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Presenter: Secretary of Defense Donald H. Rumsfeld

Tuesday, September 21, 2004

Secretary Rumsfeld Swearing in Office of Military Commissions Review Panel Members

STAFF: Edward Biester, The Honorable Frank Williams, The Honorable William Coleman, and The Honorable Griffin Bell.

SEC. RUMSFELD: Please be seated. And welcome, everybody. We're very pleased to have everyone here. Judge Bell and Mrs. Bell, it's so nice to see you. And Judge Pete Biester and Liz, Chief Justice Frank Williams and Mrs. Williams, we're very pleased you're here. My old friend Secretary Bill Coleman and Lovida – two Lovidas. [Chuckles]

On behalf of the president and the American people, I want to thank each of these distinguished gentlemen, public servants, for agreeing to serve on the military commission's review panel. I am also pleased to welcome all the other folks here. I see Bill Webster here. Nice to see you, Bill, and other distinguished guests and members of the family.

These gentlemen who have agreed to serve on this panel and in each case, have devoted a good chunk of their lives to public service in one way or another. And each of the individuals is a person of great ability, broad experience – varied experience, I would add – executive experience, legislative experience, judicial experience. And each is known for their independence and their integrity.

Over the decades, military commissions have been used to prosecute enemy combatants accused of violating the laws of war. In the global war on terrorism, however, we're faced not with uniformed personnel from armies, navies and air forces, but enemies without countries often who wear no uniforms, often who carry no visible weapons and, in many cases, who do not abide by the normal conventions of warfare.

The role of the review panels is critically important. It's to ensure that the commissions take place in a fair and proper manner. And except in some few cases, I suppose, that may be necessary to safeguard sensitive information and that might damage our national security, the panel's written opinions will be published and made available to the public. These gentlemen have been selected because we know that they will make every effort to ensure that the procedures followed are fair to the accused and reflective of our basic legal traditions.

Gentlemen, your actions, your independent judgment and your careful oversight will serve as a clear demonstration of the character of our country and its people. So I thank you all very much for your willingness to serve.

And now Judge Anthony Alaimo will administer the oath. Judge, we're so pleased you're here.

ALAIMO: Where do you want me to stand?

SEC. RUMSFELD: Well, why don't you stand right there near them and facing them and I'll come over here with you and – good. We're very pleased you're here, as well. You're a distinguished jurist and veteran and a person we admire greatly.

ALAIMO: Thank you very much. Would each one of you raise your right hand. Does each one of you swear that you will faithfully and impartially perform according to your conscience and the rules applicable to the review filed by a military commission all the duties incumbent upon you as a member of the review panel, so help you God?

ALL: I do.

ALAIMO: Let me be the first to congratulate each of you.

[Applause]

STAFF: The Honorable William Haynes.

SEC. RUMSFELD: Known as "Jim."

HAYNES: Jim Haynes. [Laughter] Mr. Secretary, distinguished judges, guests, thank you very much for coming here today. These are trying times. In trying times extraordinary efforts are demanding of our men and women. Daily our soldiers, sailors, airmen, Marines and coast guardmen perform heroic service on battlefields and peaceful lands around the world. Others serve in other ways. The men before you have repeatedly served our country in extraordinary ways and we're fortunate they are willing to serve again.

I'd like to say just a couple of words about these gentlemen and I'd like to start with Judge Alaimo. Judge Alaimo is a distinguished jurist, a district judge in Southern Georgia – U.S. District Judge in Southern Georgia. The one thing that's – one of many things that's notable about Judge Alaimo is his particular appropriate role in this context. In 1942, he was a young airman flying his first mission, as I understand it, over Germany, received some pretty extraordinary fire. I think 11 planes from his flight were shot down. His own plane was hit. He ditched in the North Sea, was severely wounded and captured. Served 22 months as a prisoner of war in Germany.

He was a member of the team that began digging the tunnel that led to the famous great escape of movie fame. Before he was able to participate in that escape, he was transferred to another prison camp, eventually escaped, made his way to Italy. And, so the story goes – I haven't confirmed this with Judge Alaimo – while the war still raged, he was sheltered by a family, asked, strangely enough, to attend an opera, while the Germans were still occupying part of that country and find himself seated next to an SS colonel [Laughter] and was unflapped and, as you see, made it back to serve again. I understand that when he came back to the United States after his liberation, he sought to go back into the fight and that's characterized his service for our country ever since.

Judge Biester, former member of Congress, former attorney general of the state of Pennsylvania and member of the Court of Common Pleas in the state of Pennsylvania has had a long and distinguished service. Chief Justice Williams served in the Army during Vietnam, is a noted Lincoln scholar and currently the chief justice of the Supreme Court of Rhode Island.

Secretary Bill Coleman, all of these gentlemen, by the way, I must say have to be very selective about how I describe their service. And Bill Coleman is an example of that. First in his class at Harvard Law School, a clerk for Justice Felix Frankfurter, participated in writing briefs in the cases that led to the Brown vs. Board of Education decision on the Supreme Court, was a senior council to the Warren Commission, secretary of transportation, recipient of the presidential Medal of Freedom and a continuing member of the firm of O'Melveny & Myers.

