

[From the Washington Post, Mar. 5, 2010]
A SHAMEFUL ATTACK ON THE U.S. LEGAL
SYSTEM

(By Walter Dellinger)

It never occurred to me on the day that Defense Department lawyer Rebecca Snyder and Lt. Cmdr. William Kuebler of the Navy appeared in my law firm's offices to ask for our assistance in carrying out their duties as military defense lawyers that the young lawyer who worked with me on that matter would be publicly attacked for having done so. And yet this week that lawyer and eight other Justice Department attorneys have been attacked in a video released by a group called Keep America Safe (whose board members include William Kristol and Elizabeth Cheney) for having provided legal assistance to detainees before joining the department. The video questions their loyalty to the United States, asking: "DOJ: Department of Jihad?" and "Who are these government officials? . . . Whose values do they share?"

Here, in brief, is the story of one of those lawyers.

In June 2007, I was at a federal judicial conference when I received an urgent message to call the Defense Department. The caller was Lt. Cmdr. Kuebler, a uniformed Navy officer who had been detailed to the Office of Military Commissions. As part of his military duties, Kuebler had been assigned to represent Omar Khadr, a Guantanamo detainee who was to be tried before a military commission. Kuebler told me that the U.S. Supreme Court had agreed that day to review the case of another detainee who had been a part of the same lower court proceeding as Khadr. Because Kuebler's client had not sought review at the Supreme Court, this situation raised some complex questions of court practice with which Kuebler was unfamiliar. Kuebler's military superior suggested he call me and ask whether I could assist him in analyzing the applicable Supreme Court rule.

It was a Friday night. I called Karl Thompson, a lawyer at my firm who had previously been a Supreme Court law clerk, and asked whether he could look into the question over the weekend. I told Thompson that the military lawyers assigned to these cases had a very burdensome workload and that it seemed that Kuebler could really use our help. Even though Thompson was extremely busy with other work at the firm, he said he would somehow find time for this as well.

Over the next several months, Thompson (in addition to his other firm work) provided assistance to Kuebler and his Defense Department colleague in their briefing before the Supreme Court and, in Khadr's case, the lower courts. Khadr's case raises important questions, including the legal status of juvenile detainees (he was 15 years old at the time of capture). In 2009, Thompson left our firm to join the Office of Legal Counsel at the Justice Department.

Thompson's assistance to the military officers who had been assigned to Khadr's case seemed to me to be not only part of a lawyer's professional obligation but a small act of patriotism as well. The other Justice Department lawyers named in this week's attack came to provide assistance to detainees in a number of ways, but they all deserve our respect and gratitude for fulfilling the professional obligations of lawyers. This sentiment is widely shared across party and ideological lines by leaders of the bar. As former Solicitor General Ted Olson wrote in response to previous attacks on detainee lawyers, "The ethos of the bar is built on the idea that lawyers will represent both the popular and the unpopular, so that everyone has access to justice. Despite the horrible Sept. 11, 2001, attacks, this is still proudly held as a basic tenet of our profession."

That those in question would have their patriotism, loyalty and values attacked by reputable public figures such as Elizabeth Cheney and journalists such as Kristol is as depressing a public episode as I have witnessed in many years. What has become of our civic life in America? The only word that can do justice to the personal attacks on these fine lawyers—and on the integrity of our legal system—is shameful. Shameful.

TRIBUTE TO JAKE BURTON

Mr. LEAHY. Mr. President, I am pleased to have the opportunity to honor a dear friend and true entrepreneur, Jake Burton. As founder and owner of Burton Snowboards, a company whose name has become synonymous with the successes of this popular winter sport, Jake Burton has built an empire from the ground up starting, first in his Londonderry, VT, garage. His is a true tale of perseverance and triumph over obstacles great and small; where others saw only insurmountable challenges, Jake saw possibility.

