

# ESTABLISHING A SYRIAN WAR CRIMES TRIBUNAL?

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, the two-year-old Syrian civil war has produced increasingly horrific human rights violations, including summary executions, torture and rape. Most recently, both government and rebel forces have targeted medical and humanitarian aid personnel. Snipers are reportedly targeting pregnant women and children. Since the Syrian civil war began, more than 100,000 people have been killed and nearly seven million people have been forced to leave their homes. By December of this year, it is estimated that neighboring countries such as Turkey, Lebanon and Iraq could see as many as 3.5 million Syrian refugees.

Those who have perpetrated human rights violations among the Syrian government, the rebels and the foreign fighters on both sides of this conflict must be shown that their actions will have serious consequences.

H. Con. Res. 51, introduced on September 9th, calls for the creation of an international tribunal that would be more flexible and more efficient than the International Criminal Court to ensure accountability for human rights violations committed by all sides. This hearing will examine the diplomatic, political, legal and logistical issues necessary for the establishment of such a court. Today's hearing will examine controversial issues such as sovereignty, the ICC versus ad hoc regional tribunals and the sponsorship of such a tribunal.

Perhaps the most famous war crimes tribunals were the Nuremberg and Tokyo trials—the post-World War II trials of Axis military officers and government functionaries responsible for almost unimaginable crimes against humanity. The Cold War rivalry between the United States and the former Soviet Union prevented the international cooperation necessary for war crimes tribunals to be convened by the United Nations. After the end of that international political conflict, there have been three particularly notable international tribunals to hold accountable those guilty of genocide or crimes against humanity: in the former Yugoslavia, in Rwanda and in Sierra Leone.

Each of these tribunals has achieved a level of success that has escaped the International Criminal Court. The Yugoslavia tribunal has won 69 convictions, the Rwanda tribunal has won 47 convictions and the Sierra Leone tribunal has won 16 convictions. Meanwhile, the ICC—costing about \$140 million annually—has thus far seen only one conviction.

The ICC process is distant and has no local ownership of its justice process. It is less flexible than an ad hoc tribunal, which can be designed to fit the situation. The ICC requires a referral. In the case of the President and Deputy President of Kenya, it was Kenya itself that facilitated the referral. That is highly unlikely in the case of Syria. Russia in the UN Security Council would likely oppose any referral of the Syria matter to the ICC, but might be convinced to support an ad hoc proceeding that focuses on war crimes by the government and rebels—one that allows for plea bargaining for witnesses and other legal negotiations to en-

able such a court to successfully punish at least some of the direct perpetrators of increasingly horrific crimes. And Syria, like the United States, never ratified the Rome Statute that created the ICC, which raises legitimate concerns about sovereignty with implications for our country which this panel will also address.

There are issues that must be addressed for any Syria war crimes tribunal to be created and to operate successfully. There must be sustained international will for it to happen in a meaningful way. An agreed-upon system of law must be the basis for proceedings. An agreed-upon structure, a funding mechanism and a location for the proceedings must be found. There must be a determination on which and how many targets of justice will be pursued. A timetable and time span of such a tribunal must be devised. And there are even more issues that must be settled before such an ad hoc tribunal can exist.

David Crane, one of today's witnesses, has suggested five potential mechanisms for a Syrian war crimes tribunal: An ad hoc court created by the United Nations; a regional court authorized by a treaty with a regional body; an internationalized domestic court; a domestic court comprised by Syrian nationals within a Syrian justice system; or the ICC.

Each of these first four models have some benefits—some more than others. The ICC can be ruled out, and a domestic court in the near future seems highly unlikely. However, we are not here today to decide which of these models will be chosen. Rather, our objective in a hearing I held last month was to promote the concept of a Syria war crimes tribunal whatever form it eventually takes.

Again, those who are even now perpetrating crimes against humanity must be told that their crimes will not continue with impunity. Syria has been called the world's worst humanitarian crisis. According to the World Health Organization, an epidemic of polio has broken out in northern Syria because of declining vaccination rates. One might reasonably also consider it the worst human rights crisis in the world today. Therefore, the international community owes it to the people of Syria and their neighbors to do all we can to bring to a halt the actions creating these crises for Syria and the region.

At last month's hearing, we assembled a distinguished panel to discuss the pros and cons of creating and sustaining a Syrian war crimes tribunal. This was not an academic exercise. We must understand the difficulties of making accountability for war crimes in Syria a reality. Therefore, we must understand the challenges involved so that we can meet and overcome them and give hope to the terrorized people of Syria. Their suffering must end, and the beginning of that end could come through the results of last month's proceeding.

## CONTINUING TO PUSH FOR MEDICAID EXPANSION

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. CONYERS. Mr. Speaker, I rise today to talk about the healthcare benefits low-income residents of Michigan can now access be-

cause of the state's expansion of Medicaid. I strongly encourage my colleagues to ask their respective governors to take similar measures to expand Medicaid.

