Prior to coming to Santa Clara University School of Law, Professor Berg earned his B.A. in Economics from the University of Michigan in 1965, and received his J.D. from the University of Michigan School of Law in 1968. He graduated Magna Cum Laude from law school, with distinction into the Order of the Coif and served on the Editorial Board of the Michigan Law Review.

After earning his J.D., Professor Berg was an Associate in Law at the University of California, Berkeley School of Law, Boalt Hall, a Regent Heber Smith Fellow in Poverty Law, and Staff Counsel and Economic Development Specialist, at the National Housing and Economic Development Law Center in Berkeley, California. He also published an article in the San Diego Law Review on a major class action case, Zahn v. International Paper in 1974, and a short article on Prisoners' Rights and Jail Conditions in the et al Magazine in 1970.

On a personal level, I played a key role in helping Richard to marry his wonderful wife of many years, Mare, and we meet every year at the SCSC graduation to enjoy the past and plot the future of our wonderful law school as well as our wonderful country.

As an alumnus of the Law School, it is an honor to recognize Professor Berg's contributions to the legal community and the Santa Clara University School of Law. Professor Berg inspires his thousands of students and instills awareness of social justice, and inspired countless attorneys to dedicate their careers to making “Equal Justice Under Law” a reality.

INTRODUCING THE NATIONAL EMERGENCY CENTERS ESTABLISHMENT ACT

HON. ALCEE L. HASTINGS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 20, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the National Emergency Centers Establishment Act. Many of us share the belief that the Federal Government's response to Hurricane Katrina was disorganized and inadequate. FEMA was far too slow to arrive, and evacuees were left stranded in massive shelters with egregious standard of living violations. Victims of the storm are now spread all over the country, costing the government $11 million per day just to house only a portion of evacuees in hotels. Tens of thousands are still living in inadequate shelters and even tents—months after the storm—with little assurances for their safety and security.

These two problems—increasing the availability of temporary housing in times of national emergencies and improving training and preparedness for national emergencies—must be resolved to ensure that the humanitarian catastrophe that occurred in the gulf coast and continues to happen today will never occur again.

I come to the floor today to introduce the National Emergency Centers Establishment Act. My bill establishes no fewer than six National Emergency Centers spread throughout the United States. The Centers would be used, first and foremost, to provide temporary housing, medical and humanitarian assistance, including education, for individuals and families displaced due to an emergency. The Centers would also serve as a centralized location for the training and coordination of first responders in the instance of an emergency.

In turn, the Centers will improve the coordination of preparedness, response and recovery efforts between government, private, non-profit and faith-based organizations.

The National Emergency Centers would be located on military bases, with a preference wherever possible for those installations closed during the most recent BRAC round. I am proposing these sites because the necessary infrastructure to feed, educate and care for evacuees over an extended period of time is already in place, thus limiting the cost and time needed to construct these facilities.

Mr. Speaker, our Nation was not prepared for the disastrous hurricanes that struck the gulf coast last month. The establishment of National Emergency Centers will go a long way to ensuring that our response to national emergencies are not as disastrous as the disasters that created the emergencies in the first place.

I ask for my colleagues' support and urge the House Leadership to bring this legislation to the floor for its swift consideration.

TRIBUTE TO ROSETTA JAMES

HON. ROBERT E. (BUD) CRAMER, JR.
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 20, 2005

Mr. CRAMER. Mr. Speaker, I would like to take this opportunity to recognize one North Alabama's most compassionate citizens, Mrs. Rosetta James. Mrs. James, who is celebrating her 80th birthday in Huntsville, Alabama, has done a great deal to help further the quality of life for all individuals in our community.

Mrs. James was born in Akron, Alabama, after 27 years in the State of New York, she returned to her home State in 1973, and has spent the last 32 years serving in various community, church, and civic roles.

