

ended, but the termination of that phase of international politics has made the world actually more complex for foreign policymakers.

In the cold war, the superpower rivalry and its mutually assured destruction doctrine, in terms of nuclear war, imposed strong constraints on interventions by either superpower. Korea, Vietnam, and Afghanistan were notable exceptions.

In the pre-cold-war history of the United States, the question of U.S. intervention outside of the Western Hemisphere rarely arose, short of a Pearl Harbor or a Lusitania incident that began the First World War. In the new post-cold-war disorder, we largely face only self-imposed constraints to our actions abroad. Thus, we now need answer only whether we should undertake such an action, not whether we can do so.

That is a clear distinction. In the cold war, we had a line that we knew we could not cross or should not cross. Now there are no lines. If my colleagues read Tom Friedman in the book “Lexus and the Olive Tree,” barriers of all kinds, not only the Berlin Wall, are coming down all over the world. So the question more and more on American intervention is, Should we do it? What Senator ROBERTS and I are trying to say is that it is not only a Presidential decision, it is a decision in which all of us have to participate and, hopefully, one that we can arrive at a consensus on before we send young Americans into harm’s way. That is why we are here. That is why we are taking the Senate’s time today.

The two administrations which have confronted the post-Soviet Union world have grappled mightily with the complexities in places such as Iraq, Croatia, Bosnia-Herzegovina, Somalia, Haiti, and now Kosovo. And almost every step in these areas have been subjected to questioning and controversy before, during, and after the operation in question. Opposition to the Presidential policies has not offered a clear-cut alternative, with some opponents calling for greater and some for lesser exertions of American power. As I have said before on several occasions, I approach the debate on intervention with the greatest respect for the difficulties which the current or, indeed, any other post-cold-war administration and Congress must face when deciding Americans should go to war.

However, I must say that I believe any departure from the principle of using our military intervention solely in defense of vital national interests is a slippery slope. Let me say that again. I have to say that I personally believe that any departure from the principle of using American military intervention solely in defense of vital national interests is a slippery slope. Let’s recall from our previous discussions the very small “A” list of truly vital interests. As articulated by the 1996 Commission on America’s National Inter-

ests—and Senator ROBERTS and I are engaging ourselves with that commission that is cranking up again and we hope to have some input—the Commission on America’s National Interests articulated that those interests are “strictly necessary to safeguard and enhance the well-being of Americans in a free and secure Nation,” and include only the following: Prevent, deter, and reduce the threat of nuclear, biological, and chemical weapons attacks on the United States. That is simple. That is clear.

Two, prevent the emergence of a hostile hegemon in Europe or Asia. As Senator ROBERTS the other day said, hegemon means the big bully, the lead dog, the big dog.

Three, prevent the emergence of a hostile major power on U.S. borders or in control of the seas.

Four, prevent the catastrophic collapse of major global systems such as trade, financial markets, supplies of energy, and so forth.

Five, ensure the survival of U.S. allies.

In pursuit of these objectives, the “United States should be prepared to commit itself to fight,” the commission says, “even if it has to do so unilaterally and without the assistance of allies.” I understand my friend and colleague, Senator ROBERTS, says this list might be slightly modified and updated by a new commission, but the content will basically be similar.

In short, I believe we can and must be prepared to commit all available American resources—including military forces—in the defense of truly vital national interests. In such cases, I believe Presidents should seek congressional approval, and I cannot imagine a Congress not granting such authority in these cases. But in all other cases, I believe we have to impose a much higher bar before we put American service men and women into harm’s way—a much higher bar and a much higher standard than we have used in the last 10 or 15 years.

General Shelton, Chairman of the Joint Chiefs of Staff, put it beautifully in an address to the Kennedy School at Harvard recently:

In every case when we contemplate the use of force, we should consider a number of important questions. These are not new questions, as most are articulated formally in the National Security Strategy. They are:

Is there a clearly defined mission?

Is the mission achievable, and are we applying the necessary means to decisively achieve it?

Do we have milestones against which we can measure or judge our effectiveness?

Is there an exit strategy? Or, put another way, a strategy for success within a reasonable period?

Do we have an alternate course of action should the military action fail or take too long?

