

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraq invasion of Kuwait";

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of 732 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987-88 which resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas section 8 of Resolution 687 of the United Nations Security Council, adopted on April 3, 1991, requires Iraq to "uncondition-

ally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities";

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international law in Rwanda;

Whereas more than 70 individuals have faced indictments handed down by the International Criminal Tribunal for the former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than \$24 million for the International Criminal Tribunal for the Former Yugoslavia and more than \$20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and

Whereas a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other violations of international law; and

(3) upon the creation of such an international criminal tribunal seek the reprogramming of necessary funds to support the efforts of the tribunal, including the gathering of evidence necessary to indict, prosecute and imprison Saddam Hussein and other Iraqi officials.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. What is the parliamentary situation?

The PRESIDING OFFICER. The majority has 2 minutes 41 seconds remaining in morning business, and the minority has 7 minutes remaining.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further business, morning business is closed.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S.J. Res. 45, which the clerk will report.

The bill clerk read as follows:

A resolution (S.J. Res. 45) to authorize the United States Armed Forces against Iraq.

The PRESIDING OFFICER. Under the previous order, the time until 4 p.m. shall be equally divided and controlled between the two leaders or their designees with Senators permitted to speak therein for up to 15 minutes each.

Mr. BYRD. I ask unanimous consent I may have an additional 5 minutes over the 15.

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

Mr. BYRD. Mr. President, tonight at 8:00 p.m., President Bush will make a televised address to speak to the Nation about the threat of Iraq. According to press reports from this weekend, the President is expected to lay out, in detail, his case against Saddam Hussein, including the repressive dictator's long history of violence and aggression.

There is no disagreement about the character of Saddam Hussein, neither on Capitol Hill nor in the minds of every American. But while the President continues to make his case against Saddam Hussein, the issue on the minds of Senators and our constituents is, what exactly is the United States planning to do?

Rather than hearing more about Saddam Hussein—we know enough about him—what we need to hear from the President are answers to our questions about what he plans to do in Iraq. We need to know why the President is demanding that we act now. We need to have some idea of what we are getting ourselves into, what the costs and consequences may be, and what the President is planning to do after the fighting has stopped. After Iraq. After Saddam Hussein. It is not unpatriotic to ask these questions, especially when they are already on the minds of all Americans.

Why now? Those two little words: Why now?

Why now? What has changed in the last year, 6 months, or 2 weeks that would compel us to attack now?

Is Iraq on the verge of attacking the United States? If so, should our homeland security alert be elevated? Shouldn't the President be spending more time with his military advisors in Washington, instead of making campaign speeches all over the country?

The media reports suggest that the administration does not plan to act

until February. Why is the President telling Congress it has to act before the elections? Why are our own leaders telling us we have to act before the elections.

What are we signing up for?

We are about to give the President a blank check to deal with Iraq however he sees fit. What exactly is he planning to do with this power?

Does the President have clear objectives for this war? Does he want to disarm Saddam Hussein, or remove him from power?

When might the fighting end? What conditions must be met before the President would determine that the war is over?

The President has said several times that he wants to use force in order to bring Iraq into compliance with its international obligations. Why is he then demanding that Congress go even further and give him a blank check that would give him the power to commit our country to years or even decades of bloody war without the support of our allies?

We have already given the President a blank check to deal with al-Qaida, which he used to invade and occupy Afghanistan. Does the President plan to fight these two wars separately, or will the President combine them into a broader regional campaign?

What will be the costs of this war?

How many troops will be involved? Will we exercise the heavy ground option or will we exercise the heavy air option? Or might we exercise both options? How many reservists will have to leave their jobs to serve in uniform?

Will they be fighting door-to-door combat in downtown Bagdad?

Do our troops have adequate protection against the chemical and biological weapons that Saddam Hussein might employ?

How many American casualties is the Department of Defense anticipating in case the heavy ground option is utilized? How many American casualties is the Department of Defense anticipating?

In addition to the cost in blood, war is also a drain on the national treasury. How much will it cost to fight this war and to maintain an occupation force? Larry Lindsey said it would cost \$100 billion to \$200 billion, talking about this war and what it would cost. One hundred to two hundred billion dollars, and he said: That's nothing. During the Gulf War, our allies contributed \$54 billion of the \$61 billion cost of the war. Leaving the United States holding the bag for roughly \$7 billion, a little over \$7 billion out of the \$61.1 billion total. Will our allies give us financial assistance in this war? Has anyone been asking them to divvy it up, to help pay the financial cost, or do we plan to shoulder it all?

Do we have the resources to care for our injured and sick veterans when they return from Iraq? Are our hospitals in this country prepared for that event?

Will there be other consequences to a war with Iraq?

How will the war against Iraq affect the fight against terrorism? How many of us will feel safer here in this country at night, when the shades of evening fall? How many of us will feel safer, once an attack against Iraq is launched? Will National Guard troops be removed from important homeland security missions in the United States?

If we act without the approval of the international community, what happens to the international cooperation in the war on terror we worked so hard to foster after 9/11?

How will a war between the United States and Iraq affect regional stability in the Middle East?

What will we do if Iraq attacks Israel? Can we persuade Israel to stay out of the war, or will we just stand by and watch them join in the fighting?

Are we putting more moderate regimes in the Middle East at risk, like Jordan, or Pakistan, which already has nuclear weapons. If a more radical government takes over in Pakistan, are we prepared to act there as well?

What happens after the war?

Who will govern a defeated Iraq?

How long will our troops be expected to occupy Iraq?

Do we expect Iraqis to rise up against Saddam Hussein, or take arms against us?

What plans do we have to prevent Iraq from breaking up and descending into civil war?

How can we contain the instability that will likely result in the north of Iraq that may threaten Turkey, our friend and NATO ally? Are we giving any thought to this? Is anybody in the administration giving thoughts to this question?

In his weekend radio address, the president told us that:

should force be required to bring Saddam to account, the United States will work with other nations to help the Iraqi people rebuild and form a just government.

What does he mean by that? Is the President advocating a new Marshall Plan for the Middle East? Are the American people ready to make that kind of long-term regional commitment?

How much will the American taxpayer pay to rebuild Iraq? How much will our allies pay? If the United States should act alone in attacking Iraq, can we really expect the rest of the world to help rebuild Iraq after the war? Have any other countries committed to assisting in these peacekeeping duties? If so, how many? Can we afford to rebuild Iraq and Afghanistan at the same time? We may have to rebuild Israel as well.

I have a lot of questions. The American people have a lot of questions. But apparently the American people are not going to be asked. They are not going to be given the opportunity to ask their questions.

We are going to be stampeded and rushed pellmell into a showdown right

here in the Senate and in the House, and in the next few days. Why all the hurry? Why are we in such a hurry? Election day is 4 weeks away from tomorrow. Wouldn't it be better to go home and listen to the people, hear what they have to say, and answer their questions before voting on this far-reaching, grave, and troubling question?

Every one of the questions the American people have is important. Without better answers from the President, we will only be getting part of the story, which is a dangerous position for Congress to be in as we prepare to vote on a war resolution this week or next week.

It is a sad thing that the elected representatives of the American people are being asked to vote on this troubling question before the election.

But the administration is not giving us meaningful answers to these questions. All we are getting are vague threats and political pressure from the White House. The President has not backed up his case against Iraq with a consistent justification based on clear reason and evidence. When the President and his advisers are pressed for clarity, they have responded with evasive and confusing references to the dangers of terrorism which they now seem to think has more to do with Saddam Hussein than Osama bin Laden. Defense Secretary Rumsfeld revealed that recently when he told the Senate Armed Services Committee:

I suggest that any who insist on perfect evidence are back in the 20th century and still thinking in pre-9-11 terms.

In other words, it is just too hard for them to answer all of these questions, so Congress should just hand everything over to the President, and he will determine by himself what is "necessary and appropriate" when the time comes. Until then, the administration will provide Congress and the American people with very little information.

We need to know this information, and we need to know it now, before we are pressured into making a hasty decision about whether to send the sons and daughters of Americans to war in a foreign land; namely, Iraq.

The President's military doctrine will give him a free hand to justify almost any military action with unsubstantiated allegations and arbitrary risk assessments, and Congress is about to rubberstamp that doctrine and simply step out of the way.

I cannot understand why much of the leadership of this Congress has bought into the administration's political pressure. Congress will be out of the business of making any decisions about war, and the voice of the people will quickly be drowned out by the White House beating the drums of war.

There is no need for Congress to underwrite the President's new military doctrine. If the United States uses force against Iraq, then Congress can provide the President with enough authority to act decisively in Iraq. Any

further actions the President wants to take should be decided on a case-by-case basis. We should not get carried away by all of the war rhetoric and turn this Iraq resolution into a blank check for the President to enforce some vague new doctrine in every corner of the Middle East or the world beyond. Granting him such broad power would not only set a dangerous international precedent but would severely undermine our own constitutional system of checks and balances.

Some say that the process laid out in the Constitution will be satisfied once Congress votes on whether to authorize war. But Congress must not grant the use of force authorization without a full understanding of the consequences. We will be voting to decide whether we will allow the President to declare war at his convenience for an unlimited period of time. That does not satisfy the Constitution. After all, the President has repeatedly said he has not decided whether we must go to war.

Do we want to just give the President and all future Presidents an authorization for war that they can put in their hip pockets, to be pulled out whenever it is convenient? That is not the course of action worthy of the greatness the Founding Fathers expected when they created the legislative branch.

We should not have this vote on the issue for war or for peace before the Congress has answers to these questions. The President, when he speaks to the Nation tonight, must provide real answers to these questions that the American people are asking.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I say to my valued friend and colleague on the Senate Armed Services Committee that I thought we had an excellent debate on Friday afternoon, at which time a number of the points the Senator from West Virginia raised today were discussed. But I believe the administration has worked diligently in consultation with the Congress—most particularly the appropriate committees—the Senate Armed Services Committee, on which my colleague from West Virginia and I are privileged to serve, and also our colleague from Georgia, as well as the Foreign Relations Committee.

These questions, I believe, and the information that can be made available are and perhaps will again in the next day or so be made available to the Congress. I know I have, I say to my good friend from West Virginia, pressed the administration to see whether or not further information that now has classification can be given.

I and other Members of the Senate were back with our constituencies this weekend. I had about five meetings with my constituents at various places, and foremost in their minds is the seriousness of this situation we face with Saddam Hussein and his regime which possesses these weapons of mass destruction.

I believe this debate is evolving. I believe the Congress is in possession of those facts to justify a vote on the resolution, which Senator LIEBERMAN, Senator BAYH, Senator MCCAIN, and I have drawn up in accordance with consultations with the White House and the leadership.

I thought we got off to a good start on Friday. I thank my colleague for the opportunity to debate him—and we do very vigorously, and undoubtedly we will continue. But I believe, if I might say respectfully to my colleague from West Virginia, it is a good, strong record for the Congress and the American people. And there may be additional facts forthcoming. Certainly, we should await the President's message to the Nation and to the world with great respect because he has time and time again said war is the last option, the use of force is the last option. He pursued diligently diplomatic means before, not only with the United Nations but in one-to-one meetings himself, and the Secretary of State with the heads of state and governments in a great many nations.

I believe progress has been made in all directions.

I thank the Chair. I thank my colleague. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Madam President, we as Members of the Senate, are now being asked by the Commander in Chief to make the most serious decision we can make: the decision to authorize him potentially to send our young American men and women in the American military into harm's way. When I was a young man in the mid-1960s, the U.S. Congress authorized the use of force against North Vietnam, and I volunteered to fight in that war. Three times since I came to the Senate—on Iraq in 1998, on Kosovo in 1999, and then last year on al-Qaida and international terrorism—I have been asked by the Commander in Chief to authorize the use of military force to achieve our Nation's objectives, and all three times I voted to authorize the use of force. This is now the fourth occasion I have been asked to give my consent to such action, and each time I have thought back to the words of one who occupied the same seat in the Senate I now have the privilege to hold, Dick Russell. Senator Russell said:

While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards to life and limb in pursuing them. As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.

That was a marvelous quote by Senator Russell in the 1960s.

While we need to update Senator Russell's statement to encompass the

young women who now also put themselves into harm's way when we go to war, I think it stands the test of time very well and speaks to us all now as we contemplate our second declaration of war in the last 12 months. I believe its counsel of limited ends but sufficient means is sage advice now, as it was when first uttered under the shadow of the Vietnam war.

The leading military analyst of the Vietnam War, the late Col. Harry Summers, wrote in his excellent book, "On Strategy: The Vietnam War in Context":

The first principle of war is the principle of The Objective. It is the first principle because all else flows from it . . . How to determine military objectives that will achieve or assist in achieving the political objectives of the United States is the primary task of the military strategist, thus the relationship between military and political objectives is critical. Prior to any future commitment of U.S. military forces our military leaders must insist that the civilian leadership provide tangible, obtainable political goals. The political objective cannot merely be a platitude but must be stated in concrete terms. While such objectives may very well change during the course of the war, it is essential that we begin with an understanding of where we intend to go. As Clausewitz said, we should not "take the first step without considering the last." In other words, we (and perhaps, more important, the American people) need to have a definition of "victory."

Colonel Summers continues:

There is an inherent contradiction between the military and its civilian leaders on this issue. For both domestic and international political purposes the civilian leaders want maximum flexibility and maneuverability and are hesitant to fix on firm objectives. The military on the other hand need just such a firm objective as early as possible in order to plan and conduct military operations.

Since we are indeed being asked to authorize the commitment of U.S. military forces, it is our responsibility—I would say it is our obligation—as the civilian leadership to provide our Armed Forces with "tangible, obtainable political goals." In other words, we have to define now, before the fighting starts, what the objective is.

It is crystal clear to me what the appropriate, achievable, internationally supported and sanctioned objective is at the present time and in the present case: not simply the admission of weapons inspectors but the verified destruction of Saddam Hussein's store of weapons of mass destruction. This is the matter which makes the Iraqi regime a danger requiring international attention beyond that which is afforded to the all too numerous other regimes which oppress their own people, or threaten regional peace, or fail to fulfill their international obligations. It is the objective which President Bush has been increasingly centered on in his calls for action by the UN. For example, in his September 26 meeting with congressional leaders, the President put it very well. He said:

We are engaged in a deliberate and civil and thorough discussion. We are moving toward a strong resolution . . . And by passing this resolution we'll send a clear message to the world and to the Iraqi regime: the demands of the U.N. Security Council must be followed. The Iraqi dictator must be disarmed. These requirements will be met, or they will be enforced.