Among her many contributions, Mrs. James has served her community and her state as the Alabama Democratic Conference Chairperson from 1992 to 1996. Additionally, she was appointed by Governor Fob James as the first volunteer Deputy Registrar in Madison County, has served on the Huntsville City Schools Advisory Council, the Family Service Center Board, and has volunteered with the Madison County Board of Volunteers and Corrections, the NAACP, and many more.

Furthermore Mr. Speaker, Mrs. James continues and works throughout the community today. Currently, she volunteers at two community schools to help children learn to read. Mrs. James also continues to inspire others to take an active role in the community.

In addition, she works to organize voter registration drives and absentee ballots for people who cannot go to the polls.

Mr. Speaker, Mrs. James has had a tremendous positive impact on our community in Huntsville. On October 21st, Mrs. James' family and friends are gathering to celebrate her 80th birthday with a surprise party. I rise, on behalf of everyone in North Alabama to thank her for everything she has done for the area and to wish her a happy and healthy 80th year.
Phoenix memo, warning of Islamic extremists taking flying lessons, the arrest of would-be terrorists Zacarias Moussaoui, facts imputed to one agent, Agent Frascia, at the FBI who was not a member of the Intelligence Community, is not a rush to judgment. It is, rather a rush to exonerate. It fails to really hold people accountable... By approaching the whole matter as an intelligence failure in the process, they have only increased accountability and repercussions for the American people. The tools of democracy available to the citizens of America to address these issues are incredibely limited. We asked for accountability from the Commission to investigate 9/11 because that was the only tool that we, as American citizens, had access to, and hoped that our leaders, the members of Congress and the American public, would ensure its validity and that its ensuing recommendations would make us all safer, as safe as we could reasonably expect to be in the event of another attack.

Mr. JOHN JUDGE: This Commission’s report is not a rush to judgment. It’s rather a rush to exonerate. It fails to really hold people accountable... By approaching the whole matter as an intelligence failure in the process, they have only increased accountability and repercussions for the American people.

Mr. MELVIN GOODMAN: The most important individual to me, other than a commissioner, was the staff director, Philip Zelikow. His conflicts of interest were so great that you do have to wonder why this individual was appointed to head this important staff of over 80 people. He had very strong ties to the George Herbert Walker Bush Administration. Very strong personal and political and policy ties to Condoleeza Rice. Very strong ties to Douglas MacEachin. Mr. PETER DALE SCOTT: The 9/11 Commission report which carries the signature of the paymaster and Sheikh Saeed as the al-Qaeda CFO, has dodged the issue, and does not say if the two are the same or not. Thus, technically, even if the Commission staff knew the truth, they have not told a bald lie. The Administration officials speak on terms of anonymity and plausibility. As the Report was released in the western media, and only one American newspaper, the Wall Street Journal, carried it on October 10th.

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Mr. Paul Thompson: The 9/11 Commission claims it wasn’t until 9:20 when Indianapoleis communicated with the FAA command center and after that Flight 77 was missing, and then the information started to get out to other command centers, but still, NORAD wasn’t notified. We are talking about several planes that had been declared missing, still no one notifies NORAD, until finally 9:34, three minutes before the plane crashed, and then it was only mentioned inadvertently in passing when talked about with something else.

In order for this to be true, the 9/11 Commission is making the claim essentially that the judgment of the FAA center and the local FAA center that they contacted were in complete lack of contact with the outside world during this time, that they were un悩みた ning, unlike the tens of millions of people who had been watching CNN, that there was an ongoing crisis, that planes had crashed into the World Trade Center, two planes. They are saying that all the way until 9:20, there has been over half an hour now where this has been the breaking news, that nobody in this entire Indianapolis flight control center who had any idea that any of this had been happening.

We know that just isn’t true. In fact, there was communication between center and centers such as theirs had been notified of the crisis long before the first plane even crashed into the World Trade Center. What we see is an attempt coming from the 9/11 Commission that in my opinion is just frankly impossible.

