

asked applicants to show they could identify dangerous objects inside luggage. In addition, the investigation by the Homeland Security Department—overseer of the Transportation Security Administration—showed that some screeners hired by the government to check baggage for bombs were given most of the answers to tests.

Also in October, the head of the Transportation Security Administration acknowledged that box cutters can get through airport checkpoints. But the chief, James Loy, blamed the lack and sophistication of technology, not his screeners.

There may be no way to prove that creating Loy's agency was necessary. But it is easy to prove that it has been costly.

The question is: Can Energy Secretary Abraham prove that a new, specialized force to protect nuclear facilities will be any more successful than the contractors already overseen by his department's specialized bureaucracy, the National Nuclear Security Administration?

And if that agency is incapable, will a new expensive bureaucracy do any better?

Other federal agencies have elite forces available—the Secret Service and FBI are but two. Could their highly trained men and women be given another mission, supported by their bureaucracy?

Surely the money saved could be spent on creating and providing the technology that Abraham says is lacking for airport screeners, technology that might well benefit the forces protecting the nation's nuclear weapons and power plants.

#### PAYING TRIBUTE TO ANDREW GEBBIE

#### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2004*

Mr. MCINNIS. Mr. Speaker, I rise today to pay tribute to Pastor Andrew Gebbie, a man who has made a great impact on the city of Grand Junction, Colorado. As a minister, Andrew has served both the members of his church and his community, and has become one of Grand Junction's truly cherished citizens. It is my privilege to recognize the work of this exceptional man.

Andrew was born in a small village on the outskirts of Hamilton in central Scotland. At eighteen, he was fascinated by aeronautics and went to Queen Mary's College in London, but after a year felt called to the ministry and transferred to a local seminary. After spending a few years living in Belfast, Northern Ireland, a friend in Canada told him of a pastoral position that had become available in Grand Junction. After being granted legal immigration status in a very short period, Andrew and his family moved to America. He began working as pastor of the Orchard Mesa Christian Church, which he and his wife Doris pastor together. Andrew also works as the billing administrator and patient records supervisor for Hospice and Palliative Care of Western Colorado. In his spare time, Andrew enjoys teaching students in the community how to rope climb at Camp Cedaredge located on the Grand Mesa.

Mr. Speaker, Andrew Gebbie has used his Christian Faith to serve his Grand Junction community, and has touched many lives. I say to his wife Doris and the rest of his family that they should be proud of Andrew both for his

obedience in following his faith, and for all the hours he has given back to his community. I am honored to share with this body of Congress and this nation the works of Pastor Andrew Gebbie. Thank you for your service.

#### REGISTER-HERALD EDITORIAL ON PLEDGE OF ALLEGIANCE

#### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2004*

Mr. RAHALL. Mr. Speaker, my hometown newspaper, the Register-Herald, of Beckley, WV, hit the nail on the head today with its editorial, "Pledge: Issue still unresolved," as the Supreme Court sidestepped a chance to help cement the moral foundation of our Nation. It used a technicality to overturn a decision by a lower court that had declared the use of the words "under God" in the Pledge of Allegiance unconstitutional.

For well over 200 years the moral fiber of this Nation has been built not upon the law of man, but rather upon the law of God. The Supreme Court held in its hands the people's eloquent expression of what many of my fellow West Virginians already know, that only under the watchful eye of God can all we hope for be accomplished and all we dream of come true. And, though the dismissal was welcomed, the Court's reason for the dismissal wasted an opportunity to forever strengthen our national character.

The Register-Herald best summed up the missed opportunity by our Supreme Court with the editorial that follows:

#### PLEDGE

#### ISSUE STILL UNRESOLVED

The words "under God" can stay in the Pledge of Allegiance, says the Supreme Court, whose Monday ruling actually resolves next to nothing.

Instead of taking on the substance of the issue, the court ruled on whether the man who brought the case in the first place had proper standing. He doesn't, the court said.

Three justices did indicate that they see no violation of the Constitution in the pledge's language. Good for them. The First Amendment aims to keep Congress from establishing a state religion, which would require a great deal more effort from Congress than inserting a couple of words in the pledge a half-century ago. Children cannot be compelled to recite the pledge or even listen to it if they don't wish to.

The Supreme Court will sooner or later have to delete the phrase or else rule in its defense, an action requiring only this: respect for constitutional language and a grain of common sense.

#### REMEMBERING MRS. ANN OLESKY

#### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2004*

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, on June 13, 2004, the town of Immokalee, Florida lost one of its most admired and revered members of the community. At the age of 61, Mrs. Ann Olesky passed away nearly one week after under-

going major heart surgery. An avid environmentalist, Mrs. Olesky has been credited by many as the catalyst for the conception of the Lake Trafford restoration project.

