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Editorial

Excluding Friends; The Senate moves to keep branding human rights victims as terrorists.

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THE SENATE HAD an opportunity last week to fix the horrendous mess Congress has inadvertently made out of the law governing the admission of refugees to the United States. In an overwhelming, bipartisan vote, it passed it up -- much to its shame. The body voted 79 to 19 to reject an amendment put forth by Sen. Patrick J. Leahy (D-Vt.) that would have restored discretion to the government to admit human rights victims bizarrely branded under current law as terrorists or supporters of terrorism.

The vote followed gross misrepresentations of the proposal by Sen. Jon Kyl (R-Ariz.) and Judiciary Committee Chairman Arlen Specter (R-Pa.). Indeed, given their descriptions, it's a wonder even 19 senators voted for it. Mr. Kyl portrayed it as permitting the admission of Taliban fighters; Mr. Specter warned of members of Hamas and other terrorists showing up on American shores.

The proposal would have done nothing of the kind. The government has wide latitude to exclude people who pose a national security threat. The problem with the existing laws are that they define a terrorist group so broadly as to include virtually any organization that has ever used weapons. And they not only permit but also require the exclusion of all members and material supporters of such groups -- with no exceptions for people who acted under the threat of violence. So a Liberian woman used as a sex slave in her own house or a Northern Alliance soldier who fought alongside American troops in Afghanistan would both be excluded -- the former for providing shelter to terrorists, the latter for membership in a "terrorist" group. Tens of thousands of refugees around the world are held up because of these strictures, many of them for affiliations with armed groups this country has actively supported and certainly never regarded as terrorists.

The Leahy proposal would have clarified that the bar applies only to groups the government has designated foreign terrorist organizations, and it would have created an exception for people who were forced to provide support to such organizations. Its rejection puts a huge burden on the administration -- which also shamefully opposed Mr. Leahy's amendment -- to exercise its very limited discretion under existing law aggressively. Current law allows the government to waive the ban for supporters, though not members, of terrorist groups. Following a lengthy intra-governmental skirmish, the administration has finally begun using this power -- permitting one large group of ethnic Karen victims of Burmese oppression to move forward in the process. But it won't be enough. The Senate needs to revisit this.