

On Thursday, June 13 the Washington Post editorial entitled *Detaining Americans (Cont'd)* addressed this issue in a very thoughtful and cogent fashion. The concluding paragraph of that editorial is an important one that deserves special emphasis:

The idea of indefinite detentions of Americans who have not been convicted of any crime is alarming under any circumstance. Without the meaningful supervision of the courts, it is a dangerous overreach of presidential power. If such a thing were happening in any other country, Americans would know exactly what to call it.

Mr. Speaker, because this is one of the most important issues now facing us—figuring out how best to defend ourselves in ways thoroughly consistent with our Constitutional values—I ask that the editorial be printed here.

[From the Washington Post, June 13, 2002]

DETAINING AMERICANS (CONT'D)

The Bush administration is at least candid in its description of its detention of Jose Padilla, the American citizen arrested in Chicago on suspicion of being part of an al Qaeda plot to set off a dirty bomb. "We are not interested in trying him at the moment or punishing him at the moment," said Defense Secretary Donald Rumsfeld. "We are interested in finding out what he knows." President Bush described the Brooklyn native as "a threat to the country [who] is now off the street, where he should be." If Mr. Padilla is, as Mr. Bush said, "a bad guy," then it's a relief to have him behind bars. That said, we had thought that it took more than the determination by the president that someone was a "threat to the country" before an American could simply disappear and be locked up without charge or trial or prospect of release.

The government may be right that an American citizen working with al Qaeda can be held as an enemy combatant for the duration of the war on terrorism. As a legal matter, the contention has precedent in prior conflicts, though how to apply those precedents during an undeclared war against a non-state actor when the administration itself seems to regard the conflict as never-ending is no easy question. International law permits the detention of captured enemy soldiers, even those who have committed no crimes, and it would be reckless of the government simply to release people bent on detonating dirty bombs. The question is not whether the government can detain an enemy combatant bent on doing America great harm but whether it can designate anyone it chooses as such a person without meaningful review.

The government's position would be easier to swallow were it not actively seeking to frustrate judicial review of the president's designations. When the government detains a citizen as an enemy combatant, that person must be permitted to consult with counsel and challenge the lawfulness of the detention in court. Without that, every citizen is at the mercy of presidential whim. Formally, the government recognizes that federal courts have jurisdiction to consider the legality of detentions—including military detentions—in this country. Yet in Mr. Padilla's case—as in that of Yaser Esam Hamdi, another detainee with likely citizenship—it has thrown procedural obstacles in the way of efforts to adjudicate detentions. After whisking Mr. Padilla to military custody in South Carolina from civilian custody in New York, it has prevented him from consulting with the lawyer who had been appointed to represent him. Similarly, the government refused to let Mr. Hamdi meet with a federal public defender interested in rep-

resenting him. And when that lawyer sought to file a case on his behalf anyway, the government then contended in a Kafkaesque twist that, having had no prior relationship with Mr. Hamdi, the lawyer could not do so.

The idea of indefinite detentions of Americans who have not been convicted of any crime is alarming under any circumstances. Without the meaningful supervision of the courts, it is a dangerous overreach of presidential power. If such a thing were happening in any other country, Americans would know exactly what to call it.

TRIBUTE TO MASTER SERGEANT  
LES (ANDY) D. ANDERSON

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 17, 2002*

Mr. TRAFICANT. Mr. Speaker, today I would like to pay tribute to Master Sergeant Les (Andy) D. Anderson who was recently promoted to Senior Master Sergeant.

SMSGt Anderson was born 26 November 1959, in Youngstown, Ohio. He graduated from Chaney High School in 1978. He has a Bachelors Degree in Criminal Justice, Bachelors Degree in Human Resource Management, Associates Degree in Liberal Arts, and a Community College of the Air Force Degree in Instructional Technology.