And this objective, the disarming of Saddam Hussein, is the objective which this Senate, this Congress is prepared to overwhelmingly endorse as we close ranks behind the President.

Adoption of the force resolution authorization will satisfy our obligations to make it clear to the international community that America stands united in its determination to rid the world of Iraq's weapons of mass destruction. And it will fulfill our responsibility to our military and our service men and women to provide a tangible, militarily obtainable objective. But it will not discharge this Congress of all responsibility with respect to our policy on Iraq.

In retrospect, it seems to me that the real failure of Congress in the Vietnam war was not so much passage of the open-ended Gulf of Tonkin resolution by near unanimous margins in both Houses—based as it was on what we now regard as very dubious information supplied by the executive branch and what those Senators and Representatives had to take at face value—but its subsequent failure for too many years to exercise its constitutional responsibilities as that authorization lead to a cost and level of commitment that few, if any, foresaw at the time. I would note that Senator Russell actually got the following language added to the Gulf of Tonkin resolution itself:

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations, or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Our duty, and the duty of this Congress and its successors, to our Nation's security and to our service men and women with respect to Iraq will not end merely with the passage of the pending resolution. We have a constitutional and moral responsibility to continue to review the evolving situation and to ask the hard questions. I did so on each of the three previous occasions when I have supported an authorization of the use of military force. I asked those questions on Iraq in 1998, on Kosovo in 1999, and then last year on al-Qaida and Osama bin Laden and the international terrorism war. And I will do so again with respect to Iraq.

After the 1990–1991 gulf war and after the final end of the cold war, then Chairman of the Joint Chiefs of Staff, Colin Powell, propounded a list of six questions which he believed must be addressed before we commit to a military intervention:

Is the political objective important, clearly defined, and well understood?

Second, have all nonviolent means been tried and failed?

Additionally, will military force actually achieve the objective?

What will be the cost?

Have the gains and risks been thoroughly analyzed?

And finally, after the intervention, how will the situation likely evolve and what will the consequences be?

I have already discussed the first question, the mission, and to the extent we focus on disarmament, I believe we satisfy Colin Powell's first criterion. The second, as to nonmilitary means, is being asked right now, at the United Nations, at Vienna, and in other world capitals. And while what the President calls a "decade of deception" by Iraq must make one very skeptical about the possibility for a satisfactory diplomatic resolution, I believe we should and must give it one final chance before considering the military option. As to the effectiveness of military force, since the President has not made any final decisions, he says, as to what kind of military operation, if any, will be undertaken, it is premature to make a firm determination, but in principle, given the outstanding capabilities of our Armed Forces, and what will hopefully be a well-defined mission, I believe we can answer in the affirmative. So far, so good.

But when we turn to the final three of General Powell's questions that he asked years ago, we see the need for some serious and sustained attention not only by the administration but by the Congress as well.

What will be the cost? And here we need to factor in not only the cost in terms of the immediate military operation, but also potential costs of what could be a very long-term occupation and nation-building phase. Among the many reasons we need to actively seek to build as large an international coalition as possible behind whatever we eventually undertake in Iraq is to help with the aftermath. I want to single out the leadership of my friends and colleagues from across the aisle, Senators LUGAR and HAGEL, in calling the country's and the Senate's attention to the importance of this aspect of our Iraq policy.

And what about the cost for our economy? The mere threat of war has sent oil prices upward and caused shudders on Wall Street. What will a full blown war do?

Have the gains and risks been thoroughly analyzed? And after the intervention, how will the situation likely evolve and what will be the consequences? These two are closely related in that, in my view, the long-term consequences have been the least discussed part of the equation thus far.

If, as some believe, the consequence of a U.S. invasion of Iraq will be a united, democratic Iraq which can serve as a "role model" for the rest of the Arab world. Maybe, but such an outcome would not only fly in the face of Iraq's entire history since being created out of a British mandate at the end of the First World War but would appear to be contrary to much of what we have seen

in the aftermath of other recent U.S. interventions, including most recently in Afghanistan. Perhaps, most importantly, we need to make absolutely certain that whatever we do in Iraq does not distract or detract from the war we authorized 12 months ago, our war on terrorism, which remains, in my view, job No. 1, mission No. 1, objective No. 1, one for our national security policy.

So these are the kinds of questions I will be asking, and I hope I will be joined by colleagues from both sides of the aisle in asking, as we move forward.

It now appears the Senate may have at least three alternatives to consider as we move forward on authorizing force against Saddam Hussein: the Biden-Lugar-Hagel resolution; a Levin resolution; and the resolution endorsed by the President, the House leadership and a bipartisan group of Senators. I certainly wish to pay tribute to all of the Senators involved in crafting all of these alternatives. Without exception, they are acting out of conscience and conviction in promoting our national security. And I believe most Senators share the views that diplomacy is preferential to force, and that proceeding with the input and support of the international community, including the United Nations, is far better and more effective than going it alone.

I will be supporting the resolution backed by the President and opposing the alternatives because I believe it is imperative that we now speak with one voice to Saddam Hussein, to the entire international community and, most importantly, to our servicemen and women. A strong, bipartisan vote for the pending resolution will strengthen the President's hand in his efforts to get the international community to step up to the plate and deal effectively with the threat posed by Iraq's weapons of mass destruction, and give the diplomats one last chance to secure Saddam Hussein's final, unconditional surrender of those weapons, as he has pledged since 1991.

The objective of our policy against Saddam Hussein should be a regime of unfettered inspections leading to full disarmament of Iraq's weapons of mass destruction. If diplomacy fails, the military objective must be the complete destruction of such weapons. Regime change may come but, because of the large costs and massive uncertainties this will inevitably produce, this should be the last resort, not the first.

We must not repeat the most disturbing display of partisanship with respect to national security to have occurred in the time I have served in the Congress. I am referring to the extremely disturbing spectacle of disunity and irresolution displayed by the House of Representatives on April 28, 1999 when, with American servicemen and women already in combat against Milosevic and Serbia, the House cast a series of votes that: prohibited the deployment of ground forces, which the

President had never asked for; defeated an attempt to remove US forces; and most dismaying of all, on a tie vote of 213-213, defeated the Senate-passed resolution authorizing the very air operations and missile strikes which were even then underway. What kind of message was that to send our Armed Forces personnel, or our NATO allies or Milosevic?

I implore the Senate to pull together behind the one resolution endorsed by the President, by the bipartisan House leadership and by a bipartisan group of Senators. That resolution affirms the importance of working in concert with other nations, gives preference to a diplomatic over military solution, focuses attention where it should be on disarming Saddam Hussein, seeks to ensure that we not be diverted from fighting the war on terrorism, and provides for the ongoing and Constitutional role of the Congress as events unfold in our policy toward Iraq. I urge a strong and bipartisan vote in favor of the resolution.

God Bless our country and the young men and women who serve in uniform. I yield the floor.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might ask my very valued friend and colleague a question or two.

With his indulgence, I would like to make a few preliminary comments. First and foremost is that we have shared for some years now a strong friendship and strong working relationship, primarily through his service on the Senate Armed Services Committee. There has been no Senator who has been more mindful of the needs of the men and women of the Armed Forces than our colleague from Georgia. I felt his remarks today were exceedingly well taken, and in particular the need for a strengthened resolution here in the Congress, House and Senate together, acting on a resolution which is clear in its terms, in such a way that there be no daylight, no perceived or actual difference between the legislative bodies of our Government—the Congress, the Senate and the House, and the Executive, the Commander in Chief, the President. I commend him on that point and share it.

In previous days on this floor, most particularly on Friday, I have said that repeatedly. That is the key, the arch of this whole debate is the need to have unity of the two branches of Government.

I was also drawn to his excellent analysis of what we call the Powell doctrine, enunciated by General Powell during his period as Chairman of the Joint Chiefs. It is interesting today, of course, in his role as Secretary of State and in his testimony before the Foreign Relations Committee here in the Senate, those criteria he set down are basically the criteria he follows today as he represents this Nation on behalf of the President and all others in the

United Nations and in his constant series of meetings with heads of state and government in an effort to build a coalition much like that which was built by the first President Bush in 1991.

The Senator from Georgia hit on the key part of the formula of Secretary Powell: What is the cost? And he quite properly enunciated some concerns and areas in there.

The question I ask is the question that has to be asked: What is the cost if we don't act now, act as we are doing; namely, through the United Nations, trying to exhaust all diplomatic means, act as we are now acting in consultation with the heads of state and government in order to build a coalition, and, as I understand it, supporting in some way the writing of a new resolution to be considered by the Security Council which would enable a new inspection regime, this time with clear absolute authority, no equivocation whatsoever about the authority of those going in to perform it and the consequences? Hopefully that resolution would be forthcoming, spelling out the consequences of the failure of Saddam Hussein to accept the resolution and indicate cooperation.

As my colleague knows, cooperation is essential in discharging any inspection regime. So that is where we are now.

What would be the cost, had our President not taken the initiative here in the past months to bring to the very forefront of the entire world the problem facing liberty and freedom with the potential of weapons of mass destruction being made night and day by Saddam Hussein in amounts far exceeding anything he would ever need to defend a sovereign nation?

What is the cost, had we not elevated this debate, had we not gone to the U.N., had not the Congress been asked by the President to have a resolution? What is your estimate of the cost? What would be the course of action for the world to take?

Mr. CLELAND. I thank the Senator for those kind words. In terms of the Powell doctrine, I had a chance to listen to it up front and close when I encountered him as Chairman of the Joint Chiefs of Staff at the Pentagon. We had a long discussion about being fellow Vietnam veterans, about what we learned out of that war, and how he approached the world now as Chairman of the Joint Chiefs.

I can remember two elements to the Powell doctrine. The first is sometimes overlooked. The first should be how to use the American military to stay out of war and, if we do get in it, win quickly. The second part of the Powell doctrine is the doctrine of superior force, what Nimitz called in the Second World War in the Pacific "superior upon the point of contact."

I am delighted we have a Secretary of State who understands the power of the first, which is using the American military to stay out of war. I think

that is step one for me in the Powell doctrine. Step two is obviously if diplomacy fails, use superior force to accomplish your objective. In many ways, we have been acting since 1991. We have had Iraq under Operation Northern Watch and Southern Watch. We are covering 40 percent of Iraqi territory as we speak, we have a naval blockade, and we have sanctions, so we have not been inactive since 1991.

What is the status of his weapons of mass destruction, which is the focus of this entire debate? We really don't know, since the U.N. inspectors were kicked out about 4 years ago, where we stand in that regard. That poses a question and a threat. We know he has biological and chemical weapons, and he is working on a nuclear weapon. So that poses great danger to the Middle East, our allies, Western Europe, and potentially to us. Therefore, I think it is appropriate for the U.S. Senate to support, and the Congress to support, a resolution authorizing the President to take all necessary means, including to use force, to back up the original 1991 U.N. resolution authorizing disarmament of Saddam Hussein and his weapons of mass destruction. For me, that is the political objective and the military objective.

Mr. WARNER. The Senator also made reference to the period of the Clinton administration when President Clinton, again, in consultation with the Congress, acted on the seriousness of the issues of Saddam Hussein after he kicked out the inspectors and defied all 16 resolutions. We in the Senate acted, and I am going to read the resolution we adopted in the Senate:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.

Both the Senator from Georgia and I supported it, am I not correct?

Mr. CLELAND. That is correct. I voted for that resolution in 1998. At one point, the resolution did not authorize the American forces to involve themselves in a regime change. In this resolution we are considering now, we are considering using American forces to not only order Saddam Hussein to comply with the 1991 resolution in terms of disarmament, there is an "or else" clause that says the President can use force as well.

Mr. WARNER. As my colleague, I assume, agrees with me, whoever is President of the United States—be it President Clinton or now President George Bush—has the inherent power to utilize the Armed Forces of our Nation when he deems there is a threat to our security. That, of course, is the essence of the debate we are undertaking now. So when I read the clause where

the Congress said “therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States,” to me, that implies a recitation of what we all know since the very first President—he has the authority to use force, if he deems it necessary, to bring Iraq into compliance with its international obligation.

I wonder if the Senator would agree with this Senator one thing that has changed since this resolution is the situation in Iraq has worsened in the sense Saddam Hussein has had these years to proceed with his scheme of building weapons of mass destruction, and I think the open evidence shows he has achieved it in terms of the biological, and he has achieved it in terms of the chemical. With respect to the nuclear weapons, I believe the agreed-upon set of facts is he is doing everything he can to complete a program. There is a difference of opinion as to the time within which he can complete a program to give him a nuclear weapon.

So, in my judgment, what has changed since 1998 is the situation has gotten worse and more threatening from Saddam Hussein. Does my colleague have a view in concurrence with the Senator from Virginia?

Mr. CLELAND. Two points. First, the 1998 resolution, which I supported, the Senator from Virginia supported, and most of us supported, called for regime change but did not authorize the use of American military force. This resolution is different because I believe the situation is different, as the Senator pointed out. The situation is we really don't know the exact status of the biological and chemical capability of Saddam Hussein to wage warfare on his neighbors, our allies, our friends in the Middle East, and on us. Therefore, the 4 years the inspectors have not been there gives us great pause and great concern.

Therefore, our first step should be access to those military sites, those weapons of mass destruction sites, and the destruction of those weapons of mass destruction and complete disarmament according to the 1991 resolution. It is worth, in my opinion, authorizing the use of military force to accomplish that objective.

Mr. WARNER. I thank my colleague very much. I have enjoyed his observations. I respect him very much, as he bears the scars of a brave soldier on behalf of freedom while defending this country.

Mr. President, to conclude our colloquy, I want to read a brief statement that was given by President Clinton at the time of this resolution:

In the next century, the community of nations may see more and more the very kind of threat Iraq poses now: a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists, drug traffickers, or organized criminals, who travel the world among us unnoticed. If we fail to respond today, Saddam and all those who would follow in his footsteps will be

emboldened tomorrow by the knowledge that they can act with impunity—even in the face of a clear message from the United Nations Security Council and clear evidence of a weapons of mass destruction program.

