



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141

WASHINGTON, TUESDAY, NOVEMBER 28, 1995

No. 188

Senate

The Senate met at 10:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

We praise You, dear God. You are the same yesterday, today, and forever. Your love is constant and never changes. You have promised never to leave or forsake us. Our confidence is in You and not ourselves. We waver, fall, and need Your help. We come to You in prayer not trusting in our goodness, but solely in Your grace. You are our joy when we get down, our strength when we are weak, our courage when we vacillate. You are our security in a world of change and turmoil. Even when we forget You in the rush of life, You never forget us. When we feel distant from You, it was we who moved, not You. Thank You for Your faithfulness.

Filled with wonder, love, and gratitude, we commit this day to live for You and by the indwelling power of Your spirit. Control our minds and give us Your discernment. Fill us with Your sensitivity to people and their needs and give us empathy in caring for the people who are troubled. Give us boldness to take a stand for what You have revealed is the application of Your righteousness and justice for our Nation.

Thank You for the privilege of living this day to the fullest. In the all powerful name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Idaho, Senator CRAIG, is recognized.

SCHEDULE

Mr. CRAIG. Mr. President, today there will be a period of morning business until the hour of 12:30 with Senators permitted to speak for up to 5 minutes each. The following exceptions would be Senator DORGAN, or designee, for 45 minutes; and Senator THOMPSON, or designee, for 45 minutes.

Following morning business the Senate will recess from 12:30 to 2:15 for the weekly policy conferences to meet. At 2:15 today the majority leader has stated that the Senate will begin consideration of calendar No. 247, which is S. 1396, the Interstate Commerce Commission Sunset Act of 1995. Rollcall votes are, therefore, possible during today's session of the Senate.

Mr. President, seeing no person here wishing to speak in morning business, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

Mr. KYL. I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I thank the Chair.

SENDING UNITED STATES TROOPS TO BOSNIA

Mr. KYL. Mr. President, I wanted to speak this morning in response to President Clinton's address to the Nation last night regarding the sending of American troops to Bosnia. I think the President made a strong case for support for his position, but I do not think that he made a strong enough case to

justify sending American ground troops to Bosnia. I would like to address that point this morning because, obviously, in the Senate and in the House we are going to begin a debate which could last a couple of weeks here. After there are hearings, after there are briefings, presumably we will be voting on the issue, and I think it is important for us to begin to lay out the various issues, to get response from the American people, to discuss the matter among ourselves, and then be able to make an informed judgment.

I would note that in checking this morning I found that since we began keeping track of it in my office, we have received 400 calls against sending American troops to Bosnia and 6 calls in favor. And I spent a fair amount of time during the Thanksgiving recess speaking with groups in Arizona and appearing on various radio programs. In each case, the response was similar to the one which I just indicated. That is not dispositive, but I think it is an important indicator of the fact that the American people do not sense there is a sufficient degree of interest here for the United States to participate.

It seems to me there are two basic criteria which need to be satisfied in order to justify the sending of a large number of American ground troops into a situation where, as the President and the Secretary of Defense have both acknowledged, there is certainly a danger of some casualties.

The first criterion which has traditionally been applied is that there is a national security interest of the United States at stake. Sometimes it has been expressed as a vital national security interest.

The second is more operational. It generally divides into about three sub-categories: that there is a very clear and important mission; that the rules of engagement are clear and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S17541

agreed to; and that there is a clear exit strategy.

Let us talk about both of those in the context of the President's remarks last night.

I did not really hear a justification for the first point, that is to say, that there is a vital U.S. national security interest involved here. I heard some talk about the fact that it was important for the United States as a key participant in NATO to be involved in NATO operations, and I also heard that we wanted to prevent conflict from spreading throughout Europe. Both of those have a national security element to them, but neither goes directly to the question of vital U.S. national security interests. If, for example, someone could make the case that war in Europe was about to break out, while American lives may not be directly in jeopardy, I think few of us would deny that vital interests of the United States would be at stake sufficient for us to commit to not only ground troops but other kinds of military operations to try to prevent that. But that case is not made here.

The possibility that there will be some additional civil strife in Bosnia does not suggest the conflict is going to engulf Europe. The situation is very different than it was before World War I. The Austro-Hungarian Empire no longer exists. The conditions are simply not the same. So it seems to me a real stretch to say there may be some additional conflict break out, that that would necessarily engulf Europe in war and therefore at this point the United States needs to send these troops in order to conclude that. That is just not a credible argument.

