

*and Legislation***A Failure to Safeguard: Hijacking of the Intelligence Reform Agenda**

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On November 27, 2002, Congress and the President created the National Commission on Terrorist Attacks Upon the United States, commonly referred to as the 9/11 Commission to provide a “full and complete accounting” of the attacks of September 11, 2001, and to recommend how to prevent such attacks in the future by significantly reforming intelligence gathering and sharing. The bipartisan Commission is composed of five Republicans and five Democrats appointed by Congress, who are not members of Congress. The Commission was spearheaded by the Family Steering Committee – an independent, non-partisan group of individuals who lost loved ones during the terrible attacks of 9/11. Over 3,000 individuals fell victim to the terrorist attacks on that fateful day. It is important to recount this fact because it is the victims’ families that pointed out the very obvious to our national security leadership: the intelligence agencies “suffered an utter collapse in their duties and responsibilities.” On July 11, 2004, the Commission released its report which included 41 recommendations to detect and deter terrorist activities and better protect our nation’s safety.

As a result of the momentum caused by the report’s findings, legislation to implement the recommendations of the 9-11 Commission’s report was quickly introduced into the U.S. Congress and passed by both the House of Representatives and the Senate. Republicans and Democrats, along with the families most affected by 9/11 have been pushing to have a final version signed into law as quickly as possible. Yet, the House and Senate versions of the bill are very different. As often happens on Capitol Hill, an effort to provide accountability and make people safe became strangely twisted and caught up in political side-bar issues that have no business being included in the reform of our national intelligence systems. Anti-immigrant members of Congress hijacked a very positive effort prescribing needed and significant intelligence reforms with the purpose of promoting their own mean-spirited agenda.

Members in the House included several harmful anti-immigrant provisions in their

bill (HR 10) disguising them as anti-terrorist measures that go far beyond the recommendations of the 9/11 Commission. The Senate version (S 2845) does not include these anti-immigrant provisions. In a letter to Representative Peter Hoekstra (R-MI), one

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of the lead conferees, the 9/11 Commissioners expressed their concern and stated very clearly that these anti-immigrant measures were not helpful to the passage of the intelligence reforms. “We believe strongly that this bill is not the right occasion for tackling controversial immigration and law enforcement issues that go well beyond the Commission’s recommendations.” The White House also expressed similar concerns over Sections 3006, 3007, and 3032 of the House bill. The Commission proposed strong border security, not controversial anti-immigrant provisions irrelevant to counter-terrorism.

The anti-immigrant provisions include prohibiting undocumented immigrants from obtaining a driver’s license. Immigrants who entered the United States without inspection would be subject to expedited removal, meaning that these individuals could be deported without a hearing before an immigration judge. This places immigrants at risk of wrongful deportation and eliminates many basic protections of due process and judicial review for immigrants and refugees. Federal agencies would be required to refuse to accept consular identification cards (or “matricula consulars”) as proof of personal identification, and undocumented immigrants will be prohibited from obtaining other identification accepted by federal agencies. The Matricula Consular has been an official document of the Mexican government

for approximately 100 years. Border Patrol agents and Immigration and Custom Enforcement inspectors would be added, without mandating training and other safeguards to address current problems with immigration enforcement. In sum, the provisions would adversely impact immigrants and the Hispanic community in particular and do nothing towards improving the safety of the people within our borders.

And, as fate would have it, these controversial provisions derailed final consensus of the conferees on intelligence reform. On October 20th, the first and only public Conference committee meeting was held in an effort to blend the two disparate bills together. Although there was much talk about working together, the process deteriorated before the meeting was concluded. Title III which includes the controversial anti-immigrant sections of the bill needs to be removed in order for the reforms to go forward. The immigration provisions are controversial, punitive and unpopular. The White House dislikes the provisions. The 9/11 Commission dislikes them, as do those of us who support civil liberties and immigrant rights.

Valuable time is being squandered. The conferees need to make a decision quickly or risk losing a rare opportunity to produce a unified bill during the 2004 lame duck session. The 15 agencies involved in intelligence gathering continue to be collectively dysfunctional placing all of us in jeopardy. The anti-immigrant provisions do not contribute to the needed reforms of our intelligence agencies and endanger our community. The passage of a bad bill does nothing to improve our public safety. On the other hand, not stripping away bad provisions from a good bill and focusing on the bigger national security picture is equally pernicious. Either way, it’s a “lose-lose” situation. Our democracy is jeopardized because our national security remains weakened, and the Latino community continues to suffer from the virulent attacks of anti-immigrant bullies who prefer to scapegoat the weak over safeguarding the general health and well-being of the nation.