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Speech of Dr. Arch Barrett, Hon. John M. Spratt, Jr. of South Carolina In the House of Representatives

Spratt, John M.

Arthur Ruhl died in 1935 and his files were packed into boxes that went into storage for more than 60 years. I recently came into possession of his papers, which include both articles for Colliers, three letters from Orville Wright, and a note from Katherine Wright, the brothers’ sister, thanking Arthur for some sweet peas he brought to dinner at the Wrights’ home on Hawthorne Street in Dayton.

Recognizing the Class Act Group Grassroots Conference to Restore the Broken Promise of Military Retiree Health Care

Hon. Chris Van Hollen
Of Maryland
In the House of Representatives
Tuesday, February 24, 2004

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commend Col. George “Bud” Day and the members of the Class Act Group who have worked so hard to restore health care to America’s military retirees. I salute them for their grassroots efforts that helped make Tricare for Life the law of the land, and I commend them for coming together on February 17, 2004, in Fort Walton Beach, Florida, to develop a strategy to convince Congress to make good on more of the broken promises.

I especially appreciate their efforts to enact H.R. 3474, the Keep Our Promise to America’s Military Retirees Act, a bipartisan bill that I was proud to introduce.

The purpose of the recent meeting takes on a greater urgency because we must prepare to honor a new generation of veterans who have been willing to make the ultimate sacrifice for our country in Iraq and Afghanistan. Our government must be accountable for the promises it makes to young men and women who are asked to serve our country in this way.

Generations of young men and women were recruited into the uniformed services with the promise that health care would be there for them when they retired after serving a career in service. But while these career soldiers put their lives on the line for our country, the government did not keep its end of the contract. Finally, the Courts have laid to rest the matter involving Yasr Hamdi and Jose Portillo.

While both evidently are American citizens now being held as unlawful combatants, their cases are not identical. As the editorial explains:

Both men are citizens, but the incarceration of Hamdi seems less convincingly a civil-rights incursion than the incarceration of Padilla. While Hamdi deserves his day in court, grabbing a prisoner at the site of armed hostilities in a foreign country is a different matter from picking someone up at a domestic airport.

And, in the words of the editorial, here is the bottom line:

The obvious issue with Padilla is that if the government can throw him away as long as it likes without an indictment or court proceedings of any kind, why can’t it do the same thing with any of us?

Mr. Speaker, that is exactly the point, and exactly why the Portillo case is so important. For the benefit of our Congress, I am attaching the full text of the editorial.

In the House of Representatives
Tuesday, February 24, 2004

Padilla Deserves Due Process—Still

Some argue the Bush administration was justified in arresting a U.S. citizen and holding him for two years without due process because, after all, he was in league with terrorists. The logic of the argument here is known as begging the question—you assume the conclusion in the proposition.

How can the administration know Jose Padilla was involved in mass killings through use of a “dirty” bomb without due process? And if this can be proven, why doesn’t the government initiate a trial?

The Washington Post–The New York Times article titled “Still in the Hands of the Pentagon” in today’s editions of the Rocky Mountain News correctly points out that the decision to hold Padilla in a domestic airport is a different matter from picking someone up at a domestic airport.

And, in the words of the editorial, here is the bottom line:

The obvious issue with Padilla is that if the government can throw him away as long as it likes without an indictment or court proceedings of any kind, why can’t it do the same thing with any of us?

It’s hard to see how the Supreme Court could side with the administration in the Padilla case, even if a few other presidents, most notably Abraham Lincoln during the Civil War, have gotten away with the suspension of constitutional rights.

In the Padilla case, the administration has been arguing that the remaining language from the Civil War era in Article I of the Constitution and the Fifth Amendment that allows exceptions to due process protections when there is national security at stake applies to the case.

Mr. Speaker, I rise to enter into the RECORD a speech given by a former staffer of the House Armed Services Committee, Arch Barrett. Arch is one of the most unassuming people I know, but was one of the most remarkable and able staffers I’ve met during my 20 years on Capitol Hill.

Arch Barrett is now a professor at the Navy Post-Graduate School in Monterey, still serving his country. He gave the graduation address to the Naval Postgraduate School’s Joint Professional Military Education Course in June 2003. In that speech, Arch of course commended his own role in establishing the Goldwater-Nichols Act in 1981, as a House Armed Services Committee staff member.