As to the argument about NATO, it seems to me that either NATO is a strong alliance or it is not. I believe it is a strong alliance. If the President is suggesting that the difference between NATO continuing to exist as a strong alliance and its complete failure is whether or not 20,000 of the 60,000 ground troops in this operation are U.S. troops, if that is the difference between NATO existing and not existing, then NATO is in much worse shape than I thought it was, and I think, frankly, it just is not true.

NATO is strong. And since we are providing a great deal of the support for the existing NATO operation, and will continue to do so under this peace process which has been negotiated, in terms of the seapower that we have projected, the airpower, the reconnaissance, the intelligence, obviously, monetary support that we will be providing and material support and a lot of other things, since we have been doing those things and will continue to do them as part of the NATO operation, it does not seem to me that we are subject to criticism that we are not supporting the NATO operation. It is just a question of whether some of the ground troops are going to be U.S. troops or not.

My understanding is that the British and French and perhaps others in

NATO insisted that part of the ground contingent be United States troops. That is not a justification for saying that therefore we must go. I would have to ask our allies, why? Why is it that you insist that not only do we pay for most of the operation and that we send our ships and our cargo planes and our jet fighters and reconnaissance planes, and all of the other equipment and personnel that we have in the region, in addition to all of that, a necessary component of this is that 20,000 of the 60,000 ground troops be U.S. troops? Why is that so essential? Is it because the Europeans do not have another 20,000 troops? No. That is not it. It is because they want us to be in the operation on the ground. And my question there is, why? Why is it that that is so essential? If this matter is so important to the Europeans, then it seems to me that they would pull out all of the stops to enforce this peace settlement including providing the necessary ground troops to make it work. And surely among all of the NATO countries there are 60,000 ground troops available.

So one has to answer the question I think, why do our European allies insist on this? I cannot think of a satisfactory answer.

So back to the first criterion. Is there a vital U.S. national security interest? The answer is no, and the President has not made the case for it.

Let me contrast this with the Persian Gulf war because a lot of people have tried to say that, like the Persian Gulf war, we need to follow the lead of the President and accede to his request for ground troops. The Persian Gulf war and this situation, it seems to me, are relatively close cases, both of them, but one falls on the side of supporting the operation and the other falls on the side of not supporting it. And here is why. Let us say on a scale of 1 to 10, vital national security interest being 10, Pearl Harbor created a vital national security interest for the United States to be involved in World War II. No question. That is a 10.

The Persian Gulf war was a situation in which most of our oil, a majority of our oil, came from the Persian Gulf. Its supplies were threatened. A foreign country had invaded another country, was occupying it and was threatening to invade other countries. At that point, it was important for the world community to come together and say to this aggressor, "No. Aggression will not pay. We will remove you from Kuwait, take you back to where you came from. You have got to stop threatening all the people whose oil supplies come from that region."

That is not the same as Pearl Harbor, but clearly vital U.S. interests were involved. And, in fact, worldwide, countries came together, even other Arab countries came together, in an effort to stop that aggression. And I guess on a scale of 1 to 10, I would say that is a 6 or 7. As I said, that is a much closer call than a Pearl Harbor, but still jus-

tified our action. And a majority of our people and the Congress supported President Bush's decision to engage in military operations against Iraq.

This case in Bosnia, I submit, falls on the other side of the line, if you want to say five is the middle ground. It seems to me there is only one reason why it rises to the level of maybe a three or four. That is the moral imperative.

Now, a moral imperative is not the same thing as a vital national security interest of the United States, but in certain instances it may call upon the United States to do something. That is why the United States has been involved in various humanitarian missions. It is why we went into Somalia with a humanitarian mission to begin with. It is why we were not justified in changing that mission as it later was changed.

The United States has done lots of things for a lot of people around the world in a humanitarian way for moral reasons. In addition to the humanitarian support that we provided, we also have supported some military operations in support of the humanitarian effort. But that is different from saying that in addition to air operations and sea operations and humanitarian operations and peacekeeping operations, in addition to all those things the United States must send 20,000 ground troops to keep the peace that has been negotiated at Wright-Patterson Air Force Base.

So, yes, there is a moral imperative. That is what makes this a relatively hard case. But it does not rise to the level of a vital national security interest. It says that we ought to be doing something. And we are doing something, and we will continue to do more.

