prioritize the use of limited resources at ICE to focus on criminal aliens. At first blush, this may sound like a good idea. After all, law enforcement needs to use its limited resources in a sensible way to get the most “bang for the buck.”

Prioritizing criminal aliens is a sensible strategy — but what this really means is not prioritizing criminal aliens over aliens with no convictions. In reality, illegal aliens who have no criminal histories are having deportation hearings terminated and they are being granted employment authorization!

If the goal was to simply prioritize efforts to locate and apprehend criminal aliens, the enforcement personnel at ICE would be told to not actively seek to locate illegal aliens unless they had a conviction record. Under such a system it would make sense to take illegal aliens into custody whenever they are encountered as “collateral” arrests, to act as a deterrent to discourage aliens from running our borders or otherwise violating our immigration laws.

It must be presumed that this process of scrutinizing deportation cases will continue and that employees of CBP and ICE who seek to keep their jobs and advance their careers will become “gun shy” and not seek to arrest illegal aliens at all.

You cannot get in trouble for making a bad decision if you make no decisions!

The issue is not whether or not criminal aliens should be prioritized, it is that what the administration has done is to make a willful decision to not take any illegal alien into custody who does not have a criminal conviction, and even then, when you add the policy memo of John Morton, the Director of ICE, even criminal aliens may well not be deported from the U.S. if they fall into one or more categories of aliens who the administration has unilaterally determined should not be deported from the U.S..

On June 23, 2011, the American Federation of Government Employees (AFGE), the union that represents the dedicated personnel of ICE, issued a press release and addressed the grave concerns and frustrations of the employees of ICE who have been, in essence, told to utilize “prosecutorial discretion” to avoid taking a wide variety of illegal aliens into custody. It is a *de facto*

amnesty without Congress having enacted any laws to create an amnesty program!

The language of the instructions provided to the employees is so open ended that from an employee's perspective the message is clear — you are likely to have no problems if you fail to take an illegal alien into custody, but could be in for a world career terminating problems if you fail to exercise appropriate discretion!

The press release also includes links to the memo that was issued by the Director of ICE, John Morton.

Here is a link to the press release: <http://www.iceunion.org/download/283-284-mortons-prosecutorial-discretion-memo.pdf>

Consider some of the points that are contained in the memo:

In the civil immigration enforcement context, the term “prosecutorial discretion” applies to a broad range of discretionary enforcement decisions, including but not limited to the following:

deciding to issue or cancel a notice of detainer; deciding to issue, reissue, serve, file, or cancel a Notice to Appear (NTA); focusing enforcement resources on particular administrative violations or conduct; deciding whom to stop, question, or arrest for an administrative violation; deciding whom to detain or to release on bond, supervision, personal recognizance, or other condition; seeking expedited removal or other forms of removal by means other than a formal removal proceeding in immigration court;

Exercising Prosecutorial Discretion Consistent with the Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens

Factors to Consider When Exercising Prosecutorial Discretion

When weighing whether an exercise of prosecutorial discretion may be warranted for a given alien, ICE officers, agents, and attorneys should consider all relevant factors, including, but not limited to:

- the agency's civil immigration enforcement priorities;
- the person's length of presence in the U.S., with particular consideration given to presence while in lawful status;
- the circumstances of the person's arrival in

the U.S. and the manner of his or her entry, particularly if the alien came to the U.S. as a young child;

- the person's pursuit of education in the U.S., with particular consideration given to those who have graduated from a U.S. high school or have successfully pursued or are pursuing a college or advanced degrees at a legitimate institution of higher education in the U.S.;
- whether the person, or the person's immediate relative, has served in the U.S. military, reserves, or national guard, with particular consideration given to those who served in combat;
- the person's criminal history, including arrests, prior convictions, or outstanding arrest warrants;
- the person's immigration history, including any prior removal, outstanding order of removal, prior denial of status, or evidence of fraud;
- whether the person poses a national security or public safety concern;
- the person's ties and contributions to the community, including family relationships;
- the person's ties to the home country and condition in the country;
- the person's age, with particular consideration given to minors and the elderly;
- whether the person has a U.S. citizen or permanent resident spouse, child, or parent;
- whether the person is the primary caretaker of a person with a mental or physical disability, minor, or seriously ill relative;
- whether the person or the person's spouse is pregnant or nursing;
- whether the person or the person's spouse suffers from severe mental or physical illness;
- whether the person's nationality renders removal unlikely;
- whether the person is likely to be granted temporary or permanent status or other relief from removal, including as a relative of a U.S. citizen or permanent resident;
- whether the person is likely to be granted temporary or permanent status or other relief

from removal, including as asylum seeker, or a victim of domestic violence, human trafficking, or other crime; and

- whether the person is currently cooperating or has cooperated with federal, state or local law enforcement authorities, such as ICE, the U.S. Attorneys or Department of Justice, the Department of Labor, or National Labor Relations Board, among others.

This list is not exhaustive and no one factor is determinative. ICE officers, agents, and attorneys should always consider prosecutorial discretion on a case-by-case basis.

The decisions should be based on the totality of the circumstances, with the goal of conforming to ICE's enforcement priorities.

This also has a far more sinister impact on our nation and national security. Now that the administration has promulgated policy documents that make it clear that illegal aliens who run our nation's borders or otherwise enter our country have nothing to fear from ICE (Immigration and Customs Enforcement), provided that they do not get successfully prosecuted for committing a felony, terrorists have been notified that they can enter the U.S. with the expectation that they will be able to easily embed themselves in communities throughout our country if they are careful to not be arrested by local authorities for committing crimes. If they want to be extra careful, then all that they need to do is to move into a city that has a declared "sanctuary policy."

