

FEDERAL POLICY BRIEFING

ADVANCING PEACE, SECURITY AND HUMAN RIGHTS

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Plenary Briefings with Members of Congress and Congressional Staff

March 19, 2013

Speaker: Stephen Lassiter, Senior Legislative Assistant for Representative Keith Ellison (MN)

Stephen Lassiter lived and taught in the Middle East for two years and has worked with Rep. Ellison for two more. Rep. Ellison co-chairs the Congressional Progressive Caucus and is a member of a bipartisan coalition on reducing the defense budget.

Mr. Lassiter reviewed the coalition's approach to the defense budget. Given the wave of Tea Party elections in 2010, some members are applying fiscal conservatism to the defense budget, similar to the liberal approach. During last year's budget talks, Rep. Mick Mulvaney (R-SC) offered an amendment to freeze defense spending at 2011 levels. The plan got a good showing from Republicans, but all Democrats voted against it. A similar effort from Rep. Barney Frank (D-MA) also failed. When the members co-sponsored the Mulvaney-Frank amendment to the FY13 Defense Appropriations bill, it passed as a bi-partisan effort.

In 2012, the office compiled a list of Republicans who were open to reducing defense spending. They reached out to conservative NGOs, such as Taxpayers for Common Sense, along with democratic groups, to hold an educational panel on reducing defense spending. The panel, held in August 2012, had a great showing. Offices began meeting at the staff level, looking for opportunities to step out publicly. Members sent a letter to President Obama and leadership introducing defense cuts into the fiscal cliff discussion. The letter attracted eleven Democratic and eleven Republican signatories and was picked up by the media as a result.

The concept of defense spending reductions has become more acceptable in the House, evidenced by sequestration. Consensus outside of Congress has enabled collaboration on the inside.

Questions & Answers

One participant asked what the cuts will affect and how they might take shape across districts. Mr. Lassiter replied that all politics are local, so Pentagon and military leaders need to determine the cuts. Defense contractors are smart: parts and manufacturing for weapons are spread across all districts, so everyone is affected. Tone is important when discussing these cuts, and members need to speak publicly (for example, arranging local meetings for transparency).

This message is not well received, but the Pentagon should not be treated as a jobs program. Money for job creation is better spent on other infrastructure projects.

Another participant introduced the broader question of who controls foreign policy. The participant questioned the risks associated with engaging Republicans in defense cuts, asking how the community can encourage both sides to strengthen civilian leadership and diplomacy. Mr. Lassiter explained that Democrats can agree with Republicans up to a point. Both parties recognize the need to review the defense budget, but they diverge when discussing where the extra funds go. However, progress has been made in elevating diplomacy, with advocates such as Secretary Clinton arguing that diplomacy is a better focus for U.S. relations abroad.

One participant asked how the Pacific Pivot relates to human rights issues in North and South Korea, wondering whether the administration understands the effect on the ground. Mr. Lassiter said that the administration seems inclined to focus on the Pacific region, but attention keeps being drawn back to the Middle East. It will be difficult to engage in other areas if staff time and resources are constantly concerned with the Middle East. Reduced Pentagon funds could have an effect as well.

Another participant inquired about comparable efforts on the Senate side for bi-partisan agreement on defense reduction. Though unaware of meetings among staff members, Mr. Lassiter did note allies in outside groups that are engaging offices. Angela Cantebury, of the Project on Government Oversight, has been helpful and could speak to work on the Senate side.

One audience member asked about the outlook for domestic spending reductions, specifically in the national security or FBI budgets. Mr. Lassiter said that some fiscal hawks in Congress would be open to such cuts, noting there is less of a stigma now. Illuminating waste and fraud in the Pentagon is the easiest way to broach this topic: members are more likely to continue the conversation from there. One good entry point is the hundreds of millions of dollars made by contractors, as highlighted in a Reuters piece. The community could examine where this money actually goes and who is benefiting.

Security contractors have been documented as human rights abusers, but there is no regulation or response. One participant asked about public pressure and opinion surrounding the lack of oversight. Mr. Lassiter responded that the UN would have more political space if members could devote attention to the issue.

Speaker: Representative Jim McGovern, Massachusetts

Representative McGovern opened his remarks by stating that promoting human rights around the world has been an extraordinary learning experience. He accompanied John Lewis and members of Congress on a civil rights pilgrimage to key sites in Alabama. The civil rights movement in was non-violent, and it worked and changed the country. The delegation returned with renewed energy, seeing that global problems can be answered by means other than war.