Mr. President, I see others on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, all I know is what I read in the newspapers. Based on what I do know about public policy and what I read in the newspapers, I would be very frightened if all I knew was what I read in the newspapers because newspapers often get things wrong. It has been interesting to me, as we have had the buildup to this discussion in the Senate about Iraq, there have been a number of very thoughtful pieces written that have appeared in the newspapers, and I wish to draw on some of those and quote from some of them at length here today.

It so happens that both of the pieces I will use today appeared in the Washington Post, but there have also been useful pieces in the New York Times and the Wall Street Journal.

Before I get to that, I want to describe a conversation I had once as a younger man that has been an absolute paradigm conversation in my understanding of politics.

I was having lunch with an old friend, a very experienced political hand, a man who had once served President Eisenhower as a close member of his staff. We were discussing a certain candidate for President.

I said, somewhat improperly, because it was rather arrogant for me to do this: Is this candidate smart enough to be President of the United States?

My old friend answered immediately. He said: Of course not. Nobody is. Then he went on to explain.

As I say, he was a man who had been at Eisenhower's elbow during some of the most significant decisions of our time, and he made this point. He said: Every truly Presidential decision is so loaded down with unknowable consequences, with unforeseen possibilities, and unforeseeable challenges that no truly Presidential decision is ever made on the basis of intellect. It is made on the basis of instinct.

He mentioned this same candidate, and he said: He has good instincts, and you can back him with a clear conscience.

I have thought about that ever since that conversation, and I have realized the wisdom of it. If difficult decisions could be made by smart people and resolved, they would be resolved before they got to the President of the United States because any President in either party has plenty of smart people around him who can figure things out and come to a neat, tidy, absolutely defensible conclusion. But those decisions that do not lend themselves to neat and tidy and absolutely defensible conclusions are the ones that ultimately end up on the President's desk

and are ultimately made, as my old friend said, on instinct, out of the gut, rather than intellect out of the analysis.

I remember a President who many people thought was lacking in intellectual candle power, who made a very momentous decision. His name was Harry Truman. He described how he was at his mother-in-law's home for Sunday dinner back in Missouri when the phone rang. He went to the entry hall of that old home where the phone was kept—showing how long ago this really was. There was no black box following him around. There was no communications apparatus with instant ties to the White House, just a phone in the entry hall where the phone used to be put in the days when there was only one phone per house, and that would be in a central location.

He answered the phone. It was Dean Acheson, who told him the North Koreans had just started across the border into South Korea. President Truman said: We have to stop the—expletives deleted.

In later years, he was asked to outline his decisionmaking analysis of the decision to hold the line in North Korea, and he told of the phone call and said: My decisionmaking analysis was that one sentence when I told Dean Acheson: We have to stop the—expletives deleted. He did not think about it any more than that. That came straight out of his gut. And it was Harry Truman's gut that made him one of the Presidents we now revere as one of the greatest of the past century.

This decision is about going to war in Iraq or about, putting it more properly, giving the President authorization to move ahead with force if at some point it becomes clear to him that is what we should do. It is in the category of those truly Presidential decisions.

As I listen to the debate on the floor, the questions being asked, the analysis being demanded, the effort being made to come up with a clear set of tidy pros and cons that can then be weighed on a balance sheet or an accounting statement and then a carefully crisp decision made on the basis of all of that evidence, I go back to my conversation with my friend. We do not know. No one knows what will be the situation in Iraq if we attack after it is over. We do not know whether the Middle East will be a more beneficent place or a more malevolent place if that attack takes place, and no one does.

I can find experts who will tell us this would be the very best thing we could possibly do, and that the Middle East will be much more peaceful, and that liberty will be on the march if we just stand firm. Out of the newspapers we can find plenty of columnists who will tell us that.

I can find other experts who will say this is the greatest disaster we would possibly bring upon the Middle East, and that if we attack Iraq, we will unleash a whole Pandora's box of problems. The Arab street will rise up, and

America will be hated for 100 years. There are plenty of columnists in the newspapers who will tell us that.

I can find experts who will say: Weapons of mass destruction will be used against Israel if we move ahead against Iraq; that there will be biological and chemical attacks not only against Israel but against American installations everywhere; that American multinational companies will become the targets of biological and chemical attacks; and that all of this can be averted if we just continue the discussions. I can find plenty of columnists and people in the newspapers who will tell us that.

Then there are those who say: If we do not act, we will so embolden Saddam Hussein and all the other dictators of the area that they will never move in a peaceful direction; we will have inevitable war, and it will be many times worse than anything that would be triggered by action taken now. Again, in the newspapers, I can find plenty of columnists who will tell us that.

So this is a truly Presidential decision, and it will be made not in George Bush's head or in the heads of those around him—DICK CHENEY, Colin Powell, Don Rumsfeld, Condoleezza Rice, brilliant people all; they stack up their degrees, they stack up their accomplishments in the world, and this is as glittering an array of talent as any President has ever assembled to advise him on foreign policy matters—but the ultimate decision will be made in the President's gut because this is a truly Presidential decision fraught with so many unknowable consequences and possible side effects that no one, no matter how smart, can accurately analyze them in advance and come to a neat and tidy and firm conclusion.

I take some comfort in an analysis that has been made of what I would call the long-term and big-picture question, a big-picture question that perhaps can be analyzed a little better than the specifics of whether or not we move ahead with force in Iraq. I refer first to a piece that appeared in the Washington Post written by Jackson Diehl entitled "Bush's Foreign Policy First—But no one seems to notice—even at the White House." That is the subhead.

The "foreign policy first" that Mr. Diehl is talking about is the fact that the Bush administration, for the first time since the cold war, has laid down a coherent doctrine and strategy with respect to America's role in the post-cold war world.

We all sat in the House Chamber 10 days after the attack, perhaps a week or so after the attack, on September 11, and we heard President Bush deliver a fabulous speech. It had some of the most dramatic rhetoric I expect to ever hear in my lifetime, and it was the finest Presidential speech I have ever heard in my lifetime. As I stepped away from that speech and the emotion of the moment and analyzed it, realized

President Bush had, in fact, for the first time in the post-cold war world, laid down a vision of that world and America's role in it. That speech was more than a rhetorical masterpiece. It was a serious policy statement of where America should be.

That has been fleshed out in a 34-page statement of foreign policy issued by the White House. That is what Jackson Diehl is referring to when he says Bush's foreign policy first—the first statement of the situation post-cold war as seen by an American administration looking at it in toto.

Quoting from Mr. Diehl's presentation, he says:

For a decade U.S. internationalists bemoaned the absence of any coherent policy for engaging the world after the fall of Communism. The Clinton administration, like the Bush team before it, was excoriated for stumbling from crisis to crisis and for consistently making bad judgments about where and how to use America's sole-superpower strength. Now, at last, the internationalists have gotten what they wanted, and the reaction of too many of them is to be aghast.

Continuing the quote:

The national security doctrine issued this month by the White House packs into just 34 pages everything the foreign policy of the 1990s lacked. It begins by embracing two facts that have been observed since 1991, but hard for a democratic and sometimes insular society to accept: that America has unmatched and unprecedented power in the world and therefore no choice but to shape the international order; and that it faces threats that are utterly different but in some ways more dangerous than the threats from the old Soviet Union.

I think that is exactly what the President was saying in his statement to the Joint Session of Congress. We must face the fact that we have power unmatched in history and, therefore, cannot abdicate our responsibility to shape the international order and, two, we must face the fact that we still live in a dangerous world and we are ironically more vulnerable now than we were before.

Mr. Diehl goes on, after talking about the situation surrounding the word "unilateral," or "presumptive action," and he makes this point:

American presidents have been engaging in unilateral and preemptive military actions all along—most recently in Panama, Grenada and Haiti, and in Iraq following the 1998 expulsion of the inspectors. And what the new policy actually says is this: Because terrorists and rogue dictators now have the potential to do enormous harm to Americans with weapons of mass destruction and are not easily deterred, it may be necessary to strike at some before they can act. Should we again sit still if a future al-Qaida operates large terrorist training camps in a future Afghanistan? Rice's document treats this question as a matter of common sense, which it is. It also says, sensibly, that preemption is not the answer to all threats—and so far, at least, it hasn't been the legal basis for the White House campaign against Iraq.

I ask unanimous consent that I be allowed to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. BENNETT. Jackson Diehl summarizes this way:

The real heart of the doctrine, the proposition that U.S. strength be wielded to spread liberty throughout the world, has been barely acknowledged by a policy apparatus that continues to cultivate old and new autocratic allies in the Middle East and Asia.

I ask unanimous consent that the entire article appear at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. BENNETT. Turning to a piece which also appeared in the Washington Post written by Bernard Lewis, who is considered by some to be the ultimate authority on conflicts in the Middle East, it is entitled: "Targeted By a History of Hatred—The United States Is Now the Unquestioned Leader of the Free World, Also Known as the Infidels." That is an interesting tie: We are the unquestioned leader of the free world, also known in many parts of the world as the infidels.

Put that headline against the statement contained in Jackson Diehl's summary of the Bush position paper authored primarily by Condoleezza Rice, and once again you see the big picture. We do live in a world where we are the only superpower. We have the responsibility to do something with that, and President Bush and his advisers have now come to the conclusion that the ultimate test of how we use our power should be how will it ultimately spread liberty throughout the world. That is the kind of flag to which I can repair. That is the kind of standard I can follow.

If we were the British in the 1700s and 1800s presiding over the world, the grand scheme would be: How can we enhance and increase British Imperial power? If we were the Romans when they were the only superpower in that portion of the world they cared about, the only big picture item would be: How can we secure and extend the power of the Roman legions? But as President Bush makes this truly Presidential decision out of his gut, he has made it clear that the ultimate question he is asking, and we must ask with him, is, How will this expand the role of liberty throughout the world? That, as I say, is a standard I can follow.

So I will be voting in favor of the resolution, not because I have figured out all of the unknowables and imponderables relating to it and not because I am absolutely sure that the Presidential power will be used in the right possible way in every possible circumstance. I will be doing it because I trust George W. Bush's instincts as outlined as clearly as any post-war President has ever outlined America's role in the post-war world.

He will use his power to expand and defend liberty throughout the world. He may use it by mistake. He may do things that do not produce that result. But that will be his polestar; that

should be America's polestar; that should be the policy we lay down and hold now for generations to come. It resonates with the decision of the Founding Fathers when the country was created. It is a worthy position for us to take now that the country has become preeminent in the world. Let us hope and pray that as we give this President this power it is always used to that end.

I yield the floor.

EXHIBIT No. 1

BUSH'S FOREIGN POLICY FIRST

(By Jackson Diehl)

For a decade U.S. internationalists bemoaned the absence of any coherent policy for engaging the world after the fall of communism. The Clinton administration, like the Bush team before it, was excoriated for stumbling from crisis to crisis and for consistently making bad judgments about where and how to use America's sole-superpower strength. Now, at last, the internationalists have gotten what they wanted—and the reaction of too many of them is to be aghast.

The national security doctrine issued this month by the White House packs into just 34 pages everything the foreign policy of the 1990s lacked. It begins by embracing two facts that have been obvious since 1991, but hard for a democratic and sometimes insular society to accept: that America has unmatched and unprecedented power in the world and therefore no choice but to shape the international order; and that it faces threats that are utterly different but in some ways more dangerous than the threats from the old Soviet Union.

The Bush doctrine commits the United States to act aggressively, with others or alone, "to promote a balance of power that favors freedom." The phobias about engaging abroad that paralyzed policy in the '90s, and infuriated the internationalists, are banished. This isn't just the Jacksonian assertion of American interests, though that is surely part of it. There is also a Wilsonian promise to "bring the hope of democracy, development, free markets and free trade to every corner of the world"—and a Kissingerian strategy of maintaining a "great power balance" that decisively favors the United States. The ambition is breathtaking: "We will work to translate this moment of influence," declares the doctrine, "into decades of peace, prosperity and liberty." It is, in short, a bold—and mostly brilliant—synthesis, one that conceivably could cause national security adviser Condoleezza Rice, who executed it, to be remembered as the policymaker who defined a new era.

The first proof that Rice and her team are on to something is the alarmist reactions that have greeted her paper. Scandalized members of the foreign policy establishment are calling its treatment of preemptive action an unprecedented policy departure that endorses blitzkrieg as the remedy for anti-Americanism. In a chat with National Public Radio, historian Douglas Brinkley claimed that it "is simply saying, 'We do what we want when we feel like it, and we will declare war on anybody if we think they might be declaring war on us.'"

Policy perestroika usually provokes such first responses. But American presidents have been engaging in unilateral and preemptive military actions all along—most recently in Panama, Grenada and Haiti, and in Iraq following the 1998 expulsion of the inspectors. And what the new policy actually says is this: Because terrorists and rogue dictators now have the potential to do enormous harm to Americans with weapons of mass destruction and are not easily deterred,

it may be necessary to strike at some before they can act. Should we again sit still if a future al Qaeda operates large terrorist training camps in a future Afghanistan? Rice's document treats this question as "a matter of common sense," which it is. It also says, sensibly, that preemption is not the answer to all threats—and so far, at least, it hasn't been the legal basis for the White House campaign against Iraq.

That Colin Powell now is negotiating the text of another Security Council resolution on U.N. inspections with Russia, Syria and France points to the real weakness of the Bush doctrine—not that it is too radical but that it lacks the political momentum needed to overcome decades of encrusted old thinking and bureaucratic inertia. It's not just that liberal academics haven't signed on to the new doctrine. Inside the administration, it's hard to find anyone—other than Rice—who subscribes to every part of it. Instead, some push the unilateral offense, some the democratic nation-building—and no one quite gets his or her way. In practice, despite all the alarms, the administration's foreign policy, when not entirely paralyzed by internal infighting, mostly follows the old norms.

