

HOUSE FOREIGN AFFAIRS
SUBCOMMITTEE ON ASIA, THE PACIFIC AND NONPROLIFERATION HEARING on:
“Human Rights in South Asia: Views from the State Department and the Region”
Rayburn House Office Building - Room 2318 - October 22, 2019

**WITH LEAVE OF CHAIRMAN BRAD SHERMAN,
SUPPLEMENTAL TESTIMONY
BY RAVI BATRA**

Chair, National Advisory Council for South Asian Affairs

**“Human Rights in a Terror-Free World - Even as Terror Morphs
After Christchurch on Easter Sunday in Sri Lanka”**

First, I thank Chairman Brad Sherman for convening the Hearing, and for permitting a supplemental submission within five working days of October 22, 2019. This, therefore, is timely submitted.

I submit this “Supplemental Testimony,” as important issues were raised, and opinions expressed by the honorable members of the House, and Foreign Affairs Committee. To be concise, I’ve limited myself to addressing only certain issues to help better prioritize and focus.

Human Rights Is Both the Goal, and the Core Benefit, of Providing Public Safety.

It is a singular honor to help our deliberative Congress, a co-equal political branch vested with foreign policy oversight, as it seeks to recalibrate America’s foreign policies, and therefore, indeed, the world. It is a critical part of succeeding in making the 21st Century, an American Century, as the end half of the 20th was.

Since 9/11, a seismic change occurred. Eradicating “Terror” across the globe, in my judgment, is America’s Job #1. This, however, has created a need to deal with unsavory characters and nations, to achieve our over-riding objective; it includes turning a blind eye to behavior we find unacceptable on American soil. So, short of making the rest of the world behave as if it was our 51st state, we need to push for human rights, subject only to achieving our necessary predicate: a Terror-free world. Just this past weekend, our nation, aided by the Syrian-Kurds, Russia, Turkey, Iraq and Syria, brought a unique Terrorist, who harnessed the power of Fear, to self-create and govern a Terror-state, to his end. He was no Thomas Jefferson. Separatism married to Terror and Fear can never be confused with the American Revolution; as the former accumulates power and commits crimes against humanity, while the latter separated power, and then for good measure, gave a Bill of Rights to the citizenry to further “check” governmental power beyond the check &

balance of our “separated powers” regime.

These two critical “rights” are enshrined in our Bill of Rights. We ought to look at other nations to see if they too have, what Thomas Becket started, separation of church & state, and for good measure, our Founding Fathers bequeath a means of “effectuating” all rights justly: equal protection of the law. In the sub-continent, India has both, and more importantly, her citizens demand it as their own “inalienable” rights. It seems, every Indian, even in India, looks to American Exceptionalism as his or her own, given the nexus in history between India and America’s birth.

While every legitimate Government’s Job#1 was, and must always remain, ensuring Public Safety, in our presidential-republic, it is essentially a duty of the Executive honored through its “Police Power,” and it falls upon the Legislative Branch’s “Purse Power” to “round the edges” of Executive action. Parliamentary-republics have a harder time, given the partial merger born out of the fact that the “head of government” is a legislator also.

Public Safety is put at risk from war, crime or disease, but nothing is more disruptive than “Fear” emanating from “Terror.” And, Terror, in all its evil and morphing forms, has made that primary governmental function and relevant duties much harder, and more complex. Indeed, multilaterally in the comity of nations, it’s convulsed geopolitics since 9/11, and forced us to rely more heavily upon a discredited pillar of statecraft - that brings instant relief up-front and additional new problems upon a necessary divorce on the back-end - counterbalance. Yet, worthy of focus is Human Rights, for if we don’t have Human Rights, how can any government satisfy Lincoln’s Gettysburg recipe and mandate: “of, by and for” the people. Indeed, it is to have Human Rights that “[w]e the people” permit our governments to govern.

So, the reason governments must first make us all safe, is so citizens can enjoy their rights - constitutional, statutory, contractual and human rights - without fear of punishment or death. Providing Public Safety then, is a tool, not a goal, as that lofty goal-object is the “pursuit of happiness” - by freely enjoying human rights. So, our Lincolnesque Government, which we want emulated everywhere, including, easily in India, as she borrowed heavily from the nectar of our American Exceptionalism, and not so easily in many other parts of the world (where the local ecosystem rejects adopting our Founding Fathers as their intellectual ancestors) is all about being able to give, as a civilized society, maximum “human rights” to the maximum number of people in the maximum number of nations across the globe.

I wholeheartedly agree with that lofty goal, as it both promotes “our best,” as well as offset our collective judgment-errors as fiduciaries of our Republic, and permit us to “form a more perfect union” and be a just and fair sole super power on earth.

Thomas Becket and Sir Edmund Burke Were Both About Protecting “Dissent” - Civil or Religious - And Keeping the Dissenter Safe.

The cries of Rohingas, non-PKK Kurds, or innocent worshipping Moslems slaughtered in

mosques in Christchurch district in New Zealand ring loudly in my soul and evoke much pain, and reinforce my lifelong desire to honor both Thomas Becket's "separation of church & state," and Edmund Burke's moral imperative, "[a]ll that's necessary for evil to triumph, is for some good [persons] to do nothing." For that matter, the recent horrific "murder-for-reward" of Kamlesh Tewari in India in his own place, reminds that none of us are really safe anywhere, not on the street, home or office, and we'd better get this problem solved - exactly as Thomas Becket insisted in societal separation of church and state, for we must be free - to "worship" any God or "disagree" with anyone - without fear of death or punishment.

