



NATIONAL COMMISSION ON
TERRORIST ATTACKS UPON THE UNITED STATES

Seventh public hearing of the National Commission on Terrorist Attacks Upon the United States

Monday January 26, 2004

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National Commission On Terrorist Attacks
Upon The United States
(The 9/11 Independent Commission)
Statement of Peter Gadiel
The Role of Non-enforcement of Immigration Law
In Permitting the Terrorist Acts of September 11

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Massive failures within our government contributed to the tragic deaths of nearly 3,000 people on September 11th, 2001. Much of this is attributable to non-enforcement of immigration law.

Failure to enforce immigration law aided the terrorists first, by a permissive policy of admission for Saudi citizens and secondly, by allowing those who entered the United States, legally or illegally, to remain here unmonitored and unchallenged. All were free to function with little fear of interference from immigration agents or law enforcement officers.

Failure to enforce immigration law was not a matter of simple negligence, and not a matter of accident. These policies of non-enforcement were instituted by elected and appointed officials in federal, state and local government for political gain at the behest of private interests motivated by ideology, or by desire for political power or financial profit.

As Sen. Kyl has said: 9/11 could have been prevented "if State Department personnel had merely followed the law and not granted non-immigrant visas to 15 of the 19 hijackers in Saudi Arabia."

If other US officials had not encouraged the illegal immigration of over 10 million aliens to the US and permitted these illegal aliens to reside here there would not have been a massive population living outside the law which gave the terrorists the ability to hide in plain site while they planned, rehearsed, financed and carried out their mass murder. This nationwide

acceptance of massive lawlessness permitted the terrorists to freely function in our society.

Illegal entry to the US was, and still is, an easy enterprise. All of the 9/11 murderers had visas issued to them by officials of the State Department. Most, if not all, those visas were granted in clear violation of the letter and spirit of the Department's own regulations and federal law. However, the State Department has provided visas to terrorists for many years prior to 9/11 and thus had fair warning that its procedures were deficient.

For example, the Center for Immigration Studies (CIS) examined the immigration histories of terrorists involved in seven conspiracies by Islamic extremists to murder Americans. CIS included in its study only those who had committed crimes inside the US, beginning with the Jan 25, 1993 murder of two CIA employees outside Langley headquarters, followed by the 1st WTC attack, the plots on NYC landmarks and on the NYC subway system, the embassy bombings, the Millennium Plot on LAX and lastly, the horrific

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tragedy of September 11th, 2001.

Because CIS limited its study only to seven plots either uncovered, attempted or carried out, and therefore did not attempt to uncover "sleepers", the total number of terrorists studied was merely forty-eight.

Thirty-six of the forty -eight entered the US with visas issued by the State Department, and of these several entered the US multiple times.

Given the knowledge that young Arab males to whom it had given visas had been convicted of terrorist acts committed at least as early as the 1993 WTC attack, the State Department had more than enough basis to recognize the weaknesses in its visa granting procedures. However, instead of tightening procedures State continued its reckless course of action. Mary Ryan, the Department's chief of Consular Affairs from 1993 to 2002, blindly continued the Visa Express program for Saudi Arabia which allowed anyone, including non-Saudis, to apply for visas at privately operated travel agencies. And during her tenure, Ms. Ryan was responsible for a reduction of the percentage of applicants interviewed by consular officials from "most" to "about one- fifth."

Clearly, Ms Ryan was reflecting an attitude that pervaded State Department officials at the highest levels: On June 10, 2002 Deputy Secretary of State Richard Armitage wrote that believing that "an applicant may pose a threat to national security is insufficient [grounds] for a consular officer to deny a visa." But the trail of guilt does not stop at Mr. Armitage, for it was Sen. Ted Kennedy who was responsible for adding language to the 1996 immigration reform act which stipulated that "mere membership" in a terrorist organization is insufficient basis for denying a visa to an applicant. Whatever the roles of Messrs. Armitage and Kennedy in allowing terrorists entry to the US, Ms. Ryan was clearly committed to Visa Express and allowing virtually anyone to enter the US. After 9/11, Diane Andruch (Ryan's deputy) reported that the program had been discontinued, but investigation proved

the expedited processing still continued. And incomprehensibly, despite public anger over her activities, the State Department awarded Mary Ryan a \$15,000 bonus for her "outstanding performance" for the period April 16, 2001 to April 15, 2002. It was as if the State Department was affirming its approval for incompetence.