I submit that the one thing that we should have been doing a long time ago is still missing from this peace agreement, and that is ensuring that Bosnia can defend itself. For a long time many of us in this body have argued for arming the Bosnians, the Bosnian Moslems, so they can defend themselves. We always believed that a rough parity would eventually be created sufficient to cause the Serbs to come to the bargaining table.

What happened when Croatia, after about 3 years, was able to build up its military forces sufficient to retake some of the territory that the Serbs had taken from them? At that point, the Serbs became defensive rather than offensive in their military operations. They also came to the bargaining table because they understood that it was a losing game for them, that the longer they persisted, the more territory likely would be taken from them.

So a military balance of forces of some sort was, in fact, created. That is what we have sought when we said we needed to lift the arms embargo and support rearming the Bosnian Moslems so they could defend themselves. And

yet that commitment is not part of this particular peace agreement. So it seems to me that the one thing that we could do in this situation we have not done in this particular peace agreement.

Turning for a moment from the vital national security interest, let us go to the other part of the equation, the second part. The mission has not been clearly defined. The rules of engagement have not yet been established. And, third, there is no exit strategy. Tony Lake, the National Security Adviser, was quoted in the newspapers yesterday—I think he made the statement Sunday—that our first mission is self-defense.

Mr. President, the way you fulfill that mission is by not sending the people in the first place. That is not a mission. That is very muddled thinking to suggest that our first mission there is self-defense.

The mission has to be stated much more clearly, and it has not been, nor have the various contingencies been defined. What happens if various kinds of military conflicts break out? We have not decided how we are going to handle those things. And that has to do also with the rules of engagement. They have been only very generally stated up to this point. As my colleague, Senator MCCAIN, has pointed out, what is really glaringly missing is any kind of an exit strategy. A 1-year timetable is not an exit strategy.

What is to prevent mission creep, and what is to define success of the mission? Most observers have said for this peacekeeping mission to really succeed, it is going to have to be a commitment of years, perhaps decades. And that gets to the next point, Mr. President.

Perhaps the primary justification that the President has given for sending American ground troops to Bosnia is that if we do not do so, the war will reignite and there will be additional suffering. In other words, if you believe in war, you vote no; if you believe in peace, you vote yes. That is a false choice, Mr. President. That is a false choice.

If this peace that has been negotiated is so fragile, if it is so fragile that the only thing between peace and war is that of the 60,000 ground troops, and 20,000 have to be Americans, then this is a peace which is bound to fail. It is not a peace of the heart. It is not a peace that has been committed to by the belligerents, but rather a convenience that has probably been forced upon the parties and is probably doomed to, if not failure, at least a very rocky road, which means a lot of casualties on the part of the peacekeepers. And that is a situation we need to take into account before we support the President's decision to send the troops.

What is it that makes the 20,000 American ground force contingent *sine qua non*, to use that Latin phrase, that without which this peace agreement

cannot succeed? We are already providing sea power and air power and reconnaissance and intelligence and humanitarian assistance, diplomatic assistance, monetary assistance. The President has committed to some additional monetary assistance. We are already providing a lot of things to promote peace in the region.

Our European allies have said we need a ground contingent of 60,000. They are willing to support that with 40,000. What is it that makes the additional 20,000 required to be American troops? Why cannot they be European? Is the President saying that if all 60,000 are European, the agreement will fail? That is what he said in effect. What is the magic of 20,000 of those being American? "Well, America has prestige, and American prestige is necessary to enforce this agreement."

American prestige will be demonstrated every time a U.S. fighter jet passes overhead. It will be demonstrated every time you look out to sea and see one of our carriers or destroyers cruising in the Adriatic. It will be present with the diplomatic presence of the United States, the power of the U.S. Presidency and our support for NATO, and demonstrated in 100 ways.

What is it that is so magical about one-third of the ground troops being American? Sure, that will demonstrate an additional presence, but is it absolutely essential?

It is the difference between war and peace, the President says. If it is—and I doubt that it is—but if it is, then this peace is too fragile, in the first place. We already have signs that that is true with some of the Serb leaders saying in effect, no, never, that blood will be spilled, that they are not going to go along with this.

So, if the basic criterion, as the President laid out, was that there would be peace, and we would simply be implementing the peace, one questions whether that condition will even exist when our troops hit the ground over there, if they do.