George Kannan's theory of containment eventually won over challengers from the right and left, and thus became the consensus doctrine of the Cold War. Will Rice have the same luck? So far preemption is no more than a scary word used to motivate the United Nations—which, at least in the case of Iraq, is perhaps its best use. Meanwhile, the real heart of the doctrine—the proposition that U.S. strength be wielded to spread liberty through the world—has been barely acknowledged by a policy apparatus that continues to cultivate old and new autocratic allies in the Middle East and Asia. Does George Bush really subscribe to the doctrine issued in his name? Ask Hosni Mubarak, or Pervez Musharraf.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank our distinguished colleague for an excellent contribution to this debate. He has a remarkable way of tying it to the reality of the present day and the present time and also looking toward the future. So, again, I thank him for his participation and hope he can perhaps return to the floor in the future.

I ask unanimous consent that following my remarks, an op-ed piece that appears today, Monday, October 7, in the Wall Street Journal, authored by our distinguished colleague JOE LIEBERMAN, whose name appears in the first place on the resolution that is before the Senate, be printed in the RECORD.

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

(See Exhibit 1.)

Mr. WARNER. I read the following excerpt:

It is time to authorize the use of our military might to enforce the United Nations resolutions, disarm Iraq, and eliminate the ongoing threat to our security, and the world's, posed by Saddam Hussein's rabid regime.

Later he asks the question, Why now? He replies:

For more than a decade we have tried everything—diplomacy, sanctions, inspections, limited military action—except war to convince Saddam Hussein to keep the promises he made, and the U.N. endorsed, to end the Gulf War. Those steps have not worked . . .

So my answer to "why now?" is, "Why not earlier?" And, of course, that question has new urgency since September 11, 2001.

Further, he quotes from former Secretary of Defense Jim Schlesinger, under whom I was privileged to serve as Secretary of the Navy. Senator LIEBERMAN states:

As former secretary of defense Schlesinger recently told the Senate Armed Services Committee, "Vigorous action in the course of an ongoing conflict hardly constitutes preventive war."

EXHIBIT 1

[From the Wall Street Journal, Oct. 7, 2002]

OUR RESOLUTION

(By Joe Lieberman)

The most fateful and difficult responsibility the Constitution gives to members of Congress is to decide when the president should be authorized to lead the men and women of the U.S. military into war. We are now engaged in such a debate regarding Saddam Hussein's belligerent dictatorship in Iraq.

Although I disagree with many other aspects of President Bush's foreign and domestic policy, I believe deeply that he is right about Iraq, and that our national security will be strengthened if members of both parties come together now to support the commander-in-chief and our military. That's why I have cosponsored the Senate resolution that was negotiated with the White House. It is time to authorize the use of our military might to enforce U.N. resolution, disarm Iraq, and eliminate the ongoing threat to our security, and the world's posed by Saddam Hussein's rabid regime.

RESPONSIBILITY

Making the case for such action is a responsibility to be shouldered by those of us who have reached these conclusions. If we do so convincingly, not long will the American people and our allies better understand our standards for engagement, but governments around the world who defy the dictates of the U.N. to make weapons of mass destruction or to support terrorists will appreciate how painful the consequences of their brutality and lawlessness can be.

In that spirit, let me now address a few of the most critical questions my Senate colleagues and many American are asking.

Why has military action against Saddam become so urgent? Why not give diplomacy and inspections another chance? Why now?

For more than a decade we have tried everything—diplomacy sanctions, inspections, limited military action—except war to convince Saddam to keep the promises he made, and the U.N. endorsed, to end the Gulf War. Those steps have not worked.

In 1998, Bob Kerry, John McCain, and I sponsored the Iraq Liberation Act declaring it national policy to change the regime in Baghdad. The act became law, but until recently little has been done to implement it. In the meantime, Saddam has not wavered from his ambition for hegemonic control over the Persian Gulf and the Arab world: He has invested vast amounts of his national treasure in building inventories of biological and chemical weapons and the means to deliver them to targets near and far. Saddam once told his Republican Guard that its national honor would not be achieved until Iraq's arm reached out beyond its borders to "every point in the Arab homeland."

So, my answer to "Why now?" is, "Why not earlier?" And, of course, that question has new urgency since Sept. 11, 2001.

Won't a war against Iraq slow or stop our more urgent war against terrorism?

To me, the two are inextricably linked. First, remember that Iraq under Saddam is

one of only seven nations in the world to be designated by our State Department as a state sponsor of terrorism, providing aid and training to terrorists who have killed Americans and others. Second, Saddam himself meets the definition of a terrorist—someone who attacks civilians to achieve a political purpose. Third, though the relationship between al Qaeda and Saddam's regime is a subject of intense debate within the intelligence community, we have evidence of meetings between Iraqi officials and leaders of al Qaeda, and testimony that Iraqi agents helped train al Qaeda operatives to use chemical and biological weapons. We also know that al Qaeda leaders have been, and are now, harbored in Iraq.

Saddam's is the only regime that combines growing stockpiles of chemical and biological weapons and a record of using them with regional hegemonic ambitions and a record of supporting terrorists. If we remove his influence from the Middle East and free the Iraqi people to determine their own destiny, we will transform the politics of the region. That will only advance the war against terrorism, not set it back.

Why should we launch a strike against a sovereign nation that has not struck us first?

We should and will soon have a larger debate about the president's new doctrine of pre-emption, but not here and now, because the term is not apt for our current situation. We have been engaged in an ongoing conflict with Saddam's regime ever since the Gulf War began. Every day, British and American aircraft and personnel are enforcing no-fly zones over northern and southern Iraq; the ongoing force of about 7,500 American men and women in uniform costs our taxpayers more than \$1 billion a year. And this is not casual duty. Saddam's air defense forces have shot at U.S. and British planes 406 times (and counting) in 2002 alone.

As former Secretary of Defense James Schlesinger recently told the Senate Armed Services Committee, "Vigorous action in the course of an ongoing conflict hardly constitutes preventive war."

Why not have two congressional resolutions, one now encouraging the U.N. to respond to President Bush's call for inspections without limits, and another one later authorizing U.S. military action if the U.N. refuses to act?

This is sometimes described as the way to stop "go-it-alone" action by the U.S. unless and until absolutely necessary. But I believe that the best way to encourage forceful U.N. action, so that we never have to "go it alone," is for Congress to unite now in authorizing the president to take military action, if necessary. I am convinced that if we lead decisively, others will come to our side, in the U.N. and after. If we are steadfast in pursuit of our principles, allies in Europe and the Middle East will be with us.

Why not just authorize the president to take military action to disarm the Iraqis instead of giving him a "blank check"?

Our resolution does not give the president a blank check. It authorizes the use of U.S. military power only to "defend the national security of the United States against the continuing threat posed by Iraq" and to "enforce all relevant United Nations Security Council Resolutions regarding Iraq."

There are 535 members of Congress who have the constitutional responsibility to authorize American military action, but there is only one commander-in-chief who can carry it out. Having reached the conclusion I have about the clear and present danger Saddam represents to the U.S., I want to give the president a limited but strong mandate to act against Saddam. Five hundred and thirty-five members of Congress cannot

wage war; we can only authorize it. The rest is up to the president and our military.

A RECORD OF STRENGTH

We in Congress have now begun a very serious debate on these questions and others. Each member must act on values, conscience, sense of history and national security. When it is over, I believe there will be a strong majority of senators who will vote for the bipartisan resolution that John Warner, John McCain, Evan Bayh and I have introduced. I am equally confident that a strong majority of Democrats in the Senate will support it. In doing so, they will embrace the better parts of our party's national security legacy of the last half century. From Truman's doctrine to prevent communist expansion to Kennedy's "quarantine" of Cuba to prevent Soviet missiles from remaining there, to Bill Clinton's deployment of American forces to the Balkans to stop genocide and prevent a wider war in Europe, Democrats should be proud of our record of strength when it counted the most.

Each of the Democratic presidents above tried diplomacy, but when it failed, they unleashed America's military forces across the globe to confront tyranny, to stop aggression, and to prevent any more damage to America or Americans. That is precisely what our resolution would empower President Bush to do now.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will use my 15 minutes to speak on the Iraq resolution at a subsequent time. I will speak today on something I think is extremely important to what we are doing militarily around the world; that is, as a result of an article I saw in today's Washington Post, and I am sure it is running all over the world.

Mr. WARNER. Could I ask my colleague, could your very important colloquy which I will have with you on this subject appear in a place elsewhere in the RECORD?

Mr. REID. I want it at this point. Sorry, but I really do. I think this is important to what we are doing today, I say to my friend, the distinguished Senator and my good friend from Virginia.

This headline reads: "Bush Threatens Veto of Defense Bill."

I cannot believe the President is involved in this—maybe some of the people around him—I cannot believe the President would do this. I cannot accept that. I cannot accept George W. Bush, a person I have found to be very sensitive to people—I hope my feelings are warranted.

We have statements from the same article:

David S.C. Chu, Undersecretary of defense for personnel and readiness, said VA disability compensation is intended not to supplement military pensions.

"We're going to rob Peter to pay Paul."

He was speaking for the President of the United States on this very important issue, saying:

"We're going to rob Peter to pay Paul"—"and the question is, should Peter really lose here?"

This is legislation I authored and others have supported over the years to allow military retirees to receive not only their retirement benefits from the

military but also their disability benefits. That is all this is. Somebody who is in the U.S. military, who is disabled, can receive that pension in addition to their retirement benefits. The law now says you can't. I say that is wrong.

If you retire from the Department of Energy or Sears & Roebuck and have a disability pension from the military, you can draw both pensions. Why shouldn't you be able to if you retire from the military?

I am troubled with this administration's opposition of concurrent receipt of retirement pay and disability pay for disabled military retirees.

America's veterans have long been denied concurrent receipt based on an antiquated law that in effect says if you have 20 years in uniform you cannot draw your disability.

This "robbing Peter to pay Paul" troubles me. As we speak today, starting at 2:45 today until 2:45 tomorrow, 1,000 World War II veterans will die. A number of those have disabilities, and they are entitled to receive those disability benefits as a result of their service in the military. They are entitled to that. But not legally.

This law which has passed the Senate on two separate occasions—passed the House this year—is being threatened by the President. He is not going to OK this bill.

I held a press conference with Senator WARNER and Senator LEVIN last year saying they fought a good fight, and we were sorry we could not get it done. I will not accept that this year; neither are the veterans of this country. I know how dedicated Senator WARNER and Senator LEVIN are to the military of this country. Don't let them be bamboozled by this administration saying he will veto the bill.

I dare them to veto the bill based on disability benefits to veterans, 1,000 of whom are dying every day, World War II veterans. Not all 1,000 will draw benefit. They have exaggerated how many people will draw these benefits. But there are some.

And now I see a proposal in the same article, the distinguished Senator from Arizona saying maybe we will compromise and say those who have a service-connected disability can draw their benefits.

If you are in battle—at most, there are 10 percent during a conflict with military people on the front lines in combat—if someone gets shot and their shoulder is ruined, they should be entitled to the benefits. If someone is not in the front lines, but in the back lines, or even in America, not over in a foreign country, and they fall off a truck and ruin their shoulder, they are entitled to those benefits just like someone who was shot. They are doing their best to represent our country, and they are just as important. If you did not have those people behind the lines, you would not have the people on the front lines able to fight.

Career military retired veterans are the only group of Federal retirees required to waive their retirement pay to

receive disability. Other Federal retirees get both disability and retirement pay.

Some officials have been quoted in recent newspaper articles stating that retirement pay is two pays for the same event. Come on, get real, Mr. President. These people say this is doubledipping. These statements are simply untrue—or people do not know what they are talking about. Military retirement pay and disability compensation are earned from entirely different purposes. Therefore, a disabled veteran should be allowed to receive both.

Current law ignores the distinction. Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans would find intolerable. When a person goes into the military, they are expecting to draw retirement pay. When they go in the military, they are not expecting to come out disabled. But it happens. Veterans disability compensation is recompense for pain, suffering, and loss of earning power caused by a service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability makes the problem worse, limiting or denying postservice working life.

The Presiding Officer of this body is the chairman of the Veterans' Affairs Committee, and on a daily basis he deals with the problems, the burdens of veterans in our country. No group of people have more problems than veterans. Whether you are a World War II veteran, Korean war veteran, or a Vietnam veteran, you have problems. We have people from all those conflicts, plus others who have served in recent years who have disabilities. They are entitled to this. It has passed the Senate. It is the will of the people of this country. It is the will of the Senate. For, now, the President—his representative, a Mr. Chu—to come in and say:

The President is not going to support this legislation. It would be robbing Peter to pay Paul.

What is that supposed to mean? We are not going to be able to buy a tank or airplane? Instead, we are going to have to give the money to somebody like Senator INOUE, who has lost an arm, or Senator CLELAND, who has lost three limbs?

A retiree should not have to forfeit part or all of his or her earned retired pay as a result of having suffered a service-connected disability. There are those who have suggested a compromise for limited concurrent receipt to only combat-injured military retirees. I don't accept that. Many of our veterans have not been injured in combat, but they are no less injured or any less deserving of fair compensation. This is simply bowing to the administration's threat of a veto.

Likewise, the administration's assertion that if the concurrent receipt

passes, "1.2 million veterans could qualify" for extra benefits is simply not credible. The Department of Defense and Department of Veterans Affairs previously informed Congress about 550,000 disabled retirees would qualify if the Senate concurrent receipt plan were approved. So where do they come up with another 700,000 people?

The administration's argument that funding benefits for America's disabled veterans would hurt current military personnel is misleading. Congress is not cutting funding for those who are now serving our country in order to provide benefits for those from previous generations who served loyally and made tremendous sacrifices. Congress will appropriate the money to pay for that.

Enacting this concurrent receipt legislation will not cause current service members to live in substandard quarters, as some say, in a misguided attempt to turn one generation of patriots against another. Moreover, at a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to those in uniform. All who have selected to make their careers in the United States military are now facing an additional unknown risk in our fight against terrorism. If they were injured, they would be forced to forego their earned retired pay in order to receive their VA benefits. In effect, they would be paying for their own disability benefits from their retirement checks unless this legislation is passed overwhelmingly.

If the President vetoes this bill because of this, how many Senators are going to come here and vote to sustain that veto? I don't think very many. Who would they rather have on their backs? The President or the veterans of this country? I know from Nevada, I would rather have the President on my back than those veterans—and they are right.

At a time when our Nation is calling on our Armed Forces, we need to do this. We must send a signal to these brave men and women the American people and Government take care of those who make sacrifices for our Nation. We have a unique opportunity this year to redress the unfair practice of requiring disabled military retirees to fund their own disability compensation. It is time for us to show our appreciation to these people.

