



The Phyllis Schlafly Report



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America Must Choose: Open Borders or Civil Liberties

“They are coming after us, they want to execute attacks. . . . The threat environment today is as bad as it was the summer before Sept. 11.” In his October 17, 2002 appearance before the congressional joint intelligence committees, CIA Director George J. Tenet asserted that prior to 9/11 he was convinced that Osama bin Laden was planning to kill Americans, “and we reported these threats urgently.”

But to whom did he report these alerts? Apparently, not to the agencies that were admitting undesirable aliens by the planeload, boatload and truckload: the Immigration and Naturalization Service (INS), the State Department that was indiscriminately granting visas in countries that sponsor terrorism, or the border patrol charged with the duty of keeping illegals out of the country.

The admission of aliens into the United States is not merely a policy or political issue. It is a vital issue of both national security and civil liberties.

It is the job of our government to keep out of our country all carriers of hate, terrorism and disease (even if that means excluding a lot of others who mean no harm) and to deport such persons who were allowed to enter. Unfortunately, the government is doing little to close our borders to a new crop of terrorists while using terrorism as an excuse to monitor the daily lives and interfere with the civil liberties of law-abiding U.S. citizens.

The Center for Immigration Studies reported that of the 48 foreign-born, radical Muslims who have been charged, convicted or admitted involvement in terrorism in the United States since 1993, one-third were on temporary visas, one-third were lawful permanent residents or naturalized U.S. citizens, one-fourth were illegal aliens, and three had applied for asylum.

Reporter Joel Mowbray arranged for six experts to analyze the visa applications of 15 of the 19 hijackers on 9/11 (the other 4 were not available). These experts concluded that all should have been denied visas under then-existing law. For example, the visas impudently listed such non-specific addresses as “California,” “New York,” or “Hotel.”

Why haven't the U.S. bureaucrats who admitted these terrorists been punished or fired, and why haven't we plugged the loopholes in our borders and visa-granting system that allowed these fatal mistakes? Instead of taking immediate and vigorous steps to exclude, locate and deport the undesirables, the government is moving forward with surveillance of all Americans, pretending that all law-abiding U.S. citizens are suspect.

Instead of closing our borders to aliens until we have a system to require visa applications to comply with the law, track the travels of aliens and deport them when their visas expire, we hear increased pressure to force all Americans to carry an I.D. card and/or to federalize state driver's licenses. Forcing us all to carry machine-readable identification would give government (and anyone else with a card reader) access to enormous personal information about health, lifestyle, travels, and finances.

Families are being disrupted all over the country as National Guardsmen are called up and shipped out to fight terrorism thousands of miles away. Meanwhile, thousands of miles of our northern and southern borders are left frighteningly unmanned.

The American public is constantly unnerved by red and yellow alerts and dire warnings about anthrax, smallpox, and sleeper cells waiting for the moment to strike. Some are forecasting a future with video cameras on every street corner, microchips implanted in children's arms, and further encroachments on medical and financial privacy.

The Transportation Security Administration has already spent millions of taxpayer dollars to develop a secret system to profile all Americans known as CAPPS II (Computer Assisted Passenger Prescreening System, second generation). The goal is to create an automated system to integrate and analyze numerous databases from both government and the private sector in order to make a “threat risk assessment on every airline passenger.”

Israel takes 20 to 30 minutes to interview foreigners upon arrival, while the United States takes only 2 to 3 minutes. Meanwhile, American citizens are subjected to

petty harassments that cost each of us at least an extra 30 minutes for each plane trip.

What steps has our government taken to keep out the exotic diseases and new strains of old diseases brought in by aliens? Outbreaks of malaria, West Nile disease, and tuberculosis have popped up all over the country and the *New England Journal of Medicine* reported that some patients with West Nile virus exhibit polio-like symptoms.

Instead of stopping Third World diseases at our borders, the response has been to try to push through 50 state legislatures a bill proposed in the guise of fighting anthrax or smallpox bioterrorism, but whose powers can be invoked in the absence of terrorism. Versions of the Model State Emergency Health Powers Act passed by some states give unelected officials the power to forcibly medicate individuals under threat of quarantine or criminal charge, and to confiscate private property including guns.