As devastating as the "Morton Memo" was to ICE's enforcement mission under the Immigration and Nationality Act, apparently the administration was not satisfied that the top managers at ICE had done enough to make it clear that the immigration laws, for the most part, would not be enforced. Shortly after the Morton Memo was released, to the outcry of disgusted personnel at DHS, an agency that I have come to refer to as the "Department of Homeland Surrender," the President himself ordered that some 300,000 pending deportation cases already before the Immigration Courts, be reviewed to determine if any or, indeed, all could be dropped if they involved the sorts of illegal aliens outlined in the "Morton Memo" and, incredibly, be subsequently granted "Employment Authorization!"

What is important to consider is that anyone who aids, abets, encourages, or induces aliens to enter the U.S. in violation of our laws or remain illegally thereafter is committing a felony.

When you couple the "Morton Memo" with the policy decisions made by the administration and add

in the long-term promises of high-ranking members of the administration as well as political leaders from both sides of the political aisle including current GOP candidates for the Presidency, to seek to provide lawful status and ultimately U.S. citizenship for unknown millions of illegal aliens, whose true identities are unknown and unknowable, it would certainly appear that these words and deeds constitute the sort of aiding, abetting, encouraging, and inducing that is proscribed under that section of law (Title 8 United States Code, Section 1324).

What must also be considered is that while many illegal aliens may have a problem providing reliable proof of their true identities and citizenship, transnational criminals and international terrorists who may be able to prove who they are would certainly not want to! It is a long established fact that the bad guys use changes of identity the way that chameleons utilize changes in coloration, in order to "hide in plain sight" among their intended victims! This is why I refer to Comprehensive Immigration Reform measures as "Terrorist Assistance and Facilitation Acts!"

Furthermore the case could likely be made that political leaders who create "Sanctuary Cities" or "Sanctuary States" are guilty of harboring or shielding illegal aliens from federal immigration authorities. Considering the bent of this administration, even if the presence of those aliens was brought to the attention of ICE, it is doubtful that anything would be done anyway! Of course, for a case to be brought against those suspected or accused of violating the laws, the Office of the United States Attorney would have to seek to prosecute such violations. This is not likely to happen any time soon, unless, of course, the person accused was some hapless citizen who wanted to follow the lead of our illustrious political leaders!

Here are the statutes under the Immigration and Nationality Act that address the issues of concealing, harboring, encouraging, or inducing aliens to enter the U.S. in violation of law or reside within the United States thereafter in reckless disregard of their violations of law:

Title 8, U.S.C. § 1324(a) defines several distinct offenses related to aliens. Subsection 1324(a)(1)(i)-(v) prohibits alien smuggling, domestic transportation of unauthorized aliens, concealing or harboring unauthorized aliens, encouraging or inducing unauthorized aliens to enter the United States, and engaging in a conspiracy or aiding and abetting any of the preceding acts. Subsection 1324(a)(2) prohibits bringing or attempting to bring un-

authorized aliens to the United States in any manner whatsoever, even at a designated port of entry. Subsection 1324(a)(3).

Encouraging/Inducing — Subsection 1324(a)(1)(A)(iv) makes it an offense for any person who — encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law.

Conspiracy/Aiding or Abetting — Subsection 1324(a)(1)(A)(v) expressly makes it an offense to engage in a conspiracy to commit or aid or abet the commission of the foregoing offenses.

Here is the link to this section of law in its entirety: http://www.justice.gov/usao/eousa/foia_reading_room/usam/title9/crm01907.htm

“Sanctuary cities” not only serve as magnets for illegal aliens and provide encouragement for illegal aliens to run our nation’s borders, they also create a national security threat to our entire country by providing embedding opportunities for aliens who are engaged in terrorist activities or act in support of terrorist organizations.

Just as only a very small percentage of the members of the U.S. Air Force perform their duties in the cockpits of airplanes or even hold pilot’s licenses, only a small percentage of those who are associated with terrorist organizations will ever handle a bomb or a weapon. There are far more members of terrorist organizations who have vital supporting roles where terrorist organizations are concerned.

These supporting roles include providing housing and funding to other members of a terrorist organization. Often the fund-raising involves criminal activities that range from the narcotics trade to money laundering to white collar crimes and crimes of violence. To provide you with an example of such crimes, in the late 1970s to the early 1980s I worked with members of the ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives) and the New York City Police Department (NYPD), as well as the Fire Marshals of the New York City Fire Department (NYFD).

We discovered that aliens from the Middle East established small grocery stores or, as they are known in New York, bodegas, where they engaged in coupon fraud. They would have members of their community clip coupons for all sorts of products, and, through their stores, redeemed the coupons for quite a bit of money. Reportedly, over \$100 million per year was ultimately

sent to terrorist organizations such as the PLO.

At some point this criminal strategy was uncovered when corporate loss prevention people, mostly retired police officers and federal agents who had taken positions with these companies after they retired from their law enforcement jobs, noticed that in many of these cases the number of coupons being redeemed by these bodegas was a multiple of the products actually sold in those stores.

Meanwhile the ill-gotten money rolled in, funding violence around the world. Eventually some of the operators of the bodegas decided that they had gotten tired of working in those stores or, perhaps, became concerned that their crimes would be discovered. Regardless of the reasons, they decided to get rid of their stores. But before walking away from these bodegas, they decided to commit arson to burn the stores and receive insurance money in the wake of the set fires that they promptly forwarded overseas to provide additional funds to support acts of terrorism.