There has been another justification, and I think that this is perhaps one of the most difficult for us to deal with because all of us support, not only the President, but the office of the Presidency. We generally try to defer to the President and the executive branch in foreign policy matters to a large extent, anyway. But the Senate has certain constitutional prerogatives. We have the advice-and-consent prerogative. We have the ability to ratify treaties, and so on.

The President, in effect, has invited the Congress to decide whether or not to support his action or not. So I do not think there is any question that we need to make an independent judgment here of whether or not the sending of these troops is a good idea. But the argument of the President in this regard goes something as follows. Up until the time that the agreement in Dayton was initialed, we were not supposed to de-

bate the issue because, after all, there was not anything to debate. We had not decided what to do.

Well, the reality was the President had already committed to send the 20,000 troops, but we were not supposed to debate that because the agreement was not clear yet. So we did not. We basically deferred. There were many of us here, myself included, who wanted to speak much more specifically about it, to ask a lot of questions, and perhaps to lay down some conditions for the peace agreement, but we did not do that out of deference to the President.

But now the argument goes, once the agreement was initialed, "You would be pulling the rug out from under the Presidency, indeed from under U.S. foreign policy, if you did not approve my commitment to send 20,000 American troops."

That is a catch-22, Mr. President. You cannot argue about it before the treaty is initialed and as soon as it is initialed, it is too late to argue about it. So when are we going to have the debate as to whether or not this is good policy?

It is true, if the Congress turned its back on the President at this point, there would be some embarrassment to the United States. The question we have to ask ourselves is: Is the risk of casualties and is the precedent which is being set to send these troops outweighed by some temporary embarrassment to the United States?

I submit at this point, at least I have concluded that the answer to that is no, that the Congress has to make it clear to the President that he cannot simply go around making premature commitments without the advice and consent of the Congress, commitments which some of us believe not to be wise, and then justifying the support for that on the basis that the commitment was made and, therefore, cannot be questioned anymore.

Either you consult with the Congress in advance and have some sense that you have the support of the Congress and the American people and then argue, once the commitment is made, that it is too late to argue about it, or at least I think you have been estopped, to use a legal phrase, to argue there should not be a robust debate about it after the decision has been made. My point is, there is no argument to say, "I made the commitment to send the troops and now it would be embarrassing to the United States, it would diminish the leadership role of our country if I were not backed up in that commitment," to use the President's argument.

My point is very simple. The President should have thought of that before he made the commitment. He made a commitment, and I think at this point we have to debate it.

The bottom line is this: The President has not demonstrated a vital national security interest of the United States involved, nor has there been a

clear delineation of the operational aspects, its mission, the rules of engagement, and the exit strategy.

Until those cases are made, I think the President is asking too much of us to commit U.S. ground troops to this operation. Therefore, Mr. President, it would be my hope that after we have had a full debate, after there have been hearings, after there have been briefings by the administration, and after we have had an opportunity to consider within this body and the House has had an opportunity to consider it, that we would have a vote on the matter; that we be able to express ourselves either to support the President's request or to reject it.

At this point, my own view is that we reject it. I invite any debate and any rationale that can be expressed in support of the President's position. As I said, at this point, I think it is far too serious a matter for the United States Congress to support the President's request that 20,000 ground troops be sent to Bosnia, in addition to all the other things which we have already done and which we continue to do.

I close with this point. Nobody wants this tragedy to continue. Everybody wants peace to succeed. We all commend the President and those who negotiated on his behalf for this peace agreement, and I would want to do everything we could to support that agreement, short of the commitment of these ground troops. They are not the necessary ingredient to make it work. If they were, it would be destined to fail.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Vermont.

AMERICAN TROOPS IN BOSNIA

Mr. LEAHY. Mr. President, the debate over whether the United States should contribute its troops to a NATO peacekeeping force in Bosnia will be the focus of many speeches on this floor in the coming days. It is a subject all of us have anticipated and pondered and wrestled with for some months now, and it is one of those decisions that no one likes to make. It is fraught with uncertainties and the undeniable likelihood that Americans will be injured or killed.

There will be many chances to speak on this, but having thought about it for some time and discussed it with the President and Secretary of Defense and others over the past weeks, and after listening to the President's speech last night and the responses of some of those who oppose sending troops, I want to say a few words as the debate begins.

