

has exercised poor judgment," said Asa Hutchinson, the Homeland Security Department's undersecretary for border and transportation security.

At the same time, he and others say their is concern that a terrorist could slip into the country under the guise of an asylum request.

"People who come here may have no legitimate [reason]. They are here for economic reasons or for criminal reasons and have been trained to assert asylum," Hutchinson said.

"That requires us to be careful and . . . sometimes it makes people more skeptical of asylum cases than they should be."

Last week, during an interview at the Riverside Regional Jail, Sonam spoke of her journey to the United States that began with a desperate, eight-day walk to Nepal across snow-capped mountains and ended with her first ride on an airplane, which frightened her so much she couldn't look out the window.

Sonam Singeri, a Tibetan working for Radio Free Asia who has befriended Sonam, was at the interview to translate. As soon as Sonam walked into the visitors' room and saw Singeri, she collapsed into her arms and sobbed uncontrollably.

"It's so lonely. It's so hard. Why is this happening?" she cried out, Singeri said.

Sonam told a story of flight and fear. She said her father has been jailed in Tibet and tortured with electric shock. She described hiding from police patrols as she made her way across the Himalaya Mountains to Nepal, where she lived for three years.

But even there, she said, she worried about her safety. In May, the Nepalese government began to round up Tibetan refugees and send them back to China, where they were sure to face prison and torture, she said.

Even after asylum seekers such as Sonam have convinced immigration judges that they are bona fide and pose no threat, Homeland Security lawyers continue to press appeals in many cases, the Lawyers Committee for Human Rights report says.

"They are indefinitely detaining asylum seekers who have already been granted relief, who present no risk, who have often been tortured in their home countries," said Archi Pyati, who works in the lawyers committee's asylum program.

"We are sending a message that in the United States . . . we don't hope that asylum seekers find their way here because if they do they will find themselves in a very difficult situation and in prolonged detention."

Immigrants seeking asylum in this country must prove not only their identities but also that they are in danger in their native countries.

Sonam's case was appealed because she did not have enough documentation to back up her story, according to a brief filed by Homeland Security attorney Deborah Todd. The fact that Sonam lived in Nepal for three years indicated that she could have safely stayed there and did not need to come to the United States, Todd argued in her appeal.

Asked to comment, a spokesman for Homeland Security said the department does not talk about ongoing cases.

Sonam said she had no way to get identity documents in Nepal because the government does not recognize refugees from China. She feared that she would be deported to China along with other Tibetans who were being sent back at the time. So she sought a way to get to the United States.

Using the money she had made as a seamstress before she joined her monastery in Nepal, Sonam booked a flight through Calcutta to Dulles.

After she was jailed in Virginia, her attorney, who has taken the case pro bono, twice

asked the Department of Homeland Security to release her from detention, arguing that Sonam poses no danger. But immigration officials denied both requests without much explanation, according to Sonam's attorney.

The hardest part of Sonam's life these days is that she cannot speak or understand the language of the inmates or guards. (She is also illiterate in her native Tibetan tongue.) She has not been able to have a conversation with anyone since her hearing in November and wept as she recounted her seemingly endless days of silence and isolation in jail. "I live in a prison but always in my mind, I hold onto a picture of His Holiness [the Dalai Lama] in my heart," she said. "This prison has become my monastery."

An hour into the interview, a guard tapped the window of the visitors' room. It was time to go.

Sonam shed a few more tears. It might be months before her next conversation. She hugged Singeri again and then followed the guard back to her part of the jail where she does not speak, cannot understand anyone and where she waits in her prison within a prison.

#### DAVID KAY INTERVIEW

Mr. VOINOVICH. Mr. President, during the past several days, there has been a great deal of discussion regarding comments made by David Kay, who until just recently led our search for weapons of mass destruction in Iraq.

There are some who have said that statements made by Mr. Kay indicate that there was no reason to take military action to address the threat posed by Saddam Hussein. I believe this is, at best, a misunderstanding of his statements. Mr. Kay clearly believes that removing Saddam Hussein from power was the right thing to do.