In Michigan, this expansion will provide health insurance for thousands of Michiganders who need it most, while saving money and improving care for all of our citizens.

In 2014 alone, 320,000 individuals will be able to access Medicaid benefits, and by 2021, 470,000 Michiganders will be covered—dropping Michigan's uninsured population by nearly 50 percent.

Perhaps most beneficial is the fact that the state will actually save money since federal funds will cover 100 percent of the costs of this expansion for the first 3 years. Next year, the savings will be \$206 million and much of these savings will be put in a fund to cover Michigan's future health care liabilities, meaning there will be no net cost to the state for the next 21 years. Further, this expansion will save the state \$320 million in uncompensated care by 2022.

This means tax savings for every single tax-paying Michigander, as they will no longer be responsible for paying the medical bill of uninsured individuals who used to seek services at expensive emergency room facilities.

While many states are recognizing the irresistible benefits of Medicaid expansion, 25 states have yet to do so—apparently for ideological reasons. This summer, the Kaiser Family Foundation calculated that the Medicaid expansion would have twice the impact in the states that are leaning against expansion than those embracing it, exhibiting how incredibly positive it would be for those states to adopt expansion. If a state like my home of Michigan can recognize the benefits, I know others can as well. This is a common sense decision that will benefit every person, and even small businesses, in the states that have not yet expanded coverage.

Mr. Speaker, I strongly encourage the 25 governors to see past the ideology and recognize the overwhelming benefit their constituents will reap by their actions to expand Medicaid.

## TRIBUTE TO DICK MORGAN

**HON. WM. LACY CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. CLAY. Mr. Speaker, Dick Morgan, who began his professional musical career as a child and spent decades as one of Washington's leading jazz pianists, died Oct. 20 in hospice care at the Village at Rockville retirement facility. He was 84 and resided in Silver Spring.

He had prostate cancer, his wife, Sylvia Morgan, said.

Since his arrival in Washington in 1960, Mr. Morgan had a long and steady career as a pianist in nightclubs, hotels and concert halls, including Blues Alley and the Kennedy Center. He recorded more than a dozen albums and performed over the years with many top singers and musicians, including Etta Jones, Joe Williams and Keter Betts.

He was known as a versatile, crowd-pleasing pianist who could embellish a large repertoire of tunes with improvised flourishes that

reminded many listeners of piano stars Oscar Peterson and Erroll Garner.

"Dick showed you that jazz is fun," David Einhorn, Mr. Morgan's bass player for 17 years, said Wednesday in an interview. "Dick was a guy who could bring you to tears and make you laugh and make you bounce in your seat, all in one song."

In the mid-1950s, when Mr. Morgan was working in Norfolk, the trombonist and bandleader Tommy Dorsey invited him to join his group in Las Vegas. The job was cut short when Dorsey died in 1956. During his time in Las Vegas, Mr. Morgan performed at a birthday party for Frank Sinatra, with Sinatra singing along with him.

By the late 1950s, Mr. Morgan had returned to Norfolk, where he often worked with Virginia-born guitarist Charlie Byrd, who helped launch the bossa nova craze of the 1960s. Byrd helped bring Mr. Morgan to Washington, where he was soon leading a trio at the old Showboat Lounge in Adams Morgan.

Saxophonist Julian "Cannonball" Adderley, then at the height of his fame, was so bowled over by what he heard from Mr. Morgan that he called his record label. Within a week, a recording crew came to Washington to capture Mr. Morgan in a live album, "Dick Morgan at the Showboat" (1960). His drummer on the recording, Bertell Knox, continued to work with Mr. Morgan for more than 50 years.

"I don't make any claims to be a first-class jazz pianist," Mr. Morgan told the *Richmond Times-Dispatch* in 2007. "I'm somebody that will immediately get immersed in the audience and get them to pay attention. That has carried me through the years. I play for the audiences—I don't play for me."

Richard Lewis Morgan was born June 5, 1929, in Petersburg, Va. By the time he was 5, he could play hymns from memory—after his mother had played them just once on the pump organ at his family's home.

Largely self-taught on piano, Mr. Morgan had his own radio show in Petersburg when he was 10. He learned mostly from older musicians passing through nearby Fort Lee, Va., and had an early encounter with bandleader Duke Ellington, who encouraged his budding career.

Mr. Morgan attended Virginia State University and played in an Army combo in the early 1950s.

He often had extended hotel and club engagements in the Bahamas, Bermuda, Canada and Puerto Rico, but Mr. Morgan became a Washington fixture, with long residences at the Top of the Town in Arlington, Pirate's Hideaway in Georgetown and, more recently, the Madison Hotel in downtown D.C.

In 1997, a *Washington Post* critic praised Mr. Morgan's album "After Hours," noting that he "taps into the essence of the blues" and "an engagingly blue mood envelops the listener, thanks to his rippling tremolos and leisurely paced turnarounds."

Mr. Morgan's final recording, the solo album "Bewitched," was released in 2010. He gave his last performance in April.