As part owner of the Lake Trafford Marina and Campground, Mrs. Olesky recognized the importance of maintaining and preserving South Florida's natural environmental habitat. Eight years ago, Mrs. Olesky realized that both the environment and the community would be best served if a large scale dredging and cleanup project were to be implemented at Lake Trafford. It was Mrs. Olesky's strong drive and commitment to Immokalee which ultimately drove her to embark on a grass roots campaign which culminated with the securing of funds for the project.

In addition, Mrs. Olesky was well known through the community for her active role in civic and community life. During many Christmas celebrations, Mrs. Olesky could be seen taking part in Christmas Around the World, a yearly educational program that seeks to educate young children about the environment. Through these programs, Mrs. Olesky played an active role in raising community wide awareness of the environmental challenges facing South Florida.

Mrs. Ann Olesky will be forever remembered by the people of Immokalee for her great devotion and love for the people and community of Immokalee. While sadly, Mrs. Olesky will be unable to see the completed fruit of her eight years of labor, it is without question that her efforts will be remembered for many generations to come.

Mr. Speaker, I ask you to join me in expressing my deepest sense of condolence to the family of Mrs. Ann Olesky, as well as to the people of Immokalee. Mrs. Ann Olesky will be greatly missed.

#### A PROCLAMATION HONORING BERNICE BUEHLER ON HER 100TH BIRTHDAY

#### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2004*

Mr. NEY. Mr. Speaker:

Whereas, Bernice Buehler is celebrating her 100th birthday today; and

Whereas, Bernice Buehler is a long-time active participant in the social and civic life of the community; and

Whereas, Bernice Buehler has exemplified a love for her family and friends and must be commended for her life-long dedication to helping others in her community.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in wishing Bernice Buehler a very happy 100th birthday.

#### REMEMBERING L.T. "HERBY" BALLEW

#### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2004*

Mr. HALL. Mr. Speaker, I am honored today to pay tribute to a business associate, good

friend and great East Texan who passed away last year—L.T. “Herby” Ballew.

Herby Ballew was the founder of the famed Herby’s Foods in Grand Prairie which produced over 100,000 sandwiches daily. He sold the company in 1975, and became chairman and CEO of the Bank of Crowley, Texas—an institution he ran until the early 1990’s. Herby ended his prosperous career as the owner of Fame Care, a chemical company.

Herby was a successful businessman who considered his employees as members of his family. They remember him as a compassionate and generous man.

He was also devoted to his family, who include his wife, Vee Ballew; sons, Barry Ballew and Terry Lampman and wife Marolyn; daughters, Terry Jean Trevino and husband, Gonzy, Kathy Long, Patty Grieder and husband, Clyde, and Rose Shirley and husband, John; and sister, Dorothy Jewett and brother-in-law Elliott. He also was the proud grandfather of ten grandchildren and eleven great-grandchildren.

Herby will be long remembered as a generous citizen as well as successful businessman who touched the hearts of everyone he met. Mr. Speaker, as we adjourn today, let us do so in memory of this esteemed man and a life-long friend—Herby Ballew.

# FLY LIKE AN EAGLE

## HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 16, 2004*

Ms. LOFGREN. Mr. Speaker, this past weekend I was privileged to attend the graduation of my daughter from Stanford University. There is an interesting tradition at Stanford. Each year the graduating students vote to select a professor to give one last lecture to them at lunch the day before graduation. This year, that honor went to Professor Terry Karl.

Professor Karl has a long history as a human rights advocate. Among other things, she has monitored elections for the United Nations and served as an advisor to U.N. peace negotiators.

During the “final lecture”, Professor Karl challenged the graduates to assume responsibility for the long-term prospects of our country, especially in the wake of the recent prison abuse scandal at Abu Ghraib. She discussed the doctrine of “command responsibility,” which says that leaders cannot turn a blind eye to abuse.

As she poignantly stated, “no amount of military power will make up for what we lose if the world at large believes that, despite our years of rhetorical support for rights and democracy, we are prepared to compromise them the moment our own lives become threatened.”

I believe that Professor Karl has raised very important issues in this lecture, and I ask that her entire lecture be made a part of the RECORD so that all the American people, not just the Stanford class of 2004, may have the benefit of her scholarship and insights.

[Speech to the Graduating Class of 2004  
Stanford University, June 12, 2004]

FLY LIKE AN EAGLE (EVEN IF YOU FEEL LIKE  
A CHICKEN)

(By Terry Karl)

Gildred Professor of Latin American Studies  
and Professor of Political Science

President Hennessey, Provost Etchemendy, Trustees, parents, and most especially graduates, thank you for the honor of inviting me to speak to you. In the midst of your celebration, I ask you to pause—for these are serious times.

Archbishop Desmond Tutu, anti-apartheid hero and head of South Africa’s Truth and Reconciliation Commission, tells a story (which inspired this talk) about a farmer who raised chickens in his backyard. Amongst this farmer’s chickens, there was one that looked a little odd. It behaved like a chicken. It walked like a chicken. It pecked away like a chicken. One day a wise woman came along and said to the farmer: “You know, that isn’t a chicken. It is an eagle.” The farmer said: “No way. That is a chicken.” And he looked at the odd bird and said: “Don’t get any fancy ideas. You are a chicken.”