Are we willing to resource for the long haul?

If our military efforts are successful, are the appropriate national and international agencies prepared to take advantage of the success of the intervention?

We see that in the Balkans right now.

Have we conducted the up-front coordination with our allies, friends, and international institutions to ensure our response elicits the necessary regional support to ensure long-term success?

These are powerful questions, as articulated by the Chairman of the Joint Chiefs of Staff.

He goes on to say:

The military is the hammer in America’s foreign policy toolbox . . . and it is a very powerful hammer. But not every problem we face is a nail.

That is critical.

We may find that sorting out the good guys from the bad is not as easy as it seems. We also may find that getting in is much easier than getting out.

Boy, is that true.

These are the issues we need to confront when we make the decision to commit our military forces. And that is as it should be because, when we use our military forces, we lay our prestige, our word, our leadership and—most importantly—the lives of our young Americans on the line.

As we approach Memorial Day, where we pay tribute and honor to those young Americans who have given their lives in the past, we must think carefully and judiciously how we commit young Americans in the future in terms of American military intervention in the world.

Americans who serve today on the front lines in the service of this great Nation in Korea, Kosovo, Bosnia, Saudi Arabia, and elsewhere around the globe, are very special Americans. They have volunteered to do this duty for the rest of us.

When we return from the Memorial Day break, Senator ROBERTS and I will resume these dialogs with a discussion of Clausewitz’s trinity of warmaking. He said, successfully war is prosecuted if you have three things together: the people, the government, and the military. Marching forward arm in arm is what we are all about. That will be the subject of our next discussion.

I yield to the distinguished Senator from Kansas, my partner, my dear friend, Mr. PAT ROBERTS.

Mr. ROBERTS. Mr. President, how much time remains?

The PRESIDING OFFICER. All time has expired.

Mr. ROBERTS. I thank my colleague for his contribution. I yield the floor for that purpose.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2559

Mr. ROBERTS. Mr. President, I ask unanimous consent that following the allotted times for morning business, the Senate then proceed to the conference report to accompany H.R. 2559, the crop insurance bill, and it be considered as having been read, and under the following time restraints: 1 hour under the control of Senator LUGAR; 1 hour under the control of Senator HARKIN; and 1 hour under the control of Senator WELLSTONE.

I further ask unanimous consent that following the use or yielding back of time, the Senate proceed to vote on the conference report, without any intervening action or debate.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MR. ROBERTS. Mr. President, I yield the floor and suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MR. BYRD. Mr. President, has an order been entered for me to be recognized at this time?

THE PRESIDING OFFICER. It has. The Senator is recognized for 20 minutes.

MR. BYRD. I thank the distinguished Presiding Officer.

Mr. President, I may have to lengthen that.

I ask unanimous consent at this time that I may speak up to 30 minutes, if I need to.

THE PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CONVENING OF CONSTITUTIONAL CONVENTION, MAY 25, 1787

MR. BYRD. Mr. President, today, May 25, in the year of our Lord 2000, marks the 213th anniversary of a monumental event, the most monumental event that ever occurred in American history. It was on May 25, 1787, that a sufficient number of State delegations convened in Philadelphia to begin their deliberations “to form a more perfect Union.” Fifty-five delegates labored through that long, hot summer in Independence Hall in the very room where the Declaration of Independence had been signed 11 years earlier. By September 17 of that year, when they adjourned sine die, they had produced a remarkable document, the most remarkable document of its kind that was ever written, the Constitution of the United States.

I place only the King James version of the Holy Bible above this document, the Constitution of the United States. That is the remarkable document that established our Federal Government, that provided for a U.S. Senate, that provided for the equality of the small States with the large States. That is the document that made it possible for tiny, mountainous West Virginia to have two votes, to be equal to the great State of New York, to be equal to the great States of California, Florida, Illinois, Ohio, Indiana in the Senate. If it were not for this document which I hold in my hand, the Constitution of the United States, we wouldn’t be here today. I wouldn’t be here. The distin-

guished Presiding Officer who comes from the State of Illinois would not be here. He would not be presiding in that chair. These would not be the United States of America. In all likelihood, they would be the “Balkanized States of America.”