One of the most damning examples of failures within the government can be attributed to Maura Harty. It was to her that the 9/11 terrorists' visa applications came for review.

According to analysis done by Joel Mowbray, nearly all the terrorists' visa applications were obviously defective on the ir face. For example, that of

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Abdulaziz Alomari (one of the hijackers of the plane which hit my son's building) did not fill in the space requiring him to name the school he was claiming to attend; he did not fill in fields requiring him to name his sex or his nationality. Many of the hijackers did not provide the US address where they would be living, as is required. One listed his destination city as "no." One claimed his occupation was "teater."

Evidently, no one in the Bush Administration considered Ms. Harty's failures to be serious. When Mary Ryan left her position, Sec. Powell and President Bush promoted Ms. Harty to fill that vacancy. The Senate docilely confirmed her in lame duck session.

Rampant incompetence within the State Department is established by the record. Is this attributable to the frequency with which its officials accept fees from the Saudi government after retirement? Could the promise of future employment with a Saudi-controlled entity affect the performance of US officials while they are still ostensibly working on behalf of the citizens of this country?

The list of such officials who later took Saudi money includes, according to Joel Mowbray: Fred Dutton, Ass't. Sec. for Congressional affairs; a successor in that position, Linwood Holton; Peter Madigan, Deputy Ass't. Sec. for Legislative Affairs; also, Ambassadors Walter Cutler, Charles Freeman, Frank Carlucci, Hermann Eilts, Wyche Fowler, Ned Walker, David Mack, William Eagleton, Michael Sterner, and David Ransom have received Saudi money through employment at 'think tanks' largely funded by the Saudi government or individuals.

Clearly, other American interests profited by the collapse of safeguards in the visa granting process. The travel industry has long depended for much of its profits on foreign tourists. America's education industry also has profited from tuition paid by aliens. Factions within the education industry lobbied against systems for tracking of foreign students and a comprehensive and effective pilot system, know as CIPRIS, was dismantled prior to 9/11. The current student tracking system in place, SEVIS, is dangerously flawed. The result is that aliens with no intention of attending classes have, and will continue to, obtain entry to the US and then disappeared into our population.

Even without visas, the terrorists could easily have entered the United

States through the Mexican border or through the Canadian border and our seaports. The federal government's utter failure to control illegal immigration is widely known. Why is it that our government has permitted these conditions to arise and to continue?

The United States government has, in essence, been withdrawing protection

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from its borders since the 1970's. Crime has increased where gangs of illegals proliferate, school systems have been overwhelmed by illegal alien student populations and hospitals are bankrupted as a result of providing free service to illegals. These problems have been obvious and growing for three decades.

These reasons are sufficient by themselves to demand effective enforcement of laws against illegal immigration. And given the rise of Islamic terrorism, a phenomenon known for over a decade, our government's continued failure to stem the flow of illegals and prosecute those who facilitate illegal immigration is inexcusable.

Although Homeland Security and agency reorganization has produced recent change in immigration policy enforcement, the Commission should nevertheless examine the situation as it existed prior to 9/11. There was an illegal population of over 10,000,000 yet there were only 1,800 federal immigration agents assigned to interior enforcement. FBI agents were permitted from enforce immigration law, and thanks to the efforts of open borders interests. And not only were state and local police not permitted to enforce immigration law, most were not even permitted to report illegal alien criminals to the INS.

Massive illegal immigration directly contributed to the 9/11 terrorists' ability to carry out their conspiracy; the terrorists relied on the massive population of illegals as an 'ocean' in which to hide in plain sight. It is the very size of the illegal population that was a guarantee to the hijackers that once they had entered the US, they could reside here and plan their attacks without significant risk of detection. When there are ten million illegal aliens, when there are whole communities of illegals in residence and in motion, twenty more are not noticeable...until they murder 3,000 people.