“I don’t think so,” said the wise woman. She picked up the strange looking chicken, climbed up the nearest mountain, stood at the edge of a precipice, and waited until sunrise. Then she turned the bird towards the sun and said: “You are an eagle. You can soar. You can change your world. Go fly.”

The strange looking chicken shook itself and tentatively spread its wings. It looked up at the sky. It looked down—way down—to the bottom of the precipice. It took a few steps back in the direction of the other chickens, where it had been so comfortable, where it had a daily routine and food to eat. “Sorry,” it said to the wise woman: “I don’t feel like an eagle. I feel like a chicken. And I don’t think I can fly.”

“That’s your choice,” the wise woman said softly. “But remember, you are responsible for the decisions you make. If you don’t dare to fly, you will never be fully alive. You will never reach the sky. Even if you feel like a chicken, fly like an eagle.”

That “strange chicken” comes to mind every time there is a choice between taking an easy path or making a trail where there is no road. After completing my doctorate at Stanford, I conducted research in El Salvador’s civil war in the 1980s. Military leaders repeatedly assured me that their army did not commit human rights abuses. But the testimony of countless others told a different story. Salvadorans described how they had been hooded or blindfolded for days; deprived of sleep, food, and water; beaten and shocked; raped and forced to watch the torture and murder of others.

At El Mozote, a massacre site where a forensic team would later dig up the bodies of over 100 children under the age of 12, a peasant woman approached me. “You are American. You are powerful. You will find out who is responsible for this.” That night, flying back to the United States, I railed against that woman. “Powerful? A general is powerful. A president is powerful. I am five feet tall. I am a woman from Missouri. I don’t have tenure. I am not powerful.”

Now, fast forward two decades to a South Florida courtroom, in June 2002, where two Salvadoran generals living in the U.S., Generals Jose Guillermo Garcia and Eugenio Vides Casanova, stood on trial, charged with responsibility as their country’s top commanders for the abuse of Salvadoran civilians. Three survivors of torture brought the courtroom to tears as they testified about what had happened to them. One of them, Carlos Mauricio, honors us with his presence today.

As the expert witness in this trial—a trial that few believed would ever take place and even fewer believed could be won—I documented how the actions these generals had taken (and the actions that they had failed to take) were interpreted down the chain of command as a “green light” to commit torture. Thus these men should be held responsible for crimes committed against Salvadoran civilians.

In their defense, the generals denied their responsibility. They were fighting terrorism. They could not be expected to control the actions of all their soldiers. They were not present when prisoners were humiliated, abused and murdered, and they were not the actual torturers. So why, they asked the jury, were they on trial for what a few “bad apples” had done?

Because the law demands it.

The doctrine of “command responsibility,” the product of an American initiative enshrined in law since the Nuremberg Statutes after World War II, affirms that civilian and military leaders may be held legally accountable for abuses committed by their subordinates—even when these commanders did not personally order abuses, witness such abuses, have direct knowledge about them or conspire to commit them. This law recognizes the tremendous danger of abuse inherent in war and, in tribute to the awful sacrifices of the Holocaust and those who died in two world wars, it places the moral worth of each and every person at the center of our international order. Rather than permit leaders to turn a blind eye to abuse, it contends that those leaders who “knew or should have known” about abuse and “failed to prevent or punish it” are criminally accountable for this abuse. It charges both military and civilian authorities with an affirmative duty to prevent crimes, to control their troops, to act when a crime is discovered, and to punish those found guilty of committing the actual crime—no matter how high responsibility may reach in the chain of command.

Thus, a Florida jury found these once powerful Salvadoran generals responsible for gross human rights abuses. In an historic and precedent-setting ruling, a jury of ordinary people reaffirmed the doctrine of command responsibility in an American court. Their verdict, covered in every major newspaper and widely televised around the world, sent a powerful signal. It warned murderers, torturers and dictators to think twice before retiring to the United States. And it demonstrated that, at our best, America’s freedoms and the energies of people like our lawyers, researchers, translators—people just like you—can be harnessed to transcend national borders and to hold even the most powerful to account for their actions against the vulnerable.

Which brings me back to the precipice where we left the strange chicken.

Our country is at the edge of a precipice. Regardless of how the situation in Iraq finally plays itself out, we are in the midst of one of the greatest and most intractable global crises of modern times. 9/11 was an earthquake in the psyche of America, and flying airplanes into buildings where people work is a crime against humanity. But the behavior depicted in the terrible photos of the hooded Iraqi led around on a leash and the 37 homicides of prisoners in U.S. detention now under investigation are also criminal acts. While the numbers may not be the same and the circumstances are different, U.S. law and international law are clear: both are crimes against humanity.

The simple truth, whether we like to hear it or not, is that since the attacks of September 11, 2001, officials of the United States, from Afghanistan to Guantanamo to