Finally, the assertion the veterans who would benefit from concurrent receipt are already doing well financially is ridiculous. NBC, the National Broadcasting System, recently aired three news stories in which they documented the dire situation veterans are facing today. The Pentagon has acknowledged its studies of retiree income included extremely few seriously disabled retirees.

For too long America's disabled military retirees have been unjustly penal-

ized by concurrent offset, and they are demanding action be taken now, not in the future. With such strong bipartisan support on both sides of the Congress, these men and women do not understand the opposition of the administration. As I say, I hope the President doesn't know what is going on.

Let me say again to my friend, the Senator from Virginia, who is on the floor—I have spoken to him today. I have spoken to Senator LEVIN today. I think this is so important we do this. At a time when our country finds itself in crisis, what could be wrong with a veteran getting retirement pay and disability pay at the same time? They are two separate earnings, one for being hurt, one for spending a lot of time in the military.

I have worked hard on this. I appreciate the support of the Senator from Virginia and the Senator from Michigan. But I am saying here we can't let this opportunity pass. We would be letting down people whom we should not be letting down.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to commend my distinguished colleague and friend on this particular issue. Among the group of us, you have been primarily the leader. My recollection is this is about the fourth year we have brought this up for attention and really asked the Senate to focus upon it. This year it was a direct focus upon it by the Senate and the House, and both Chambers put a provision in their bill.

Mr. REID. I would also say to my friend from Virginia, not only that, but the House—we don't have a budget here, but the House budget includes this. They didn't include—

Mr. WARNER. Yes.

Mr. REID. They included it to 60 percent disabled. They have the dollars budgeted in the House. They did that. So the answer is absolutely correct.

I vote for these defense budgets. I am for a strong military. I remind everyone here in this Iraq season we are in, I was the first Democrat to announce publicly to support the first President Bush. I had no problem doing that. I want a good, strong military. But I think part of that is rewarding these people for having been injured. Why should we take their retirement away from them because they have been injured? There is no reason.

Mr. WARNER. I say to my colleague, we are now, as you know, in conference. Senator LEVIN and I work daily on this with our two colleagues from the House, Chairman STUMP and IKE SKELTON. This has not been resolved as yet.

We, of course, have to take notice of what is stated here. Presumably the statement in the Pentagon, by Mr. Chu, would not have been made had there not been some consultation with the staff of the President. I don't know the extent this has been brought to his attention. After all, he has been among

the staunchest defenders of the men and women of the Armed Forces—past, present and for the future.

So I say to my friend, I will join him and others and continue to try to work this issue in our conference. But I believe your statement at this time, I say to my colleague, comes at a critical moment. Because that decision could be made, indeed, today, tomorrow, the next day, as to how, finally, to constitute the provisions of the House-Senate conference document which would then be brought back to both Chambers for vote.

So I take to heart your comments. I will share them with our conferees. I express again my appreciation to you for your staunch—staunch defense of our veterans. I humbly say, modestly: I am a veteran. As a matter of fact, I would not be here had it not been for what the military did for me. I have often said they did a lot more for me than I ever did for them in my modest service. But I assure you, I am contemporary with the World War II generation, and you are absolutely right. One thousand a day are departing.

I have met with them. They have been among the more vigorous, to try and bring forth congressional action on this, as have any number of veterans' groups and groups associated with our military.

I say to my friend, your message is timely. We should take it to heart and do our very best.

Mr. REID. Mr. President, I can say to my friend, the "gentleman" from Virginia—and certainly he is the epitome of a gentleman—I appreciate very much his remarks.

Mr. DORGAN. Will the Senator from Nevada yield for 2 brief questions?

The PRESIDING OFFICER. Does the Senator yield?

Mr. WARNER. I have no objection, of course, but we are proceeding on the Iraq resolution. Following colleagues' comments and questions to our distinguished Democratic whip, we will return to, I believe, Senator KYL to be recognized.

Mr. DORGAN. Mr. President, I am mindful there are others waiting to speak. But when I learned Senator REID was going to speak today, I was going to ask him a couple of questions on this issue. I will just be 2 to 3 minutes, if I can ask the indulgence of my colleagues.

Mr. DOMENICI. If the Senator will yield, can I ask for the record that I follow Senator KYL?

Mr. WARNER. Certainly I have no objection. I think that is very helpful.

The PRESIDING OFFICER. That is ordered without objection.

Mr. REID. And following Senator DORGAN, Senator KYL be recognized for 15 minutes and Senator DOMENICI for 15 minutes.

Mr. DORGAN. I wanted to say to the Senator from Nevada, he has raised a very important issue at this point. Twenty-three of us in the Senate sent a letter to the authorizing committee

on this subject, saying those soldiers who have earned a retirement should receive it, and those same soldiers who are entitled to a disability payment should receive that as well. It is that simple. Senator REID of Nevada has made the case. It is just a very simple issue of equity.

What I wanted to do is point out that NBC News did a story recently. I don't know whether the Senator mentioned this on the floor of the Senate. Hank Nix, from Ozark, AL, 52 years ago was shot in the chest. He took a bullet leading his platoon. He earned a Silver Star. He is now talking about having to move from their home because of what is called a broken promise. The Government is reducing his retirement pay because he is not allowed to collect both his disability—he is 100 percent disabled, he took a bullet in the chest leading his platoon in the Korean war, but he is not allowed to collect the retirement he earned and a disability payment he is due. Why? Because there is a quirk in the law that applies only to disabled soldiers and no other Federal worker. About half a million soldiers are in this circumstance.

It is, in my judgment, totally unforgivable that we don't fix this. It has been around for a long while. Many of us have talked about it on the floor of the Senate. I know the Senator from Virginia is in support of fixing it, as are, I think, most of our colleagues.

I appreciate the fact that the Senator from Nevada brought this to the floor today because this is critically important. If we are going to get it fixed, now is the time to get it fixed. A military career is filled with hardships, family separations, and sacrifices, and all too often being put in harm's way. There are promises made to those folks who wear America's uniform, and then we are not keeping the promise with respect to this issue.

Finally, let me say this: I have, as many of my colleagues have since September 11, 2002, visited military bases in Central Asia, Afghanistan, and elsewhere. You can see the pride in the eyes of those soldiers—men and women—who are fighting terrorism on behalf of our country. You know and they know we have an obligation to keep our promise to our veterans.

George Washington said it 200 years ago. I will not repeat the quote that has been repeated many times on the floor of this Senate. But when we send young men and women to war to defend freedom, we have an obligation to keep our promises to them. One of those promises is to say: If you earn a retirement, we will pay you that retirement. If you are disabled because of your service to our country, you are entitled to that disability payment. It is just that simple.

I appreciate the Senator from Nevada bringing it to the floor.

Mr. REID. I appreciate very much having worked with the Senator from North Dakota on this most important issue as we have on a number of issues.

My point is, the conferees must not cave in on this. Let them veto this issue. We will override the veto. This isn't something that is, oh, well, we will see. As I said, let everyone here in the Senate decide whom they want to support—the President's people or the veterans of their States. This is an issue on which conferees cannot let us down.

Mr. DORGAN. The President threatened a veto today—or the White House did, apparently. They said they cannot afford this. We can't afford not to do this. You just have to keep the promises here. I am talking about our country. We must keep our promise to veterans. I hope he will not veto. If he does, it will be overridden, I believe, by a very large margin here in the Senate.

I yield the floor.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Arizona.

Mr. KYL. Madam President, I support S.J. Res. 45 authorizing the use of force against Iraq.

Perhaps the most difficult decision one can make as a Member of this body is to vote to send American troops into harm's way. It forces one to consider every question, every possibility, and every option short of war. But this does not mean we should eschew action simply because we have not yet tried every other option. Some threats must be dealt with before implausible alternatives are allowed to play out because of the consequences of delay. Preemption may be the only logical course of action in some situations. A nation need not allow itself to be struck to be justified in acting to protect itself.

With these principles in mind, we can evaluate the need to authorize the use of force against Iraq. Actually, use of force against Iraq has already been authorized by both the United States and the United Nations. And the United States and Great Britain are already using force on a weekly basis.

Notwithstanding his obligations to allow aerial inspections in the no-fly zones, Saddam Hussein regularly attempts to shoot down our unarmed reconnaissance planes, and we either react by destroying the offending anti-aircraft site or seek to discover and destroy it before it can fire—preemption. No one questions our right to do this.

Two facts can, therefore, be established: No. 1, Saddam Hussein is not willing to allow unconditional inspections as he claims. He is not doing it now. No. 2, his continued violation of the United Nations resolutions requires a military response. That is assuming the resolutions were intended to be enforced when they were adopted. Delay in doing so only degrades our claim of authority to act and makes more difficult the task.

No one can argue that the United States and the international community have not exhausted the full range of legal, diplomatic, and other alternatives to try to compel Saddam Hussein to obey all of the terms of the cease-fire to which he agreed at the end

of the gulf war. His continuing defiance of that agreement, including his desire to acquire nuclear weapons and his support of terrorism, presents a real and growing threat to U.S. national security. We have now reached a juncture where the risks of inaction outweigh the risks of action.

Those who oppose the authorization of force usually define the test as whether there is an immediate threat, asking, Why do we have to act now? But I submit this is the wrong question. Our intelligence will never be good enough to allow us to calibrate our action to a threat just a few days or a few weeks away. We simply do not know enough to do that. We cannot wait until we are sure that Iraq has a nuclear weapon and is about to use it because it is unlikely we will ever have that evidence, and it will be too late when we do.

I find it ironic that some of the people insisting on this standard are also some of the loudest critics of our intelligence failures before September 11, arguing that we should have known an attack was imminent and we should have taken action to prevent it. If September 11 had not happened, my guess is that these same people would be urging caution, arguing that since we haven't yet "connected all the dots," any preemptive action at that time would be too risky and premature.

Moreover, action is warranted now because there is no realistic hope that the United Nations resolutions and Saddam's promises to us at the end of the gulf war will otherwise be enforced, and each month that passes increases the danger.

Finally, Iraq is another front in this war on terror. Eliminating Saddam's threat will give us greater latitude in other actions we will have to take, and it will create a more willing group of allies in the region. For some of these countries to throw in with us, they need to know that we are absolutely committed to winning and that they are better off joining the winning side than continuing to pay tribute to terrorists in order to protect their regimes from terrorists.

While there is much about Iraq's capabilities we do not know, there are also some things we do know. No one, for example, can doubt the extent of Iraq's weapons of mass destruction. The only question is when and how he will use them and how long it will be before he can add nuclear weapons to his existing chemical and biological capabilities.

In recounting Iraq's nasty capabilities, it is useful to remind ourselves that Baghdad has continued to pursue the development of these weapons of mass destruction and the means to deliver them in violation of numerous U.N. resolutions. There are 13 such resolutions.

During the 7 years that the United Nations Special Commission—UNSCOM—inspectors were present in Iraq, Saddam Hussein went to great

lengths to obstruct inspections to conceal his stockpiles and continue his programs under cloak of secrecy. It has now been 4 years since United Nations inspection teams last set foot in Iraq. We have evidence that Saddam has used that time to enhance his weapons and his development programs. I need not detail that evidence here. It has been amply discussed in a variety of open and closed sources of information provided by the administration, and it includes everything banned by the United Nations—chemical, biological, and nuclear weapons, and the means of delivering them.

In addition, Saddam Hussein has demonstrated proclivity to use force to achieve his objectives—twice against his neighbors. And his aggressive ambitions have already led him to deploy the devastating weapons if his stockpiles. He used chemical weapons against Iran. He again used them against his own Kurdish population. And he has launched ballistic missiles against four neighbors. He is devoting enormous resources of his country to upgrade his threat, which is not an action of one who only wants to survive.

There should be little doubt that Saddam Hussein will use his weapons of mass destruction again either to back up a threat to harm us if we stand in the way of some future aggression or in actual attack against us or our allies, including, potentially a terrorist type attack on our homeland. A recent article by Kenneth Pollack in the Arizona Republic amplifies this point. In the article, Pollack concludes, ". . . there is every reason to believe that the question is not one of war or no war, but rather of war now or war later—a war without nuclear weapons or a war with them."

Saddam Hussein's abuse of the Iraqi people is also deplorable, not to mention a violation of a U.N. resolution passed just after the Gulf War, resolution 688. His hideous treatment of Iraqi men, women, and children is documented. A report published by Human Rights Watch in 1990 described the shocking brutality of the Iraqi regime:

Large numbers of persons have unquestionably died under torture in Iraq over the past two decades. Each year there have been reports of dozens—sometimes hundreds—of deaths, with bodies of victims left in the street or returned to families bearing marks of torture. . . . The brazenness of Iraqi authorities in returning bodies bearing clear evidence of torture is remarkable. Governments that engage in torture often go to great lengths to hide what they have done. . . . A government so savage as to flaunt its crimes obviously wants to strike terror in the hearts of its citizens. . . .

And, as Iraqi citizens starve, Saddam has illegally used oil revenues from the U.N. oil-for-food program to rebuild his military capabilities, including his weapons of mass destruction. Then, of course, Saddam blames the United States and the United Nations for the suffering of the Iraqi people.

Finally, there is Saddam Hussein's support for international terrorism. In

his address to the Nation following the September 11 attacks, President Bush presented the countries of the world with two unambiguous options. He said: "Every nation in every region now has a decision to make. Either you are with us, or you are with the terrorists." Saddam Hussein made his decision.

Iraq was the only Arab-Muslim country that failed to condemn the September 11 attack. In fact, the official Iraqi media stated on that day that America was "reaping the fruits of [its] crimes against humanity." We know that Iraq has hosted members of al-Qaeda. And National Security Advisor Condoleezza Rice has commented specifically on Iraq-al-Qaeda ties.

"We clearly know," she said, "that there . . . have been contacts between senior Iraqi officials and members of al-Qaeda. We know too that several of the [al-Qaeda] detainees, in particular some high-ranking detainees, have said that Iraq provided some training to al-Qaeda in chemical weapons."

