

Section 7 - Border and Transportation Security

36. Introduction - William Parish

37. Border and Immigration Security - Jack Riley

1. Michael Wolfe, "Freight Transportation Security and Productivity: Complete Report," Long Beach, Calif.: Intermodal Freight Security and Technology Workshop (27–29 April 2002). Wolfe provides details on logistical improvements.

2. For a more detailed review of the marshals' program, see Aviation Security: Federal Air Marshal Service Is Addressing Challenges of Its Expanded Mission and Workforce, but Additional Actions Needed, GAO (November 2003); and Evaluation of the Federal Air Marshal Service, Office of Inspections, Evaluations, and Special Reviews, Department of Homeland Security (August 2004).

3. The airlines had responsibility for administering the first prescreening program, CAPPS.

4. For opposed opinions, see "Business Travel Association Applauds GAO Report but Fears Potential CAPPS II Impact on Industry," Association of Corporate Travel Executives (12 February 2004); "CAPPS II: Government Surveillance via Passenger Profiling," Electronic Frontier Foundation, accessed at

www.eff.org/Privacy/cappsi/background.php

on 9 September 2004; and "Barr Submits Formal Objections to Passenger Profiling System," American Conservative Union (30 September 2003).

5. "Challenges Exist in Stabilizing and Enhancing Passenger and Baggage Screening Operations," GAO (12 February 2004).

6. Several GAO reports mention a lack of attention to general aviation as a potential terrorist threat. See, e.g., GAO-03-1150T, "Progress Since 11 September 2001 and the Challenges Ahead"; and GAO-04-592T, "Improvements Still Needed in Federal Aviation Security Efforts."

7. The 9/11 Commission Report reviews the positions of FAA and NORAD; see pp. 82–5, 352.

8. Spencer S. Hsu, "Plane that Caused Capitol Evacuation Nearly Shot Down," Washington Post (July 8, 2004; p. A1).

9. For an overview, see GAO-04-586, Randolph C. Hite, First Phase of Visitor and Immigration Status Program Operating, but Improvements Needed (Washington, D.C.: Government Accounting Office, 2004).

10. US-VISIT is expected to be operational at all land points of entry by the end of 2005.

11. "Extension of Requirement for Biometric Passport Issuance by Visa Waiver Program Countries," press release, U.S. Department of State (10 August 2004).

12. Personal interviews with EU and EC leaders (26–29 July 2004), Brussels, Belgium.
13. 9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks upon the United States, 2004.
14. Ibid., p. 4.
15. Booz-Allen-Hamilton, "Port Security War Game: Implications for U.S. Supply Chains," Executive Summary (2002).
16. Other objectives and requirements included maritime safety and security teams, security assessments for foreign ports, and a common identity card for transportation workers.
- 17.
- www.cbp.gov/xp/cgov/enforcement/international_activities/csi/csi_in_brief.xml, accessed 3 September 2004.
18. Container Security: Expansion of Key Customs Programs Will Require Greater Attention to Critical Success Factors, GAO-03-770 (25 July 2003).
19. Henry H. Wills and David S. Ortiz, "Evaluating the Security of the Global Containerized Supply Chain," TR-214-RC, RAND (2004).
20. Free and secure trade (FAST) lanes. Manufacturers shipping by FAST lanes must agree to many of the security measures mentioned above. Secretary of Homeland Security, "Fact Sheet: U.S.-Mexico Bilateral Meeting," (20 February 2004).
21. Ibid. This agreement formalized a 22-point plan announced in March
22. Ryan Singel, "New Nukes at U.S. Border," www.wired.com/news/technology/0,1282,64735,00.html
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23. See, e.g., Brad Olson, "Terrorists Probing U.S.-Mexico Border, Intelligence Suggests," Corpus Christi Caller-Times (3 September 2004); and Alan Caruba, "Is a Terrorist Army Massing in the U.S.?" MichNews (28 August 2004). According to the latter, "In July, Defense Watch reported that, in Arizona, an area called the Naco Strip has become a primary route of illegal entry by significant numbers of Arab-speaking males. It took a small town weekly newspaper, the Tombstone Tumbleweed, to reveal that males of possible Syrian and Iranian descent have been detained in the past few weeks. Since 1 October 2003, 5,510 illegal aliens designated 'Other Than Mexican' (OTM) have been apprehended while crossing the Arizona terrain."
24. "How Secure Are America's Borders? Front-Line Border Protection Personnel Speak Out," Statement by T. J. Bonner, president of National Border Patrol Council of the American Federation of Government Employees (23 August 2004).