Mr. John Newman: An FBI team working with cell phone numbers provided by Indinian intelligence uncovered a new smoking gun. They learned that the chief of the ISI, Mahmood Ahmed, had ordered Saeed Sheikh to burn a ransom to Mohamed Atta a month before the 9/11 attacks. This ugly detail emerged when the FBI team ran traces on Saeed Sheikh’s cell phone number beginning in July; the ISI chiefs number was among the regular people that Saeed Sheikh communicated with. On October 7th, President Musharraf sacked Ahmed for this notorious act. This story was widely covered in the press around the world, not covered here in the United States... It’s hard to imagine a revelation more damming than the fact that the intelligence service and most powerful Army commanders were behind the 9/11 attacks and the paymaster, a known terrorist who wasOUR! (U.S. and the U.K. had not aside justice for his crimes... that a sovereign governance and supposed ally was so directly involved in the 9/11 atrocity must have stunned and deeply embarrassed the American Administration... The story of Saeed Sheikh must have stunned and deeply embarrassed the American Administration... The story of Saeed Sheikh must have stunned and deeply embarrassed the American Administration... The story of Saeed Sheikh must have stunned and deeply embarrassed the American Administration... The story of Saeed Sheikh must have stunned and deeply embarrassed the American Administration...
bombing of the U.S. Embassy in Kenya. In fact, Ali Mohamed was a very important al Qaeda agent who, as the 9/11 Commission was told, “trained most of the al Qaeda’s top leaders.” A few years later he carried out the 1998 World Trade Center bombing.” Ali Mohamed clearly enjoyed U.S. protection. In 1993, he was detained by the RCMP in Canada and interrogated, but the United States secured his release. This enabled him to play a role in the same year in planning the bombing of the U.S. Embassy in Kenya. In Iraq, in 1993, he was allowed to plea bargain and receive a secret sentence. We don’t know what the sentence is. The amazing thing, although he was named as a conspirator in that bombing, was not an indicted conspirator, which itself is evidence of something going on behind the scene. Congress should determine the true relationship of the U.S. Government to Ali Mohamed, who was close to Bin Laden and above all, al Wazirah, who has been called the main player in 9/11. This is very important.

Mr. NAIFEE AHMED: In April 1991, according to U.S. Intelligence report, then head of Saudi Intelligence Services, Prince Turki al Faisal, struck a secret deal with Bin Laden, despite his being under house arrest for his opposition to the presence of U.S. soldiers. Under this deal, although the regime would publicly denounce him, Bin Laden was permitted to leave Saudi Arabia with his funding and supporters. Moreover, the regime would continue to fund his activities on the condition that he does not target the Saudi kingdom himself. Posner’s accounts of a secret agreement between the United States and Saudi intelligence is significant because he argues this was known to U.S. intelligence. This was something that we didn’t know. Levitt also interviewed a CIA analyst about the role of the Mujahedin. This CIA agent said “The policy of guiding the evolution of Islam and of helping them against our adversaries worked marvelously well in Afghanistan against the Red army. The same doctrines can still be used to destabilize what remains of Russian power, and to counter terrorism influence in Central Asia.” When I read this, I was quite surprised. Could this really be possible?

Mr. WAYNE SMITH: The 9/11 Commission report persuasively argues that we engage its friends to develop a common coalition approach toward the detention and humane treatment of captured terrorists. New principles are set out in Article 3 of the Geneva Conventions on the law of armed conflict. That article was specifically designed for those cases in which the usual laws of war did not apply. In other words, these cases in which our Government tells us the Geneva Conventions don’t apply. The minimum standards are generally accepted throughout the world as customary international law. What does Article 3 call for? Well, among other things, it prohibits out-rages… upon personal dignity, in particular, humiliating and degrading treatment. All these practices of stripping the prisoners naked, putting women’s underwear on them, putting dog’s heads on their heads, is degrading treatment. It is prohibited by international law. I’m not ageless, but I have lived a long time, and I don’t remember the date of what we were doing to foreign prisoners. In World War II, we treated prisoners well, let’s say soldiers. Even German spies arrested in the United States were treated on degrading manner. This is not an intelligent way to proceed in our struggle against terrorism. We ought to get back to full respect for international law for humane treatment of all prisoners, without any exception.