Rep. McGovern pointed to hunger and nutrition as the biggest human rights challenge facing the world. More people die from hunger than war. But the issue is solvable: hunger is a political condition. It is in the nation's security interest to be regarded as a leader in the field.

Rep. McGovern highlighted the McGovern/Dole International Food for Education and Child Nutrition Program. The program provides incentive to send girls to school, where they are fed and can bring food home. It dissuades parents from turning their children over to armed forces in an effort to keep them fed. The program is a powerful security-enhancing tool for the United States.

Questions & Answers

Asked if he saw non-violent pathways for the Israeli/Palestine conflict, Rep. McGovern was optimistic but called for a different approach. The old methods won't work, and the U.S. needs to play a bigger role.

One participant brought up a possible repeal of the authorization of the use of military force, citing the previous day's discussion with Professor Harold Koh. The participant referred to Mr. Koh's suggestion that the U.S. end the war on terror and keep it away from Congress (whose involvement might expand it). Rep. McGovern said that the public has grown weary with a war perceived as never-ending. Rand Paul did the right thing by having a tantrum on the floor. Congress needs to repeal the authorization, because the administration uses it as a catch-all excuse. The U.S. should return to a time when the President has to consult with Congress before committing forces. Sometimes debate in Congress works like it's supposed to.

Another participant mentioned a resolution on the right to peace, which is moving through the Human Rights Council at the UN. The participant asked how to encourage someone in the administration to say that the U.S. shouldn't be against peace and shouldn't vote no on any resolutions on the right to peace. Rep. McGovern agreed that the right to peace should not be controversial, saying he would look into it.

One audience member reiterated Rep. McGovern's comments on hunger and food security, citing Pakistan, where madrasas feed children because no one else can. The participant also highlighted the need for a global plan, in cooperation with other nations, to protect Afghan women as the U.S. withdraws. Rep. McGovern replied that his office has talked to the administration about the infrastructure the U.S. will leave behind regarding women in Afghanistan. The U.S. must ensure that women have the right to education and that they receive aid. Men have been traditional recipients, because they were seen as handling the money better, but this practice changed under Secretary Clinton. The U.S. can't guarantee this on its own, but it should leave with a guarantee from the Afghan government that advancements won't be back-tracked. Rep. McGovern underscored the need to get out of a war mindset as soon as possible.

Another participant cited Harold Koh's view that the U.S. must defeat the Taliban militarily, asking if the U.S. has given up on winning economically and politically in the long-term. Rep. McGovern explained that the constant military war against Al-Qaeda is not good policy. Drone attacks have ripple effects: parents, and concern for their families' safety, are the same globally.

The U.S. needs to return to basic conversations about how to be better parents and people. Rep. McGovern sees too much saber-rattling in Washington and would prefer that money be reallocated to McGovern-Dole and other education, feeding, and social programs.

Speaker: Joseph Zogby, Chief Counsel, Senate Judiciary Subcommittee on the Constitution, Civil Rights and Human Rights for Senator Dick Durbin, Illinois

Joseph Zogby discussed his work on human rights since Democrats took control of the Senate in 2007. For the first time, there was a standing body focused on human rights issues. The first few years were spent figuring out how to work in a bipartisan manner within such a polarizing environment.

Mr. Zogby reviewed accomplishments and ongoing challenges in the human rights field:

The U.S. human rights legal framework is behind the times. Senator Durbin worked with Senator Tom Coburn to pass the Genocide Accountability Act (2007), which made it against U.S. law to commit genocide. The Senate then passed similar legislation regarding the recruitment of child soldiers. This provision was used for first time last year: an individual in Liberia was extradited to his country to face charges. Crimes against humanity are a big loophole in criminal law. Sen. Durbin has begun to move this issue through the legislative process and hopes to pass legislation in this Congress. There are real-life cases where people violate these types of laws, but the U.S. has no ability to prosecute them. Human rights and security issues force the nation to look in the mirror. The U.S. criminal justice system has negative track record and is a poor basis for a world justice system.

Zero tolerance school policies have created problems in low-income communities. Students are jailed for minor, common offenses, such as talking back to a teacher, and such punishments create a cycle. Sen. Durbin is working with the Departments of Justice and Education to create a new template on effective disciplinary methods for public schools.

Sen. Durbin also sponsored the Fair Sentencing Act (2010). The senator worked in a bi-partisan manner with Senator Sessions on the bill. Drug sentencing targeted crack/cocaine, raising fiscal and moral issues. A growing group of Republicans is approaching this in a thoughtful way and will look at mandatory minimum sentences.