25. Accessed July 25, 2005 at

www.minutemanhq.com/project

26. E.g., refer to LAPD special order No. 71.

27. James Jay Carafano, "No Need for the CLEAR Act: Building Capacity for Immigration Counterterrorism Investigations," Heritage Foundation, Executive Memorandum No. 925, 21 (April 2004).

28. U.S. Representative Charlie Norwood, "CLEAR Act Pointed to as Solution to Criminal Alien Crisis at House Hearing," news release (3 October 2003). According to the release, the bill (H.R. 2671) is supported by the National Sheriffs' Association, the Law Enforcement Alliance of America, the Southern States Police Benevolent Association, and Friends of Immigration Law Enforcement, and by more than 100 members of Congress.

29. For the evolution of drug trafficking, see K. J. Riley, "Snow Job? The War against International Cocaine Trafficking," *Transaction* (1996).

30. Mark A. R. Kleiman, Peter Reuter, and Jonathan P. Caulkins, "The 'War on Terror' and the 'War on Drugs': A Comparison," FAS Public Interest Report, (March–April 2002). See Vol. 55, No. 2 for a more complete comparison of drugs and terrorism.

31. Statistics are from U.S. Department of State International Information Programs (10 September 2004).

32. "Operational Programs: Counter-Terrorism," Canadian Security Intelligence Service, rev. 9 (August 2002), accessed (9 September 2004).

33. Peter Chalk and William Rosenau, *Confronting the 'Enemy Within': Security Intelligence, the Police, and Counterterrorism in Four Democracies*, RAND, MG-100 (2004). See especially pp. 25–31.

34. James Bissett, *Canada's Asylum System: A Threat to American Security*, Center for Immigration Studies (May 2002). Bissett provides an overview of the issues. See also Stephen Gallagher, "Canada's Dysfunctional Refugee Determination System: Canadian Asylum Policy from a Comparative Perspective," *Public Policy Sources* 78 (December 2003) (Fraser Institute).

35. "Canada's Asylum System: A Threat to U.S. Security," Panel Discussion Transcript, Center for Immigration Studies (22 August 2002).

36. *9/11 and Terrorist Travel*, p. 53.

37. "World Refugee Survey 2003 Country Report," U.S. Committee for Refugees. Report, accessed (10 September 2004).

38. The United States' processing of Mexicans' requests for visas has also been questioned. See United States Embassy press release, "Temporary Suspension of Visa Processing in U.S. Consulate General in Ciudad Juarez," rev. 20 June 2003, accessed (10 September 2004).

39. ‘‘Patterns of Global Terrorism Report 2001,’’ Office of Counterterrorism, Department of State (21 May 2002).

40. ‘‘Patterns of Global Terrorism 2003,’’ Office of the Coordinator for Counterterrorism (29 April 2004).

41. See B. W. Boehm, *Software Engineering Economics* (New York: Prentice Hall, 1981); L. Putnam, *Measures for Excellence: Reliable Software on Time, within Budget* (New York: Yowder, 1992); Lance Sherry, *Four Habits of Highly Effective Software Development Managers*, *Software Development* (2001); R. S. Silbergliitt and Lance Sherry, ‘‘A Decision Framework for Prioritizing Industrial Materials Research and Development,’’ MR-1558-NREL (2002).

38. *Civil Aviation Security in the United States: Security Before and After September 11, 2001* - Cathal "Irish" Flynn and Art Kosatka

39. *Maritime Security* - Carl Bentzel

1. U.S. International Trade and Freight Transportation Trends, U.S. DOT, p. 9.

2. ‘‘The Maritime Component,’’ *Sea Power* (August 2001).

3. U.S. Constitution, Article I, Section 9, Clause 6: ‘‘no preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of any other: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties to another.’’

4. Magnusson Act, 9 August 1950, chap. 656, sec. 1, 64 Stat. 427.

5. U.S. Coast Guard Web site, *History of the Coast Guard at War*.

6. Senate Report 107-064.

7. See

www.imo.org

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8. Law of the Sea, United Nations, Section 3, Subsection A, Article 25: ‘‘the coastal state may take the necessary steps in its territorial sea to prevent passage which is not innocent.’’

9. Oversight Hearing on U.S. Seaport Security, 4 October 2000. Senate Committee on Commerce, Science and Transportation.

10. Hearing on Crime and Security at U.S. Seaports, 24 July 2001, Senate Committee on Commerce, Science, and Transportation.

11. House Energy and Commerce Committee, 17 October 2002, 'Securing America: The Federal Government's Response to Nuclear Terrorism at Our Nation's Ports and Borders.'

12. See

www.gpoaccess.gov

40. Transportation Information and Security Strategy - Harold. W. Neil, Jr.