



December 4, 2015

The Honorable Chuck Grassley
Chairman
Senate Judiciary Committee
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Patrick J. Leahy
Ranking Member
Senate Judiciary Committee
437 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Grassley, Ranking Member Leahy, and Judiciary Committee Members:

We write to urge you to oppose S.247 (the Expatriate Terrorists Act), a bill Senator Ted Cruz (R-TX) introduced earlier this year. The bill runs roughshod over fundamental rights and would do nothing to enhance our security. We are particularly concerned that the bill is being marked up without any hearing on its harmful consequences.

S.247 has two main features, both of which are seriously flawed. First, it would empower the government to pursue expatriation proceedings against American citizens for “providing training or material assistance” to a foreign terrorist organization. This provision sweeps even more broadly than material support laws, which are themselves constitutionally problematic, and – unlike other crimes listed in the current expatriation

statute – it does not require a conviction as a basis for loss of citizenship.¹ As such, it would both dilute citizenship – a constitutional right² – and deny Americans due process, a jury trial, and other protections enshrined in the Fifth and Sixth Amendments.

Second, S.247 requires the Secretary of State to deny a passport to, or revoke one from, anyone who the Secretary has determined is a member of a designated foreign terrorist organization or is attempting to join one. This provision is completely unnecessary. The Secretary of State already has the authority to deny a passport to anyone whose “activities abroad are causing or are likely to cause serious damage to the national security or the foreign policy of the United States,”³ and to revoke a passport on the same grounds.⁴

The government already has expansive powers to punish terrorists and to prevent them from entering the United States. S.247 does not make us safer, but it does jeopardize important constitutional protections. We urge you to oppose the bill.

Sincerely,

American Civil Liberties Union
American Friends Service Committee
American-Arab Anti-Discrimination Committee
America's Voice Education Fund
Appeal for Justice
Asian American Legal Defense and Education Fund
Asian Americans Advancing Justice
Bill of Rights Defense Committee
Christian Church (Disciples of Christ) Refugee & Immigration Ministries
Church World Service
The Constitution Project
Council on American-Islamic Relations
Defending Dissent Foundation
Detention Watch Network
Families for Freedom
Franciscan Action Network
Friends Committee on National Legislation
Human Rights First
Immigrant Legal Resource Center
Islamic Circle of North America
Just Foreign Policy
Justice Strategies
Muslim Advocates
National Asian Pacific American Women's Forum

¹ 8 U.S.C. § 1481(a)(7)

² *See* *Vance v. Terrazas*, 444 U.S. 252, 260 (1980)

³ 22 C.F.R. § 51.60(C)(4) (listing grounds for denial and restriction of passports).

⁴ 22 C.F.R. § 51.62 (listing grounds for revocation of passports, including when “[t]he bearer of the passport may be denied a passport under 22 CFR 51.60”).

National Center for Lesbian Rights
National Council of Jewish Women
National Council of La Raza
National Immigrant Justice Center
National Immigrant Solidarity Network
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Lawyers Guild
National Religious Campaign Against Torture
National Security Network
National Korean American Service and Education Consortium
NQAPIA: National Queer Asian Pacific Islander Alliance
Open the Government
South Asian Americans Leading Together
STAND: The Student-Led Movement to End Mass Atrocities
Syria Relief and Development
Unitarian Universalist Service Committee
United Voices for America