

Security hinges on tougher immigration laws

By MICHAEL J. WILDES

ON THURSDAY NIGHT President Bush told the world that Afghanistan's ruling Taliban was being put on notice that they are to hand over terrorist Osama bin Laden and his militia, or United States forces amassing in the Middle East will strike with severity. On Friday morning, the Taliban declined to turn over Bin Laden, demanding evidence of his guilt.

Last June 14 I was invited to New York Gov. George Pataki's press conference announcing his states' new Terrorist Commission. When I proposed that New Jersey follow suit later that month, I never imagined we would be facing this horror just after the coming Labor Day.

As an immigration lawyer who has dealt with terrorists and defectors to ensure they provide the United States intelligence community with difficult to obtain information on terrorist activities, my job has been making immigration laws work to win what is called the war on terrorism.

It was called a "War" that day; but few realized just how prescient the use of that verb would be. Such was the height of the wall of denial in our land before Sept. 11, 2001 — even among those in the forefront of the battle against terrorism.

Exactly 90 days after that press conference ended, 220 stories of our denial burned, crumbled, and collapsed as our nation looked on in horror. By the time the smoldering gray air had drifted past the Statue of Liberty a few thousand feet away, Americans knew they now lived in a different world than the one they did only hours before. By sunset, few thinking people could deny the severity of the crisis America now faces.

Our president and Congress are waging a serious war on terrorism. We must all stand united in support of their judgment to ensure success. But we cannot win this war if we fail to evaluate and correct our vulnerabilities to prevent future terrorist attacks. Preventing terrorist attacks is more important than punishing the terrorists after an assault occurs. While the United States military plays a significant role in this effort, the most powerful weapons we have to prevent terrorism are embedded in United States immigration laws. The hard work of immigrants, my grandparents among them, built America's strength.

Our greatness is a direct result the contribution immigrants made then and do make now. An atrocity like the terrorist strikes on the Twin Towers and Pentagon by forces outside our borders should not result in Americans assaulting one another from within. Our strength is rooted

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in the unity of our people comprised of all races, creeds, and ethnicities. Americans rebelling against terrorism by taking innocent life only add to the in the body count directly resulting from this catastrophic terrorist assault.

However, in matters of immigration law and the sliding scale of legal rights, potential victims of terrorism: demand the highest degree of protection. While I am most certainly an advocate for the rights of aliens who make a positive contribution to our country, I cannot advocate that their rights stand equal to our own. It must be the policy of the United States that not one American civilian's life can be put at risk in order to offer citizens of another nation the opportunity for a less risky future.

As a result of this terrorist attack there has been a seismic shift in America's priorities. We cannot as indiscriminately hold ourselves out as the beacon of freedom to the world on one hand and adequately protect our population in the aftermath of perhaps the darkest moment in American history on the other.

The need to adjust our immigration policies to address new safety priorities is crystal clear. A case in point is *Zadvyas vs. Davis*. In this decision our country's highest court determined that it is unconstitutional for illegal aliens to be detained indefinitely, or even for more than six months in the United States simply because no other country would accept them. Doing so, the court ruled, violated their rights under our Constitutional protection of Due Process. The fact that some of these illegal aliens may be convicted criminals was not relevant in their decision.

In effect, this Supreme Court decision made it the law of the land for illegal aliens to share the Constitutional protections penned for American citizens. To be sure, no justice in that case could then possibly ponder the remotest possibility that any of these detained illegal aliens might potentially inflict upon the United States of America the magnitude of damage we recently sustained at the hands of a handful of men.

We now live in a new world, one in which the terrorist

we seek is harbored by a nation under the guise of protecting his rights while we question how we opened our doors to his fanatical followers. In the face of this absurdity we cannot cling to the realities and idealism of another era. The potential effect of a porous United States immigration law, like that created in *Zadvyas*, must be examined with scrutiny in the unfolding debate over the role immigration laws play in the protecting America from this once unimaginable terrorist threat.

There can be no partisanship between those who lead us, only patriotism. While we cannot resort to extremism to fight extremism, we cannot give the benefit of our rights to aliens presenting even the slightest potential threat. America can never again witness an act as heinous as our own aircraft being hijacked for use by terrorists as weapons to rip through American glass, steel, and flesh in an attempt to pierce America's heart.

Unfortunately, as a result, we have no choice but to raise the bars to entry in our immigration laws to lower the terrorist threats to our country. Regrettably, this will be unfair to a small number innocent people seeking entry to the United States. Yet, that injustice pales in comparison to the continued slaughter of innocent American men, women, and children.

In utilizing immigration laws to combat terrorism, the United States cannot wear a blindfold, as our domestic legal system does, when passing judgment. If we extend the rights guaranteed in our Constitution to those who are potential terrorists from abroad we compromise the safety of the citizens our Constitution was written to protect. It is a mockery to extend our constitutional rights to those who pose a real or potential threat to the American Way of life and to the very Americans who fought protect those rights.

In 1903 a sonnet, "The New Colossus," by American poet Emma Lazarus, was inscribed at the base of the Statue of Liberty. It articulates why America welcomed immigrants to the United States. In part, it reads: "Give me your tired, your poor, your huddled masses yearning to breathe free..." Our president, Congress, and Supreme Court must reject the notion that the intent of our constitutional protections was to effectively include "hardened criminals and terrorists" to that verse.

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