

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
May 18, 2004

Statement of Patrick Leahy on
"Animal Rights: Activism vs. Criminality"
May 18, 2004

Today's hearing was originally noticed under the title, "The Threat of Animal and Eco-Terrorism." I can understand why that title was abandoned. When most Americans think of threats that currently face this country, we do not mean "animal and eco-terrorism." Indeed, most Americans would not consider the harassment of animal testing facilities to be "terrorism," any more than they would consider anti-globalization protestors or anti-war protestors or women's health activists to be terrorists.

This Administration aggressively stamps everything with a "terrorism" label and at various times has insinuated that it was Saddam's link to the September 11 attacks that justified the invasion and occupation that has been so costly. Even President Bush had to admit that Saddam Hussein was not responsible for the 9/11 attacks on America. Many of us fear that the Administration's fixation on Iraq, in fact, distracted it from finishing the job in Afghanistan and from focusing on Al Qaeda and affiliated terrorists. The invasion and occupation of Iraq have, regrettably, been something of a self-fulfilling prophesy in that that country is now teaming with terrorism and guerilla warfare against Americans. In addition, the occupation and the treatment of Iraqi prisoners has spawned resentment and additional recruits for those who hate America.

But even this Administration had not up until now, as far as I know, thought the Animal Enterprise Protection Act a major component of its "war on terrorism." In fact, I understand that the statute has rarely, if ever, been used. Nor has anyone ever thought to include it in the ever-expanding laundry list of predicate offenses that make up the statutory definition of "federal crime of terrorism." This hearing may be a signal that is changing.

Two weeks ago, despite the American public's concern about the PATRIOT Act and the hundreds of city, county and State proclamations against its excesses, in spite of the bipartisan legislative efforts proposing amendments to the PATRIOT Act, and despite the Federal court rulings against vague provisions, the Administration came before this Committee to demand that the PATRIOT ACT be expanded further to include additional vague categories for serious charges. Today, the Administration may be adding physical disruption of a commercial enterprise that uses animals for testing to its laundry list of terrorist acts. We will see.

No one should be confused. I do not condone those who commit criminal acts against laboratories and other facilities that use animals for research, testing and other purposes. I do not condone those who commit criminal acts against family planning clinics or doctors, either.

Indeed, in the last Congress, I worked closely with Senator Hutchinson to increase penalties for criminal acts against animal enterprises, while fending off efforts to expand the Federal Government's power to investigate and prosecute so-called eco-terrorism in ways that could chill legitimate First Amendment activity. Our compromise language was eventually included in the conference report on H.R.3448, the "Public Health Security and Bioterrorism Preparedness and Response Act of 2002," which was signed into law on June 12, 2002.

But I think most Americans would be surprised that we are devoting a hearing today to this issue. I think that most Americans would rather that we address more urgent concerns that really do pose a threat to this country and to the world.

I have asked the Chairman to hold a hearing on the reported abuse of prisoners by Americans in Iraq. Given the wide-ranging jurisdiction of this Committee over civil liberties and prisons, the reported role of civilian contractors, our role in enactment of the Military Extraterritorial Jurisdiction Act, and the lack of other congressional oversight, I think we should be acting.

I have long urged the Chairman to hold a hearing on the Administration's claim that it can designate U.S. citizens as "enemy combatants" and hold them incommunicado without charges. It is appalling to me that the Hamdi and Padilla cases have worked themselves all the way up to the Supreme Court - and will likely be decided by that Court - before this Committee has ever weighed in on this issue.

I have long urged the Chairman to hold oversight hearings with the Attorney General. It was a year after his last abbreviated appearance before the Committee on March 4, 2003, that he took ill. It has now been more than two months since he returned to work, after having been briefly hospitalized for a medical condition. He testified before the 9/11 Commission on April 13. There is no apparent reason for his continued delay in scheduling a time to testify before this Committee, and his continuing failure to come to grips with the many outstanding oversight matters that have been piling up since his last appearance. He has apparently recovered and we are all delighted that he is feeling better. It is past time to hold our long overdue oversight hearings with him.

We may be afforded an opportunity to have an oversight hearing with FBI Director Mueller later this week. I wish this morning had been devoted to hearing from him. Instead, the hearing with Director Mueller is not scheduled for any real time yet. It is floating in time, to be held at some time on Thursday not yet certain and contingent on a number of other events. I welcome that hearing, if it occurs. Like Senator Schumer, I wish it could have been held at a normal hearing time and scheduled in a way that the Director and Senators could plan to be available and participate. By contrast, this hearing on commercial enterprises engaging in animal testing was scheduled for a set time, with Democratic cooperation. Yet the important oversight hearing with an extremely busy Director of the Federal Bureau of Investigation is still floating in time. We are told it will begin at the conclusion of the Committee's business meeting. That may mean 9:30 a.m., 4:30 p.m. or somewhere in between.

Finally, with respect to this hearing, I had suggested that the Committee might want to invite a third witness for the second panel to provide a different perspective on the issue of this morning's hearing. I regret that the Chairman declined to do so to provide balance to these proceedings. If we are going to devote time to this issue, then it seemed to me to be better if we were able to hear from all sides. I thank all of our witnesses for coming today. I regret that I cannot be in attendance but, as I had informed the Chairman's staff some time ago, I have a long-scheduled obligation as the Ranking Democrat on the Foreign Operations Subcommittee of the Appropriations Committee to work on critical HIV/AIDS funding at our hearing that is taking place this morning.