A Zogby opinion poll reported that 58% of Americans want annual immigration numbers reduced to "more historic levels." A Fox News poll said 65% of Americans favored stopping all immigration during the war on terror. Are the politicians listening?

Still Welcoming Foreign Menaces

A brave writer named Michelle Malkin has described the idiocies of our current immigration system in an important new book called *Invasion: How America Still Welcomes Terrorists, Criminals, and Other Foreign Menaces to Our Shores* (Regnery). The daughter of immigrants from the Philippines, she takes the politically incorrect view that we should discriminate against aliens who hate America, violate our laws, carry diseases, and enter our country illegally.

National security and safety should rank higher on our scale of priorities than tourism dollars, ethnic voting blocs, filling graduate universities with foreign students, low-wage workers for multinationals and agriculture, and kowtowing to liberal dogmas. Entry into the United States is a privilege, not a right, and the safety of our citizens is more important than the convenience of foreigners.

While the mantra of the media is that "9/11 changed everything," Michelle Malkin documents the immigration loopholes, lapses, corruption and mismanagement that haven't changed at all since 9/11.

Mrs. Malkin wants to bar all new travelers and immigrants from al Qaeda countries until we weed out the infiltrators already here. She wants to halt the fraud in issuing visas to phony Muslim clerics and fake marriages, visa-for-sale schemes, and the H-1B visa program, and to deport all those who have been ordered deported. She rejects the government's whine that it can't track the arrival/travel/departure of visitors on visas. She points out that FedEx manages to keep track of the arrival and delivery of some 3 million packages every day in 200 countries at the touch of a button.

The 19 hijackers who committed terrible crimes on

September 11, 2001, couldn't have done it without help from the United States government, Mrs. Malkin says. The government unlocked the doors at our borders, spread out the welcome mat, and allowed these foreign visitors with hate in their hearts to come into the United States, travel freely around our country, all the time plotting death and destruction. The Immigration and Naturalization Service just waves the terrorists across our borders.

Michelle Malkin eloquently expresses the outrage of naturalized citizens who waited in line, complied with all our laws, appreciate the opportunity to become Americans, and treasure their U.S. citizenship. One of the best parts of her book is the appendix where she lists the immigration status of all the alien terrorists of 1993, 1997, 1998, 1999, and 9/11. This book is a good manual to expose the folly of open borders.

Has 9/11 Changed America?

Appearing on *Meet the Press*, Vice President Dick Cheney said that 9/11 gave us a new way of looking at how we defend America. But what are we doing to make sure there is never a repeat attack? There is no indication that the government is taking the steps necessary to protect us against the continued influx of terrorists and other aliens who do not intend to abide by our laws and have become skilled at exploiting every loophole and opportunity for fraud. INS Director James Ziglar has announced his coming departure, but he's still in office and so are his open-borders associates.

Congress is pressured hard to do nothing by ethnicity lobbyists, big corporations, the travel industry, the universities, and open-borders activists, all of whom want to keep the flow of alien visitors coming into our country regardless of the national security danger. Our government regularly allows foreign students and visitors to overstay their visas. Our government has failed to implement an effective tracking system to monitor their whereabouts and order them to leave when their visas expire.

Along our 4,000-mile Canadian border, there is only one agent for every ten miles. At least 314,000 illegal aliens ordered deported, including 6,000 Middle Easterners, remain on the loose and our government says it can't find them.

The State Department is accepting this year's entries into the Diversity Visa Lottery program, which allows 50,000 lucky foreigners from non-Western (including terrorist-sponsoring) countries to win permanent U.S. residency. This law is one of the worst pieces of legislation ever championed by Ted Kennedy. The Fourth of July murderer at the Los Angeles airport was in the United States because his wife won legal residence through this Diversity Visa Lottery Law. A good start on homeland security would be to repeal the Diversity Lottery.

The Administration demanded, and Congress passed without reading, the USA PATRIOT (Uniting and Strengthening America by Providing Appropriate Tools

Required to Intercept and Obstruct Terrorism) Act. Its principal operative section expands the power of the federal government for surveillance of Americans without proper search warrants required by the Fourth Amendment.