His first marriage, to the former Lois Josephine Fountain, ended in divorce. He was predeceased by a son from an earlier relationship, James Morgan, and a stepson, Roland Everett.

Survivors include his wife of 44 years, Sylvia Everett Morgan of Silver Spring; a daughter from his first marriage, Anita M. Harris-

Jones of Norfolk; a stepdaughter, L. Verlon Colwell of Washington; seven grandchildren; 10 great-grandchildren; and five great-great-grandchildren.

When he was approaching 50, Mr. Morgan returned to college at the behest of a friend, comedian Bill Cosby, and graduated in 1979 from the Washington program of Antioch College. He received a law degree from Howard University in 1983 but never pursued a legal career, preferring to stay at the piano.

"He really touched audiences because of how he understood the music and how he could convey what the music was saying," Steve Abshire, his guitarist for the past 29 years, said Wednesday. "He had a way of communicating the music that went straight to the heart."

#### ON THE OCCASION OF THE CENTENNIAL ANNIVERSARY OF THE PHI BETA SIGMA FRATERNITY

### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. PETERS of Michigan. Mr. Speaker, I rise to join with the members of the Phi Beta Sigma Fraternity, Inc. to celebrate the centennial anniversary of their brotherhood, which is bound together under the ideals of scholarship and service.

When it was founded by A. Langston Taylor, Leonard F. Morse and Charles I. Brown at Howard University in the early days of 1914, Phi Beta Sigma was envisioned as a fraternal organization that would seek an inclusive membership of meritorious young leaders. Together the founders sought to build a brotherhood committed to serving the communities in which they were raised—empowering residents and bringing together friends and neighbors to create positive change.

One-hundred years later, Phi Beta Sigma has grown into a thriving international fraternal network, with hundreds of collegiate and alumni chapters and an impressive list of accomplishments. In the early part of the Twentieth Century, its members answered the call to serve their nation in the face of unprecedented challenges—fighting bravely in the U.S. Armed Forces during World War I and World War II. Phi Beta Sigma's members were at the forefront of the Harlem Renaissance, an incredible resurgence of the unique and rich cultural contributions African-American communities have made to our country. During the Great Depression, Phi Beta Sigma worked to ensure that a college education remained an attainable goal for America's African-American community by offering scholarships. And during the 1950s, members of Phi Beta Sigma were among the individuals leading the charge for Civil Rights in Selma, Alabama, and across the nation, including my distinguished colleague, Congressman JOHN LEWIS.

As a Member of Congress from the Greater Detroit region, I have the privilege of representing many Phi Beta Sigma members of the Alpha Alpha Beta Sigma, Nu Alpha Sigma and Xi Beta Sigma alumni chapters in the Greater Detroit area, as well as several collegiate chapters across the Southeast Michigan region. In their efforts to fulfill the mission of their brotherhood, they have supported organi-

zations like Forgotten Harvest that rescue and redistribute food to organizations that assist food insecure families in Michigan, been mentors to young men in the Big Brother program and the Boy Scouts of America, and assisted seniors with maintaining their households. Furthermore, they have undertaken endeavors that support HIV/AIDS education and awareness, created scholarship programs to increase access to higher education and that have increased the quality of living in communities across the Greater Detroit region. Most recently, Phi Beta Sigma has been at the front of a campaign to eliminate hazing in fraternities and sororities across our country.

In addition to the greater local chapters of the Phi Beta Sigma Fraternity, Inc. in the Southeast Michigan area, I also extend my congratulations to the Epsilon Tau Sigma, Pi Rho Sigma and Zeta Gamma Sigma alumni chapters, as well as the many collegiate chapters that serve other communities across Michigan.

Mr. Speaker, it is a great pleasure to congratulate the Michigan members of the Phi Beta Sigma as they celebrate their centennial with their brothers from around the world. In one-hundred years, they have given rise to leaders that have been at the forefront of shaping our nation in the defining moments of the Twentieth Century and engaged in countless service projects that have increased the vitality of communities around the world. I know they must be very proud of this incredible milestone in their organization's history and I wish them many years of continued success in their service to our communities.

#### EXCHANGE OF LETTERS ON H.R. 3350, KEEP YOUR HEALTH PLAN ACT OF 2013

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 18, 2013*

Mr. UPTON. Mr. Speaker, I submit the following for the RECORD.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC, November 14, 2013.*

Hon. DAVE CAMP,  
*Chairman, Committee on Ways and Means,*  
*Washington, DC.*

DEAR CHAIRMAN CAMP: Thank you for your letter regarding H.R. 3350, the "Keep Your Health Plan Act of 2013." As you noted, there are provisions of the bill that fall within the Committee on Ways and Means' Rule X jurisdiction.

I appreciate your willingness to forgo action on H.R. 3350, and I agree that your decision does not in any way prejudice the Committee on Ways and Means with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 3350 on the House floor.

Sincerely,

FRED UPTON,  
*Chairman.*