Sixteen years ago, in 1987, Congressman Les Aspin asked me whether there was an unfinished task in the area of Defense Department restructuring that could be assigned to Representative Ike Skelton. Aspin was the chairman of the Committee on Armed Services of the U.S. House of Representatives. Skelton was a mid-level Democrat on the Committee who was intensely interested in improving the quality and performance of our Armed Forces. I was a member of Aspin’s Committee.

At the time, the Pentagon was making little progress in implementing the education
provisions of the 1966 Goldwater-Nichols Act. The Act required a reassessment and re- vamping of professional military education to assure that it supported the new emphasis on joint planning and operations. I suggested to Chairman Aspin that Rep. Skel- ton could provide a signal contribution to the improvement of the nation’s armed forces if he filtered his acumen to an interbranch pro- gressional panel charged with bringing PME into line with the goals of the Goldwater- Nichols Act. Subsequently, Rep. Skelton seized his opportunity and ultimately ad- thered the significant changes in Professional Military Education that had cul- minated in your presence here as J PME graduates addressed the offices of Congress.

My remarks today will be addressed to the leadership displayed by Rep. Skelton and two other individuals that eventually led to this gathering. We usually think of a leader as someone who is in charge or who heads an organiza- tion. I for one barely qualify. My most ex- traordinary experience in that regard was leading aircraft on night combat missions in Southeast Asia during the Vietnam War. But the aircraft I led came together for only one mission and very little “leader- ship”, as we usually think of it, was in- volved. On the other hand, many of you in the audience, or some younger who has been upon to lead in the traditional sense. You may rightly ask what I could convey to you on the subject. I certainly asked that ques- tion of myself when I began to contemplate this address.

My answer is that I have had the privilege of observing others use their ability, their position and their organization to exert leadership on matters of great importance to our country. Basically, a leader influences other people. Perhaps or she we speak of the leaders I will discuss influenced the behavior of hundreds of thousands of members of the armed forces, including you in this audience. It is because of my experience with those men that I can discuss aspects of leadership.

At about the time you graduates were at- tending high school, I retired from the Air Force and joined the staff of the Armed Serv- ices Committee. In February 1962, General David J. Jones, the nation’s most senior military officer, testified that there were funda- mental flaws in the structure of the highest military body in our Armed Forces, the Joint Chiefs of Staff—or JCS, as it is often called. He proposed that Congress legislate far-reaching change in the military’s command structure.

Gen. Jones was chairman of the JCS. At the time, he was in his late ’50s. He was a tall, dark haired, distinguished looking man in his Air Force uniform with the 4 stars on each shoulder.

The general charged that the JCS, a com- mittee consisting of the chiefs of the four ser- vices, had difficulty making decisions and pro- viding advice to the President from an over- all national defense perspective because each chief service service possessed the expertise to exercise his own service. Moreover, he claimed, the service chiefs had used their positions on the JCS to weaken the field commanders—the CINCS, who are in charge of conducting military operations. Each service chief wanted to keep as much control of his sol- diers, sailors, airmen, or marines as possible. Each chief also sought to maximize his service’s budget for tanks, planes, or ships re- gardless of the needs of the other services. It is no wonder, then, when the services were asked to conduct joint operations, their joint performance was often unsatisfactory.

Most of you in this room are accustomed to hearing of nothing but an unbroken string of military successes during your lifetime. Those of us who are older remember a much more uneven pattern of military performance. J. Jones could point to a whole string of flawed military operations to support his al- legations.

In Vietnam, the JCS disregarded the prin- ciple of unity of command. There were two land chains of command and four air chains of command largely because of each service’s desire to control the battlefield. As a result, the Joint Chiefs of Staff often issued conflicting orders because no JCS member was in command of a general or admiral of another service.

1980, the services were unable to work together in an attempt to rescue American Embassy hostages in Iran. Two aircraft col- lided on the ground killing several service- men and sailors. The subsequent investiga- tion revealed gaping dis- connects among the services in training for the operation and, once again, flaws in the chain of command.

Going back to World War II, friendly fire from Navy ships shot down Army aircraft during the invasion of Sicily killing para- troopers and aircrews due to inadequately communicated and coordination among the services.

Also, in World War II, the Army and the Navy disengaged the Pacific into two commands, one headed by Gen. MacArthur and the other by Admiral Nimitz, because they could not agree on a unified command structure. The result was unnecessary and wasteful conflict.