And then Judge Bell from Georgia, again, a storied career. Among other things, he was a circuit court judge on the Court of Appeals for fifteen years, went back to private practice, was called to serve as the attorney general – 72nd attorney general of the United States, as I recall, and currently a member of the King & Spalding law firm.

With men such as this advising the secretary and ensuring that we do as the president asked and that is conduct full and fair trials for anyone who might be prosecuted we're well served. With that, I will stop and ask Judge Biester if he'd like to say a few remarks.

SEC. RUMSFELD: You ought to do it, Pete. [Laughter]

BIESTER: Thank you, Jim, Mr. Secretary, distinguished guests, these distinguished jurors. After hearing about them, I'm especially honored to serve with them. I always think that a judge's words should come from his work and not what he says about his work. I think I'll let that go for our work in this instance. I will tell you that I'm honored to serve in this capacity, that I am and I know my colleagues are determined to see to it that these trials and all this process are conducted fully and fairly and in a manner that is satisfactory to the best human instincts and legal instincts of the United States. Thank you.

[Applause]

STAFF: The Honorable Frank Williams.

WILLIAMS: Mr. Secretary, fellow jurists, Mr. General Counsel, Judge Webster, fellow citizens. I never thought as a young captain in the United States Army that I would be standing here with the secretary of defense about to undertake another challenging mission. As the general counsel indicated, we live in challenging times. And I'm pleased to be apart of this effort. And I commend the secretary and the president, our commander-in-chief for insisting – and I wish the public out there would know that the only instructions we've really be given as members of this review panel is to be fair and impartial and that's only right because that's all judges know how to be is fair and impartial.

As the general counsel indicated, I have this abiding interest in Abraham Lincoln who had his own challenges in Civil War where there were over 4,200 military tribunals. And yet, our regulations are significantly more fair to the defendants than in the Lincoln administration which I think speaks well of today's governmental processes. I also recall the comment that Lincoln made in the midst of Civil War: "I shall do nothing through malice, for what we deal with is too vast for malicious dealing. And I think that pretty much sums up the secretary and our role in this challenging undertaking.

Now Mr. Secretary, I have a presentation for you. Not so long ago, my adjutant general in Rhode Island, General Centracchio, a fine soldier, suggested that the chief justice create and strike his own coin like the challenge coins – and you probably have a roomful – from every unit that you've visited in your long and distinguished career in government service. So I want to present you, the chief justice's coin from Rhode Island, the only chief justice that had a coin struck. [Laughter] It's got, of course, the scales of justice and Rhode Island's motto which is "Hope," a great word for us now, and my mantra as chief "justice, independence and honor." And of course, there's a profile of Lincoln on this coin as well. [Laughter] So please accept this.

[Applause]

STAFF: The Honorable William Coleman.

COLEMAN: Mr. Secretary, Mr. General Counsel and fellow judges. I'm the only one that have never been a judge, but I do wear the robe now. [Laughter] I think that there's no American that can watch those films that happened on June 6th and watch those young Americans come ashore to bring freedom to Europe again, that can ever turn down a request of a secretary of defense. The only other thing I would say is I've lived in a country and I watched men who were representing corporations, but yet when they went on the bench, their decisions were fair

and many of them would be against the corporation. I also have watched this country change and I knew there were judges who lived in parts of the country that had different ideas. But yet, when they were faced with the issue, they decided them fairly. So I would say both to friends and foe, I think that's our commitment and I hope God, that's what we do. Thank you.

[Applause]

STAFF: The Honorable Griffin Bell.

BELL: Ladies and gentlemen, friends, I feel like I'm back in the right place. I spent over 20 years in the service of our country, 4 ½ years in World War II, 14 ½ years on the federal bench, during the height of the Civil Rights revolution in the south and then almost three years as attorney general, so serving the country is not anything new for me. I'm glad to be back. I look forward to the challenge of the job. I've particularly enjoyed the remarks about President Lincoln. I'm from a part of the south that had considerable difficulty with the north. [Laughter] And when we lost, President Lincoln and Gen. Grant was magnanimous toward the south as anyone could have possibly hoped for. He let all their soldiers go home. They had to turn in their arms and even let them keep their sidearms. And Grant said that he and President Lincoln wanted to put the country back together again. I think the southern soldiers received it in the same spirit and our country was put back together again. They had military tribunals in the Civil War and they had them since George Washington's time, actually. Nothing new about a military tribunal, but as with any tribunal, you have to be dedicated to fairness, follow the rules of due process. And I'm sure we will do that, and I have every confidence that the military tribunal will perform in the best interest of the country and reflect credit on the country. Thank you, gentlemen.

STAFF: Ladies and gentlemen this concludes today's ceremony.

[Applause]

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