The change that 9/11 should have brought about (but hasn't yet) is our government's realization that national security requires us to repudiate the new religion whose gods are diversity and multiculturalism, and which decrees that profiling is the worst sin anyone can commit. Today there are nearly 1.5 million persons born in the Middle East living in the United States plus their 570,000 U.S.-born children. Thirty years ago, only 15% of Middle Eastern immigrants were Muslims; the rest were mostly Christians. Today, 3/4ths of Middle Eastern immigrants are Muslims.

Forced Medical Treatment?

All during 2002, state legislatures were grappling with legislation presented as an emergency bill to deal with bioterrorism. Deceptively titled the Model State Emergency Health Powers Act (MSEHPA), it would authorize state officials to forcibly inject anyone with a drug, vaccine, or other treatment. Refusal of treatment would enable the state health department bureaucrats to remove you or your children from your home and put you in a distant quarantine. Don't bother calling your legislator or going to a judge because the bill would strip them of power to help.

In addition, the MSEHPA would give state bureaucrats the power to seize and destroy property (including guns) without compensation, and ration medical supplies, food and fuel in a public-health emergency. As originally written, this bill was substantially a blank check to impose totalitarian measures without accountability.

At first, it was a mystery where the pressure was coming from on the state legislatures to rush this bill through without debate. The mystery was solved when we learned that the bill was written by Lawrence O. Gostin, a member of Hillary Clinton's infamous Health Care Task Force, promoted by the Centers for Disease Control (CDC), and sweetened up by the Department of Health and Human Services with promises of federal grants for speedy enactment.

Never before have legislatures abdicated their responsibilities and powers in such a sweeping manner. Current laws permit state legislatures to restrain runaway state health departments, but MSEHPA would give unelected bureaucrats unchecked authority for as long as 60 days, during which time the legislature would be powerless to protect its citizens.

All states currently allow medical, religious or conscience exemptions to immunization requirements. MSEHPA would deny these exemptions. The government didn't want a repeat of what happened about the anthrax vaccine. When the postal workers were victimized by the anthrax attack, the government offered them the same

vaccine that President Clinton had required of U.S. service personnel under threat of court martial. Given the option, less than 2% of postal workers chose to receive the vaccine.

That was humiliating to public health officials, who depend on universal, unquestioned vaccination to justify their budgets and their credibility. They made sure that MSEHPA would not give citizens the same choice that the postal workers had.

The good news is that due to the alert action of Eagle Forum and a couple of other conservative organizations, only about eight states passed a significant part of MSEHPA. Many states rejected it or never brought it up for a vote. Other states substantially gutted the most obnoxious sections before passage.

Homeland Security — or Sellout?

The Bush Administration is pushing hard to get Congress to pass the Homeland Security bill. If passed, it will mean a giant increase in Big Government without any effect on the front lines of our security, the FBI and CIA, and little effect on the INS and the visa-issuing section of the State Department.

The text of the Homeland Security bill is not available on the internet as this report is going to press, but those who have seen it say that its provisions are sweeping and shocking. It will (1) take away sole control of immigration numbers from Congress and allow the President to set numbers in concert with other countries (Vicente Fox?) and international bodies (the UN?), (2) reinstate the fraudulent system in which illegal aliens can claim asylum immediately and be released into the general population, and (3) elevate immigration bureaucrats to the level of appellate judges and strip the Attorney General of his authority to overrule them. Those are all goals of the Ted Kennedy open-borders crowd, not goals of those concerned about national security or the civil liberties of U.S. citizens.

Will the new Homeland Security department be headed by someone who will protect homeland security, or by a Tom Ridge who declares that "the last thing we want to do is militarize the borders"? An administration that continues to send U.S. troops to guard borders in Eastern Europe but won't use troops to guard U.S. borders where invaders are shooting at our agents and killing U.S. citizens in automobile accidents, isn't serious about homeland security.

The President's 90-page National Strategy for Homeland Security (NSHS) released on July 16 sets us on the path of morphing driver's licenses into a national ID card, a longtime goal of big-government types who hope that our fears about a repeat of 9/11 give them the opportunity to push this un-American idea. Highlighting the diversity of state laws, the NSHS includes a vague requirement to "coordinate suggested minimum standards for state driver's licenses."

