

## MILITARY COMMISSIONS

## HON. MICK MULVANEY

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 7, 2012

Mr. MULVANEY. Mr. Speaker, no one in this body was untouched by the tragedy of Sept. 11, 2001, which will stand in our history as one of the most infamous crimes ever perpetrated against the people of the United States. It not only cast a shadow of despair over America, but also thrust us into a different kind of global conflict, fighting an unconventional, adaptive enemy that has adopted the mass murder of innocent civilians as a weapon of war.

More than four years ago, we apprehended the alleged mastermind of the 9/11 plot, Khalid Sheikh Mohammad. He and four others are awaiting trial in the Guantanamo Bay detention facility on charges that include 2,973 individual acts of murder. That trial will take place before a reformed military commission.

I believe that such commissions are the appropriate venue for this proceeding. They are modeled on the federal civilian criminal justice system. They protect the rights of the accused. They respect the rule of law. They reflect our core values as Americans. They are transparent. In short, they provide an instrument that is fair, principled, accountable, and effective, one that satisfies the imperative of justice rather than the thirst for revenge.

This confidence is underscored by the fact that Brig. Gen. Mark Martins is the chief prosecutor of the military commissions at Guantanamo Bay. Gen. Martins is a lawyer of tremendous skill, and a man of great integrity, character, and judgment. Reflecting his commitment to this case, he recently declined promotion in order to see these matters through to their conclusion. As the war against terrorism moves to the legal arena, we are indeed fortunate that Gen. Martins is leading the effort to ensure that justice is fairly dispensed to those charged with the horrific acts of 9/11.

Recently, Mr. Speaker, Gen. Martins and the reformed military commission were the subjects of a news report from National Public Radio. With your permission, I would like to include the text of that report in my remarks and urge that my colleagues take a moment to read this article and learn more about the man that Gen. David Petraeus described as "one of those rare individuals who always seems to end up in the toughest assignments and always performs exceedingly well in them."

## A PROSECUTOR MAKES THE CASE FOR MILITARY TRIALS

(By Dina Temple-Raston)

The chief prosecutor for the military commissions at Guantanamo Bay, Cuba, is arguing a difficult case: that the commissions are not only fair, but can take pride of place alongside the civilian criminal justice system.

Brig. Gen. Mark Martins is the chief prosecutor for the commissions, the courts at the naval base that try high-profile terrorism suspects.

He has been called Guantanamo's detox man largely because he has made it his mission to show that the military commissions system at Guantanamo is no longer a toxic version of victor's justice.

When the Bush administration resurrected the commissions system in the days after

the 9-11 attacks, it was seen as a convenient way to process the hundreds of detainees at Guantanamo.

The fullness of time, Martins argues, has turned the commissions into something more: something that actually resembles an adversarial judicial process.

"Law is being applied, judges are interpreting laws, counsel are arguing for different pieces of a particular motion," Martins told NPR in an interview. "Justice is being done, we're just absolutely committed to that. We've worked hard on reforms. Congress has been involved twice. The Supreme Court has ruled upon this."

"The current system is fair, but I understand that people will have to see that for themselves," said Martins, who graduated first in his class at West Point, studied as a Rhodes scholar and then went to Harvard Law School.

## CLOSED-CIRCUIT TV FEEDS OF TRIALS

Actually watching the proceedings used to be one of the system's basic shortcomings.

Proceedings were all secret. To see what was going on in the courtroom required traveling to Guantanamo and getting a bevy of clearances. Not anymore. The curious can now watch the trials on closed-circuit television feeds at selected army bases. To get in, citizens just need to show a picture ID, officials say.

Court transcripts are available online. So are motions. Martins says this new transparency is part of a broader effort to convince naysayers that the military commissions aren't so different from civilian courts.

To underscore the point, eight Justice Department attorneys are part of the prosecution teams working on two of the marquee trials the military commissions are hearing: the trial of Abd alRahim al-Nashiri, the man who allegedly planned the attack against the USS *Cole* in Yemen in 2000, and the trial of the alleged Sept. 11 mastermind, Khalid Sheikh Mohammed, and his alleged co-conspirators.

Those Justice Department lawyers work for Martins. He assigns them to cases, and they answer to him as well as the Justice Department.

## BLENDING MILITARY AND CIVILIAN SYSTEMS

Martins himself is no stranger to the Department of Justice.

For seven months in 2009, between deployments, Martins worked at Justice on President Obama's Detention Policy Task Force.

Then, three years ago, he became the first soldier to have his promotion ceremony held in the Justice Department's Great Hall. The country's top civilian lawyer, Attorney General Eric Holder, spoke at the ceremony as did Gen. David Petraeus who, at the time, was the head of the United States Central Command. Petraeus and Martins have worked together for more than two decades.

At the ceremony, Petraeus praised Martins: "Above all he is one of those rare individuals who always seems to end up in the toughest assignments and always performs exceedingly well in them."

