

Despite the horrific nature of the crime that was perpetrated against our nation and our citizens, a foundation of the American justice system is the right of the accused to receive a fair trial no matter how abhorrent the action. While we have an obligation to use all of the instruments of our national power and authority to counter the threats of terrorists who maim and murder with utter impunity, we cannot allow our outrage and thirst for justice to trump this uniquely American rule of law. We must be guided, and when appropriate, constrained by our core values. This is essential to our effort, and to our legitimacy, in engaging and defeating enemies who traffic in fear and live in darkness. Our enemies continue to pose a serious, adaptive and asymmetric threat and our efforts to deter them must be equally zealous.

We must ensure that all of our efforts are relentlessly empirical and pragmatic, while demanding compliance with the rule of law. All instruments of our national power and authority must be used to oppose these modern asymmetric threats. We must recognize that the instruments that are constrained and guided by our core values, including the rule of law, are the only truly effective and sustainable instruments. While the most effective instruments for countering these threats are those that are constrained and guided by our core values, including the rule of law, we must also, as Justice Jackson said at the Nuremberg Trials, “stay the hand of vengeance” and ensure that “power [pays tribute] to reason.” Our reformed military commission will ensure the steady hand of justice is applied with these alleged war criminals. Justice, after all, “is the greatest interest of man on earth. . . and so long as it is duly honored, there is a foundation for general security, general happiness and the improvement and progress of our (human) race.” Daniel Webster, Sept. 12, 1845.

Reformed military commissions are fully integrated within our federal framework of criminal justice, are overseen by our Article III appellate courts, and are severely confined to their law of war jurisdiction. Reformed military commissions can and will deal effectively, independently, and fairly with the law of war violations referred to them for trial, and they are already featuring a specialized interagency legal practice within the law of armed conflict and counterterrorism. Our military commissions are comparable to a civilian court, in that they have been modeled on the federal criminal justice system and incorporate all of the guarantees that are essential to a fair and just trial. To begin with, the accused is presumed innocent, and the prosecution has the burden of proving his guilt beyond a reasonable doubt. The accused is also protected against self-incrimination. Statements obtained through the use of torture or cruel, inhuman, or degrading treatment are not admissible, and before any statement of the accused may be admitted, a military judge must find it to be reliable, probative, and voluntary.

The simple fact is, the rights of the accused before a military commission are virtually identical to the rights of the accused in a federal court: the right to notice of the charges; the right to counsel and choice of counsel; the right to be present during the proceedings; the right to present evidence, cross-examine witnesses, and compel attendance of witnesses in his or her defense; the right to exculpatory

evidence that the prosecution may have as to guilt, sentencing, and the credibility of adverse witnesses; the right to an impartial decision-maker; the right to suppression of evidence that is not reliable or probative or that will result in unfair prejudice; the right to not be deposed without his or her consent; and the right to appeal to a federal civilian court of appeals and, ultimately, to the United States Supreme Court.

While there may be differences between the military commission and the federal court venue, the divergence exists for principled reasons. It is grounded in necessity. It remains consistent with the rule of law. And it ensures that the commission has the ability to provide accountability during a time of armed conflict when no other adequate or effective means to do so exists.

Finally, let me say that the proceedings before military tribunals are transparent. In this regard, they also closely parallel federal practice. Prosecutors are committed to allowing family members of the victims, the media, and the public to access to the proceedings. This reflects the belief—not only within the commission structure, but among our citizenry as a whole—that there is great value in allowing Americans, and the world, to witness criminal trials and to see first-hand the fairness and impartiality with which our nation dispenses justice.

These cases of alleged terrorists and murderers will be handled fairly within the rule of law, persistently and consistently to their end. Brigadier General Mark Martins, the chief prosecutor of the military commission, recently indicated that he has foregone an opportunity for promotion to ensure consistent handling of these important matters to their conclusion. We have come to expect no less than this selfless and heroic act from this General. He is a lawyer of exceptional skill and a man of extraordinary principle. He not only understands the form of the law, but also its spirit. And he recognizes, as Dr. Martin Luther King once said, that denial of justice anywhere diminishes justice everywhere. There is no better person for this job than Gen. Martins, a Harvard classmate of our President, and I for one am grateful that he has agreed to remain in this position, and to see this trial through a full and fair hearing of the alleged heinous acts of war and terror on the American public.

Mr. Speaker, it is no secret, nor is it an overstatement, to say that we live in a dangerous world. My state of Mississippi knows this well with the proud service of thousands of our sons and daughters serving the military and the nearly 100 Mississippians who have given their lives in protection of our freedom in Iraq and Afghanistan. We should not allow our fears—or our outrage over acts designed to stoke those fears—however to guide our actions, even in these challenging and sometimes anxious times. Only fairness and justice can lead us to peace, and when the world thinks of fairness and justice, I want it to think of America. I have no doubt that when the accused perpetrators of 9/11 are brought to trial before a military commission, this country, and our system and values, will be considered in precisely that way.