Almost invariably these bodegas were located on the first floor of apartment houses with tenants living directly above the stores.

These were hardly victimless crimes. A number of people died in the fires, while others who did not perish were gravely injured and suffered life-altering disfigurements. The pain that a burn victim suffers is, from what I have been told, among the most severe of any injury a person can sustain.

Furthermore, there is a clear example of how amnesty programs only encourage additional illegal immigration and create national security nightmares. That example can be found in the Immigration Reform and Control Act of 1986 (IRCA). This is sometimes referred to as the “Amnesty of 1986.”

Before we delve into that ill-conceived legislative nightmare, I would like to provide you with a bit of information about my background — I had a “front row seat” to IRCA and all that followed.

I began my career with the former Immigration and Naturalization Service (INS) in October 1971 when I was sworn in as an Immigration Inspector and assigned to John F. Kennedy International Airport. I remained in that position for four years. For one of those four years, from 1973 until 1974, I was detailed to the I-130 Unit where I adjudicated petitions for residency for aliens who married U.S. citizens and resident aliens who had filed those petitions on behalf of their spouses. The form number of those petitions was the I-130 Petition, hence the unit to which I was assigned was known by the form number.

In 1975 I became a Criminal Investigator (Special Agent). During the next 26 years I rotated through every squad within the Investigations Branch of the New York District Office. I was assigned to the Frauds Unit, the first Anti-Smuggling Unit, and was also assigned to a squad known as Area Control — Illegal Status (ACIS), where I worked with other agents of my office to apprehend illegal aliens on a daily basis. Many of those aliens were found working in various jobs ranging from farms to factories, restaurants, banks, airports, and even hospitals.

I was assigned as the Marine Intelligence Officer for about 3 years, during which time I joined personnel from the U.S. Customs Service to conduct searches of ships arriving in New York, looking for contraband, stowaways, and ship jumpers.

In 1988 I was assigned as the first INS representative to the Unified Intelligence Division (UID) of the New York Office of the Drug Enforcement Administration (DEA). In 1991 I was promoted to the position of Senior Special Agent and assigned to the Organized Crime Drug Enforcement Task Force. I remained in this position for the balance of my career with the INS.

In 1986, I was assigned to conduct educational visits to employers in the New York area to train them on the requirements of the Immigration Reform and Control Act (IRCA). I provided them with instruction booklets and explained how the government wanted them to partner with them to prevent illegal aliens from getting jobs. Under the provisions of IRCA, employers would, for the first time, face penalties if it could be proven that they had intentionally hired illegal aliens.

These employer sanctions provisions were welcomed by all of my colleagues and myself, because this would balance the scales of justice. Until IRCA was enacted, employers had nothing to fear from the INS if they intentionally hired illegal aliens. Employers who could be proven to have smuggled or harbored aliens faced potential prosecutions prior to IRCA, but an employer who intentionally hired illegal aliens was not violating any laws until IRCA was enacted.

The stated purpose for IRCA was to turn off the “magnet” that draws the great majority of the illegal aliens into our country. The theory was that if an illegal alien would not be able to get an illegal job, s/he would have no reason to run our borders. IRCA would mean that for the first time, employers would now be deterred from hiring illegal aliens.

Prior to the enactment of IRCA, employers knew that hiring an illegal alien would not create a liability for them, so they would often call the INS to report their em-

ployees who might be demanding that health and safety standards mandated by law be adhered to. Sometimes they would call immigration to attempt to avoid paying their illegal alien employees. The abuses I witnessed often made it difficult to sleep at night. IRCA was supposed to create balance. Illegal aliens could be arrested and deported and employers who intentionally hired illegal aliens could be fined and even criminally prosecuted.

IRCA never lived up to its potential or its promises. There are a number of easy-to-understand reasons for this.

First of all, there have never been an adequate number of personnel assigned to the enforcement of our nation’s immigration laws. When I worked for the INS we never had more than 250 agents assigned to the New York District Office. All immigration work did not involve seeking to arrest illegal aliens to be found in worksite venues. Only a fraction of the field agents could be assigned to enforcing the employer sanctions provisions of IRCA. The New York District Office covered the southern portion of the State of New York. This meant that the 250 agents covered the five boroughs of the City of New York and the counties of Putnam, Rockland, Westchester, Nassau, and Suffolk.

Eventually the number of INS special agents dropped to approximately 100 in the New York District Office.

To put this in perspective, the NYPD currently has approximately 35,000 police officers just to cover the City of New York. Several years ago that number was 40,000 police officers.

There are millions of employers in the U.S. The likelihood of an employer being investigated for intentionally hiring illegal aliens is minuscule. In order for a law to deter unwanted activities and conduct, there needs to be a sense that there is a real possibility that those who violate the law will be detected and that they will, as a result of their actions, face meaningful adverse consequences.

Additionally, as computers and desk-top publishing have gotten more sophisticated, it has become easier and easier for fraud document vendors to crank out increasingly convincing false or altered documents to enable illegal aliens to game the system that is supposed to prevent illegal aliens from getting jobs in the U.S. To combat this, the agents assigned to the enforcement of the immigration laws need to be given inservice training to help them identify false or altered identity documents. This has never been done.

Next you must consider how many illegal aliens are present in the U.S.

Back when IRCA was proposed, my colleagues at the INS and I were told by our bosses that it was expected that approximately one million illegal aliens would come forward to participate in what was described as a “one time” amnesty program that would get these illegal aliens “out of the shadows” so that from that point forward the immigration system would have real integrity.