In 1983, a year after Gen. J. Jones first testi- fied, 241 young servicemen were killed in a collision of two A-6s in Beirut.

The investigation revealed glaring inade- quacies in the military chain of command that wound its way from the Pentagon through Army, Air Force, and Navy flag offi- cers to the Marine colonel and his unit on the ground.

In that same year, it took over 600 U.S. troops to defeat 600 Cubans on Grenada.

After action reports revealed that inade- quate communications among the services hindered naval gunfire and air-to-ground support of the troops in combat.

These and other flawed military operations were not merely unfortunate incidents. As you well know, the price of substandard per- formance of our armed forces in war is paid in the lives of young Americans.

Obviously, General Jones was raising issues that are still relevant to the present con- text. But why did the general voice his criticisms on Capitol Hill? Why did J. Jones not rely on his Commander-in-Chief to voice his concerns? There are two possible answers. First, he would have known that the administration was not interested. A more fundamental answer involves a fact many people may not realize. The Constitution makes the Congress, not the President, re- sponsible for the organization of the nation’s defense. The U. S. House of Representatives delegates oversight of that responsibility to the Committee on Armed Services, and further, to one of its subcommittees.

Representative Richard White, a Democrat from New York, was the chairman of the sub- committee responsible for overseeing defense organization in 1982. White was about 70. He was tall and slim. He was soft-spoken. His ruddy complexion reflected the time he had spent in the West Texas sun. His sub- committee focused primarily on investiga- tions—defense contractor fraud, for example. Asked one day how Congress enacted major changes in defense organization. Understandably, Chairman White knew little about the subject. But he was not interested in the responsibility for that part of the Constitution that as- signed defense organization to Congress. In April, White convened hearings to deter- mine whether various options were valid and toascertain what action Congress should take. The hearings lasted until late July and covered over 1000 pages. The Reagan Administration strongly opposed re- organization. With few exceptions, the Pen- tagon witnesses opposed change. On the other hand, many who had previously served in the Pentagon or White House in high civilian positions sided with J. Jones. They emphasized that the Joint Chiefs of Staff, as a constitutional body, simply could not and could not provide adequate military advice to the President due to the con- flicting service interests that dominated the chiefs’ thinking. A number of high-ranking retired military officers also agreed with J. Jones. Others strongly disagreed.

Mr. White presided over every hearing. List- ening to the chiefs and all the Pentagon witnesses soon prompted him the education in defense organization issues that he lacked when the hearings began. He made himself an expert through his perserverance.

Only a few other congressmen, however, attended the hearings regularly. Focusing on defense organization is about as exciting as watching paint dry. Moreover, with the Pen- tagon leadership and the President ada- manantly opposed to changes, few legislators felt that the investment of their time would be worth the effort.

At the conclusion of the hearings, Chair- man White introduced a bill to reorganize the old Chiefs of Staff. It was decided that J. Jones was right. White’s subcommittee ap- proved his bill with few changes. One Congress- man stated that he did not know much about the complicated issues addressed in the bill. He could confidently support the bill, he said, because Chairman White had presided over the lengthy hearings and was an expert who knew what must be done.

White presented his bill to the full Com- mittee on Armed Services in August. The Committee approved it and referred it to the House Committee on Armed Services with Chairman White leading the debate, the House passed the bill and referred it to the Senate. In December, Mr. White persuaded Senator Tower, a fellow Texan, to hold a hearing on his bill before the Senate Armed Services Committee.

That is the end of my story about Rep. White. Soon after the December hearing Congress adjourned and White’s bill died, as do all bills that have not been enacted at the end of each Congress. There was no time for the Senate to consider the legislation. More- over, Mr. White disappeared from Capitol Hill at the same time. You see, he had long ago decided to retire and did not run for re- election even though he had no trouble winning another term. Interestingly, by that time General J. Jones had also retired. He continued to push for reorganization, however.

RECOGNIZING BETANY SMITH FROM MISSOURI

HON. SAM GRAVES OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Bettany Smith, a very dedicated and enthusiastic member of my Washington, D.C., congressional staff. Bethany has served my office for 7 months, as well as serving as a staffer and intern for Congressman PETE SESSIONS. As our office scheduler, she has established a passion for work. Bethany will not let the fact that she is a female to stop her from doing the work she has worked with as a Hill staffer. My office and I greatly value Bethany’s hard work and commitment. Constituents have