It is in this context that I would like to take this opportunity to share with my colleagues an interview that Mr. Kay gave yesterday morning, in which he outlines his thoughts on the dangers presented by Saddam Hussein.

When asked whether it was prudent to go to war, Mr. Kay responded:

I think it was absolutely prudent. In fact, I think at the end of the inspection process we'll paint a picture of Iraq that was far more dangerous than even we thought it was before the war. It was of a system collapsing. It was a country that had the capability in weapons of mass destruction areas and in which terrorists, like ants to honey, were going after it.

I believe it is helpful to review his comments in their entirety, and as such, I ask unanimous consent that the following interview be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the NBC Today Show, Jan. 27, 2004]

Anchor: Matt Lauer

David Kay, former head of Iraq survey group, discusses searching for weapons of mass destruction in Iraq.

MATT LAUER, co-host. The Bush administration now says it needs more to determine if Iraq had weapons of mass destruction; this after retired U.S. weapons inspector David Kay concluded that Saddam Hussein had no such weapons.

David Kay, good morning. Good to have you here.

Mr. DAVID KAY (Former Head Of Iraq Survey Group). Good morning, Matt.

LAUER. There are some people who say you spent eight months scouring the country of Iraq for stockpiles of weapons of mass destruction, chemical, biological, nuclear, and because you didn't find them, they make a blanket statement. And that is there US administration misled the American people building a case for war. Is that a fair statement?

Mr. KAY. I think it's not fair, and it also trivializes what we did find and the problem we face. The problem we face is that before the war not only the US administration and US intelligence, but the French, British, Germans, the UN, all thought Saddam had weapons of mass destruction. Not discovering them tells us we've got a more fundamental problem.

LAUER. But if you didn't find stockpiles of chemical, biological or nuclear weapons, does that mean they never existed, or does it mean they may have been moved out of Iraq prior to the war?

Mr. KAY. Well, we've certainly dealt with the possibility of moving, and we did that by trying to look to see if there was any signs of their actual production in the period after '98. And we really haven't found that. I think they were—there's a little evidence that large weapon stockpiles were moved. A lot of other stuff may well have been moved.

LAUER. So when you heard reports leading up to the war, and it's a—unclear where the—where the source of these reports came from, but that Iraqi troops had been given chemical and biological weapons. And they were prepared to use them against advancing US forces. And they could deploy them within 45 minutes, untrue in your opinion?

Mr. KAY. There's no evidence that they are true at this point in time.

LAUER. Let me play you a clip from the president's State of the Union address a year ago.

President George W. Bush (from file footage): "Year after year, Saddam Hussein has gone to elaborate lengths, spent enormous sums, taken great risks to build and keep weapons of mass destruction."

LAUER. In technical terms, was that an inaccurate statement?

Mr. KAY. Inaccurate in terms of the reality we found on the ground now. I think it was an accurate statement, given the intelligence the president and others were begin given then.

LAUER. But also accurate in your opinion because in truth Saddam Hussein did spend enormous amounts of money to develop chemical and biological weapons, but according to your report he just didn't get what he paid for.

Mr. KAY. Well, that was in part the—true. There are a tremendous amount of con—corruption there and lying that went on there. Saddam spent huge efforts at these weapons programs, no doubt about that.

LAUER. So when you say lying, his scientists, or people were coming to him saying, "I can develop chemical and biological weapons for you for the right amount of money." They were taking the money, in your opinion, and not delivering?

Mr. KAY. And not delivering, and reporting back successes that they were not having. That was quite common down there.

LAUER. So when you spoke to Iraqi scientists, what did they tell you about the active weapons program in the year leading up to the war?

Mr. KAY. They describe from 1998 on a Iraq that was descending into the utter inability to do anything organized. Corruption was there. They couldn't get the equipment. Money was wasted. People weren't really concerned about working, they were concerned about money.

LAUER. But the intent was there?

Mr. KAY. Absolutely. And the intent at the top, of Saddam to acquire those weapons and to continue to attempt to acquire those was absolutely there.

