Constitutional Rights Should Trump Terrorism Regs

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After the Oklahoma City bombing in 1995, the Left moved quickly to use it as an excuse to enact draconian federal gun control. Fortunately, saner heads prevailed by showing that no new gun control laws would have been the slightest deterrent to that tragedy.
In the wake of the World Trade Center disaster, we certainly need defensive measures to prevent another occurrence and to ensure the safety of air travel, as well as the offensive measures already initiated by President Bush. But confiscating pocket knives and sewing scissors from little old ladies will do nothing to fill the now-empty planes with confident passengers.

The threat of terrorism comes from an identifiable group of alien males, between the ages of 20 and 35, whom our government has willfully or negligently allowed to live and travel in the United States. Yet, in the thousands of print articles and television and radio segments that have recorded the events of 9/11 and their aftermath, one has to search with a microscope to find any mention of the government's culpability in regard to immigration and visa practices.

Since the 19 hijackers are all dead, there is no national security reason that can justify withholding information about them from the American public. We want the answers to so many questions.

Who were the immigration officials who let them into our country and under what pretenses? What did the hijackers say on their visa applications and airport arrival cards, and who okayed those documents as legally filled out and signed?

What was the hijackers' previous employment and country of emigration? Who were their U.S. guarantors of employment after arrival in the United States?

Who is responsible for failing to keep track of them in this country and failing to expel them when their visas expired? Most if not all of the hijackers were illegally in this country because their visas had expired.

It's time that the American people wake up to how the Left has practically deified such concepts as "multiculturalism," "tolerance," "diversity," "political correctness," and "melting pot," while demonizing such concepts as "profiling" and "conspiracy." All cultures are not equally deserving of respect, we should be highly restrictive about who we allow into our country, it was an identifiable group that perpetrated the 9/11 atrocity, aliens are not entitled to the same rights as citizens, and it certainly had to be a criminal conspiracy to hijack four planes simultaneously.

We cannot tolerate new security measures that treat citizens and aliens alike, such as a national I.D. card. Any new legislation must make that clear distinction because American citizens are not willing to live in a police state.

As one example of government overreaching, the Justice Department has just asked Congress to permanently amend FERPA (Family Educational Rights and Privacy Act) to authorize the Departments of Justice and Education to get student education records in order to assist in investigating terrorism. For 27 years, FERPA has been a good and respected guardian of student privacy rights in their school and college grades.

The only way such legislation could be tolerable is if it applies only to aliens. Stopping terrorism does not require federal bureaucrats to snoop through the academic records of law-abiding students and graduates.

President Bush's announcement of a new Cabinet-level Office of Homeland Security, with as yet undefined duties, is neither new nor reassuring. In 1999, President Clinton's Deputy Secretary of Defense John Hamre floated the idea of creating a Homelands Defense Command under which a unit of U.S. troops, commanded by a four-star general, would take charge in case of a terrorist attack on U.S. soil.

Discussion of such plans within the Clinton Administration included an article in the Autumn 1997 "Parameters," the scholarly publication of the Army War College. The article predicted that "the growing prospect of terrorism in our own country . . . will almost inevitably trigger an intervention by the military," and "legal niceties or strict construction of prohibited conduct will be a minor concern."

Clinton issued a Presidential Decision Directive to authorize military intervention against terrorism on our own soil. Secretary of Defense William Cohen said in an Army Times interview that "Terrorism is escalating to the point that Americans soon may have to choose between civil liberties and more intrusive means of protection."

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 authorize the President, after proclaiming a state of emergency, to send active- duty soldiers to respond to a crisis and serve under the direction of the Federal Emergency Management Agency (FEMA).

Our limited experience with law enforcement by the U.S. military is not reassuring. When U.S. Army tanks stormed the Branch Davidian compound in Waco in 1993, scores of innocent people were killed.

As Rep. Bob Barr (R-GA) stated last week, "We must not allow our constitutional freedoms to become victims of these violent attacks. ... We should first examine why the attacks occurred."