

April 16, 2007

Senator Harry Reid  
Senate Majority Leader  
528 Hart Senate Office Building  
Washington, DC 20510

Senator Mitch McConnell  
Senate Republican Leader  
361-A Russell Senate Office Building  
Washington, DC 20510

The Honorable Nancy Pelosi  
Speaker of the House of Representatives  
235 Cannon House Office Building  
Washington, DC 20515

The Honorable John Boehner  
Minority Leader of the House of Representatives  
1011 Longworth House Office Building  
Washington, DC 20515

Dear Leaders of the House and Senate:

As you are aware, current law is defining innocent victims of terrorism, as well as members of groups that have provided support to the United States as terrorists, and barring their admission to the United States.

Shockingly, Hmong and Montagnards are being defined as terrorists and barred entry into the United States *because* they fought alongside the US during the Vietnam War; rape victims forced into domestic servitude are being labeled supporters of terrorism *because* of the cooking and cleaning they did while enslaved; child soldiers forcibly conscripted into armed rebel groups are treated as if they had were willing lieutenants of their brutal captors; and medical professionals who fulfill their ethical obligations by treating wounded rebels are defined as “material supporters” of terrorists. Even Iraqi refugees who have risked their lives to provide assistance to U.S. forces are also at risk of being barred from the U.S. because of these laws and the manner in which they have been construed.

Moreover, thousands of refugees and asylees already admitted to the United States are now being prevented from taking steps toward naturalization or bringing in eligible spouses and children under family reunification laws due to the retroactive application of these bars.

An unusually large coalition of religious, human rights, refugee, and other groups from across the political spectrum have been working for more than two years to come up with a solution to this problem that members of Congress from both parties could support. That solution, which is less extensive than many of us would prefer, was included in the Senate Iraq supplemental appropriations bill.

The key provisions are: (i) expanded waiver authority that the administration wants and needs to be able to prevent the unintended consequences of the law; (ii) a duress exception to the material support bar, which is needed to protect those forced against their will to

provide food, water, or services to terrorist groups from being defined as terrorists; and (iii) a provision protecting Hmong and Montagnards who fought alongside the U.S. during the Vietnam war, Burmese ethnic groups that have organized to resist one of the world's most repressive regimes, Cubans who opposed Castro, and Tibetan freedom fighters from being defined as terrorists under US law.

But that compromise solution was blocked when Senator Jon Kyl – who has put forward his own legislative proposal on the issue - raised a point of order and had the language stripped from the bill. But whereas the administration is seeking *greater* discretion to avoid the unintended consequences of these bars, Senator Kyl's proposal *limits* this discretion. Senator Kyl's proposal also fails to include an affirmative duress exception to the material support bar. Needless to say, we think this is a move in the wrong direction and will exacerbate the current problems.

As a result, Hmong and Montagnards who fought alongside the United States, members of Burmese ethnic groups who have organized to defend the local population against one of the world's most repressive regimes, and victims of the world's worst terrorist groups continue to be defined as terrorists and barred from entering the United States. This current state of affairs embarrasses the United States and makes no sense from a humanitarian, foreign policy, or national security perspective.

We urge you to help enact legislation that will effectively solve this problem, and to do so on an urgent basis. This can be done by scheduling floor time for the compromise solution included in the Senate Iraq appropriations bill or, alternatively, the bipartisan solution introduced by Congressman Joe Pitts and others last Congress. Both are reasoned approaches that command broad support.

We hope to meet with you at your convenience to discuss this pressing and urgent matter.

Thank you,

Bruce Fein, Chairman  
*America Freedom Agenda*

David Keene, Chairman  
*American Conservative Union*

Gary Bauer, President  
*American Values*

Sarnata Reynolds, Refugee Program Director  
*Amnesty International USA*

Jess N. Hordes, Washington Director  
*Anti-Defamation League*

Emily E. Arnold-Fernandez, Executive Director  
*Asylum Access*

Catherine Arrowood, Washington Representative  
*The Center for Victims of Torture*

Jim Jacobson, President  
*Christian Freedom International*

Rev. Joe Roberson, Director, Immigration and Refugee Program  
*Church World Service*

Doug Bandow, Vice President for Policy  
*Citizen Outreach Project*

C. Richard Parkins, Director  
*Episcopal Migration Ministries*

Deborah Anker, Director  
*Harvard Law School Immigration and Refugee Clinical Program*

Gideon Aronoff, President and CEO  
*Hebrew Immigrant Aid Society*

Sky Salvail-Hotrich, Interim Chief Executive Officer  
*Hmong National Development, Inc.*

Michael Horowitz, Fellow  
*Hudson Institute*

Jennifer Daskal, Advocacy Director, US Program  
*Human Rights Watch*

The Rev. Dr. James Tonkowich, President  
*Institute on Religion & Democracy*

Joseph K. Grieboski, Founder and President  
*Institute on Religion and Public Policy*

Jeff King, President  
*International Christian Concern*

Elissa Mittman, Immigration Director  
*International Rescue Committee*

Olivia Bueno, Research and Communications Coordinator  
*International Refugee Rights Initiative*

Very Rev. Thomas H. Smolich, S.J., President  
*Jesuit Conference of the United States*

Rev. Kenneth Gavin, S.J., National Director  
*Jesuit Refugee Service, USA*

Hadar Susskind, Washington Director  
*Jewish Council for Public Affairs*

Avram B. Lyon, Executive Director  
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Jeffrey I. Pasek, Esq., President  
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*Jubilee Campaign USA*

Kathryn Cameron Porter, President  
*Leadership Council for Human Rights*

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Ralston H. Deffenbaugh, Jr., President  
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*National Association of Evangelicals*

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*National Council of La Raza*

Leonard Rubenstein, Executive Director  
*Physicians for Human Rights*

Rabbi Arthur Waskow, Director  
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Stephan Bauman, Senior Vice President for Programs  
*World Relief*

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*The Workmen's Circle/ Arbeter Ring*