As it turned out, well over three million illegal aliens came forward, and the emphasis was on processing as many applications for legalization as quickly as possible. Commonsense dictates that there is an inverse proportion between quantity and quality. The faster you work, the more that quality suffers.

These adjudications officers quickly find out that the easiest and quickest way of disposing of applications for immigration benefits and even for U.S. 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!

For decades the adjudications process has been fixated on chasing the ever-increasing backlog of applications for immigration benefits. The faster the adjudications officers worked, the less likely fraud would be sought or discovered. This enabled many more aliens to succeed in gaming the system.

As it became obvious that it was almost impossible to impart true integrity to the system, the number of applications for various immigration benefits increased which forced the bureaucratic conveyor belt to run ever faster — creating a vicious cycle.

Illegal aliens who run our nation’s borders don’t create a record of their entry into our country and, because they are “undocumented” they have no reliable documentation to attest to their true names, their dates of birth, or even their countries of citizenship. This means that it is entirely possible that criminals, terrorists, and fugitives could successfully conceal their backgrounds, their affiliation with criminal and/or terrorist organizations, and their intentions to ply their respective “trades” in the U.S. and be granted lawful status in our country. By acquiring lawful status under IRCA, these malevolent individuals would be enabled to embed themselves in communities across our nation.

Under IRCA, applicants for legalization were required to establish that they resided continuously in the

U.S. in an unlawful status from before January 1, 1982, to the date they applied for legalization [section 245A(a)(2)(A)].

With the emphasis on moving the applications for legalization as rapidly as possible, it immediately became obvious that fraud would become rampant. The only way to have any hope of determining the truthfulness of the statements made in the applications for amnesty would be to conduct a field investigation of each and every application; to knock on doors and interview neighbors, coworkers, and others who could be shown a photo of the alien applicants to determine if the name given by the applicant was the true name of that person or if he (she) had used other false identities. These interviews would also help to determine if the aliens actually worked where they claimed they did and whether they had actually lived at an address or addresses where they claimed to have resided. These interviews might have also provided the INS with insight as to whether or not the aliens who applied for amnesty had been physically present in the U.S. for the required period of time.

In point of fact, such field investigations were almost never conducted because there was no way that the millions of applications could have been adjudicated within a reasonable period of time if the relative handful of agents had to conduct those field investigations.

Today proponents of “Comprehensive Immigration Reform” talk about how all of the applications will be reviewed and subject to a “Security Check.” You must not confuse a security check with a background investigation.

A security check simply means that the fingerprints of the applicant and his (her) name are run through a computer database to search for criminal histories and other evidence of wrongdoing. If the alien applicant has never been arrested in the U.S. and he or she provides a fictitious name, the odds are extremely good that the computer will, in minutes (or less) come back with a “No hit,” meaning that there is no derogatory information in the system. You should know that many of the names on the various “No Fly” and terror watch lists have no relating biometric data. Providing a false name will, all too often, defeat the system.

As soon as it became apparent to everyone, including the illegal aliens in the U.S. and their “advisors,” that field investigations would most likely not be conducted to verify information contained in the applications, many illegal aliens who did not meet the requirements to lawfully apply for legalization decided to take their chances and file applications that were laden with fraudulent information. It was as though a starter’s pis-

tol had been fired and the stampede of illegal aliens to immigration offices began!

All that aliens needed to do was purchase rent receipts, utility bills, and statements from other illegal aliens to attest to their names, their dates of physical presence in our country, and other such material information in support of their applications for amnesty.

This demand for documents created a true cottage industry of fraud document producers and vendors that continue to proliferate in communities across our nation to this very day.

When you realize that approximately three times as many aliens applied to participate in IRCA as had been predicted by the members of Congress who concocted that legislation, the obvious question is, how could they have gotten their numbers so wrong?

There are three possibilities — politicians and their “experts” miscalculated the true numbers and were as surprised as we were at the level of their miscalculation; politicians knew that there would be many more illegal aliens applying for amnesty but realized that they could not have pushed their program and their legislation through the process if the actual numbers were made known; and many aliens entered the U.S. long after the cutoff date and successfully defrauded the system by lying about their dates of entry into the U.S.

I suspect that all three possibilities were factors in how the numbers of aliens who participated ballooned so dramatically.

Fraud was also encouraged and, in fact, aided and abetted by the lack of information sharing across law enforcement agencies of the applications for amnesty. Procedurally a red sheet was placed on top of the application for legalization (amnesty). This red sheet contained a clear warning that any INS employee who shared information contained in an application for legalization with any other law enforcement agency for any reason would be subject to being fired and criminally prosecuted!

It did not matter if the alien in question was a fugitive wanted for mass murder — disclose the information contained in the application for amnesty and you would likely find yourself in front of a grand jury!

This sort of “protection” was unprecedented. An alien who had been naturalized and who had always maintained lawful status in our country would not be afforded this benefit, was only provided to aliens who could prove that they violated our borders and our laws!

What is wrong with that picture?

You cannot even begin to imagine how angry this made every last one of the special agents of the INS and

our law enforcement colleagues from other agencies with whom we could not share critically important information!

IRCA not only provided illegal aliens with a pathway to U.S. citizenship — it shielded aliens from virtually every other law enforcement agency in the U.S.!