Petraeus was Martins' first boss when Martins was a junior JAG officer with the 101st Airborne at Fort Campbell, Ky. Years later, Martins helped Petraeus during the surge of U.S. troops in Iraq. Then Martins served in Afghanistan. He was in charge of a field team that was supposed to transform lawless areas in Afghanistan into law abiding ones. Now he's being asked to transform the military commissions at Guantanamo.

## SUPPORT FROM THE JUSTICE DEPARTMENT

Martins has some unexpected allies on this mission, including key people at the Justice Department. Just last month, Holder, the attorney general, called the military commis-

sions "essential to the effective administration of justice."

And he isn't alone. Lisa Monaco, the assistant attorney general for National Security at Justice, said the reformed military commissions have the "same fundamental guarantees of fairness that are the hallmark of criminal trials."

This is a far cry from the grumbling that could be heard coming out of the Justice Department when Congress passed a law that essentially required that detainees at Guantanamo be tried on base.

Still, critics have reservations.

"One of the biggest problems is that today's military commissions carry with them the baggage of the military commissions from the Bush era and there is no way to get around that," says Karen Greenberg, director of the Center on National Security at Fordham Law School.

That's why Greenberg says Martins has a Sisyphean task of correcting the commissions' difficult history. For example, the Bush era military commissions allowed hearsay evidence and coerced statements—statements that might have come from torture and while the reformed commissions, as Martins calls them, no longer permit that, the old system still manages to cast a pall over the new.

"There are other problems," says Greenberg. "Basic things like attorney-client privilege. Defense attorneys and their clients at Guantanamo have their mail read. This might be okay under some sort of military commission, but it carries with it the legacy that was part of the Bush administration's policy. The Bush administration treated defense attorneys as if they were collaborating with the enemy and that sense hasn't really gone away."

Martins acknowledges the difficulty; he says the Bush-era commissions system in 2001 was flawed. But the case he is making is that today's system is something else altogether.

Now commissions give those on trial a meaningful opportunity to mount a defense. "I believe that as people watch this system and see it is sharply adversarial, it has all the protections that are demanded by our values . . . that they will see that this is a system they can have confidence in," says Martins.

## PLANS TO RETIRE FROM THE MILITARY

Martins would like to remain in the post for two more years, but has asked the military to allow him to retire after he finishes his current assignment as chief prosecutor.

"I've decided to request that this be my last assignment in the military," he told NPR in an interview. "That will afford a measure of continuity of the commissions process and it will enable me to stay at least until November 2014."

The departure of a chief prosecutor at Guantanamo has happened before, but under very different circumstances.

One chief prosecutor who preceded Martins was accused of rigging the military commissions process to ensure convictions.

Another quit after he said he felt pressured to include evidence derived from torture in commissions proceedings. He later said that he left because he didn't feel he could do that in good conscience.

Martins says his decision comes out of a need to make the commissions right. He says he wants to finish the job he started.

That job will be under even more scrutiny in the coming weeks. That's when Khalid Sheikh Mohammed and four other men accused of taking part in the 9-11 attacks are expected to be arraigned in a Guantanamo courtroom. Martins is keenly aware that everyone will be watching.

IN HONOR OF ELAINE DAVID

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 2012*

Mr. ENGEL. Mr. Speaker, Elaine David comes to us from Nova Scotia when her parents moved here to relocate in Mount Vernon where she graduated from high school, and by taking weekend and evening courses while working, she also graduated from Elizabeth Seton College.

As a hobby, she and her sister-in-law took classes in floral design and with the encouragement of her family, opened her own flower shop.

Elaine carried over that dedication into her community life. She is a devoted member of the Macedonian Baptist Church of Mount Vernon, a past member of the Black Women's Political Caucus of Westchester, and a member of several floral trade associations. She has received awards from Westchester School for Special Children, the Westchester Chapter of the National Association of Negro Professional Women's Club, the Empire State Funeral Directors Association and the Yonkers Chamber of Commerce.

For more than two decades Elaine David has served her community and the people in it faithfully and with devotion. I am happy to join with the Women's Civic Club of Nepperhan in honoring her for this dedication and thank her for all she has given.

HONORING COLONEL GEORGE D.  
BURROW**HON. JOHN R. CARTER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 2012*

Mr. CARTER. Mr. Speaker, I would like to take this opportunity to honor a decorated war veteran who has made countless sacrifices for our great nation. Retired Colonel George D. Burrow, an American hero, has received numerous medals and recognitions for his unwavering service.

Colonel Burrow was born on May 6, 1932 in Port Arthur, Texas. He began his military career in 1950, when he joined the Texas National Guard. By 1958, he graduated from Officer Candidate School as a Distinguished Military Graduate with an Army commission. Shortly after becoming an officer, Mr. Burrow became airborne and aviator qualified.

Colonel Burrow served five tours overseas during times of crisis, including in Germany, Korea and Vietnam. During these conflicts, Mr. Burrow built the reputation of a genuinely modest, superior warrior that executed his missions with phenomenal efficiency and brilliance.

