

Testimony of Rep. Rush Holt  
before the  
House Committee on Armed Services  
April 17, 2012

Chairman McKeon, Ranking Member Smith, members of the committee—thank you for this opportunity to share my priorities and views regarding the Fiscal Year 2013 National Defense Authorization Act. Let me begin by addressing an issue that the committee—and our entire country—is well aware of: the scandal at the Dover Port Mortuary.

About a year after SFC Scott Smith was killed by an IED in Iraq in 2006, his wife and my constituent, Lynn Smith of Frenchtown, New Jersey, learned that not all of his remains had been included in his funeral. After years of persistent questioning, she learned from a military official that her husband's additional remains had been cremated, mixed with medical waste, and unceremoniously sent to a Virginia landfill.

In May 2011, Lynn asked me to help her find out whether other soldiers had suffered her husband's fate. After months of delay, the Pentagon finally revealed that at least 274 soldiers were desecrated in this way. Because of whistleblowers at Dover, we now know that what Lynn discovered was only one of many scandalous acts of desecration of the remains of our fallen. Since the autumn of 2011, through additional letters and meetings with senior Pentagon officials, I have continued to press for the release of all relevant information on this scandal and for real reforms that will prevent these outrages from ever being repeated. My staff is continuing to interview witnesses familiar with what transpired at Dover over the last two decades, and I anticipate that my own investigation of these incidents will continue for some time. However, one thing has already become clear: our military families are not sufficiently integrated into the decision making processes of casualty notification and remains disposition. The services appear to be resistant to our suggestions that civilians, including families, clergy, and civic leaders be included in an influential advisory committee.

I believe it is important that this committee include directive language in the FY13 NDAA requiring the Pentagon to create an OSD-level Family Mortuary Affairs Advisory Committee. My constituent, and others like her with whom she has spoken, do not feel that existing Pentagon advisory boards provide the kind of forum necessary for ensuring that the ideas, suggestions and concerns of bereaved family members make their way to the Secretary of Defense. A directive from the committee in this area would be extremely helpful.

Additionally, I again ask the committee to conduct an aggressive, probing oversight investigation of what transpired at Dover. As we now know, the panel chaired by General John Abizaid did not conduct nearly as comprehensive an examination of the problems at Dover as the situation warrants. My own investigation has established that key former mortuary staff with direct knowledge of the problems at Dover were not interviewed by the Abizaid panel, despite their making availability known. Until the full scope of what happened at Dover is brought to light and appropriate remedial and

disciplinary action taken, the public and our military families cannot have confidence that this episode will not be repeated in the future.

Second, I want to revisit an issue that I know is on all our minds: the continuing suicide epidemic among our servicemembers and veterans.

I want to thank my colleagues for their support of last years Defense and Military Affairs & Military Construction appropriations bills, each of which contained a \$20 million increase in suicide prevention funding that I pushed for. Besides conducting oversight to ensure the funds are spent effectively, another oversight task requires urgent attention. One of the great problems we have in preventing suicides is the hand-off of separating servicemembers from DoD to VA, particularly those who were Individual Ready Reservists, Individual Mobilization Augmentees, and Inactive Guard members. The veterans in those three categories are completely unknown to the VA. VA has told me and the press that they have no easy way of tracking down and reaching out to those veterans. Recently, I learned that an IRR airman who had separated from the 514<sup>th</sup> Air Mobility Wing at Joint Base McGuire Dix subsequently took her life. It is exactly those kinds of servicemembers and veterans about whom I am most concerned. Determining their location and status is an urgent matter the committee must address to ensure we prevent other casualties from occurring, and I ask for your help in providing directive language to DoD to locate affirmatively such former IRR/IMA/ING members.

Third, I would ask the committee to include parallel language to that offered last year by Senator Akaka regarding the creation of a presidentially appointed National Foreign Language Coordination Council and National Language Advisor to develop and implement a national foreign language strategy. The Council would identify crucial priorities, increase public awareness of the need for foreign language skills, coordinate cross-sector efforts, and monitor the foreign language activities of the federal government.

According to the National Research Council report, “a pervasive lack of knowledge about foreign cultures and foreign languages in this country threatens the security of the United States as well as its ability to compete in the global marketplace.” The proposed National Foreign Language Coordination Council and National Language Advisor would help us overcome our nation’s foreign linguist deficit.

Fourth, and finally, let me address a critical constitutional matter: the use of our military to indefinitely detain American citizens. I want to reiterate my strong opposition to the indefinite detention language included in last year’s bill and ask that it be repealed via this year’s legislation.

Last year’s bill reaffirmed the language and broadened the scope of the original Authorization for the Use of Military Force (AUMF) passed in a fearful response to the 9/11 attacks. That language makes the President of the United States the sole determiner of who is a member of Al Qaeda, or who may have “supported” Al Qaeda, etc. Since there is no way to immediately challenge the President's determination of

who is a terrorist, there is no way to ensure that innocent Americans will not be charged falsely with having committed terrorist acts, or with having alleged terrorist associations.

No American president should ever be granted the kind of unilateral detention power provided by last year's bill. The existing language allows, and may even encourage, the kind of oppressive governmental actions we condemn in other countries. Republicans and Democrats join in calling for repeal of this language. My hope is that the committee will work in a bipartisan way to do just that.

My thanks again to the Committee for giving me this chance to share my requests with you today, and I would be happy to answer any questions you might have for me.