My colleagues and I also came to the frustrating realization that the employer sanctions provisions of IRCA were never aggressively pursued because there was no real desire to really implement this enforcement component of IRCA. In my judgment and the judgment of most of my former colleagues, the real purpose to the employer sanctions provisions of IRCA was to provide political cover to the politicians so that they could vote for a massive amnesty program while claiming to be “tough on enforcement!”

My cynicism about the true intentions of the politicians who were behind IRCA actually goes back to the administration of President Jimmy Carter. While IRCA was enacted in 1986, its origins can be traced back a number of years to the Carter administration.

In October 1978, on the seventh anniversary of my being sworn in as an Immigration Inspector, I was given an unusual assignment — to drive the then commissioner of the INS, Leonel Castillo, and his appointments secretary to various appointments in the New York area.

Everyone in the office knew about Mr. Castillo’s presence in New York, and one of my fellow agents, “Smokey” Ortega, nearly created a serious problem when he keyed the microphone on the two-way radio in his government vehicle as asked, “Does anyone know the 10-20 for ‘Taco One?’”

At the time of this transmission, the commissioner was sitting in the passenger seat of my government car! I quickly turned off the radio and Commissioner Castillo turned to me and asked, “What is Taco One?”

Thinking quickly, I told him that it was the name of a counter-smuggling operation, and had the sense that the commissioner was not “buying what I was selling,” but just nodded and said nothing further.

Shortly afterwards Mr. Castillo solicited my thoughts about the creation of an amnesty program for hard-working immigrants in our country. He had recently issued a directive admonishing all INS employees, under the threat of disciplinary action, to no longer refer to illegal aliens as being “Illegal Aliens!” We were instructed to use the term “Undocumented Aliens” and then, just several weeks later, the administration engaged in more creative *Newspeak* and demanded that we refer to illegal aliens as “Undocumented Workers.”

This mandate rankled all of us because the term

“Alien” is not a pejorative but a legal term. The Immigration and Nationality Act, the all-inclusive body of laws that deal with the entry and presence of aliens in our country, defines an alien simply as any person who is not a citizen or national of the U.S. There is no insult in that definition, only clarity.

I became so angry with this demand that I referred to illegal aliens as “Pre-Citizens!” This terminology was quickly adopted by many of my colleagues at the INS, and not only in New York but all over the country!

Even before meeting Commissioner Castillo, I knew that he was hostile to the enforcement efforts that my colleagues and I engaged in each day that we went on duty. This was an incredible situation to be in — to work for a commissioner who was opposed to the law enforcement efforts of the agents who worked under his command!



“Taco One,” former Immigration and Naturalization Service (INS) Commissioner Leonel Castillo

Now I was being asked a question by the commissioner who clearly was opposed to the mission my colleagues and I carried out each day. It was a question that underscored what he thought the mission of the INS should be: to provide lawful status to many illegal aliens whose presence in our country represented a violation of law.

I attempted to “dodge the bullet” by telling him that I did not think it was a good idea for me to contradict the person who stood at the top of a very large pyramid when my position in that pyramid was at the very bottom.

Castillo became insistent. He told me that he would not be upset if I disagreed with him — after all, I was entitled to my personal opinion.

So, I took a deep breath and launched into my explanation as to why I thought that a sweeping amnesty program for illegal aliens was not a good idea. I explained that the immigration laws were intended to prevent the entry of aliens whose presence in our country would pose a problem for our nation and our citizens. I told him that we had a growing problem with aliens who were engaged in serious criminal activities and why it is wrong to provide those who violate the law with lawful status because it would, in my judgment, encourage many more illegal aliens to violate our nation’s borders and our nation’s laws.

Commissioner Castillo countered by saying that he favored an amnesty program because the immigration laws cannot be effectively enforced, so it made no sense to not seek to provide those who ran our borders with lawful status.

I was amazed at this absurd justification and told him that I knew of other laws that were less enforced and less enforceable than our nation’s immigration laws. He told me that he found it hard to believe that any laws were more difficult to enforce than the immigration laws. I asked him if he had a driver’s license. He told me he did and drove frequently. I asked him when the last time was that he exceeded the speed limit and when while exceeding the speed limit, did he find others passing him on the highway? He told me that he was from Texas, and in Texas drivers often drove quite quickly because the distances they needed to cover were great.

I asked him the last time he had gotten a speeding ticket or had witnessed anyone else being pulled over by the police for speeding. He told me it had been many months since he had seen anyone getting pulled over by the police for speeding and that he hadn’t been pulled over in years.

I made a hypothetical “deal” with him and said that if I were the supreme ruler of the universe I would grant amnesty to illegal aliens if he would agree to end all speed laws in the U.S.!

Furthermore, I asked him what he planned to do with the additional illegal aliens who would be enticed to run our nation’s borders in the hope of ultimately acquiring lawful status? I told him that it sounded to me as though he was opposed to the enforcement of all of immigration laws.

He seemed perturbed. He had no answer to my suggestion and told me that no one had ever posed such an argument. He then went on to tell me that my claims

about the growing problem posed by aliens engaged in serious crimes was a false argument and that the undocumented workers who entered our country were harder working and more honest and decent than were our citizens!

He boasted about how members of his family had entered the U.S. by running our borders and that they were the hardest working people he ever knew! He went on to tell me that Americans committed far more crimes than undocumented workers and that I needed to stop making false statements about these “immigrants”!

I was absolutely furious!

I offered to take him to my office to show him a stack of immigration files in my file cabinets and on my desk relating to aliens I was seeking to arrest because they had committed felonies ranging from the sale of narcotics to armed robbery, murder, rape, and assorted other violent felonies.