SMSGt Anderson enlisted in the US Air Force in 1978, attending basic training and the Security Police Law Enforcement Academy at Lackland AFB Texas. From there he attended the Security Police Air Base Ground Defense Course at Camp Bullis, Texas. Upon graduating from there he was assigned to the 86 SPS Ramstein AFB Germany. In addition to performing duties as an installation patrolman, he worked as a Desk Sergeant. He was a first scene responder immediately after terrorists detonated a bomb at the HQ USAF building in August 1981. He returned to the United States in December 1981 and was assigned to the 3800 SPS, Maxwell AFB Alabama. While assigned to Maxwell AFB, he attended the Traffic Accident Investigation Course at Lackland and the Alabama Criminal Justice Information Center Terminal Operation Course.

He worked as a Law Enforcement Specialist until September 1983 when he retrained into Combat Arms Training and Maintenance (CATM). Upon graduation from the CATM Technical School in November 1983, he was assigned to Myrtle Beach AFB South Carolina. While assigned there he attended the MK-19 Automatic Grenade Launcher Course, M60 Specialist Course, and the Combat Rifle Course conducted at Indian Springs AFAF Nevada. He deployed to Saudi Arabia from August 1990 to March 1991 in support of Operation Desert Shield/Storm.

In September 1992 he was selected for assignment to the HQ ACC/SP staff, Langley AFB Virginia. While assigned as MAJCOM CATM Functional Manager, he managed issues for 21 subordinate bases providing oversight of 225 CATM technicians; 59 ranges; 70,464 weapons; 93,000 students, and over 34 million rounds of ammunition. He attended the Beretta Armors Course in September 1994. From September 1996 to his departure in July 1998, he worked ACC/SP issues associated with the Security, Law En-

forcement, Canine, and CATM career field merger. In June 1997, he assumed additional duties as the Superintendent, Security Forces Resources responsible for allocating and distributing \$165M worth of Security Forces equipment, including radios, vehicles, weapons, and Air Base Defense assets. He was selected by the Academy and arrived for duty with the Firearms and Tactics section in July 1998.

SMSGt Anderson's military awards and decorations include the Meritorious Service Medal (1 OLC), Air Force Commendation Medal (2 OLC), Outstanding Unit Award with Valor device (1 OLC), AF Organization Excellence Award, National Defense Service Medal, Southwest Asia Service Medal, Kuwaiti Liberal Medal (Kingdom of Saudi Arabia, Kuwaiti Liberal Medal (Kingdom of Kuwait), Navy Expert Rifle Medal, Navy Expert Pistol Medal, and the AF Expert Marksmanship Award (bronze star).

SMSGt Anderson lives in Waldorf, Maryland and has two daughters, Brittany and Ashley.

TRIBUTE TO MAGISTRATE JUDGE  
JOHN "JACK" MASON

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 17, 2002*

Mr. LUTHER. Mr. Speaker, I rise today with a heavy heart to pay tribute to a most wonderful man, Magistrate Judge John "Jack" Mason, a personal friend of mine who passed away recently at the age of 63.

It has been said that no person is honored for what they receive but rather for what they give, and Jack Mason gave much during his many years in public service. A lawyer and judge, Jack had a vision and passion that served him well in his professional career. Most important, however, Jack understood that vision and passion mean nothing without love, and he spent his life earning the devotion of his family and many friends.

Jack was born in Mankato and earned a degree from Macalester College in St. Paul, where he developed a lifelong friendship with U.N. Secretary General Kofi Annan. After graduating from Harvard Law School in 1963, he worked hard as a partner and trial lawyer at Dorsey & Whitney in Minneapolis for 32 years. He took time along the way to serve as Minnesota solicitor in 1971 and state deputy attorney general from 1972 to 1973, and also served on the Minneapolis school board from 1973 to 1980.

In 1985, Jack Mason was appointed a Federal magistrate judge. His ability to speak fluent German, along with his knowledge of Italian, French, Spanish, Korean, and Arabic, made his performance of naturalization ceremonies a sight to behold. He took great pleasure from knowing that people could comfortably communicate their concerns to him in the language of their choice.

Jack is survived by his beloved wife, Vivian, as well as his daughter Kathleen, sons Peter and Michael, two brothers, and two sisters.

Mr. Speaker, looking back at Jack's life, we see a man who was dedicated to serving the public good. It is without exaggeration that I say all of us who knew him feel blessed to have been in his company. Honoring Jack Mason's memory is the least we can do today to