Mr. ROBERT McILVAINE: I had an unbelievable opportunity to go to Bogota. I haven’t flown since 9/11. Not that I’m necessarily afraid, but I just won’t fly. I’ve learned too much about the shoe bomber. I’m just not going to leave the country. Bogota, they have an international conference on violence and terrorism, and they called me to speak down there. I decided to do it. There were about two thousand people in the auditorium, the first two rows were all victims. 13-year old boys with legs missing. Burn victims. I had dinner with bin Laden. I hid behind an African Columbian. She lost her three children and her husband. I said, I feel sorry for myself sometimes. That woman could sit there and laugh with me, because you have a bond with people who have suffered. That is what we have to think about. It’s the civilians, the 25,000 civilians in Iraq that have died, and 500,000 people in Afghanistan that have died in the 1990s. What is this foreign policy that we have? We talk about Pax Americana. In Latin, does that not mean American peace? Have we perpetrated peace in this world? Have we, since 1945? I think not.

Domestic Policy: Immediate Response and Recommendations

Mr. ELAINE CASSEL: Four years since September 11th, almost four years, and one year since the 9/11 Commission’s report, critical infrastructures and resources are unprotected, are unmonitored, as far as I know. Co-Chair of the panel, Lee Hamilton, mentioned that this morning in a press briefing. He was very frustrated by that, and that was a morning task to monitor how the government is doing. That is what is going on in the audit. I was struck by the various documents that I’ve read in my scholarship, documents like the CIA report, crit-

Mr. C. WILLIAM MICHAEL: I still do not think the case has been made that civil liberties of asylum must be compromised so we can get to the bottom of what terrorist conspiracies may or may not be operating within the United States. All of this plus the scope and approach of the 9/11 Commission recommendations, which deal with everything from the FBI, passports, driver’s license, airline passengers, brings me to the conclusion that what is going on may be seeing as these varied parallel developments, including, of course, the conflicts in Iraq and Afghanistan, the situation in military commissions in Guantánamo Bay, and allegations of the CIA, which continue to unfold as we dispense with the legal preliminaries, and U.S. citizens held as enemy combatants, come to a single point, which should be considered as we continue with this national debate as what might be on the horizon at that point. Here those of us are now on the characteristics of a national security state: 1. Visible increase in uniformed security personnel. 2. Lack of civil accountability for the actions of law enforcement and security personnel. 3. Reduced role of the judiciary and executive treatment of suspects. 4. Breach of ruling authority and momentum of the threat. 5. Media in the service of the state. 6. Public and national resources called to serve against security threats. 7. Patriotism moving to nationalism. 8. Lack of critical response by religious denominations. 9. War time mentality and permanent war economy. 10. Targeted individuals or groups. 11. Direct attack against dissent. 12. Increased surveillance of citizenry.

Intelligence Reform: Immediate Response and recommendations

Mr. JOHN NUTTER: As I listened to David, I was struck by the various documents that I’ve read in my scholarship, documents like the Tower Commission report on Iran Contra, the Church Committee, the Pike Committee, and its report, the Taylor Committee, which some of you may recognize as the postmortem on the Bay of Pigs. One could very easily take the recommendations from many of those reports, cut and paste them into the 9/11 Commission, and you wouldn’t be able to tell the difference.

Closing Remarks

Rep. CYNTHIA MCKINNEY: I would just like to say after we have heard all of the testimony that has been presented to us today, there is one thing that is very clear, and that is that we must ask what our Government is doing in our name. The American people have to inform themselves, despite the failure of the corporate press, to investigate the information in the public domain that provides us all with an overview of what may be on the horizon. Today is a very special day because we have brought truth to Capitol Hill.