As a young man starting out with a vision, Jake sought to set the world of winter sports on fire. He did so in true Vermont fashion, paying personal visits to ski areas hesitant to embrace snowboarding. To this day, Jake makes a point of personally testing each of his products on the slopes before putting them on the market. His commitment to quality and his investment in his employees continues to pay off. Jake recognizes the value of a homegrown company and takes nothing for granted. His competitive edge and style set him apart from the others in his line of work and serve him well as he continues to define the future of snowboarding. Marcelle and I have been fortunate to call Jake and his wife Donna our friends for many years. They are admirable Vermonters and examples of how the pursuit of a dream through honest hard work is still the cornerstone of American business.

On February 15, 2010, the Burlington Free Press published an article entitled "Jake Burton: Chairman of the (snow)Board" about Jake's career. I ask unanimous consent that the text of this article be printed in the RECORD.

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

[From the Burlington Free Press, Feb. 15, 2010]

JAKE BURTON: CHAIRMAN OF THE (SNOW)BOARD
(By Bruce Horovitz, USA Today)

His office has no desk. No inbox. Not even a wastebasket.

But it does have a sprawling wooden table for mounting bindings onto snowboards, a sofa the size of a small living room and a golden retriever named Maia, who's made the couch her bed.

This is Jake Burton's life—a major cool one.

As the founder, cultural guru and chief prankster of the world's largest snowboard company—and the guy who almost single-handedly turned snowboarding into a multi-billion-dollar sport—he's got a lot to do. Like snowboard 100 days a year. And surf for another 50, or so.

His mountaintop home in Stowe has an outdoor hockey rink, an indoor soccer field and a two-story treehouse with electricity.

With the Winter Olympics under way in Vancouver, Burton will soon join his team of Olympic snowboarders there and probably cause a Burton-esque ruckus.

For one thing, the competition uniform Burton's company designed for the U.S. snowboard team is raising eyebrows before the torch is even lit. It's made from high-tech, waterproof Gore-Tex material—but looks like a pair of ripped blue jeans and a loose flannel shirt. Not necessarily what buttoned-up Olympic officials had in mind.

"That the outfit has created a controversy is fitting," says Burton, 55, with a trademark smirk. "If it's unpatriotic, you should throw everyone wearing blue jeans and flannel shirts out of the country."

Still, the ride has been bumpy lately in snowboard land. The sport of free spirits is under greater scrutiny since 22-year-old Kevin Pearce, one of its stars and a Burton rider, was almost killed in an accident while training for the Olympics.

Even as Pearce heals, other problems for Burton's company—and for all winter sports businesses in this economy—are festering.

Sales of winter sports equipment fell 8 percent last year, and orders for 2010 are down 25 percent, reports the SnowSports Industries America trade group. By one estimate, nearly 10 small snowboard shops went belly-up every week in 2009. Although ski resort visits were up slightly overall for the 2008–2009 season, several regions suffered steep declines, and many resorts built visits with specials and discounted lift tickets.

TOUGH YEAR

Burton Snowboards, the industry kingpin, saw sales fall by double-digits last year and had to take the unusual step of laying off nearly 20 of its roughly 1,000 employees last March. The company announced last week it was laying off 15 more from its Burlington facility.

"Nothing like a tough year to make you forget how far Burton has come," Burton said.

But even in a tough year, Burton Snowboards' success is impressive. The privately held company holds 40 percent of the world's snowboard market. Sales are not reported, but are believed to reach almost \$700 million.

Thanks to diversification into surfing and skateboarding and the opening of several brand stores, Burton could be a \$1 billion company within five years. "I'm not hung up on that number," said Burton, whose tousled salt-and-pepper hair and red cheeks are evidence of the morning snowboard run from which he's just returned. "I'm not the kind of guy who gets up every morning and says, 'We have to get to \$1 billion.'"

Even non-snowboarders are becoming familiar with the brand. The uber-presence of Burton boards and clothing in the 2006 Winter Games earned it an estimated \$33 million in free exposure. The company now makes more money selling apparel, often to folks who've never been on a board, than it makes from snowboard equipment.

