The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

(Mr. WHITFIELD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order speech in favor of the gentleman from Texas (Mr. GOHMERT) is hereby vacated.

There was no objection.

□ 1700

THE WEEK AT A GLANCE IN CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Mr. Speaker, it has been quite a week. We've heard friends across the aisle get up and talk about how we've ''expanded civil rights in the military.'' And I appreciate the fact that friends believe they did a wonderfully noble thing for the military, just as they would probably think they did a wonderfully noble thing to expand civil rights in courts martial that occur in the military. But the fact is, under our United States Constitution, that so many people want to keep referring to when it's convenient, it anticipates that there will be different rights afforded in different areas, one of which is in our United States military.

The purpose of the military is not to be some socially engineered experiment. It is to do one thing, and that is to protect our homeland, protect our way of life. For that reason, the Constitution anticipated that Congress, under its authority to create courts, could set up military commissions, could set up and pass the Uniform Code of Military Justice, which gave the military an entirely different type of structure when it comes to processing their rights and adjudicating different aspects of military life. Because to do otherwise, to give everyone in the military, as I was for 4 years, the same rights that are afforded in a civilian court means that you can destroy the function of the military because so often the military doesn't have time to do all of the same things a civilian court does. That's why the UCMJ was created, that's why it's constitutional, and that's why we needed some forum like that for our military.

It is always an honor to get to speak in this hallowed Hall, but hopefully we can cast some light on what it means to be in the military because, for example, if you are suspected and there is probable cause to believe that a military member has committed a crime, then it can be pursued as an article 15, nonjudicial punishment. And as we saw with the outrageous pursuit of an article 15 against three valiant servicemembers, they had the right to choose not to accept the nonjudicial punishment that could have forced them into restriction, extra duty, taken away pay, dropped them in rank. Instead of having that forced on them, they were afforded their right, under the UCMJ, to say I'm not going to accept this; I want to go to trial in a court martial. That's what occurred, and all three were acquitted—fortunately and appropriately. But that's one of the ways.

Another way is the commander, at different levels of command, can order a court martial be convened. A court will be convened, and a military judge is appointed. And if it is the commanding general of a facility, he can order a general court martial, the highest level court martial under the UCMJ. And at that general court martial, you can have a dishonorable discharge—and it depends on the crime as to how serious the punishment could be—but it could be as serious as a dishonorable discharge and even life in prison. So it's a very serious matter.

But whereas during the days when I was a prosecutor, an attorney, a judge, a chief justice, when there was a jury selection in a civil court, you randomly sent out notices and randomly brought people in, and then you went through a jury qualification with all of those and called out those who did not meet the requirements of the law to be a juror in a particular case. And then once the jury panel was qualified, they were brought before the parties of a particular case and they went through what we in Texas call voir dire, but most of the country calls voir dire—it's just the way we talk in Texas. But during voir dire, the attorneys have the opportunity to ask questions of the jury panel so that they can determine whether or not there are people who can be struck for cause, and to also allow them to exercise what are called peremptory strikes so they can go through—and in Texas, you can have as many as 10 strikes in the right cases—to strike them for any reason as long as it was not prohibited by the Constitution, strike people for no reason.

In the military, if a commanding general convenes a court martial, it means he has signed off ordering that that servicemember be prosecuted. So he's the convening authority for the court martial. He has ordered that this person be prosecuted, so he is satisfied in his mind, he thinks this guy ought to be prosecuted, brought to justice. And then that same authority gets to pick the people who will be on the jury. And the attorney for the defendant in the military will have no rights to peremptory challenges as you would in the civilian court. They would have no right to try to determine who he would like to strike for peremptory reasons.

It's a very difficult process for a defendant or defense attorney. There are cases in which someone can get life in prison in the military and may only have five members handpicked by the commanding general to be on the jury. Now, why would that be allowed? That probably just really infuriates some who are so concerned about civil rights and they will say, well, that's not fair. But what they don't understand is, in the military, you can't go through all the processes that we have so luxuriously been bestowed with in the civilian sector and still be able to fight wars and protect us against all these enemies, foreign and domestic. There has to be a difference in the rights that are afforded those in the military and those in the civilian sector, or the military cannot function. If they are out on the battlefield, they don't have time to go through a full civil trial and afford all the civil rights because, if they did, they would lose every battle. You can't do that to them and expect them to defend us.

So there are different rights for those in the military than those in American society, and it has to be so to have the strongest military that mankind and the world and history has ever known and ever seen, and that is exactly what we have today.

But our military was made promises earlier this year from the White House through the leadership here in Congress. They were promised that we're looking at changing the policy of Don't Ask, Don't Tell, which will allow those who practice homosexuality to do so openly and overtly. For most of the history of our Nation, the military has made sodomy a crime for which you could go to prison. So we've made a dramatic turn in more recent years so that people could feel comfortable that they are afforded all the civil rights.

We're moving to giving our military all the civil rights that we all have in the civilian sector, not realizing a military can't function like that, not realizing that the military has to have different rights, to some extent, in order