

won't use classified intelligence material in open court.

The military courts and the prosecutors in the military courts have been preparing for 18 months to try these five terrorists in military court. Now all of that's over, and all of that paperwork now is going to be turned over to Federal prosecutors who know nothing about the case, and they will start over with their investigation.

Now, the way I figure it, it's been 8 years since 9/11 occurred. How long is it going to be before these people are tried? No one knows, because the government is now not prepared and they'll have to start getting prepared.

Military tribunals have always been created in a time of war. War criminals and people on the battlefield who are captured are tried there. And now we're making some exception, and the reason is we don't know. We don't know the reason why they're being tried in New York and why some of them, well, they're going to get their military trials. Maybe those are lower-ranked terrorists. Who knows. Nobody's talking in the Justice Department.

It does make a difference where a person is tried, whether he's tried in a Federal court or a military court, which has the jurisdiction. Let there be no mistake about it: these military courts have the jurisdiction to try these war criminals, but they are giving up their jurisdiction to the Justice Department.

For example, in 1993 in the World Trade Center bombing, prosecutors were required to turn over evidence to defense attorneys that included a large amount of intelligence secret information. Those intelligence documents were never supposed to be provided to anyone outside of the attorneys for each side. But guess what happened, Madam Speaker. Copies of those were later found in al Qaeda caves overseas. So much for secrecy.

We used to have Osama bin Laden's cell phone number, and we used it to track his movements and hundreds of calls he made back in 1998. It helped us to uncover members of the terrorist network prior to 9/11.

But during the Federal trial of four al Qaeda terrorists who blew up two American embassies in East Africa, the extent of our methods of intelligence of tracking the terrorists through using their cell phone numbers were disclosed. And not only were they disclosed; the phone records were made public to the whole world. So guess what. Terrorists quit using their cell phones and shut them off. Now they communicate with each other using different methods. This was the result of trials that took place in Federal court. The rules of evidence are different.

Doesn't anybody know we are at war and the rules of war ought to apply? And when we capture these people on the battlefield, when we capture these people who are at war with America,

we ought to try them in military tribunals.

Our anti-terrorist operations depend on secrecy. It makes the job of the FBI and Homeland Security agents harder when the methods they use are publicized in open court. And it doesn't seem to me to make any sense why we would want to make all of the evidence that we have obtained against these five terrorists public record.

One more example: the 20th hijacker, Moussaoui, escaped the death penalty during his Federal trial, and here's the reason why: the court ruled the evidence of his participation in the 9/11 plot from his own computer was not admissible in a Federal courtroom. And without that evidence, the Feds had to settle for a life sentence. Thus he avoided the death penalty.

Much of the evidence against Khalid Sheikh Mohammed was gathered through interrogations, and now unless the interrogators read this individual his Miranda rights before water-boarding, it makes us wonder whether the evidence obtained against him lawfully under military rules will be admissible in Federal court.

Federal courts were never intended to deal with wartime situations; military courts have always been the reason. And now we're going to allow this individual to have center stage in New York City to be tried and maybe possibly convicted and become an international martyr on the international stage. It makes no sense. They ought to be sent back to Guantanamo.

And that's just the way it is.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 2009.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 16, 2009, at 12:17 p.m.:

That the Senate passed S. 1422.
Appointments:
United States-China Economic Security Review Commission.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

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

(Mr. GRIFFITH 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 gen-

tleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO 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 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.)

HEALTH CARE REFORM

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

Mr. JONES. Madam Speaker, I submit for the RECORD an editorial by David Broder, Friday, November 13, and the title is "Half Done on Health Reform."

Madam Speaker, I'm reading from this editorial some points that I would like to share with the House tonight:

"At least a dozen health and budget experts have filled the Web and airwaves with warnings that the House bill simply postpones the cost controls needed to finance the vast expansion of insurance coverage and Medicare benefits envisaged by its sponsors.

"One of them speaks with special authority: David Walker, the former head of the Government Accountability Office, the auditing and investigating arm of Congress, told me in an interview on Wednesday that the lawmakers are 'punting on the tough choices rather than making sure they can deliver on the promises they're making.'

"In a speech delivered less than 48 hours after the House acted, Walker, now president of the Peter G. Peterson Foundation, laid out the tests that buttress his conclusion.

"Acknowledging that 'clearly we need radical reconstructive surgery to make our health care system effective, affordable, and sustainable', Walker cautioned that 'what we should not do is merely tack new programs onto a system that is fundamentally flawed and rapidly driving the national budget into ruin.'

I further read from the editorial: "A separate Lewin Group study of the Finance Committee bill from which Majority Leader HARRY REID is working on in the Senate shows it is almost as much of a fiscal failure as the House bill.

"Walker, a close observer and former employee of Congress, calls that assumption 'totally unrealistic.' In reading his analysis and the comments of the many others who have appraised the House handiwork, it becomes clear that unless something intervenes, Congress is headed toward repeating a familiar pattern. Just as it did under Republican control in the George W. Bush years when it passed but did not pay for a Medicare prescription drug benefit, it is about to hand out the goodies