But the Olympic participation is more about image than sales, because the Games come at the tail of the season. "The timing of the Olympics from a business perspective is awkward," he says. "You're not affecting consumer buying in mid-February."

Viewers who go gaga over the team's tattered-blue-jean look won't be able to buy it. "It would not be our style to sell Olympic uniforms," Burton said. "We, as a company, are not about uniforms."

What Burton, the company, is about is "cool." While the company is as synonymous

with snowboarding as Kleenex is with tissue, the hard part is staying cool. It helps, Burton said, that Burton Snowboards' decisions aren't dictated by Wall Street, "but are made by a guy and his family who snowboard 100 days a year."

His leadership style includes traits such as: He can't stand losing. Terje Haakonsen, a Burton athlete widely regarded as the world's top snowboarder, says Burton constantly challenges him at everything from snowboarding to swimming. "Jake just doesn't want to lose," he says.

He can't stand shoddy quality. During his 100 days of snowboarding, Burton isn't goofing off. He tests most of the company's equipment—from boards to gloves—before it goes to market, and he makes detailed notes on index cards. Designers wince when they receive one of the cards, Burton's CEO Laurent Potdevin said. "He has no patience for anything that jeopardizes the riding experience."

He can't stand boredom. One morning five years ago at a sales meeting in New Zealand, Burton asked Dave Downing, who does outside marketing for Burton, if he was up for surfing and boarding—the same day. The two sneaked out of the meeting and took a chartered helicopter to a beach to surf then to a mountain to snowboard.

He can't stand leaving things alone. Burton will test any product the design team sends him, says Chris Doyle, who oversees product development. He was the first—and last—to test pants with an internal fan ventilation system controlled by a pocket switch. He gave the all-clear to a glove, a hot seller this year, that comes with a beer-can holder. Even after designers work months on new products, Burton has turned them upside-down—or even nixed them—based on a suggestion from a teenage boarder on a ski lift.

He can't stand serious. At a recent roundtable with top executives and team riders, Burton broke it into "a no-holds-barred wrestling match," said Greg Dacyshyn, company creative director. "Jake will take on anyone at anything."

He can't stand still. Shaun White, the Burton rider who is an Olympic gold medalist and one of the U.S. team's great hopes in Vancouver, says there's no stopping Burton on a slope. "When he's in the trees, he does ripping turns. He's a wild man."

He can't stand combs. Jake's wife, Donna, who helps run the company and has been married to Jake for 22 years since meeting him at a ski resort bar, remembers her mother's comment after first meeting him: "I don't think he combs his hair."

INAUSPICIOUS BEGINNING

That he got this far in business surprises no one more than the guy who was born Jake Burton Carpenter, but goes by just Jake Burton. "I was a punk. I got kicked out of boarding school at 15."

For one thing, he was a self-described "loser" in shop class. But wanting to improve the design of "Snuffer" snowboards that were briefly popular when he was a kid, he made a new kind of board in his Londonderry, Vt., garage.

He created his first business plan to sell snowboards on an index card. He figured if he could make and sell 50 boards a day, he'd be rich. He sold just 350 the entire first year and ran up debt that nearly wiped him out.

But when he sold 700 boards the next year, he decided he was onto something. Until the next setback, that is. His bank cut off financing in 1984 when its executives decided snowboarding was a passing fad.

He persevered, becoming a one-man cheerleading squad. He visited hundreds of ski hills that had banned snowboarding, try-

ing to coax reluctant resort owners into allowing it. Many equated snowboarding with rowdiness, or worse. But one by one, they relented.

"He took on all the ski resorts," said John Horan, publisher of Sporting Goods Intelligence newsletter. "He's absolutely the father of the sport."

The sport has become so big that Burton Snowboards has attracted acquisition interest from the sportswear giants. Burton won't say who and insists, "Everybody knows that Burton is not for sale."