Congress actually passed legislation in 1996 requiring driver's licenses to contain a Social Security number that could be read visually or electronically. After the voters found out that this provision would turn driver's licenses into national ID cards, it was repealed in 1999.

One of the five components of the Citizen Corps, created by President Bush in January 2002, is Operation TIPS (Terrorism Information and Prevention System). This was designed to be "a nationwide program to help thousands of American truck drivers, letter carriers, train conductors, ship captains, and utility workers report potential terrorist activity." Operation TIPS calls on Americans, in their daily course of work activities, to monitor and report "suspicious" activities to a central reporting center. You can bet that all those "suspicious" activities will be entered on a national database available to the prying eyes of federal bureaucrats.

When we observe something illegal or potentially dangerous, of course we should sound an alarm, as the airplane passenger did when he saw his seatmate lighting a fuse in his shoe. But common-sense alertness is a far cry from institutionalizing a federal system of informers.

The Homeland Security bill reported out of Rep. Dick Armey's committee specifically prohibits implementation of Operation TIPS and also states: "Nothing in this Act shall be construed to authorize the development of a national identification system or card."

The NSHS also calls for a "plan for military support to civil authorities." Military support, such as through the National Guard, is to include "technical support and assistance to law enforcement, assisting in the restoration of law and order, loaning specialized equipment, and assisting in consequence management." The Posse Comitatus Act of 1878 is supposed to protect us against a President using the Army to enforce the law against civilians. Later laws, however, have carved out a number of exceptions that give powers to the President after proclaiming a state of emergency. Gen. Ralph E. Eberhart, the head of Bush's newly established Northern Command for domestic security, said we should review the Posse Comitatus law "if we think it ties our hands."

But tying the hands of the military over civilians is exactly what Posse Comitatus is supposed to do. It is a terrible mistake to confuse and combine the different missions of the police and the military. The police are trained to respect civil liberties and use the least amount of force, whereas the military are trained to kill the enemy as rapidly as possible.

Our limited experience with law enforcement by the U.S. military is disturbing. When U.S. Army tanks stormed the Branch Davidian compound in Waco in 1993, scores of innocent people were killed. If U.S. troops are to defend us against terrorists, they should be used to prevent suspicious aliens from coming across our borders, not for police work against U.S. citizens.

"Republicans continue to look at illegal immigrants as a source of would-be workers; Democrats view them as potential voters; and employers face little or no penalty for hiring them — despite polls showing that 77% of Americans say the government is not doing enough to control the border."

Washington Times, Sept. 23, 2002, page A14.

Open-Borders Policies Are Fatal!

The three-week shooting spree that killed ten people, wounded three others, and terrorized Washington, D.C., Maryland and Virginia, came to an end on October 24 with the arrest of two suspects, both of whom should have been intercepted by INS. John Lee Malvo is an illegal alien from Jamaica who sneaked in to the United States after arriving as a stowaway on a cargo ship from Haiti that docked in Miami. From there he traveled to the state of Washington where he was caught by the Border Patrol, detained at the detention facility in Seattle and fingerprinted, pending deportation.

The Illegal Immigration Reform and Immigrant Responsibility Act (Section 235(a)(2)) states that "stowaways, regardless of when encountered, are to be removed without a hearing." Yet, in January 2002, the INS set Malvo free in the general population in the custody of his mother, who is also an illegal alien. Who let Malvo loose? Will that bureaucrat be fired?

The other suspect is an African-American male who converted to Islam, changed his name from John Williams to John Muhammad, and publicly expressed support for the aims of the 9/11 hijackers. (*New York Times*, 10-25-02, p. A21) With an Antigua passport, he had set up a business in Antigua to smuggle illegal aliens into the United States and sell them fraudulent documents. He was stopped at the Miami International Airport in April 2001 when he and his traveling companions, two women from Jamaica, presented false papers. The Jamaicans were deported, but Muhammad was released without being charged.

When is our government going to lock our borders against aliens who should not be allowed into the United States and should be deported when they are caught?

It is absolutely essential to reduce the numbers of immigrants and visitor-visas until our government develops an effective system of keeping the bad guys out and deporting the illegals. If we don't do this, the civil liberties of U.S. citizens will be severely restricted.

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