LAUER. Almost a year ago Secretary of State Colin Powell addressed the United Nations. Here's what he had to say.

Secretary of State Colin Powell (from file footage): "Conservative estimate is that Iraq today has a stockpile of between 100 and 500 tons of chemical weapons agent."

LAUER. Conservative, or just plain wrong?

Mr. KAY. No, I think that was the estimate based on information and intelligence before the war. It turns out to be wrong.

LAUER. So what—what was the problem with the intelligence? Why were we so wrong?

Mr. KAY. Well, Matt, I think that is the challenge now. And I think the tendency to say, "Well, it must have been pressure from the White House is absolutely wrong." In some ways I wish it had been pressure. It would be easier to solve the problem. We now have to look—and people forget, Iraq is not the only place we've been wrong recently. We've been wrong about Iran, and we've been wrong about Libya's program there. We clearly need a renovation of our ability to collect intelligence.

LAUER. Here's what you said to Tom Brokaw. "Clearly the intelligence that we went to war on was inaccurate, wrong. We need to understand why that was." But you went on to say, "I think if anyone was abused by the intelligence, it was the president of the United States, rather than the other way around."

Mr. KAY. That's abso—absolutely my belief. I think, in fact, the president and all of us were reacting on the basis of an intelligence product that painted a picture of Iraq that turned out not to be accurate once we got on the ground.

LAUER. You find—you found that in—in 2000 and 2001 Saddam Hussein did actively try to develop and start a nuclear program?

Mr. KAY. He was putting more money into his nuclear program. He was pushing ahead his long-range missile program as hard as he could. Look, the man had the intent to acquire these weapons. He invested huge amounts of money in them. The fact is, he wasn't successful.

LAUER. In terms of the missile program alone, you feel that it's obvious and—and undisputable that he violated UN resolutions by developing weapons, missiles, that had a range outside of those UN resolutions?

Mr. KAY. Absolutely, Matt. We—we have collected dozens of examples of where he lied to the UN, violated Resolution 1441, and was in material breach.

LAUER. So based on the information that you have, David, not what we had prior to the war, but you have, in your opinion, was it prudent to go to war? Was there an imminent threat?

Mr. KAY. I think it was absolutely prudent. In fact, I think at the end of the inspection process we'll paint a picture of Iraq that was far more dangerous than even we thought it was before the war. It was of a system collapsing. It was a country that had the capability in weapons of mass destruction areas and in which terrorists, like ants to honey, were going after it.

LAUER. Do—do you feel that—you know, you've come out and started saying these things in the last couple of days, do you feel your words are being misused and misinterpreted in the political atmosphere that exists today?

Mr. KAY. I think there is a tendency, at this time to say, "Got you!" and try to do politics. It think this is national security, and far more important than momentary po-

litical gain. I hope that's now what's happening.

LAUER. If you spend eight months looking and didn't find anything, Dick Cheney says, "In time we could probably find it." You still think we should continue to search?

Mr. KAY. Absolutely. I think the inspection should continue because among things we don't know enough about are the foreign countries that helped the Iraqis throughout this period to acquire the missiles, to develop the nukes, to develop the chemical and biological. We need that for no other reason. And sure, we should keep looking.

LAUER. And as we move forward and we look at countries like Iran, which you brought up, and North Korea, how well suited do you think we are by our intelligence in those areas at this date?

Mr. KAY. I think based on the evidence we have now, we are not as suited as well as we need to be. And I think that is the challenge, not the political 'Gotcha!' contest.

LAUER. David Kay.

David, good to have you here.

Mr. KAY. Good to be here.

#### SUSAN BOARDMAN RUSS

Mr. LEAHY. Mr. President, I often come to this floor to thank various staff for their long, tireless and often anonymous work on behalf of the U.S. Senate and the 100 Senators who serve here. But it is not often that I come down here to acknowledge a public servant who has made such an incredible contribution to this institution and our shared State of Vermont.

Today, I would like to honor the 25 years of service of Susan Boardman Russ, who has served Senator JEFFORDS and the people of Vermont with extraordinary distinction.