The headquarters is in an industrial area here, a funky building that looks more like a winter playground than a workplace. There's a snowboarding park out front—with jumps. Employees are free to use it at any time. Many workers are accompanied by their dogs—they are encouraged to bring them to work. Employees can warm up with company-supplied coffee or hot chocolate at a giant, wood-burning fireplace in the lobby.

Each also gets a free season lift pass to a nearby resort. Anytime it snows more than 2 feet, the place shuts down and everyone gets to go boarding.

There are worse things than to work for Jake Burton, but there may not be many better.

95TH ANNIVERSARY OF THE AMERICAN MEDICAL WOMEN'S ASSOCIATION

Mrs. BOXER. Mr. President, I take this opportunity to recognize the 95th anniversary of the American Medical Women's Association, AMWA. AMWA is the Nation's oldest and largest multispecialty organization for women in medicine.

The American Medical Women's Association was founded in 1915 in Chicago by Dr. Bertha Van Hoosen. At the time, women physicians were a minority, representing only 5 to 6 percent of all physicians in the United States. With the creation of AMWA, Dr. Van Hoosen intended "to bring Medical Women into communication with each other for their mutual advantage, and to encourage social and harmonious relations within and without the profession."

Since its inception 95 years ago, AMWA's membership has grown significantly. With more than 13,000 members today, AMWA has become a strong and trusted voice for women's health and the advancement of women in medicine at the local, national, and international level. For nearly a century, AMWA has empowered its members to be leaders in improving health for all, within a model that reflects the unique perspective of women.

AMWA's members include physicians, residents, medical students, and health care professionals, all of whom are engaged in making a difference in the communities they serve. AMWA's charitable program, the American Women's Hospital Service, has provided international relief for more than 90 years, supporting clinics all over the world. The Journal of Women's Health, AMWA's medical journal, is a trusted resource for research and information on a wide range of women's health issues, and has been cited

by the New York Times, Wall Street Journal, US News and World Report, and MSNBC.com. Through its many educational programs, support and mentorship of young women physicians, health care advocacy, and the promotion of excellence in medicine and scientific research, AMWA's members are truly champions for women's health.

Since 1915, the American Medical Women's Association has served as the vision and voice of women in medicine. On its 95th anniversary, I commend the American Medical Women's Association for its tireless efforts to advance women in medicine, and look forward to its many future successes.

NEBRASKA OLYMPIAN

Mr. NELSON of Nebraska. Mr. President, I rise today to congratulate Curt Tomasevich of Shelby, NE, and his teammates who won the gold medal in the four-man bobsled at the Winter Olympic games in Vancouver, British Columbia, Canada. It was the first gold medal for the United States in this event since the 1948 St. Moritz, Switzerland, games more than 60 years ago.

After blistering the course with back-to-back track records, the U.S. sled only needed to post a solid fourth run to give the United States a gold medal. The Americans made it through the course in 51.52 seconds, resulting in a total time of 3:24.46, 0.38 seconds ahead of second place.

Curt got his start in sports at Shelby High School, where he helped the football team to the State semifinals and was an all-conference pick as both a linebacker and a fullback. After high school, Curt attended the University of Nebraska, where he continued his football career as a Cornhusker.

In 2004, Curt began bobsledding; and just 2 years later, he earned a spot on the U.S. Olympic team competing in Torino, Italy. Since then, he has continued to compete in international bobsledding events and took home a World Cup gold medal in two-man sledding in 2007.

Curt's dedication and hard work is an inspiration to all Nebraskans. He showed what can be accomplished through determination and teamwork. Congratulations, Curt, on your inspiring achievement of Olympic gold. It is a tremendous accomplishment and instills pride in all Nebraska.

ADDITIONAL STATEMENTS

REMEMBERING DORIS HADDOCK

● Mr. FEINGOLD. Mr. President, today I pay tribute to Doris Haddock, who passed away on March 9. Doris was an extraordinary American who showed all of us the meaning of dedication and conviction.

Known to so many of her admirers as Granny D, Doris walked across the country, from California to Washington DC, to push for passage of the