

Commentary

Daniel J. Popeo: Handcuffing homeland security instead of terrorists could be lethal

Daniel J. Popeo, The Examiner

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WASHINGTON - Watching the extraordinary influence that ideological lawyers, government bureaucrats and judges have over every serious crisis threatening America today brings to mind Arnold Toynbee's remark that democracy will eventually commit suicide.

Consider how activist lawyers and judges meddle constantly in our war against ruthless Islamo-fascist terrorists who are bent on trying to kill as many Americans as they can. Every major national security and anti-terrorist measure our president and military use to protect us is under relentless legal assault in our own judiciary.

A committed army of ideologues and their ACLU lawyers continue to find friendly judges to keep our homeland security efforts tied up in a legal straitjacket. Thanks to their judicial campaign, al-Qaida foot soldiers are winning U.S. courtroom battles and are now entitled to share due process rights with American citizens.

Indeed, recently a federal appeals court in Cincinnati heard oral arguments in the government's appeal of an ACLU victory awarded by a sympathetic judge who struck down the National Security Agency's Terrorist Surveillance Program.

Since Sept. 11, 2001, international electronic communications were authorized under the TSP to be intercepted where one person to the communication was a suspected al-Qaida agent. Never mind that the president has the well-recognized constitutional authority to intercept foreign intelligence communications. The ACLU claims the First Amendment and privacy rights of those who communicate with suspected terrorists trump the president's authority and duty to protect our country.

Our efforts to secure our borders from the flood of illegal immigrants, drug smugglers and terrorists have also been hampered. Just like other illegal aliens, a clean-shaven, differently dressed bin Laden and his entourage could now walk across America's borders, obtain driver's licenses, demand the best health care America offers and get us to provide tuition benefits for their children.

Even Mexico understands this American litigation game, having threatened to sue the U.S. in our own courts to block our detaining and deporting illegal aliens. Hospitals and clinics across America are nearly bankrupt from providing free medical treatment to illegal aliens while Americans must pick up the tab. We can expect more judicial mandates that worsen the entitlement crisis that illegal aliens have created for America's own sick and retired citizens.

America's border security policies have now literally handcuffed our enforcement agents. Consider the recent outrageous case of the Justice Department's prosecution of two U.S. border patrol agents for simply doing their job — protecting our nation's southern border from drug smugglers and illegal aliens.

Last year, Border Agents Ignacio Ramos and Jose Compean were prosecuted for firing their weapon at a

professional drug smuggler from Mexico caught with 743 lbs. of marijuana. The federal prosecutor's chief witness was none other than the barely wounded drug smuggler who was given complete immunity to testify against the two brave border agents.

Both agents, who have spotless records and families to support, were convicted and sentenced to prison for periods longer than those given to smugglers of drugs and illegal aliens, or even to rapists: 12 years for Compean and 11 years for Ramos.

Members of Congress are rightfully beginning to demand some accountability for this sorry state of affairs. Last week, Sen. Dianne Feinstein, D-Calif., fired off a blistering four-page single-spaced letter to the Department of Justice and the Department of Homeland Security demanding answers to pertinent questions such as, "Do you believe it is appropriate and good policy for our government to reward a [drug smuggler with immunity] who refuses to provide any information about the people who hired him to traffic drugs, or who are openly discussing the murder of American [border patrol] officers?" She also demanded to know what it cost U.S. taxpayers to pamper this drug smuggler, including paying for his travel, medical care, lodging and providing cash payments.

Rep. Ted Poe, R-Texas, is also demanding an oversight hearing and calling for the resignation of certain Homeland Security officials for misrepresenting the facts of the case to members of Congress and their staff. American citizens and taxpayers certainly deserve to know the answers to these questions. The safety of our border agents and the security of America are at grave risk.

The stakes have never been higher. Protecting our national and homeland security by addressing the harsh realities facing America demand common-sense preparation and practical responses. The more we worry about our enemies' civil liberties, the more we are in danger of losing our own.

Daniel J. Popeo is chairman and general counsel of the [Washington Legal Foundation](#).

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