Vermont is a small place. I have known Susan most of her life. Her father delivered two of my three children.

Over the years, I have watched her grow with a mixture of awe and admiration. Susan is brilliant, articulate, and has always kept her eyes focused on what is best for Vermont.

Senator JEFFORDS is to be commended for recognizing her talent early on and for keeping her in the fold this long. While Susan has moved with her husband and beautiful daughter to Houston, TX, I know she will always be a Vermonter at heart.

Recently, one of Vermont's finest journalists, Christopher Graff, wrote a beautiful tribute to Susan. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUSAN RUSS STEPS DOWN AS JEFFORDS' CHIEF OF STAFF

(By Christopher Graff)

MONTPELIER, VT. (AP)—Susan Boardman Russ was 14 years old, handing out campaign literature at the old Seaway Shopping Center in South Burlington for her Uncle Bob Boardman, who was running for the state Senate from Chittenden County.

The year was 1968.

Her school friend, Kathleen McGreevy, was handing out flyers for her uncle, Jim Jeffords, who was running for attorney general.

"My uncle was Democrat and hers was a Republican, but that did not matter much to two 14-year-olds," says Russ.

"Soon, we were efficiently sharing the load. To everyone I handed a Democratic Bob Boardman flyer I also handed a Republican Jim Jeffords flyer and she did the same."

Both Boardman and Jeffords were winners that year, their two nieces began a lifelong friendship and Russ' life became intertwined with Jeffords' political career.

In 1972 she worked during the summer on Jeffords' unsuccessful bid for governor and on "the night of his primary defeat I swore I would NEVER participate in another election," she says. "I was 18 and heartbroken."

That loss, though, was a minor setback for Jeffords, who went on to win the state's lone seat in the U.S. House in 1974 and moved to the U.S. Senate in 1988. Every step of the way Susan Russ has been there, starting as his front office manager in 1978, then four years later as his administrative assistant in the House office and finally as chief of staff of his Senate office.

Now, 35 years after she handed out her first Jeffords' flyer and 25 years after she went to work in Washington, Russ is leaving.

"It's been a perfect relationship," says Jeffords, adding that the two of them were a "great combination."

"Her ability to understand me, her common sense and her instincts to keep us out of trouble have been remarkable," he says.

The accolades come from all corners: Sen. Patrick Leahy, D-Vt., calls Russ "a Vermont treasure. For 25 years she has devoted her life to working for Senator Jeffords to make the lives of Vermonters better." In the small world department, Leahy noted that Russ' father delivered two of Leahy's children.

Sen. Harry Reid, D-Nev., the No. 2 Senate Democratic leader, also has high praise for Russ, whom he first met through Russ' husband, Jack, who served as sergeant at arms in the House when Reid and Jeffords served there. Reid says Susan Russ was especially "politically savvy" in a job that required it.

"Chief of staff is a unique position because you need to have that political savvy, plus you have to a good manager of people, you have to recognize talent, and you can't be afraid to tell the senator when you think he or she is wrong," says Reid.

"I believe I have been blessed with having the best job imaginable and the most interesting job tolerable," says Russ. "I have had a front row seat to some of the most challenging moments in Washington for the past two and a half decades."

When Jeffords first went to Washington he was a little-known congressman from a tiny state who was a member of the minority party. Today he is one of the best-known senators in the world, achieving celebrity status with his decision in 2001 to abandon the GOP and become an independent, a decision prompted by opposition to the policies of President George W. Bush.

Russ says at the time she opposed Jeffords' decision although she knew that "Jim was clearly miserable.

"It was not because of any long held political or philosophical beliefs that I resisted Jim switching," she says, but that Jeffords had a long history with the Republican members and leadership. "We knew the GOP family—who to trust—who not to trust.

"It is my nature to try to keep things smooth, no rocking the boat. This would surely rock the boat.

"With nearly three years since the decision behind me, I do realize that for Jim, it was the only decision he could have made."

Asked to pick her favorite legislative experiences, she says there have been too many to do so, but mentions the 1985 Farm Bill with its whole herd buyout from among the