One of the many examples of Burrow's impressive leadership was his guidance over the Bravo Troop of the famed 1st Squadron, 9th Cavalry during the Vietnam War. Burrow commanded the 27 Huey helicopters of Bravo Troop and the legendary group of choppers acquired the nickname—"Burrow's Barbarians." Bravo Troop accounted for more than 2,000 confirmed enemy kills between April 1967 and February 1968.

Colonel Burrow demonstrated unparalleled bravery and perseverance during battle. He was shot down a total of 13 times in Vietnam. When asked about how he managed to survive these seemingly hopeless events, he doesn't boast of his courage and inordinate ability to lead. Instead, Burrow praises his fellow service men that courageously fought alongside him and often times rescued Colonel Burrow and his men.

Colonel George Burrow retired after 39 years of service to the United States of America; his medals include the Distinguished Service Cross, Silver Star, Distinguished Flying Crosses (3rd Award), Legion of Merit, Bronze Star (2nd Award), Air Medal (34th Award), Purple Heart (31st Award), DOD Meritorious Service Medal, Army Meritorious Service Medal, Joint Service Commendation Medal, Army Commendation Medal (3rd Award), Korean Defense Service Medal, Army Service Medal, Good Conduct Medal, National Defense Service Medal, Vietnam Cross of Gallantry, Combat Infantry Badge, Expert Infantry Badge, Master Army Aviator Wings, Parachute Badge, and Joint Chief of Staff Badge. Furthermore, to continue the remembrance of Burrow's service, he was inducted into the Infantry Hall of Fame in 1979.

Mr. Speaker, Retired Colonel George Burrow celebrated his Eightieth Birthday on May 6th, 2012 and it is a great honor for me to recognize an American hero on this day. I will conclude this account of Colonel Burrow's selfless accomplishments by asking my colleagues to join me in reflecting on, and recognizing him, as one of America's greatest men.

IN HONOR OF JAMES L.  
SIMMONS, JR.**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 2012*

Mr. ENGEL. Mr. Speaker, James L. Simmons, Jr., is a Yonkers native who has been giving back to his community for years. For many of those years he was owner/operator of a hair care salon in Yonkers while also serving as a community planner for affordable housing.

In 1999 Mr. Simmons started a partnership with the city of Yonkers to assist in developing affordable homes in distressed areas of southwest Yonkers. Under his leadership as Director of the Center for Urban Rehabilitation and Empowerment, CURE, as it is known, acquired numerous parcels of land in southwest Yonkers with the aid of the Bureau of Planning and Development.

With the land, Mr. Simmons, as general contractor, then obtained various grants and loans to complete two- and three-family homes. He acquired another parcel of land on which he built twelve condominium units and named the development after his late mother.

He had worked on numerous developments including the Waterfront Development Project Gazette Building, and he is now in the predevelopment stage of Cook's Landing, his largest project, which will be 77 affordable rental units.

Mr. Simmons has served on the Yonkers Community Advisory Committee and has received numerous awards for his achieve-

ments. He currently serves on the board of the Yonkers Community Action Program and is commissioner of the Yonkers Municipal Housing Authority Board of Commissioners.

I am proud to join with the Women's Civic Club of Nepperhan in honoring James Simmons for his outstanding work in developing and building homes for those who need them most.

IN RECOGNITION OF OFELIA  
RUDER'S 50 YEARS OF SERVICE  
WITH THE CUBAN HEBREW CON-  
GREGATION OF MIAMI**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 2012*

Ms. ROS-LEHTINEN. Mr. Speaker, today I recognize a remarkable woman who has meant so much to our South Florida community—Ofelia Ruder. Ofelia has dedicated her life in service to the Cuban Hebrew Congregation of Miami for the last 50 years, starting out as Secretary in 1962 and eventually becoming its Executive Director.

For the last half-century, Ofelia has been the cornerstone of the Cuban Hebrew Congregation in Miami Beach. Through her tireless work on behalf of the congregation she has become an influential leader and role-model, not just for the Cuban-Jewish community, but for South Florida as a whole.

What started out as a small group of Jewish Cuban families in 1961, many of whom having been forced to flee their home country for a second time, the Cuban Hebrew Congregation has become a dynamic and thriving institution that represents a cultural and educational epicenter for Judaism in South Florida. The Cuban Hebrew Congregation's community, "El Circulo," with Ofelia at the forefront, has been committed to outstanding service to the Jewish community. For more than half a century Ofelia has been actively engaging our entire community, committed to improving our South Florida community and instilling the importance of community service and unity among those around her.

In addition to her numerous accomplishments, Ofelia is a proud mother of two sons, Albert and Bernie, who have continued her legacy of public service and have become dedicated public servants themselves.

On behalf of "El Circulo" and the entire South Florida community, I wish to congratulate and thank Ofelia for her 50 years of service with the Cuban Hebrew Congregation. I expect to hear ever greater things yet from Ofelia and the Cuban Hebrew Congregation.

IN HONOR OF NICHELE JOHNSON  
AND BROTHER ARTHUR MUHAM-  
MAD**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 7, 2012*

Mr. ENGEL. Mr. Speaker, Nichele Johnson and her husband Arthur Muhammad are continuing working for the youth of Mount Vernon and they raise four daughters of their own.