If the government itself fails to evidence concern about the presence of illegals, who among the legal citizenry would feel alarm? Wasn't this a factor that influenced the attitude at flight schools in the US, despite the presence of suspicious students from the Middle East?

If there were not so many millions of illegal immigrants, the resources of the INS would not have been spread so thinly prior to 9/11. This provided concealment, anonymity, and widespread tolerance for lawbreaking. The millions of illegals who arrived before the terrorists had created the pathways and methods the terrorists used to function freely in American society. Illegal aliens and their advocates have succeeded in making many of the benefits and rights of citizens and legal residents available to illegals.

For example, 15 of the 19 hijackers had a combined total of 63 separate drivers' licenses, issued by Virginia, Florida and New Jersey. Obtaining them was among the first things the terrorists did on arrival in the US. With those licenses they could then open bank accounts, transfer funds, obtain credit cards, rent apartments, rent cars and hotel rooms. Finally, these US-issued drivers' licenses were the "valid ID" that the terrorists used to board the planes they used to attack us.

It is unconscionable that after 9/11, any state would even consider issuing "valid" ID to illegal aliens whose true identity has never been verified by competent authority, and thus any one of whom can be a terrorist or criminal. Several states still engage in this practice. And in 2003 New Mexico and Maryland actually passed laws enabling illegals to obtain licenses. At this moment, the Kansas legislature is considering a bill that would grant drivers licenses to people who are, as the bill states, "unlawfully" in the country.

Certainly, officials of state and local government aided the 9/11 conspiracy by granting to illegals, and the unknown terrorists among them, privileges that belong only to people legally present in the US. Federal officials, however, bear the greatest portion of the blame.

Evidence that the Members of Congress, and Presidents from Jimmy Carter to George W. Bush, have been ineffective in addressing the illegal immigration problem. Congress and Presidents have actually created conditions that made it impossible for INS to perform its duties even if INS bureaucrats had wanted to. For example:

- INS was starved of sufficient funding, thus denied of sufficient manpower to carry out its enforcement functions. It has been a fact for many years that when INS was called with a report of illegal aliens, the response has been that 'nothing can be done' because of a lack of agents;

- Congress and Presidents have granted mass amnesty to millions of illegal aliens. This increased by millions the caseload of an agency already unable to do its job. Amnesties, by their very nature, reward lawbreakers, people whose first act on coming to the US is to enter illegally;

- Amnesties, favored or granted by Jimmy Carter, Ronald Reagan, Bill Clinton and both Presidents Bush, as well as many in Congress, increase illegal immigration by sending the clear message to would-be illegals around the world that if they manage to sneak into the US, they can lay low and eventually there will be another amnesty. Among those granted amnesty in 1986 was Ramsi Yousef, the chief conspirator in the 1993 truck bomb attack on the World Trade Center. Despite this, President Bush and Congressional members of both parties are pressing for yet another amnesty. Despite

promises that this time those applying for amnesty will be carefully screened to weed out terrorists, who realistically can have faith in such a

promise?

-Prior to the 1996 Presidential election, Bill Clinton had further demoralized the INS with political appointees even less interested in preventing illegal immigration. Then, in order to gain enroll more Democratic voters for his re-election, he ordered the INS to speed up the naturalization process for hundreds of thousands of immigrants by ignoring the legal requirements for screening out criminals.

The actions of numerous Presidents, Senators and Congressmen thus have shown that the INS, in failing to stem the tide of illegal immigration, was simply doing what was wanted of it.

When a problem in the federal government is of recent origin or hidden from view, we can't hold our elected officials responsible immediately. But this was a problem that was massive, obvious, open and notorious and of thirty years' duration. The INS was merely a creature of Congress and the Executive Branch. Its existence, its policies, its regulations, its funding and its staffing all were subject to the absolute control of the President and Congress. Thus, the attempt by our elected officials to shift the blame to anonymous bureaucrats in the INS is a transparent attempt to evade responsibility.

Consistent with their policy of evasion, members of Congress have continued to claim that the obvious and essential reforms that would reduce the terrorism threat "cannot" be enacted into law.