And Iraq has supported other terrorists. For example, Abu Abbas, the mastermind of the 1985 *Achille Lauro* hijacking and murderer of American Leon Klinghoffer, lives in Baghdad. The notorious Abu Nidal lived in Baghdad from 1974 to 1983, and then again recently until he was gunned down earlier this year. And Saddam Hussein has provided over \$10 million to the families of Palestinian homicide bombers.

Now, the question is, what has the international community been doing about all of this? The answer, Madam President, is not much. The much-touted doctrine of deterrence only works if agreements are enforced. Saddam obviously has not been deterred because no one has been willing to stop him from continuing his unlawful activities.

Saddam Hussein has failed to live up to his cease-fire obligations. The U.N. has failed to enforce them. President Bush described it succinctly in his speech before the United Nations:

Just months after the 1991 cease-fire, the Security Council twice renewed its demand that the Iraqi regime cooperate fully with inspectors, condemning Iraq's serious violations of its obligations. The Security Council again renewed that demand in 1994, and twice more in 1996, deploring Iraq's clear violations of its obligations. The Security Council renewed its demand three more times in 1997, citing flagrant violations; and three more times in 1998, calling Iraq's behavior totally unacceptable. And in 1999, the demand was renewed yet again.

If nothing else, the decade following the Gulf War has illustrated clearly the limits of U.N. diplomacy. But the U.S. does not have to participate in this folly. Our word must mean something. If we fail to force Saddam Hussein to comply with his obligations, we will have sowed the seeds of even greater and more threatening action in the future.

Is it possible that we could avoid military actions by accepting Iraq's offer to allow unlimited inspections? The answer, I submit, is no. It would

have been hard enough for UNSCOM, but it has been replaced by a new entity negotiated between Secretary General Kofi Annan and Iraq in 1998. Unlike UNSCOM, this new entity, the U.N. Monitoring, Verification, and Inspection Commission, known as UNMOVIC, is staffed by U.N. employees, rather than officials on loan from member governments.

The inspectors—who are not even required to have expertise in relevant weapon programs—will not be able to make effective use of intelligence information. They can't receive intelligence information on a privileged basis, and the information that they gather can't flow back to national intelligence agencies, like our CIA. As Gary Millholin, Director of the Wisconsin Project on Nuclear Arms control recently commented, "This eliminates the main incentive for intelligence sources to provide UNMOVIC with information in the first place." Since most of what we learned during inspections was the result of intelligence gathered from Iraqi defectors, it is doubtful UNMOVIC could produce much of value.

The absurdity of this set-up can only be trumped by the absurdity of believing that this commission could possibly succeed against a vicious dictator who has spent the last 11 years perfecting the arts of concealment and deception in a country the size of France. As David Kay, former head of the U.N.'s nuclear inspection team, recently remarked, "The only way you will end the weapons of mass destruction program in Iraq is by removing Saddam from power."

Let me repeat that. This is from the former head of the nuclear inspection team of the United Nations:

The only way you will end the weapons of mass destruction program in Iraq is by removing Saddam from power.

Here is the bottom line on the international community's ability to deal with the Iraqi threat: Since the end of the Gulf War, Saddam has a nearly perfect record in violating U.N. Security Council resolutions. The United Nations, in turn, has a nearly perfect record in failing to enforce them.

It is time to end this whole charade. Knowing that diplomacy will continue to fail, we have an obligation to act, and not allow diplomacy to be used as a weapon by a brutal dictator. That is a lesson we should have learned through our experiences with the likes of Hitler, Stalin, Ho Chi Minh, and Slobodan Milosevic. Moreover, too much is at stake to place American security in the hands of unaccountable bureaucrats at the U.N.

It is time for military action that will terminate the regime of Saddam Hussein and destroy his weapons of mass destruction. We cannot be assured of peace unless this threat is removed.

Some observers still insist that we should try to contain Saddam through the doctrine of deterrence. After all,

they say, we relied on deterrence to contain the Soviets for 50 years, and maybe that will work against Saddam. Mr. President, perhaps we should be thankful that we suddenly have so many new converts to deterrence, since many of these same voices were 20 years ago arguing instead for a nuclear freeze and unilateral U.S. disarmament. I'll remember their newfound commitment to deterrence as we attempt to deal with China's growing militarization in the coming months and years.

There are situations where deterrence can work. This is not one of them for two reasons. First deterrence has a shelf life. If there is no response to violations, a dictator is not deterred—the threat of retaliation is no longer credible. The U.N. has done nothing and the U.S. next to nothing. As a result, Saddam has not been deterred. In any event, containment and deterrence do not apply well in this case.

President Bush was absolutely correct when he declared at West Point that "deterrence means nothing against shadowy terrorist networks with no nation or citizens to defend;" and, "containment is not possible when unbalanced dictators with weapons of mass destruction can deliver those weapons on missiles or secretly provide them to terrorist allies."

While belatedly embracing deterrence, critics of force reject a doctrine of preemption. Yes, they say, there have always been situations where countries had to act with force to prevent some attack on them, but that's different from an announced doctrine of preemption.

There are several answers. The first is: no it is not. Preemption only applies to certain situations—like Iraq. Though Iran presents many of the same circumstances as Iraq, there are differentiating factors that make preemption less appropriate vis-a-vis Iran. There is no "outstanding warrant" as with Iraq; regime change could come from within Iran; and, militarily, force is much less an option—to name three differences.

Second, it is senseless to require a "smoking gun" in order to act. As Secretary Rumsfeld has said: "A gun doesn't smoke until it's been fired and the goal has to be to stop such an attack before it starts."

Since September 11, this takes on a whole new meaning. Don't think smoking gun—think World Trade Center and Pentagon.

As we stand here more than one year after 3,000 innocent civilians perished at the hands of vicious terrorists, we need to ask ourselves, do we really want to wait until another attack, perhaps one using weapons of mass destruction? What opponents really mean is, wait until just before such an attack, and only act if we're reasonably sure the attack is coming. Obviously, we can't count on knowing that, and the potential consequences are too great to risk it.

So the answer to that question is an emphatic no. September 11 changed everything, or at least should have changed everything, in the way we approach these matters. September 11 moved us out of the realm of international relations theory and into the realm of self-defense. If the President decides to move against Iraq, it will be an act of self-defense. And by voting to authorize the President to take that action, this body will be authorizing an act of self-defense. Knowing what we know, how could we explain inaction if we were subsequently attacked?

What's more, it should be obvious that if Saddam acquires nuclear weapons, it will give him the ability to deter us. We are already hearing arguments against the use of force because of the potential of Iraq using chemical or biological weapons against our forces. Consider having this debate a few months or years from now after we've ascertained that he definitely has a nuclear saber to rattle. This will make a move against Saddam, or any other American action in the Middle East, more dangerous, and in all probability, less likely. It is Saddam's dream come true. He will be able to check our actions. So, again, the time to act is now.

But, some critics say, we must wait for international approval. Mr. President, I submit that the proponents of "multilateralism," in addition to willfully ignoring the fecklessness of the U.N. and certain other countries, neglect the special leadership role that our country plays in the world.

It is no accident that it devolved to us to end German imperialism in World War I, stop Adolf Hitler in World War II, and defeat the forces of international communism in the Cold War. It is no accident that the oppressed peoples of the world look at us, rather than other countries or the U.N., as their ray of hope. That is why we lead, and why we must lead.

We are fortunate to have a President today who appreciates this. While much of the rest of the world insists on burying its head in the sand or clinging to failed approaches, President Bush understands that now is the time to confront Saddam. And while others insist on a false distinction between the Iraqi threat and the war on terrorism, President Bush has, as Noemie Emery has written in *The Weekly Standard*, connected the dots. In so doing, writes Emery, President Bush has, like Harry Truman when the Soviets encroached on Greece and Turkey in the 1940s, perceived "an ominous and enlarging pattern" that demanded a response. Emery continues, "Several presidents have had to wage wars, but only two, Bush and Truman, have had to perceive them, and then to define them as wars."

This is the essence of leadership. By perceiving that we can no longer afford to be attacked before we act, President Bush's doctrine of preemption allows us, where appropriate, to act first

against terrorist organizations and states.

Our use of force in self-defense against Iraq will also help liberate the beleaguered people of Iraq. Aside from the moral imperative, there are a number of tangible benefits to the United States that a more democratic Iraq will bring.

First, if real democracy can take hold, it will dispel the notion that the people of the Middle East are incapable of democratic governance, just as Taiwan and the Philippines have destroyed the "Asian values" myth in recent years. It's notable that the scourge of Islamic terrorism has been nurtured, not in democratic Muslim countries such as Turkey, but in repressive dictatorships like Iraq, Iran, Syria, and Saudi Arabia. A democratic regime in Baghdad will set an example and hopefully spark other badly-needed changes in governments in the region. And, in the long run, democracy will prove to be the antidote to Islamic-based terrorism.

A democratic regime that follows our removal of Saddam Hussein will also provide us with a new and reliable ally in this critical part of the world. The war on terrorism will almost certainly entail additional actions, and the intelligence, political support, overflight rights and the like from an allied regime in Iraq could prove critical to those efforts.

Lastly, a democratic Iraq will bring that nation's vast oil production capabilities back onto the world market. This will help the world economy by, among other things, lessening the ability of the Saudis and others to manipulate oil prices.

While I support this resolution and support using force to rid the world of Saddam Hussein, I do want to offer a few caveats.

First, our commitment to this effort must be total. Our goal here must be nothing short of the destruction of the current Iraqi regime. There is no other realistic way to permanently disarm Iraq of its weapons of mass destruction. And providing our Armed Forces with anything less than everything they need to accomplish that goal is unacceptable. And that includes the support of our intelligence community.

Second, after removing the regime, we must resist the temptation to rush home. As I just stated, there are enormous benefits in helping Iraq achieve democracy. However, it is most unlikely that Iraq can be stabilized and democratized without a significant U.S. presence after the defeat of Saddam.

There can be no questioning the fact that the U.S. occupation of Germany and Japan after World War II was critical to forging those two countries into the democracies they now are. I am not saying we need to copy those examples precisely, but it would be short-sighted and dangerous for us to leave a shattered Iraq on its own or in the hands of the United Nations after the removal of Saddam.

Third, we must not undertake this struggle on the cheap. We should make no mistake: this operation is going to require a great deal of manpower, weapons platforms and equipment, possibly for quite some time. Those forces need to come from somewhere, and our forces have already been stretched thin by the profusion of peacekeeping missions and the budget cuts of the 1990s.

Meanwhile, we need to maintain and, I would say, even augment our deterrent posture elsewhere in the world. For example, last year's Quadrennial Defense Review, mostly drafted before September 11, called for increasing our carrier presence in the Western Pacific. This seems to me to be quite necessary, given that we normally have only one carrier—the *Kitty Hawk*—in that region, but two potential conflict zones, Korea and Taiwan. Yet, when we began our operations in Afghanistan last year, the *Kitty Hawk* was called to duty in the Arabian Sea, leaving us with no carrier in the Western Pacific for months.

We will almost certainly face this situation again if we go to war against Iraq, and it is not something that we should ignore. The upshot, is that this body needs to come to grips with the need for a defense budget that supports the cost of operations like Afghanistan and Iraq, defense transformation and an adequate global force posture. At current spending levels, we are going to come up short of that goal.

Last, but not least, I believe the administration needs to be very careful in its diplomatic efforts to secure a new U.N. Security Council resolution. That body includes the terrorist regime of Syria, Communist China, which threatens our friends on Taiwan and sells fiber-optics to Iraq, and Russia, which has forged close economic ties with Iraq over the past decade. Principle, not expedience, must be our ultimate guide in dealing with these countries that hold the votes to deny or authorize U.N.-backed action.

If we need to make concessions to these regimes that undermine our interests elsewhere—in Taiwan, for example—then it is not worth securing their votes in the Council. Ultimately, we should be prepared to defend our interests with or without the U.N.

Which bring me to my conclusion, Mr. President.

This resolution we are considering today, and this action the President is contemplating in Iraq, is not about carrying out the will of the United Nations or restoring its effectiveness. It is not about assuring the world that the United States is committed to "multilateralism."

Section 3(a)(1) is the heart and soul of this resolution. It authorizes the President to use the Armed Forces of the United States to "defend the national security of the United States against the continuing threat posed by Iraq."

That is what we are doing here today, defending our national security.

It is a sobering, and humbling, task. But as members of the United States Senate, it is our solemn duty.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I compliment our distinguished colleague. I say to the Senator, even though you have given your statement, I anticipate this debate in the Senate will continue for 2 days, and perhaps you will find the opportunity to revisit the floor and, again, personally elaborate on your points.

Today, you have given a very important and timely historical context of the events, and the sequence of those events. And you have placed extremely important emphasis on what the U.N. is trying to do today, as we are right here, in fashioning an inspection regime that is much stronger than the one that is on the books from when Hans Blix was appointed. But I am sure the Senator observed Hans Blix, after visiting with Iraqi officials in Austria, said he would like to wait until the Security Council acted.

So what we are looking forward to now is the evolving process of a regime which I think has to meet the criteria established by our President and the Prime Minister of Great Britain, and others, before we can accept that as a workable solution. Would the Senator agree?

Mr. KYL. Madam President, I hope to have the opportunity to speak to this issue again, but I will say two quick things in response to the Senator from Virginia.

First, I note that Hans Blix has largely, it appears to me from news media accounts, agreed with the position of the United States on what would be necessary to conduct meaningful inspections that would result in the disarmament of Saddam Hussein because, as he noted, the object here is not inspections; the object is disarmament. And inspections would be but a way to achieve that.

Secondly, as I said, I think that only the most naive would believe that it is possible to have an effective regime, irrespective of what kind of resolution were adopted, as long as Saddam Hussein is in power. That is why I quoted the former U.N. inspection team leader David Kay, who made the point, with which I totally agree, that as long as Saddam Hussein is in power there, it is impossible to have disarmament of the kind that was called for at the end of the gulf war.

Mr. WARNER. I thank my colleague. Assuming the Security Council will act, I will personally await the judgment of our President and that of the Prime Minister of Great Britain with regard to the structure and effectiveness, potentially, of such a new regime.

In this debate we have sort of gone back and forth in a very effective discourse on the issues. I wonder if at this time I might ask unanimous consent that the junior Senator from Virginia, Mr. ALLEN, might follow our distinguished colleague, Mr. DOMENICI.

