

David Cole

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Defending Our Borders Against Dangerous Ideas

Without hearings or debate, both houses of Congress have enacted State Department authorization bills that would resurrect a Cold War approach to immigration that we only recently rejected as contrary to the most fundamental of American principles.

The bills include identical provisions that would make political ideology and association a condition for entry into the United States. They state that non-citizens are barred from entry if they "advocate terrorist activity" or "the overthrow of the United States government," or "incite targeted racial vilification." And they make mere membership in any group that the attorney general labels "terrorist" a basis for exclusion.

If signed into law by the president, these provisions won't be the first in American history to erect a political speech test at our borders. We've done it before, most infamously in the McCarran-Walter Act, enacted in the 1950s at the height of the McCarthy era. At that time, the enemies were Communists and anarchists. Today's enemies are terrorists and racists. But the theory is the same—both laws treat people not for what they have done or plan to do but for what they say and with whom they associate.

Our experience under the McCarran-Walter Act demonstrates the danger of empowering government officials to screen political ideology. Under that act, the State Department examined the politics of every person who entered the United States, and kept a "lookout book" of some 50,000 names based on rumors and hearsay about their political inclinations.

We excluded such "dangerous" visitors as French movie star Yves Montand, British comedian Charlie Chaplin and the authors Graham Greene, Carlos Fuentes, Farley Mowat and Dario Fo. Nobel Prize winners Czeslaw Milosz and Gabriel Garcia Marquez also fell victim to the law. Italian

Gen. Nino Pasti, former deputy commander of NATO, was denied a visa because he planned to speak out against the deployment of cruise and Pershing II nuclear missiles in Europe. Even Pierre Trudeau found himself in the "lookout book"; his name was removed only after he was elected prime minister of Canada.

At the same time, the United States held itself out as the world's leader in political freedoms. We sought to export the First Amendment to other nations as a basic human right, yet we denied entry to foreigners based solely on their speech and associations.

In large part because of this continuing embarrassment, Congress repealed the McCarran-Walter Act in 1990. In its place, it enacted a law that denied admission not on the basis of disfavored thoughts, words or associations but on the basis of conduct. This revision sought to bring our immigration policy into conformity with our constitutional principles, and repudiated ideological exclusion as bankrupt.

Yet today, virtually without discussion, Congress proposes to resurrect the very policy that it discarded only five years ago. In voting for the bill, no doubt many in Congress asked themselves why we should allow those who espouse racial hatred, terrorism or the overthrow of our government to come into the country. These are all very bad ideas. But history suggests that empowering government officials to suppress views they deem politically incorrect is an even worse idea.

As Justice Louis Brandeis said long ago, "the fitting remedy for evil counsels is good ones." When will we begin to learn from history?

The writer is a professor at the Georgetown University Law Center and volunteer staff attorney at the Center for Constitutional Rights.