PRESIDENTIAL MEDAL OF FREEDOM TO BE AWARDED TO DR. JAN KARSKI, AMONG THE RIGHTEOUS AMONG THE NATIONS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mrs. LOWEY. Mr. Speaker, I rise today to thank the nearly seventy bipartisan Members of this Chamber who joined with me last December in writing President Obama to urge him to bestow the Presidential Medal of Freedom posthumously on the late Dr. Jan Karski. Earlier this week, at a White House ceremony, Dr. Karski received that well deserved recognition. The announcement that he would receive the honor was made last month by the President at the U.S. Holocaust Memorial Museum in the company of Elie Wiesel.

Dr. Karski was a man of incredible courage. While others fell silent and looked the other way, his conscience and moral compass led him to do what was right. At great personal risk, he infiltrated the Warsaw Ghetto and a Nazi camp so he could report authentically about the suffering of innocent men, women and children. As he recounted the tragic images in his memoir, *Story of a Secret State*: “Everywhere, there was hunger, misery, the atrocious stench of decomposing bodies, the pitiful moans of dying children, the desperate cries and gasps of a people struggling for life against impossible odds.” He shared his eyewitness accounts with the Allied leaders including British Foreign Minister Anthony Eden and President Franklin Roosevelt and pleaded for a strong response. While those pleas were not initially successful, he was persistent in his efforts to make the world understand the reality of the Holocaust and to open the eyes of those who could—and eventually did—intervene. He was not one to be intimidated. He was one who fearlessly spoke truth to power.

Dr. Karski has since been widely recognized by the governments of Israel and Poland for his contributions. Israel granted him honorary citizenship and Yad Vashem honored him as a “Righteous Among the Nations.” He also received Poland’s highest civilian award, the Order of the White Eagle, along with its premier military decoration, *Virtuti Militari*. Both the American Jewish Committee and the Anti-Defamation League have named awards in Dr. Karski’s honor in recognition of his heroic and consistent efforts to stop the Holocaust.

Many of our colleagues in the House and Senate know about what Jan Karski did to awaken the West to the horrors of the Holocaust as it was unfolding in his native Poland. In fact, several of our colleagues were students of Dr. Karski’s during his forty year career as a professor at Georgetown University here in Washington. I know their chance to study under his guidance left an indelible impact on them that continues to serve the Nation. Former President Bill Clinton, who was also a Georgetown student while Dr. Karski was teaching, summed it up by saying “as a professor, he continued to educate his students about the importance of freedom and the lessons of justice he had so courageously learned firsthand.”

Those are lessons that continue to be important for all to learn. As President Obama said at the Holocaust Memorial Museum last

month: "We must tell our children" so they know "about how this evil was allowed to happen." Educational programs are already being planned for 2014, the centennial year of Dr. Karski's birth, to continue his efforts instill in future generations the lessons of the Holocaust and the critical importance speaking out against hatred. The Presidential Medal of Freedom is a well deserved recognition of Dr. Karski's life's work.

IN HONOR OF WILLIAM FRANK
McFARLANE

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. NUNES. Mr. Speaker, I rise today to honor William Frank McFarlane, who passed away on Tuesday, May 15, 2012. Mr. McFarlane was a pillar of the California agricultural community.

Bill McFarlane was born in Fresno, California, on January 1, 1926, and grew up on a farm in Clovis. He attended Jefferson Elementary School and Clovis Union High School. While at California State University, Fresno, Bill transferred to the University of Southern California, earning Bachelor of Science degrees in Naval Science and Business Administration.

At a young age, Bill began his successful career in agriculture. He and his parents formed a partnership in 1948, McFarlane and McFarlane, growing Muscat grapes for raisins and wine, cotton, grain, plums, vegetable and flower seeds, almonds, citrus, and rice. While many other achievements would follow in his long career, Bill always remained a farmer at heart.

A tireless supporter of other farmers in the San Joaquin Valley, Bill was a member of the Sun-Maid Raisin Growers Advisory Council; president of Clovis-Sanger Cooperative Gin; joined the board of Calcot, Ltd. in 1955 and was chairman of that organization from 1966 to 1974; served as president of California Cotton Growers Association; a member of the Producers Steering Committee of the National Cotton Council; a director of the Western Cotton Growers Association; the founding president of Central California Almond Growers Association and served on the board of Blue Diamond Growers for 17 years, 4 years as chairman.

Bill was a principal of the family-farming group Cinco Farms; served as president of California Westside Farmers for 8 years; a chairman of Farm-Water Alliance for 6 years, whose effort culminated in the signing into law of the federal Reclamation Reform Act of 1982. Bill was also a member of the board of Westlands Water District, and served on the board of the Federal Crop Insurance Corporation of the U.S. Department of Agriculture during the 8 years of the Reagan Administration. In 1967, he became a director of the National Council of Farmer Cooperatives, as well as the Agricultural Council of California, becoming chairman of the council and was awarded their Co-Op Farmer of the Year Award in 1994.