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

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I have 15 minutes, I believe.

The PRESIDING OFFICER. The Senator may proceed. He does.

Mr. DOMENICI. Madam President, I would like to talk about the Iraqi situation for a small portion of my 15 minutes.

The more I have been reading about this, the more I have been studying it, the more I come to an answer that I have to make as to whether I will give the President authority to use our military forces along with other countries so as to avoid the use of weapons of mass destruction by Saddam Hussein. I have to ask myself a question: How is he most apt to disarm? What is most apt to make him disarm? Talk? Resolutions? I think not.

When we are finished, a huge majority of the Senate will say this is not necessarily a question of war or peace.

This could be a question of whether an America armed for war, with the full knowledge on the part of Saddam Hussein that we are armed for war, and the President has the authority, might that bring about disarmament on the part of Saddam Hussein sooner than any other means that we know about thus far as we look at the Middle East and its various problems.

I ask unanimous consent to speak as in morning business on the American economy.

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

(The remarks of Mr. DOMENICI are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Virginia is recognized under the unanimous consent agreement for 15 minutes.

Mr. ALLEN. Madam President, I ask unanimous consent that I be able to speak for up to 30 minutes.

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

Mr. ALLEN. Madam President, I rise to address the most pressing and difficult issue facing our Nation today. Over the course of the next few days, we will be debating in the Senate and we will vote on the most serious responsibility the U.S. Constitution delegates to Congress, which is authorizing the use of military force against another nation.

I have only been here for about a year and a half. I passed in the hallway the senior Senator from Virginia, John Warner, who told me, "This is the first time you will have to do this." He said he has been through this experience seven times. I am sure he takes the same sort of care and consideration each time. But for me, this is the first time I have had to face such a question and such an issue as to where I stand.

It is my view the use of military force to resolve a dispute must be the

last of all options for our Nation. Before entering into such a decision, it is absolutely necessary Government officials sincerely and honestly are confident they exhausted all practical and realistic diplomatic avenues and understand the short-term as well as the long-term ramifications and implications of such actions.

Exercising our best judgment based on the evidence of the threat, we must look at the consequence not only on the international community, but, more importantly, on the effect such action would have on the people of our country.

In considering the use of military action, my thoughts immediately turn to the people of the Commonwealth of Virginia. While the use of Armed Forces affects all Americans, it has traditionally had a significant impact on Virginia. The Commonwealth is home to literally tens of thousands of brave men and women who risk their lives to defend the freedoms we enjoy. The prospect of war places the lives of many of these men and women in jeopardy, and it means constant anxiety and fear for their families, wherever they may be based—whether in the U.S. or overseas, whether on land or on the seas.

I know from my experience as Governor how we rely heavily on the National Guard and Reserves whenever military action is necessitated, especially in the past decade. Military action will call up more Reserves and more of the National Guard when they are protecting our safety. It will disrupt those families and businesses and communities all across our great land.

This is not a decision I come to easily or without prayers for guidance and wisdom. The use of our Armed Forces means lives are at risk. The history of military action shows there are frequently unintended consequences and unseen dangers whenever the military is utilized. Fiscally, military action is expensive and can cause unrest both in the U.S. and international markets. When considering these outcomes, it is obvious using force to resolve the dispute is the least desirable and the last option for our country. But military action must remain an option for our diplomatic efforts to have any credibility or success.

I have listened and read comments from constituents and people all over this country, sincere words from the Religious Society of Friends and Pax Christi. They are well-meaning in pointing out their sentiments and the risks involved. However, we must weigh these risks and probable outcomes in the context of the threat Iraq poses to the U.S. and to our interests. I agree with the President, and the CIA, and the Department of Defense, and the State Department, that Iraq and Saddam Hussein's regime are a credible threat to the United States and our interests and our allies around the world. Because that threat is present and real, I believe the dangers

will become substantially greater with continued inaction by the international community, or the United States acting in concert with allies.

The "whereas" clauses of the resolution we are debating effectively spell out good reasons, and reasons I look at for authorizing the President to use military action, if necessary. Saddam Hussein has continually, brazenly disregarded and defied resolutions and orders to disarm and discontinue his pursuit of the world's worst weapons. To bring an end to the Gulf War and Saddam's violent attempt to occupy Kuwait, the Iraqi leader unequivocally agreed to eliminate chemical, biological, and nuclear weapons programs, as well as putting severe limits on his missiles and the means to deliver and develop them. Since that armistice was reached in 1991, it has been consistently and constantly breached by Saddam's regime, and has not been enforced at all by the U.N. for the past 4 long years.

Can one imagine a nuclear weapon in the hands of Saddam Hussein? Let's not forget this is a head of state who has demonstrated his willingness to use chemical weapons on other nations and his own citizens with little or no reservation.

If the current Iraqi regime possessed a nuclear weapon, it would drastically alter a balance of power in an already explosive region of the world. Such a capability would renew Saddam's quest for regional dominance and leave many U.S. citizens, allies, and interests at great peril.

This man has no respect for international laws or rules of engagement. I share President Bush's fear that increased weapons capability would leave the fate of the Middle East in the hands of a tyrannical and very cruel dictator.

Most dangerous, currently, is not his desire to have nuclear weapons, but stockpiling of chemical weapons, the stockpiling of a variety of biological weapons; and also his missile range capabilities, that far exceed U.N. restrictions.

There is another concern not only that he has stockpiled biological and chemical weapons and the means of delivering them, but also the justifiable and understandable fear that he could transfer those biological or chemical agents to a terrorist group or other individuals. After all, Saddam Hussein is the same heartless person who offers \$25,000 to families of children who commit suicide terrorist acts in Israel.

The goal of the United States and the international community needs to be disarmament. Saddam Hussein must be stripped of all capabilities to develop, manufacture, and stockpile these weapons of mass destruction, meaning chemical, biological agents, and the missiles and other means to deliver them by himself or by a terrorist subcontractor.

If regime change is collateral damage of disarmament, I do not believe there

is anyone in the world who will mourn the loss of this deposed dictator. True disarmament can only be accomplished with inspection teams that have the ability to travel and investigate where they deem appropriate. To ensure they have full access to inspections is a key component of what the President of the United States is trying to get the United Nations to do.

We are trying to get full and unimpeded inspections. It would be appropriate for us to say noncompliance would result in forced disarmament.

The U.S. and the world cannot afford to have this mission undermined by wild goose chases and constant surreptitious, conniving evasion and large suspect areas being declared by Saddam to be immune from inspection.

I commend President Bush for recognizing the importance of including all countries in this effort. His statement to the United Nations on September 12, 2002, clearly and accurately spelled out the dangers Iraq poses to the world. By placing the onus on the United Nations, the President has given that international body the opportunity to re-establish its relevance in important world affairs, and finally enforce the resolutions that its Security Council has passed for the last eleven years.

Passing a new resolution will increase the credibility of the United Nations, which has steadily eroded since the mid 1990s. The Security Council has an obligation to provide weapons inspectors with the flexibility to accomplish their mission. This can only be realized if a resolution is passed with consequences for inaction or defiance.

That is why as the United Nations debates a new and stronger resolution against Iraq, the United States must be united in our resolve for disarmament. Passing a resolution authorizing our President to use military force in the event that diplomatic efforts are unsuccessful sends a clear message to the international community that Americans are united in our foreign policy.

I respectfully disagree with the premise that the President must first petition the United Nations before asking Congress for authority. I question: How can we expect the United Nations to act against Iraqi defiance if the U.S. Government does not stand with our President and our administration's efforts to persuade the United Nations and the international community to enforce their own resolutions?

It is right for us to debate the resolutions before the Senate, to voice concerns and sentiments in support or opposition. Each Member will take a stand and be accountable, and when the debate concludes, I respectfully ask my colleagues, when a resolution is agreed to, stand strong with our troops, our diplomats, and our mission. From time to time, one sees elected officials who moan in self-pity about having to make a tough decision that may not be popular. Well, I know the vast majority of the Senators, regardless of their ultimate position on this

issue, can make tough decisions with minimal whimpering. Senators have all been elected by the people of their States to exercise judgment consistent with principles and promises.

As the Senate debates the merits of each resolution, it must be prepared for the possibility of continued inaction by the United Nations. Americans cannot stand by and cannot cede any authority or sovereignty to an international body when the lives and interests of U.S. citizens are involved.

I believe it would be a grave mistake for the United Nations to shirk its responsibility regarding Iraq; however, a consensus might not be reached with all nations on the U.N. Security Council. If that circumstance arises, the United States and the President will have a duty to garner as much international support as is realistically possible.

Blissful, delusional dawdling, wishful thinking, and doing nothing is not an option for the United States. However, continuing the diplomatic work in face of the Security Council veto is necessary not only for diplomacy, but to gain allies to help shoulder the logistical and operational burdens that would be a part of any military campaign.

It is true the United States can disarm Saddam Hussein alone. However, as we continue to pursue the venomous, vile al-Qaida terrorists and other terrorist supporters, we would greatly benefit from allied support in these extended efforts. I believe we will see more allies join this effort to disarm Saddam Hussein's regime. Britain will not be our sole teammate in this effort. As other countries begin to understand the severity of the threat, they will recognize it is in their best interest to disarm Iraq.

The UK along with Spain, Italy and some countries from the Middle East have supported our position. Kuwait, Qatar, and the Saudis have also indicated that maybe they will not send troops in, but have offered logistical bases that would be helpful for our tactical air strikes.

We do not want to make this a war against a particular group or certain religious beliefs. We must guard against any rhetoric or statement that is targeted against Muslims or Arabs. Our mission is to protect the United States, its allies, and interests by upholding internationally agreed-upon resolutions to disarm Iraq of biological, chemical, nuclear, and missile technologies. I urge the President to make absolutely clear that in the event we have to seek support from allies, that we continue to do so in the Middle East.

As a member of the Foreign Relations Committee, I have participated in committee meetings and top secret briefings and analyzed this issue very closely, and with questions. After reviewing the several resolutions offered by our colleagues, I believe the best way to provide the President with the

authority and the support he may need is by passing the authorization for use of military force against Iraq.

This resolution, introduced and offered by Senator WARNER and Senator LIEBERMAN, as well as Senator MCCAIN and others, gives the President the authority and flexibility to ensure the protection of the United States. I am particularly pleased that the resolution will task the President with determining that diplomatic means will not adequately protect the national security of the United States. This determination will ensure the United States is exhausting every diplomatic option before authorizing the use of our Armed Forces.

I refer to section 2 on page 7 of the resolution and those clauses therein: Where the Congress of the United States supports the efforts of the President to strictly enforce United Nations Security Council resolutions applicable to Iraq and encourages him in those efforts. It also encourages the President to obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance, and promptly and strictly complies with all relevant security resolutions.

I interpret this as also, in dealing not just with the United Nations, but also garnering allies in the process.

I will continue to listen intently to the debate on all the resolutions regarding Iraq. However, I truly and sincerely believe that Senate Joint Resolution 46, which I referenced earlier, will provide a sense of the Senate that the Congress, and most importantly, in our reflection in representation, a reflection that Americans are united behind our President and we support efforts to garner allied and U.N. support in the event that diplomatic options fail to disarm Saddam Hussein.

We all know that Saddam Hussein is a vile dictator with regard for only his own survival. He compromises the well-being of all Iraqis in his efforts to maintain power and accumulate wealth. History shows the Iraqi leader only responds when there is a gun put to his head. Sweet talking will not do any good with this man.

Now we are seeing this phenomenon play out as he allows weapons inspections to resume only after intense, consistent pressure from the international community. But even then what we are seeing again is the same shell game of conditions and prevarications that led to the departure of inspectors 4 years ago. We must not allow him to continue with these ploys of deception.

I do not believe any American welcomes the prospect of deploying our brave men and women for military action. However, standing strong and united as a country, together with our President, our diplomats, and our defense forces, and in favor of congressional authority to use force if it is absolutely necessary, is the best way to ensure Saddam Hussein is disarmed and military conflict is actually avoided.

The greatest responsibility of this Government and its officials is to protect and ensure the national security of the United States and our citizens. We know Saddam Hussein poses a threat to our country, and it is incumbent upon every Member of this body to help neutralize that threat. I am hopeful this problem will be resolved peacefully, through international diplomacy. But in the event those efforts fail, I do not want our President to be hobbled without the authority to protect the citizens of the United States of America.

Therefore, when my name is called, I will stand with President Bush, stand with our diplomats, stand with our troops and support this serious and necessary resolution, which is designed to save innocent American lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, I think this is one of the most serious issues I have ever addressed on this floor, and I thank Lindsay Hayes and Karina Waller, who are with me today, for their help in preparing this statement.

There are few of us still around who lived through events which led to World War II. I was in high school, as a matter of fact, and I studied Hitler's actions month after month in history class. I vividly remember watching the world appease Hitler while he pursued an aggressive military policy aimed at dominating the world.

The current situation reminds me of the agreements we studied in high school which were made after World War I. Hitler just waved them away. When Hitler flaunted the terms of the Versailles Peace Treaty, France and Britain did nothing to enforce it. When Hitler occupied the Rhineland and the Anschluss in Austria, no nation tried to stop him. Instead, the world repeatedly gave into an obnoxious, aggressive leader to avoid war.

When I was a senior in high school many of my friends left school to enlist. I left Oregon State College in December of 1942. Only seven of us in the Senate today served during World War II, but as one who fought in China, the "Forgotten War," I see the next Hitler in Saddam Hussein.

Senator WARNER, Senator INOUE, Sam Nunn, and I also experienced the horror of the gulf war firsthand. In 1991, in an Israeli defense conference room we were told a Scud had been fired at Tel Aviv, which is where we were, and it could be carrying chemical or biological agents. Gas Masks were passed around the room and we waited about 20 minutes before being told that the Scud had fallen. The next morning we went to locate the Scud and found that it had been grazed by a Patriot missile. It had hit an apartment complex.

This was quite an interesting experience to Senator INOUE and I because several years before this incident Sen-

ator DAN INOUE and I had demanded that the anti-aircraft Patriot be modified to become an anti-missile system, and we were in Israel witnessing the use of that Patriot system.