The U.S. must also examine how prisoners are treated within the system. The vast majority of people who go to prison will eventually return to the community, so this is a public safety issue. Sen. Durbin is working with the Bureau of Prisons and will be bringing in a team of assessors to make changes. The senator will be following this very closely: if progress is not made, he will draft reform legislation.

Sen. Durbin is a supporter of clemency. The administration has been remiss on presidential pardons: President Obama has the lowest record of use in history. Pardons have dropped in the last 25 years, and Sen. Durbin will be looking at ideas for reform.

Anti-Muslim hate presents another rights issue. There is a “hate caucus” in Congress, and there are people who feel no remorse about anti-Muslim speech. Sen. Durbin is looking at hate crime tracking: the FBI does not currently track hate crimes against Muslims and other religious groups.

The last Congress held a hearing on racial profiling. As Attorney General, John Ashcroft issued racial profiling guidance, but such guidance doesn’t apply to religion or national origin. There are loopholes for Muslims and Latinos.

Questions & Answers

One participant highlighted excesses in drug charges and asked about the truth and accountability process in Colombia. Mr. Zogby recalled a 2009 Congressional hearing on both Mexican and Colombian anti-drug trafficking. Colombia is now being used as a model in Mexico. There are questions surrounding their use of extradition.

A participant expressed hope that Sen. Durbin would not be beholden to defense contractors, asking if the office could explore any angles to tighten oversight of abuse. Mr. Zogby discussed drones, mentioning that Congress would hold a hearing on the topic on April 16th. Sen. Durbin has begun to engage: he sees an opportunity that would not have existed in the Bush Administration. The current environment allows Congress to discuss the issue.

Sen. Durbin is working on bi-partisan legislation on immigration reform, but expectations must be realistic. The community cannot take the outcome for granted: it will be a steep path. There are only two Republicans left in the Senate who voted on the last immigration bill. There is optimism surrounding a bill, but passage will be tough. Advocates should consider how to mobilize around realistic expectations.

Mr. Zogby explained that many people are concerned about Afghan women. It was difficult to get the U.S. government to prioritize women in Afghanistan, but it became a priority over time with Secretary Clinton’s help. It is now a tangible, visible accomplishment for the region, and it’s hugely important for the future of the country. Success in Afghanistan depends on the security situation, which is unclear. Money is not a problem so much as in-country implementation and support for Afghan organizations. The U.S. cannot fund NGOs directly: it must fund through the government, which necessitates oversight to track the money.

Speaker: Timothy Rieser, Chief of Staff, Senate Appropriations Committee for Senator Patrick Leahy, Vermont

Timothy Rieser works for the State and Foreign Operations (SFOPs) subcommittee of the Senate Appropriations Committee, covering international programs. With three staff members and a budget of \$53 billion, the subcommittee works to protect U.S. interests around the world. The subcommittee spends the first part of the year meeting with people and deciding how to allocate the budget. Though SFOPs functions in a bi-partisan way, agreeing 85% of the time, enacting appropriations bills has been difficult.

Mr. Rieser highlighted three areas of focus under SFOPs: global health, environmental issues, and human rights. Congress and staff rely on outside people for good ideas: there's no time to create them internally. Staff members receive a lot of information, but it rarely includes a strategy for putting ideas into effect. That's where the NGO and foundation community can be helpful: providing strategies for implementation.

One participant asked what strategic assistance from an NGO looks like and how it is most useful. Mr. Rieser explained that certain attempts at assistance are unhelpful: for example, staff members have no time to read a lengthy report with 35 recommendations. Staff may be able to read a five-page summary and glance at recommendations. What's most useful is distilled information and specific recommendations for solutions.

Advocates need to have expertise in their fields. Environmental advocates need scientific information; human rights advocates need field expertise. For an effective plan, advocacy and firsthand knowledge must be responsive to each other. Advocates must also know how legislation functions and what is achievable. They must be able to prioritize top recommendations, and they must craft a plan. Sometimes it's best to proceed under the radar. Other times it's better to build a public relations campaign. Both processes have many components, and effectiveness will vary. The process is incremental, and each step requires its own strategy. Successful advocates will develop a plan, bring it to the committee, present on the floor, and follow up. The campaign doesn't end if a bill is passed: advocates need to follow up with the administration to ensure that the policy is implemented.