Weaponizing "ideas" is a Freedom nobody has, even as Terror is rooted and nurtured by twisting same. No religion teaches "hate," but always "compassion" and "forgiveness." See, for example - the Golden Rule¹. True "Hate Speech" is a vehicle to weaponize ideas, and is more dangerous than the "Speech" which Justice Oliver Wendell Holmes denied constitutional protection to (in the 1919 case of *Schenck v. United States*, in which the Court unanimously upheld a conviction under the Espionage Act for distributing flyers opposed to the draft): "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic."

Edmund Burke's mandate is a healthy one for this Congress, as it does the People's business. Indeed, the vigorous dissent invited by our cherished 2-party system, is the daily dividend of American Exceptionalism. Yet, the Gentlelady from Minnesota, from whom much is expected in leadership and to cause healing in American and the world, but who has a history of "some

¹My father's best friend was Meih Mehereli in India, this despite the needlessly painful Partition of 1947 and my mother being shot in her foot by a Moslem soldier when my family came to India as Refugees. I recall my late Dad, the Hon. Sada Nand Batra, *the greatest man I have ever known*, and my loving Mother, Raj Kaur, with reverence, for they taught me "***the love of others.***"

The Jewish Sage Hillel said the same thing: "That which is hateful to you, do not unto another: This is the whole Torah. The rest is commentary..."

In the holy Bible, please see Luke 6:31 and Matthew 7:12; and in the holy Quran, the Golden Rule is at Q:4:36, 13:22, 41:34, 28:54, 42:40.

Islamic Text on the Golden Rule:

"Serve God, and join not any partners with Him; and do good – to parents, kinsfolk, orphans, those in need, neighbors who are near, neighbors who are strangers, the companion by your side, the wayfarer (ye meet), and what your right hands possess [the slave]: For God loveth not the arrogant, the vainglorious" (Q:4:36) (In fact the Quran goes beyond saying the Golden Rule by stating in more than four places that "Return evil with Kindness." (13:22, 23:96, 41:34, 28:54, 42:40).

people did something²,” commented upon a witness without giving her the universal “right of reply.” Rights are a funny thing: everybody has them. When only one person has them and denies all others, that is tyranny. I’m delighted to note Chairman Sherman, aware of the self-destructive nature of that event, partially remedied that before the close of the Hearing by giving a Right of Reply.

Honestly, I wish I had the reply-right, for I had a comment on leadership that minimizes what we in New York - especially our brave First Responders - have lived, and are living through, since 9/11. My comment would also request of Congress to join the Executive in “eradicating terror” globally - on a bipartisan basis - as America’s #1 Foreign Policy. Indeed, every person who flies on a commercial plane goes through an intrusive security check to ensure public safety. Its not “some people did something.” Those “some people” are Terrorists. The “something” is the evil of 9/11, and we will never forget, and have the steely resolve as a nation of “never again.”

Since I’m a New Yorker, 9/11 is why I seek the prompt eradication of Terror as every government’s Job 1. I also since 9/11 proudly wear the American Flag on my lapel, right over my heart - here and across the world. To me, 9/11 is not just “something,” “somewhere.” It’s a sea change of life, as the world stood still and in shock, before it changed everything, forever. The “Doomsday Clock” became more haphazard, as non-state actors now could cause even more miscalculations. If we don’t manage to eradicate Terror, and do it soon, we won’t have to worry about Mother Nature, using the forces of nature, aka the Climate Crisis, to wreak havoc. Terror which can occur any day or any minute, then, is as much an existential threat, but much closer, than even Climate Crisis - which speaks in terms of a decade(s).

When humanity suffers and dies by being blown up by Terror, suffer a nuclear winter, or drowning from rising sea levels, the precious human rights we are all fight for will have been devalued to meaninglessness. That’s not the world we want our kids or grand kids to inherit. We can do better. This Congress can do better. Give us a world that is safe, so our rights and freedoms we live with, and for, mean something everywhere.

America Must Lead to Eradicate Terror, So Human Rights Can Be Enjoyed.

Yes, as Americans, we are not perfect, and suffer from even treason - unregistered foreign agents - the “Benedict Arnolds” among us. In fact, we even make mistakes more than we should. That’s why, our Founding Fathers, knowing we would have human vices and frailties, bequeath us a

²Rep. Omar: “Here’s the truth. Far too long we have lived with the discomfort of being a second-class citizen and, frankly, I’m tired of it, and every single Muslim in this country should be tired of it. CAIR was founded after 9/11 because they recognized that *some people did something* and that all of us were starting to lose access to our civil liberties. So you can’t just say that today someone is looking at me strange, that I am trying to make myself look pleasant. You have to say this person is looking at me strange, I am not comfortable with it, and I am going to talk to them and ask them why. Because that is the right you have.” *Emphasis added.*

recipe for achieving extra-greatness, where the “sum of the parts” exceeded the “parts” - our singular contribution to mankind’s quest for greater rights and greater freedom. We are the next step after the Magna Carta. We need to be worthy of our ancestry, so our descendants can live free and better.

I again - invite you - to schedule a bipartisan Congressional Fact Finding Mission to Kashmir, including, Americans whose ancestry can add an *honest and objective* nuance - as that will serve to reassure every Member’s constituents, and aid in hastening the lifting of all restrictions, other than those based upon credible intel of clear & present danger to India or visitors. For liberals who fancy lunacy, and want rights and freedoms even when Terror and Fear reigns, I urge them to give it up gracefully, late as it is.

New York, New York
Monday, October 28, 2019