Seventeen of the 48 terrorists involved in the aforementioned CIS study were either 'Lawful Permanent Residents of the US' (i.e. green card holders), or people who had advanced to full citizenship. Of the 11 terrorists involved in the June 1993 plot to bomb the Holland and Lincoln Tunnels the George Washington Bridge and several NYC buildings, 10 were lawful, permanent residents or US citizens. Thus, it is inaccurate to say that "immigrants are not terrorists " although this attitude pervades Congress and the Executive Branch.

It would be naïve to believe that such an attitude dominates our government without intense and well-funded lobbying by those who stand to gain from unguarded borders and unrestricted immigration, both legal and illegal. In addition to the travel and education industries, there are many business which can increase profits enormously by in effect dismantling the New Deal's labor protections through replacement of American workers by illegal aliens. Beef and poultry processors, carpet manufacturers, builders, etc have a clear interest in a supply of cheap labor. What role have they played in groups such as the National Immigration Forum, the

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National Immigration Law Center, and others lobbying for open borders? Ideologically- inspired foundations such as the Ford, Rockefeller Foundations, among others, provided the seed money for the creation of La Raza and other groups, whose sole function is to open America's borders to unlimited immigration. Given this, should the tax exempt status of these foundations continue?

Our political system has created a code of immigration law that is Byzantine

in complexity, and thus thwarts enforcement while favoring any and all immigrants no matter how baseless the ir cases may be. Our system permits unlimited chain immigration; grants most of the benefits of citizenship to illegal aliens. Our system permits undefended borders, denying sufficient resources for border patrol and internal enforcement, and is actually geared to letting illegal aliens and terrorists evade law enforcement. Our system does not effectively prosecute employers of illegals. Our system allowed (although perhaps no longer) non-citizens to give campaign contributions to candidates for federal, state and local office, and to give soft money to political parties. Our system allows former high officials of the government to accept money from foreign interests.

In short, that system established the conditions that allowed the 9/11 terrorists to enter this country and function freely while they planned, rehearsed, financed and carried out the conspiracy that murdered 3000 people.

Last year, Gen Tommy Franks said: "Any nation that wants to protect its borders, can."

It is clear that there are too many in our government and in private industry who did not want to protect our borders. They all share in the responsibility for the attacks of September 11th and the deaths of 3,000 innocent people, one of whom was my son.

This web site was frozen on September 20, 2004 at 12:00 AM, EDT. It is now a Federal record managed by the National Archives and Records Administration. External links were active as of that date and time. For technical issues, contact webprogram@nara.gov. For questions about the web site, contact legislative.archives@nara.gov.



NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

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Current News

Seventh public hearing of the National Commission on

The Commission has

Terrorist Attacks Upon the United States

The National Commission on Terrorist Attacks Upon the United States (also known as the 9-11 Commission) held its seventh public hearing on January 26–27, 2004, in Washington, DC. The two-day investigative hearing developed facts and circumstances relating to border and aviation security—two central aspects of the Commission’s mandate.

The Commission heard from current and former officials from the public and private sectors, concluding with testimony from Deputy Secretary of Homeland Security James M. Loy. In addition to witness testimony, four staff statements were delivered during the course of the proceedings. A complete hearing agenda follows this advisory.

In announcing the hearing, the Commission's Chair, former New Jersey Governor Thomas H. Kean, said: “This hearing will be the first at which the Commission will share some important facts about the immigration and aviation security systems in place on September 11, 2001. We want to use this occasion to bring forward additional, and in some cases different, information from what is currently in the public record.”

The Vice Chair, former Indiana Representative Lee H. Hamilton, added: “Now that we are further along in our investigation, we believe it is time to begin to share with the public and families of those who perished in the 9-11 attacks some of the things the Commission has learned.”