He became angry and snapped at me that no matter what files I might have on my desk, I needed to remember that the undocumented workers were all decent, honest, and hard working!

I asked him how he could account for the files on my desk, and he refused to answer my question and then he told me he had no desire to see those files!

It was probably not the smartest thing to say, but I could not hold my anger back and I retorted, “I guess you don’t want to see those files for fear that the truth may confuse you!”

He demanded that I drop him at his next appointment and not bother picking him up afterwards. He told me that my assignment to drive him around the city was over!

When I got to the next location I thanked him for freeing me up so that I could arrest the “non-criminal,” criminal aliens the next day instead of driving him around New York!

My supervisors, my colleagues, and I were relieved that we heard nothing from INS Headquarters in the wake of my heated exchange with Castillo. We all came to understand, however, that the rumors we had heard months earlier, about a push for the creation of a massive amnesty program, was more than a rumor — Commissioner Castillo made it clear that it was his personal goal!

It is also worth noting that under the Carter administration INS agents were instructed to not arrest illegal aliens during the census to make certain that the illegal aliens were counted for the census. The census is mandated by the Constitution, to be conducted every ten years to determine the apportionment of seats

in the House of Representatives, and as a consequence, it determines the votes in the Electoral College, which determines the outcome of every presidential election. By attempting to get every illegal aliens counted for the census, Mr. Carter was making certain that the major cities of our country would receive more electoral votes because, back then, the largest numbers of illegal aliens resided in the large cities — most of which tended to vote for Democratic Party candidates. This was, in my judgment and the judgment of most of my colleagues, a novel way of gerrymandering Congressional districts.

It was becoming clear that, for our politicians, illegal aliens represented a resource to be exploited in the political arena just as they had been exploited in the workplace, where illegal aliens were paid substandard wages and coerced into working under conditions that were so substandard as to be patently illegal.

Meanwhile, as I had predicted during my conversation with then Commissioner Castillo, in the years since the enactment of IRCA many millions of illegal aliens have flooded into the U.S., convinced that if they can play a successful game of “Hide and Seek” against the INS and then ICE, they will ultimately be similarly rewarded for their violations of our borders and our laws.

In 1985 I made arrangements to meet with my then Congressional Rep. Charles Schumer (D-NY). Word was spreading throughout the INS that Rep. Schumer was heavily involved in creating a separate category of aliens who should be accorded legalization — aliens who had been involved in agricultural work. What was unfathomable to me at the time — in large measure because of my naïveté — was why a member of Congress whose district did not have a single farm or ranch would have any interest in agricultural workers.

I previously met with Sen. Alphonse D’Amato (R-NY) and had worked with him and his staff to convince him to create the “Aggravated Felony Statute” for illegal aliens who had been deported after they had been convicted of committing felonies in the U.S. Previously the immigration laws made no distinction between aliens who had been convicted of committing felonies and aliens who had not. Any alien who was deported faced a maximum of two years in prison for the crime of “Reentry after deportation.”

Under the Aggravated Felony Statute, an alien who had been deported subsequent to being convicted of committing felonies would face a maximum of 20 years in prison. I also worked with Sen. D’Amato and his staff on other goals that would enhance the effective enforcement of immigration laws and better protect our nation and all U.S citizens.

I was surprised that when I met with Sen. D'Amato he was willing to give generously of his time. When I arranged to meet then Rep. Schumer, I was told that the meeting would last for all of 15 minutes.

I arrived at Schumer's Brooklyn office about thirty minutes before our scheduled meeting. I was ushered into his office, located on the second floor of a building in Brooklyn, and was surprised that Schumer was walking around in his stocking feet, his shirt's first two or three buttons were open and his sleeves were rolled up.

He shook my hand and then he told me that he wanted me to know what *he* knew about immigration!

Frankly I was taken aback! I thought that the purpose of the meeting was to provide me with an opportunity to voice my concerns. When I had met with Sen. D'Amato, he told me that since immigration was my career, he wanted me to explain to him what I knew. He repeated that same point when we arranged for several of my colleagues to meet with him in his office.

I told him about my concerns about immigration fraud and how the INS lacked the resources to make certain that applications for amnesty that would be filed by illegal aliens did not contain false statements. As I recall, I told him that my son was one year old and that if, when he turned 21, he decided to follow in my footsteps and become special agent for the INS, that Schumer's Special Agricultural Worker provisions of IRCA would guarantee my son job security because it would create so many opportunities for aliens to commit fraud.

Schumer scowled when I made that remark and told me that I didn't understand the "big picture" and that, although we had just spent ten minutes together, his next appointment was waiting for him and I needed to leave!

In point of fact, fraud permeates the entire immigration system and the system by which visas are issued to aliens.

The odds of winning that game of "Hide and Seek" were always in favor of the millions of illegal aliens who knew that the odds of being discovered, arrested, and deported were minuscule. Today, with the current policies of the Obama administration making it clear that the administration will not seek to arrest or deport illegal aliens unless they are convicted of truly heinous crimes, even more illegal aliens are heading for our nation, their hopes buoyed by the many statements of not only the President and members of his administration, but by political leaders from both political parties at the federal, state, and local level.

And now we seem to have gone "full circle," except that the claimed numbers of illegal aliens are ten

times higher than they were in 1986!

During the second Presidential debate, former Speaker of the House, Newt Gingrich spoke about his familiarity with the failings of the Immigration Reform and Control Act in terms of the lack of resources and efforts to punish employers who knowingly hired illegal aliens.