Bill received the 1994 Agriculturalist of the Year Award at the California State Fair, and in 2000 the Greater Fresno Area Chamber of

Commerce Agriculturist of the Year Award. After serving for 14 years on the board of the California State University, Fresno, Agricultural Foundation, Bill's final expression of his love for agriculture was his commitment to Friends of Agricultural Extension, reflecting his belief in the public value of university agricultural research.

While his commitment to the San Joaquin Valley agricultural community was unmatched, Bill's commitment to education was equally impressive. He was a member of the Jefferson Union Elementary governing board; a charter member of the Clovis Unified School District board; a founding member of the board of directors of the Foundation for Clovis Schools; and a member of the Reagan Educational Center Agriculture Department Advisory Committee. Bill was particularly proud when Clovis Unified School District honored him by naming the McFarlane-Coffman Agricultural Center after him.

Bill McFarlane's legacy to his friends, family, colleagues, and countless numbers of students will be remembered for generations to come. The San Joaquin Valley has been blessed with many people whose commitment to the valley has made it the greatest agricultural region in the world. Among these people, Bill was one of the greats.

TRIBUTE TO LIEUTENANT
COLONEL MARYJO TIMPANO

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. BUERKLE. Mr. Speaker, I rise today to honor and pay tribute to LTC MaryJo Timpano, Director of Staff, 174th Fighter Wing upon the occasion of her retirement from the United States Air Force Air National Guard.

Lieutenant Colonel Timpano assumed the duties of the Director of Staff and Wing Executive Officer for the 174th Fighter Wing at Hancock Field on June 4, 2008. It was under this assignment that Lieutenant Colonel Timpano has directed all wing and public affairs activities.

Additionally, Lieutenant Colonel Timpano has served as the Hancock Field Sexual Assault Response Coordinator and the Community Manager for the 174th Fighter Wing.

Prior to her assignments with the 174th Fighter Wing, Lieutenant Colonel Timpano served the Office of the Chairman Joint Chiefs of Staff as an Executive Officer to the Assistant to the CJCS for National Guard and Reserve Matters.

Lieutenant Colonel Timpano earned her Bachelor of Science degree in Developmental Psychology through the State University of New York at Brockport and is currently pursuing a Master's degree in Psychology. She has an extensive military education and has been the recipient of several medals.

It is important that we as a nation recognize our service men and women for their dedication to the United States of America, particularly those as accomplished as LTC MaryJo Timpano.

Mr. Speaker, it is with privilege that I pause to commemorate LTC MaryJo Timpano on her dedicated service to the Nation and congratulate her on her retirement from the United States Air Force Air National Guard.

HONORING LORETTA J. MALOY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Thirty-three years ago a virtuous woman of God accepted her calling to serve in the Educational System; and

Whereas, Mrs. Loretta J. Maloy began her educational career in teaching in Georgia and this year she retires from teaching at Edward L. Bouie, Sr., Elementary Theme School in Lithonia, Georgia; she has served the DeKalb County Public Schools System well and our community has been blessed through her service; and

Whereas, this phenomenal woman has shared her time and talents as a Teacher, Educator, and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader, a devoted scholar, and a servant to all who want to advance the lives of our youth; and

Whereas, Mrs. Maloy is formally retiring from her educational career today, she will continue to promote education because she is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Loretta J. Maloy on her retirement from the DeKalb County Public Schools System and to wish her well in her new endeavors;

Now therefore, I, HENRY C. "HANK" JOHNSON, Jr., do hereby proclaim May 18, 2012 as Mrs. Loretta J. Maloy Day in the 4th Congressional District of Georgia.

Proclaimed, this 18th day of May, 2012.

HONORING SUSAN MOORE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 2012

Ms. WOOLSEY. Mr. Speaker, I rise with pleasure today to honor my friend Susan Moore, of Santa Rosa, CA, who recently received a Lifetime Achievement Volunteer Award from Roseland School District in her hometown. This well-deserved accomplishment reflects Susan's passionate efforts as a driving force behind the creation of Roseland University Prep.

Eight years ago, Susan worked with Roseland Superintendent of Schools Gail Ahlas to establish a high school in a largely Latino area where few students went on to attend college. The school's purpose is to give each student both the opportunity to take the necessary classes and the support needed to succeed. Recently U.S. News & World Report ranked Roseland University Prep as one of the top-performing high schools in the nation.

Susan Moore's commitment to children in underserved communities is long-standing. She is a person who sees a need and uses her skills and determination to fill it. In 1999, she developed the Girl by Girl Mentoring