[Archived Video and Transcripts](#)

Hearing Agenda

Monday, January 26, 2004

"Borders, Transportation, and Managing Risk"

9:00 AM

Opening Statement by Chairman Kean

STAFF STATEMENT

[Entry of the 9/11 Hijackers into the United States](#)

released its final report. [\[more\]](#)

The Chair and Vice Chair have released a statement regarding the Commission's closing. [\[more\]](#)

The Commission closed August 21, 2004. [\[more\]](#)

Commission Members

Thomas H. Kean
Chair

Lee H. Hamilton
Vice Chair

Richard Ben-Veniste
Fred F. Fielding
Jamie S. Gorelick
Slade Gorton
Bob Kerrey
John F. Lehman
Timothy J. Roemer
James R. Thompson

Commission Staff

Philip D. Zelikow
Executive Director

Chris Kojm
Deputy Executive Director

Daniel Marcus
General Counsel

9:30 - 11:30 AM	<p>PANEL ONE <i>The Border Security System Prior to September 11</i></p> <p>Mary A. Ryan, former Assistant Secretary for Consular Affairs, Department of State</p> <p>Doris Meissner, former Commissioner, Immigration and Naturalization Service, Department of Justice</p>
11:30 - 12:00 PM	<p>PANEL TWO <i>An Incident in Florida</i></p> <p>Jose E. Melendez-Perez, Inspector, Customs and Border Protection, Department of Homeland Security</p>
12:00 - 1:00 PM	Break
1:00 - 1:30 PM	<p>STAFF STATEMENT <u><i>Three 9/11 Hijackers: Identification, Watchlisting, and Tracking</i></u></p>
1:30 - 3:15 PM	<p>PANEL THREE <i>Visas and Watchlisting Today</i></p> <p>Maura Harty, Assistant Secretary for Consular Affairs, Department of State</p> <p>Russell E. Travers, Deputy Director, Information Sharing and Knowledge Management Department, Terrorist Threat Integration Center</p> <p>Donna A. Bucella, Director, Terrorist Screening Center, FBI</p>
3:15 - 4:45 PM	<p>PANEL FOUR <i>The Response to September 11 on the Borders</i></p>

[James Ziglar](#), former Commissioner,
Immigration and Naturalization Service,
Department of Justice

[Robert C. Bonner](#), Commissioner,
Customs and Border Protection,
Department of Homeland Security

[Peter F. Verga](#), Principal Deputy Assistant
Secretary for Homeland Defense,
Department of Defense

4:45 PM

[Closing Statement by Chair Thomas H. Kean and Vice Chair Lee H. Hamilton](#)

Tuesday, January 27, 2004

9:00 - 9:30 AM

STAFF STATEMENT

[The Aviation Security System and the 9/11 Attacks](#)

9:30 - 12:00 PM

PANEL FIVE

Aviation Security on 9/11: The Regulators

[Jane F. Garvey](#), former Administrator,
Federal Aviation Administration

[Cathal L. "Irish" Flynn](#), former Associate
Administrator of Civil Aviation Security,
Federal Aviation Administration

[Claudio Manno](#), Assistant Administrator
for Intelligence, Transportation Security
Administration

12:00 - 1:00 PM

Break

- 1:00 - 2:30 PM **PANEL SIX**
Aviation Security on 9/11: The Airlines
- [Edmond L. Soliday](#), former Vice President of Safety, Quality Assurance, and Security, United Airlines
- [Andrew P. Studdert](#), former Chief Operating Officer, United Airlines
- [Gerard J. Arpey](#), Chief Executive Officer, American Airlines
- [Tim J. Ahern](#), Vice President – DFW Hub, and former Vice President of Safety, Security, and Environmental, American Airlines
- 2:30 - 3:00 PM **STAFF STATEMENT**
The Four Flights
- 3:00 - 3:30 PM **PANEL SEVEN**
Acts of Courage in the Sky
- [Nydia Gonzalez](#), Manager, Southeast Reservations Center, American Airlines
- 3:30 - 4:30 PM **PANEL EIGHT**
Risk Management after September 11
- [James M. Loy](#), Deputy Secretary, Department of Homeland Security
- 4:30 PM **Closing Statement by Chair Thomas H. Kean and Vice Chair Lee H. Hamilton**

Statements Submitted for the Record

Statement of Peter Gadiel

Statement of Carol Ashley