Certainly this was a major failing. But then Mr. Gingrich said that aliens who had been present in the U.S. for many years should be provided with the ability to legalize their status.



Former U.S. Rep. and now U.S. Sen. Charles Schumer (D-NY)

In point of fact, if he really learned the lessons that IRCA should have taught us, he would know just how big a problem fraud was for that entire ill-conceived program! Simply stated, there is no way to determine how long an illegal alien has been present in the U.S. if the alien in question ran our borders and left no record of his or her entry into the U.S. Further exacerbating this problem is the fact that many illegal aliens use multiple false identities, paying utility bills under different names and working under still more false identities.

When you consider how many illegal aliens are present in the U.S. and how few agents would be available to conduct field investigations in conjunction with applications for any such legalization program, and how few adjudicators would be tasked with adjudicating those applications, there would be no way for field investigations to be conducted to substantiate any claims made in the applications for legalization.

That was one of the biggest lessons that IRCA should have taught all of us.

Most of the candidates talk about how we need to secure the borders and then we can deal with the unknown millions of illegal aliens who are present in the U.S.

None of them talk about the issue of the utter lack of integrity that the legal immigration process now suffers from. Among the many challenges, it creates serious national security problems for our nation.

Time and again, terrorists and others of questionable intentions and affiliations have been easily able to make a mockery of the process by which aliens are provided with lawful status and resident alien status, and even U.S. citizenship. Meanwhile the citizens of our nation are witnessing a continual erosion of their expectations of privacy and freedom in the name of the “War on Terror” and “National Security”! Clearly our nation must take measures to protect us, but how are we being protected when it is a simple matter for aliens with malevolent intentions to enter our country either by running our nation’s borders, where the border serves as little more than a “speed bump,” or by entering under the auspices of the ever-expanding Visa Waiver Program and then finding it relatively easy to game the system at United States Citizenship and Immigration Services (USCIS) and acquire resident alien status or even U.S. citizenship!

Consider, for example, that on November 29, 2006, more than 5 years after the terrorist attacks of 9/11, the *Washington Post* published an article titled: “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 U.S. citizenship.

This travesty took place more than 13 years after a citizen of Pakistan, Mir Amil Kansî, gamed the system to acquire political asylum by making false statements and repaid our nation’s kindness by standing outside the CIA Headquarters on January 25, 1993, with an AK-47 and opened fire on cars being driven into the CIA compound by CIA officers. He killed two of those officers and wounded three others.

Just one month later, other terrorists from the Middle East launched the first attack on the World Trade Center and 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 purportedly lost and the applications adjudicated more than five years after the Terrorist attacks of September 11, 2001. Yet the system has never possessed integrity and still possesses no integrity today, as a succession of recent

GAO report shows!

Other terror suspects have committed political asylum fraud with similar success, as have criminal aliens.

Unfortunately, there are those who will see in the ineptitude and incompetence of the immigration system, opportunities to be exploited in furtherance of their pernicious goals.

Another such example can be found in the case of Samuel Abrahaley Fessahazion, a citizen of Eritrea.

On March 30, 2010, the Department of Justice issued a press release titled, “*Eritrean Man Pleads Guilty to Alien Smuggling*”: <http://www.justice.gov/opa/pr/2010/March/10-crm-343.html>

Here are the three short paragraphs from this press release that “cut to the chase”:

WASHINGTON - *Samuel Abrahaley Fessahazion, 23, an Eritrean national, has pleaded guilty to helping smuggle illegal aliens to the U.S. for private financial gain, announced Assistant Attorney General Lanny A. Breuer of the Criminal Division, U.S. Attorney José Angel Moreno of the Southern District of Texas and U.S. Immigration and Customs Enforcement (ICE) Assistant Secretary John Morton.*

Fessahazion, aka “Sami,” aka “Sammy,” aka “Alex” and aka “Alex Williams” pleaded guilty yesterday in Houston before U.S. District Court Judge Nancy A. Atlas to one count of conspiracy, and two counts of encouraging and inducing aliens to come to, enter or reside in the U.S. in violation of law for the purpose of private financial gain.

According to plea documents, from at least June 2007 until approximately January 2008, Fessahazion was the Guatemalan link of an alien smuggling network that spans East Africa, Central and South America. Specifically, according to the court documents, Fessahazion illegally entered the U.S. at McAllen, Texas, on March 20, 2008. He applied for asylum on Sept. 30, 2008, claiming in his application that he was traveling across Africa in 2007 and 2008, fleeing persecution in Eritrea. However, according to court documents, Fessahazion was actually in Guatemala during that period facilitating the smuggling of East African aliens to the U.S. Fessahazion was granted asylum by the U.S. on Nov. 13, 2008.

Please give some thought to the statement that Mr.

Fessahazion purportedly surreptitiously entered the U.S. by running our nation's southern border on March 20, 2008, and then applied for political asylum on September 30, 2008, more than six months after he allegedly ran the border. Incredibly, in under six weeks, his application for political asylum was approved! In his application for political asylum he claimed he was facing persecution on the other side of the planet, yet USCIS rushed to provide him with political asylum in mere weeks! It is hard to imagine much if anything was done to truly investigate his claims. This "rush to judgement" rewarded Fessahazion with political asylum, even though he completely falsified all of the significant relevant facts in his application for political asylum. Furthermore, by granting him political asylum, he had easy access to the borders of the U.S., which most likely facilitated his human trafficking crimes.

Incredibly, while the ICE-issued news release laid out all of the facts concerning Mr. Fessahazion's false statements in his political asylum application, there was no mention of any criminal charges being brought against him for committing the felony of defrauding the immigration benefits program.

