

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
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"The 'Material Support' Bar: Denying Refuge to the Persecuted?"
Senate Judiciary Committee
Subcommittee on Human Rights and the Law
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I am very pleased that the Judiciary Committee's Subcommittee on Human Rights and the Law is holding today's hearing. I thank Senator Durbin for chairing it and our witnesses for appearing.

The injustices caused by the expansion of the "material support bar" to the admission to the United States deserve our continuing attention. The material support bar is an issue that involves the conscience of our Nation, and the role and reputation of the United States as a leader in respecting human rights.

Fortunately, the unintended yet tragic results of this law and its implementation to date have not gone unnoticed. Human rights advocates, scholars, and many nongovernmental organizations - liberal and conservative - have spoken out forcefully against this law and have been working diligently to change it. No fewer than 10 editorials decrying the law have appeared in our country's major newspapers.

I have said on many occasions that we need to bring our laws back into alignment with our values. The revisions to the material support provisions that were included in the Patriot Act and the Real ID Act undermine our Nation's commitment to human rights. They represent a reactionary, blunt-instrument approach to a complex issue. I am afraid that, as with so many other actions taken by this Administration, fear has overcome common sense and our collective conscience.

We all recognize that today we face new threats around the world. No government official wants to be responsible for allowing someone into the United States who would do us harm. But the current material support bar and its implementation lack the refinement necessary to respect both our national security needs and our role as a sanctuary for the oppressed and persecuted.

This law and the strident opposition by some against its sensible reform reflect a profound lack of confidence in the ability of our government officials to distinguish those who would harm us from those who need our help.

Surely the young Colombian refugee forced to dig graves for the victims of Colombian paramilitary soldiers cannot be rationally said to have provided material support to his persecutors. Yet he was denied asylum.

Nor can the Liberian woman who was raped and abducted by rebels before being forced to cook and do laundry for them be said to have provided material support in the manner the law intended. But she was denied asylum, as well.

There are numerous stories of such injustices, and others involving former child soldiers and members of groups who fought alongside the United States in Southeast Asia and elsewhere. I know Senators Durbin, Coburn and Brownback have a particular concern about child soldiers, as I do. We need to be sure that our law fully addresses that concern. We will never succeed in stopping terrorists by punishing our friends or the victims of terrorists.

The perverse results of the material support bar are but one example of several humanitarian crises that have been left unattended by this Administration.

The internal displacement of millions of Iraqi citizens, and the flight of millions more to neighboring countries has gone largely unaddressed. The Judiciary Committee held a hearing on this matter as one of our first this year because the Administration had ignored it. Still the Administration refuses to treat it like the humanitarian catastrophe it has become.

The Administration has also been painfully slow to provide assistance to the many Iraqis who have risked their lives to support the United States. In so many facets of the Iraq war effort, Iraqi citizens have bravely stepped forward to assist as translators and in other ways. Instead of reciprocating by assisting these Iraqis to relocate to the United States when their lives are threatened, the Administration has made excuses. President Bush pledged to admit 7,000 Iraqis into the United States by the end of September. Like so many of the Administration's promises, this too has gone largely unfulfilled.

Still, I am hopeful that we can make progress. I am encouraged that the Senate recently took an important first step in the 2008 State, Foreign Operations Appropriations bill to restore some sensibility to the issue of material support. This is a good start, and I appreciate Senator Kyl's staff working with mine to reach this compromise.

I look forward to seeing how the Administration implements these changes once enacted. In the same bill I also included a provision directing the State Department to establish a processing center within Iraq to handle immigration applications. This should spur the Administration to take action and accomplish what it has promised to the many Iraqis who seek to escape the violence and persecution in their country.

I, once again, thank Senator Durbin for focusing the attention of the Committee and the Senate on these matters. If we work together, we can fix the law in a manner that protects the security of the American people consistent with our values.

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