This remarkable document has established our Federal Government. It is fitting, therefore, that we pause today, and I thought it fitting that someone take the floor to remark about the importance of this day in history and the importance of this document. It is fitting that we pause to reflect on what those men who met at the Constitutional Convention hoped to accomplish and to remark on what they achieved.

The fledgling United States was in dire straits in 1787. There were no automobiles. There were no airplanes, no diesel motor trains, no electric lights, no sulfa drugs, no antibiotics in 1787. It had become painfully apparent that the first National Government under the Articles of Confederation was not working.

Having thrown off the yoke of royal rule during the Revolution, Americans at first had been reluctant to establish another strong central government. Not many people, I wager, in this country remember much, if anything, about the Articles of Confederation, our first Constitution, but our forebears had created a Government under the Articles of Confederation that represented little more than a loose association of 13 States, with the States retaining the real power. Those States were the former Colonies.

The National Government consisted of a single legislative body. Most of the governments in the world today consist of unicameral legislative bodies, one legislative body. But there are 61 governments in the world today that have bicameral legislatures. Most of the larger countries have bicameral legislative bodies. There are 61 of them. And in only two, the United States and Italy, are the upper chambers not subordinate to the lower chambers.

Each State, under the Articles of Confederation, regardless of size—whether it was Pennsylvania, New York, tiny Delaware, Rhode Island, or Georgia—each State, regardless of size, had a single vote in the Congress, in that one body. Under the Articles of Confederation, Congress could raise money only by asking the States for it. Congress had no power to force a State to pay its share. At times, Congress lacked the funds to pay its soldiers’ salaries and faced the threat of mutiny. General George Washington faced that threat of mutiny. The Nation’s international credit remained weak because of its war debts, which went unpaid due to wrangling between and among the States.

This discouraged foreign investments—as one could imagine—and further complicated the efforts to fund the Government operations.

As economic conditions worsened, a band of farmers in western Massachu-

setts, led by the Revolutionary War veteran, Daniel Shays, shut down the State courts to stop their creditors from foreclosing on their lands. I wonder what Senator TED KENNEDY would think of that today. How would Senator JOHN KERRY feel about that—Shays’ Rebellion? And not only did they close down the courts to stop their creditors from foreclosing on their lands, but they also attacked the Federal arsenal at Springfield. When Massachusetts appealed for assistance, Congress had neither an adequate army nor adequate funds to suppress Shays’ Rebellion.

George Washington, who had retired to his estate at Mount Vernon after commanding American forces during the Revolutionary War, feared for the survival of his country and predicted “the worst consequences from a half-starved, limping Government, always moving upon crutches and tottering at every step.” That was George Washington, the first President and the greatest President ever of the United States.

In 1785, a dispute over navigation rights on the Potomac River prompted the States of Virginia and Maryland to set up a meeting to settle their differences. Maryland’s delegation went to Alexandria, VA, only to find that Virginia’s delegates had not yet arrived. They had no interstate highways. They had no great bridges that spanned the river. They had no airplanes. There was no airport over at National in those days. There were only horses and buggies.

As I say, Maryland’s delegation went to Alexandria, VA, only to find that Virginia’s delegates had not yet arrived. Anxious for the conference not to fail, George Washington graciously invited the delegates to Mount Vernon. There the two delegations discussed tolls and fishing rights on the Potomac. Where does the Potomac rise? It rises in my State, in West Virginia. Of course, there was no West Virginia in those days, but there was Virginia. And other questions were raised that went beyond their immediate disputes. When the Virginia delegates submitted their report to the Virginia Assembly, it went to a committee chaired by James Madison, Jr.

Convinced that larger issues remained, Madison persuaded the assembly to pass a resolution calling for a convention in the States to deal with interstate commerce. In the fall of 1786, that convention met in Annapolis, MD. You see, if it were today, Senators BARBARA MIKULSKI and PAUL SARBANES would be there. But it was long before their time. That convention could do nothing, since only 6 of the 13 States sent representatives. Spurred by Madison of Virginia and Alexander Hamilton of New York, the Annapolis convention called for another convention the following year in Philadelphia to go beyond commercial disputes and consider creating a Federal Government strong enough to meet the needs of the new Nation.