On July 11, 2011, the *New York Times* ran an important news report, "Immigrants May Be Fed False Stories to Bolster Asylum Pleas": http://www.nytimes.com/2011/07/12/nyregion/immigrants-may-be-fed-false-stories-to-bolster-asylum-pleas.html?_r=1&nl=todaysheadlines&emc=tha2

Here is an excerpt from the news article worth considering:

The man caught on the wiretap urged his immigrant client to fabricate a tragic past if he wanted asylum in the U.S.. To say that he was a victim of political repression in Albania. Or police brutality. Or even a blood feud.

"Maybe you had to leave because someone threatened to kill you," the man suggested. "Because of something that your father did to somebody else or something to do with the land. You understand? That can be a way to get asylum."

Often enough, it is. A shadowy industry dedicated to asylum fraud thrives in New York, where many of the country's asylum claims are filed. Immigrants peddle personal accounts ripped from international headlines, con artists prey on the newly arrived and nonlawyers offer misguided advice.

The revelation that the West African hotel housekeeper who accused Dominique Strauss-Kahn of sexual assault apparently lied on her asylum application has focused new attention on the use of these schemes.

Providing illegal aliens with lawful status and with the attendant identity documents that would be a part of any such process enables aliens, including criminals and terrorists, to create brand new identities. Most of the "No Fly" and "Terror Watch Lists" are purely name based. There are no biometrics that relate to the names on those lists. It is entirely possible that an illegal alien whose true name is on a number of such lists could easily game the system and acquire lawful status under a false identity and then create an entire new identity to travel freely around the U.S., gain access to airliners, or federal and corporate office buildings, and secure a job at a location that has national security implications!



Michael Cutler addressed immigration and border enforcement issues at the 34th Writer's Workshop in 2010.

What the administration is doing is to actually provide a huge incentive for illegal aliens to run our nation's borders. This new policy has no grounding in the Immigration and Nationality Act. It shows desperate people around the world that the government of the U.S. will ultimately reward those who run our borders.

You would be hard pressed to come up with any other laws that our political leaders are so willing to not enforce and, in fact, trip over each other in offering rewards and incentives to those who violate those laws. Immigration enforcement has never been more important to our citizens as we grapple with the worst eco-

conomic crisis since the Great Depression, seek to combat the continuing threat posed by terrorists from the Middle East and transnational criminals from the four corners of the planet — including members of the Mexican drug cartels, who are operating in hundreds of American cities and have demonstrated a capacity for unparalleled violence. Finally, I want to remind you that when IRCA was sold to the members of Congress and the citizens of our country a quarter of a century ago, its proponents were quick to promise that this would be a one-time program that would never be repeated and would never need to be repeated. IRCA held the promise that the immigration system would start fresh with no illegal aliens in the U.S. Through enforcement our nation would never again have to suffer from the issues associated with the population of roughly one million illegal aliens who were claimed to have been present in the U.S. back then. IRCA was to bring those aliens “Out of the shadows and into the sunshine”!

As it turned out, IRCA led to the greatest influx of illegal aliens in the history of our nation.

George Santayana, the poet and philosopher, provides us with an important cautionary advice in his statement: “*Those who cannot remember the past are condemned to repeat it.*” Benjamin Franklin defined insanity as “*doing the same thing over and over again and expecting different results.*” ■

I have testified before a number of Congressional hearings on the issue of the implementation of Comprehensive Immigration Reform. The *Washington Times* published my op/ed on June 22, 2007, as the U.S. Senate was taking up the issue of Comprehensive Immigration Reform. Here is a link to my article for the *Washington Times*: <http://www.washingtontimes.com/news/2007/jun/22/immigration-bill-a-no-go/>

I suggested that the title of Comprehensive Immigration Reform be changed to a more accurate and honest name — I came to refer to it as the “Terrorist Assistance and Facilitation Act” because it would require that millions of illegal aliens who by virtue of being “undocumented” had no reliable and authoritative way to attest to their true identities. This would, in my view, provide terrorists with the opportunity to conceal their true identities as an embedding tactic.

I was honored and gratified that on three separate days during the floor debates in the U.S. Senate, Sen. Jeff Sessions (R-AL), a member of the Senate Judiciary Committee, quoted from my article.

On March 19, 2002, I testified before the House Subcommittee on Immigration and Claims on the topic: “INS’s March 2002 Notification Of Approval Of Change Of Status For Pilot Training For Terrorist Hijackers Mohammed Atta And Marwan Al-Shehhi.” Here’s a link to the transcript of the hearing in its entirety:

http://commdocs.house.gov/committees/judiciary/hju78298.000/hju78298_of.htm

In July 2006, I was invited to provide testimony before a hearing conducted by the House Subcommittee on Immigration and Claims on the issue of “Comprehensive Immigration Reform.” On July 12, 2006, I was invited to testify before the U.S. Senate Judiciary Committee at a hearing entitled: “Examining The Need For Comprehensive Immigration Reform, Part II.”

Here is a link to my prepared testimony for that hearing: http://judiciary.senate.gov/hearings/testimony.cfm?renderforprint=1&id=e655f9e2809e5476862f735da118277a&wit_id=e655f9e2809e5476862f735da118277a-2-1. On September 1, 2006, I was invited to testify before a hearing that was conducted by the House Judiciary Committee. Here is a link to the transcript of that hearing in its entirety: http://commdocs.house.gov/committees/judiciary/hju29745.000/hju29745_0.htm