Mr. President, even before the peace agreement was signed at Dayton, the House of Representatives passed legislation to prevent the President from deploying U.S. troops to enforce a peace agreement without the consent of Congress. I believe the President should seek the approval of Congress

before sending troops to Bosnia, although I do not believe the Constitution requires it in this instance where the parties have signed a peace agreement. I felt it was both unhelpful and unnecessary for the House to pass legislation in the midst of the negotiations and before a peace agreement was signed.

But just as President Bush sought congressional approval for sending U.S. troops to the Persian Gulf—although half a million were there before approval was given—President Clinton has sought congressional approval, and there will be ample time to debate it before the formal signing of the agreement.

The decision to send Americans into harms way is the most difficult and dangerous that any President has to make. It should be done only when a compelling national interest is at stake, and when there is no other alternative.

Like many or perhaps even most Senators, the majority of my constituents, at least of those Vermonters who have contacted me, do not believe that it is in our national interest to send Americans to Bosnia. They genuinely fear another costly, drawn out quagmire like Vietnam. Some of them fought in that war, or had family members who died there. Others fear a debacle like Somalia, where in a matter of days a well-intentioned humanitarian mission became a poorly thought-out, ill-prepared peacemaking mission that ended in tragedy.

It is the President's job to convince the American people that Bosnia is not Vietnam, it is not Somalia, and that our national interests compel us to take part. He made a good start last night. There are still important questions that need answers—the President said as much himself—but I am convinced that the case for sending Americans to Bosnia can be made, and I intend to help the President make it.

Mr. President, in the past 4 years, a quarter of a million people, the vast majority defenseless civilians, have lost their lives in the former Yugoslavia. We have all read the blood curdling reports of hundreds and even thousands of people being rounded up at gunpoint and systematically executed or even buried alive.

Countless others have had their throats cut after being horribly tortured. Some have been made to eat the flesh and drink the blood of their countrymen. Thousands of women have been raped. Men have been forced to watch their wives and daughters raped and killed before their eyes. All simply because of their ethnicity, or because they lived on land others wanted for themselves.

The war has produced 2 million refugees, victims of ethnic cleansing. Hundreds of thousands more have lived in squalor for years in the rubble of what remains of their homes, without electricity, heat, or running water.

There are many, including myself, who believe that NATO should have

acted much earlier and with far greater force to stop the genocide in Bosnia. I opposed the use of American ground troops to try to win the war, but we gave too much deference to those who said that airpower would never compel the Serbs to negotiate peace. NATO should have been given the authority to use unrelenting force when U.N. resolutions were violated time and again with impunity.

Our greatest collective failure was to put the United Nations in charge of a peacekeeping mission where there was no peace to keep, and when it was unwilling or unable to back up its own threats. These failures, which caused grievous damage to NATO's credibility, will haunt us for years to come.

But the situation has changed dramatically since then. Sustained NATO bombing, coupled with gains by the Moslem and Croat forces on the battlefield, have shown the Serbs that they cannot win what they set out to achieve. The exhaustion of the warring factions, coupled with a period of extraordinarily forceful American diplomacy, has created an unprecedented opportunity to end one of the most brutal wars the world has seen in half a century.

There should be no mistake. The credibility of the U.S. Government is deeply invested in the success of the peace agreement, and success of the agreement depends absolutely on NATO's enforcement of it. The parties signed with that understanding. At the same time, NATO's own credibility and effectiveness depend on U.S. leadership. Indeed, without U.S. participation, there will be no NATO force, and the peace agreement will almost certainly collapse.

Mr. President, since the breakup of the Soviet Union and the end of the cold war, NATO's future has been uncertain. Some have suggested that NATO has outlived its usefulness. Others say that since the rationale for NATO—deterring a Soviet invasion of Europe—is gone, NATO should become a political alliance. Still others want to quickly expand NATO to include all or most of Eastern Europe, and perhaps even some of the former Soviet republics.

I mention this because NATO's future is one of the most compelling reasons why it is essential for the United States to participate in a NATO peacekeeping force in Bosnia.

I have been among the strongest supporters of assistance to Russia and the other former Soviet States. A democratic Russia is obviously a major foreign policy priority for the United States. Despite many setbacks, there has been remarkable progress in Russia, Ukraine, and elsewhere in the former Soviet Union. But who can predict the next decade? Who can say that the fervent nationalism that remains strong there will not increase to a point when it becomes threatening? It is simply too soon to say what lies beyond this transitional period.