Over 20 years ago, the Israelis saved the world a great deal of pain when they destroyed the Iraqi nuclear reactor. That action delayed an Iraqi bomb by at least 15 years, and that raid also made Hussein more cautious. Today he has spread out and carefully concealed his military-weapons infrastructure to make destruction of those weapons more difficult.

We seek peace.

We abhor war.

We work to assure our military capacity is second to none because we believe in this new world no nation has time to re-arm. We must be ready instantly to defend our interests at home and abroad or perish.

Our President is right to shake Hussein's cage. The Middle East is a tinder box, but only one nation has the ability to ignite the entire world, and that is Iraq.

Saddam Hussein cannot be allowed to expand beyond his borders again and he cannot continue developing weapons of mass destruction.

President Bush has an important role as the leader of the free world as he repeatedly states there is a menace in Iraq and it is growing.

This is the most serious situation we have faced since World War II.

Since the end of the Persian Gulf war, our forces have been enforcing the United Nation's mandate that there should be two no-fly zones in Iraq. Our planes fly patrols for the United Nations, over those no-fly zones daily and have been shot at almost every day. We cannot allow this continued risk to the lives of our own pilots.

The threat of weapons of mass destruction was real during the Persian Gulf war. It is even more real today. Five years ago, weapons inspectors were forced out of Iraq. Based on classified briefings I have received I have no doubt that Saddam Hussein has used this opportunity to expand his weapons program.

Iraq has not accounted for hundreds of tons of chemical precursors and tens of thousands of unfilled munitions canisters. It has not accounted for at least 15,000 artillery rockets previously used for delivering nerve agents or 550 artillery shells filled with mustard gas. When inspectors left Iraq in 1998, the regime was capable of resuming bacterial warfare agent production within weeks. Hussein has had time to produce stockpiles of anthrax and other agents, including smallpox, and he is not afraid to use these weapons.

He has used weapons of mass destruction against Iranians, against his own people, and, I believe, against some of our military in the gulf war.

When Hussein begins blackmailing his neighbors and using his resources, The world will face an impossible situation. If Hussein's weapons program

continues unchecked our allies—his neighbors—face an unconventional threat of immense proportions—a threat more horrible than all Hitler's legions.

The President needs our support to form a coalition that can confront this crisis. We must grant President Bush the same powers that Congress has given his predecessors.

We must pass this resolution now or our children, or our grandchildren, are going to shed a monstrous amount of blood to deal with this threat in the future.

Hussein will use these weapons if he is not stopped now. He will become a Hitler. He will continue as Hitler started—dominating one country after another. With the weapons he has, he need only to threaten their use, or to use them as he did in Iran. Then ours will be a terrible dilemma: how does the world deal with a madman who has weapons against which the world cannot defend?

If any Senator has doubts about this resolution, I ask them to ask themselves this question: is Saddam Hussein really ready to become part of the family of nations again? Can anyone on this Senator floor answer that question "Yes"?

The U.N. has told Hussein that he must disarm 16 times. Sixteen times he has defied that body. He has lied. He has not once complied. Between 1991 and 1998, Iraq practiced a series of deceitful tactics designed to prevent U.N. inspectors from completing inspections. The same course of action will bring the same results.

As I have traveled at home, I am often asked "How do we know Hussein is so bad?" Our intelligence agencies have developed an enormous amount of evidence on his activities, his use of weapons of mass destruction, and his lies and deceptions. Unfortunately, this information is mostly classified to protect sources and methods by which the information was acquired.

As one of the Senate who is briefed on a regular basis I believe our intelligence agencies understand the nature of the threat Iraq poses. However, while it is likely that Iraq has large amounts of biological and chemical weapons, our knowledge of their ability to deliver those agents against long-range targets outside of Iraq is limited.

To assure the formation of a coalition to contain Hussein, we must pass this resolution.

The President must have this authority. We want the U.N. to demand full inspections before this threat becomes even greater. This Congressional authorization to use force if necessary will send a message to the United Nations: Congress is united. We stand behind our Commander in Chief.

In 1945 the world community gathered together to denounce the atrocities committed by Hitler and form the United Nations. That action made a commitment to protect succeeding generations from the scourge of war

and promised such horrors would never again take place. Now it is incumbent upon the United Nations to fulfill that promise. The U.N. must send a message that the international community will not tolerate regimes which commit genocide against their own people, employ weapons of mass destruction against other countries, and harbor terrorists.

The world community must confront this Iraqi threat. This resolution gives the President the support he needs to convince the U.N. to join in building that coalition.

United States policy must be clear. Should the United Nations fail to live up to its promise, this resolution authorizes the President to take the necessary steps to protect the United States and ensure the stability of the world community.

With this authority the President may state clearly to members of other nations: Are you with us? Do you support our determination to face this threat now?

We are not alone, Great Britain and other nations are already supporting our President.

A new history of international courage can be written now. This generation need not endure a long and bloody world war if our leaders stand together and state clearly: the world will not condone defiance and deception, we will not allow a dictator to rise from the ashes of defeat to menace the world with awesome weapons.

I support our Commander in Chief.

I shall vote for the administration's bipartisan resolution.

Our Nation is the last real superpower. The burden of that status is that every nation in the world must know we will use our military force, if necessary, to prevent tyrants from acquiring and using weapons of annihilation.

It is my belief that with this authority President Bush may prove that determination to the United Nations and there will be a coalition that will bring peace through strength to the Middle East.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Virginia.

Mr. WARNER. I thank our distinguished colleague from Alaska. It was very helpful for him to make references to his knowledge of the pre-world War II days. He had a very distinguished career in World War II as a member of the Army Air Corp and as a pilot. I had a very modest one at the tail end, just in training, in the Navy. But both of us remember that period very well.

The Senator emphasized quite forcibly the need for the United Nations to face up to this. Having lived through that period, we remember the League of Nations. We remember the blatant attack by the Italian military under the leadership of Mussolini against then Abyssinia, now referred to as the nation of Ethiopia, and how the league began to look at that situation, and

look at it and look at it and look at it and did nothing, and then the aggression during the attacks by Japan on China.

The Senator recalls these periods in history. Eventually the league went out of business. It fell into the dust bin of history and in some small vestige was absorbed into the United Nations.

I have a strong view, and I think our President has made reference to this, that unless the United Nations lives up to its charter and assumes the responsibility of enforcing its own Security Council resolution, that organization, too, could fall into the dust bin of history, not unlike the League of Nations.

Does the Senator share those views?

Mr. STEVENS. I certainly do. I share deeply the views of the Senator from Virginia. It does seem to me that we should have learned a lesson from the period of World War II. It took a terrible attack upon Pearl Harbor to bring us to the point where we were willing to enter that war. Our Nation was part of the group trying to brush Hitler under the rug, thinking somehow or another this would go away. But President Roosevelt, to his great credit, had the courage to stand up and try to find ways to help those who were willing to stand in Hitler's way.

Now is the time to recognize that once a person becomes President of the United States and becomes Commander in Chief, there is an awesome responsibility, and particularly after the events of September 11 of last year, we have to recognize that as Commander in Chief he needs our support. Politics in my mind has always stopped at the water's edge. We ought to be united behind our President when he is dealing with problems such as Saddam Hussein. We certainly ought to be united in terms of voicing the sentiment that the United Nations must stand up and be counted this time.

Sixteen times. How many times does he have to go to the well before he finds out that he must comply with these U.N. mandates? There is enough evidence out there now that Saddam Hussein has failed to comply with the mandates that give rise to a world coalition to contain him. We thought we already had.

We have our Coast Guard stopping ships going into the station. We have pilots flying over the two no-fly zones every day. And on the ground he has palaces all over the place and will not let anyone know what is in them.

Mr. WARNER. Might I add that those pilots to whom the Senator referred, American and Great Britain, were shot at 60 times in just the month of September alone and they have been at it now for over a decade. It is the only enforcement of any resolution undertaken by any of the member nations. It is the United States, Great Britain, and at one time France. They have now discontinued. That is the only enforcement of any resolution.

Mr. STEVENS. I have spoken to those young pilots at the Prince Sultan

airbase in Saudi Arabia and at our offices in Kuwait and even in London. Many of our own pilots who flew those missions day in and day out did not enlist. They just got tired of the stress of flying over the no-fly zone and being shot at daily by missiles that are capable of downing their aircraft.

Thank God we have some of the systems to defend against those missiles, but the U.N. has absolutely had blinders on. They have not even seen that. Both British and American pilots are shot at daily by this person. Why? Because they are flying over no-fly zones. They have every right under international law to be there because Saddam Hussein agreed they could be there.

Mr. WARNER. In writing.

Mr. STEVENS. In writing.

He is shooting missiles at them every day.

It is high time we did away with that concept that the area of Baghdad is off limits. If they down an airplane, I don't think there is any question in the world we should declare war against them because he has violated the United Nations agreement he entered into himself. The idea of allowing him to shoot at pilots day in and day out with impunity is totally beyond my comprehension.

Mr. WARNER. The purpose of this resolution is to prevent a pilot from being downed. If we are resolute in this Chamber, if we clearly show, not only to the American public but to the whole world, that we stand arm in arm with our President, no daylight between us which can be exploited by Saddam Hussein and perhaps weak nations—if we are arm in arm, it is the extent to which this United Nations is more likely to fulfill its obligations under the charter and, hopefully, devise a resolution which can bring about an inspection regime which has teeth in it this time, and make it very clear if Saddam Hussein's regime does not live up to it, then member nations such as ours and others in the coalition can utilize and resort to force.

Mr. STEVENS. Mr. President, the Senator is absolutely correct. The real problem is until the members of the United Nations know we mean business, they are not going to come and join a coalition. It takes money, it takes time, it takes commitment, it takes internal debates like this in every democracy. But the necessity is there for us to tell the world we are ready. We are ready to bring an end to this man's deceitful action against the world. But until we do, who is going to join a coalition until they know the superpower is really in there? We have to put our money on the table first. We have to put our hand out there to anyone who is ready to join this coalition, to say: We are there. Are you with us or not? If you are not, then you are not part of history, as far as I am concerned. History will read the nations who stood together and stopped Saddam Hussein, saved the world, as well

as those who joined with us in World War II saved the world.

I think this threat is even worse, though, than the one we faced. It is the most awesome thing possible, the more I learn about these weapons he has, weapons of mass destruction that can be deployed and used in so many ways. To think a person is there who has been willing to use them against Iran, against his own people, the Kurds. I still believe some of the problems our people had in the Persian Gulf war came from his testing some of those weapons. There is no question in my mind.

Mr. WARNER. My colleague is absolutely right. Now with the transportability of some of those weapons of mass destruction, and if he were to place them in the hands of the international terrorist ring—I don't say he hasn't done it already. We don't have the specific knowledge—that is an imminent danger to the United States.

But you concluded on history. I would like to read one brief statement. June 1936, Haile Selassie, Emperor of Abyssinia—Ethiopia today—in an appeal to the League of Nations.

I assert that the problem submitted to the Assembly today is a much wider one. It is not merely a question of the settlement of Italian aggression. It is a collective security. It is the very essence of the League of Nations. It is the confidence that each state is to place in international treaties. It is the value of promises made to small states that their integrity and their independence shall be respected and ensured. It is the principle of equality of states on the one hand, or otherwise the obligation laid upon small powers to accept the bonds of vassalship. In a word, it is international morality that is at stake. Do the signatures appended to a treaty have value only insofar as the signatory powers have a personal, direct and immediate interest involved?

The rest is history. The League did nothing but debate and debate and did nothing. And this country perished.

We are at that juncture now, I say respectfully to the United Nations. Will they fall into the dustbin of history as did the League?

I thank my colleague.

Mr. STEVENS. Mr. President, the Senator and I are of another generation. There is no question about that. I never thought I would live to see the day I would say there is no question in my mind this is a greater threat than what we faced when we were young. But we had time. There was time to adjust. Even in the Persian Gulf war, we had time to take the actions that were necessary to evict Saddam Hussein's likes from Kuwait.

But now it is not a matter of time. I am convinced the clock is ticking on the world as far as this threat is concerned. These are weapons of mass destruction. Even one of them should lead a person to have some fear. The only thing we can do is to join together with the world.

Someone said to me the other day we can't do it alone. Whoever said that is absolutely right. This is not something one nation can do alone. But this is

something where one nation can lead. That is what is happening right now. We must lead. We must form this coalition, and we must convince the U.N. to be a part of that coalition and to be firm. And this time—this time, to know either they enforce those mandates that come from the U.N., or we will lead the world to enforce them. It must be done.

Mr. WARNER. Mr. President, we thank our colleague. The advancement of technology is what makes things different. The advances of technology are what underlies this doctrine of preemptive strike, which our President says must be addressed now, not only by our Nation, but other nations that wish to protect themselves and their own security. That is a very important issue, and I give great credit to this President for having the courage to bring to the forefront of the world—not just the United States, but the forefront of the world—the threats we face with now rapid technology and the development of weapons of mass destruction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to praise my two learned, worthy colleagues who have done so much through the years to make sure our country is free and many areas of the world are free as well. I want to associate myself with their remarks.

I was particularly impressed with the remarks of the distinguished Senator from Alaska, whom we all revere and respect, and, I might add, particularly with the remarks of the distinguished Senator from Virginia. I was very aware of the Abyssinia problem—now we call it Ethiopia. I think his point is well taken. I would just like to associate myself with the remarks of both of my dear colleagues.

I ask unanimous consent I be allowed to use such time as I need.

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

Mr. HATCH. Mr. President, this week, as we know, we debate the most serious topic Congress can ever face, whether we will authorize the President to use force to address a looming threat to our national security. Right here and now I wish to say I will support this President, should he determine we need to deploy the military of the United States to force Iraq into compliance with the resolutions of the international community requiring it—transparently and permanently—to disarm itself of weapons of mass destruction.

If this requires the removal of Saddam Hussein from power, as I believe it will, I will support this President's policy of regime change, and I respectfully urge my colleagues to join me. It may be early in our Senate debate on this resolution, but we have been discussing our policy options for years. The President and his advisers have regularly consulted with us, with our allies, with the international community, and with

the American public. As a result, I believe this administration will act with a coalition of willing nations, fully within the boundaries of international law, with the support of this Congress, and with the support and prayers of the American people.

I am honored to have served the people of Utah for 26 years. Utahans are a patriotic people. Almost all, Republicans and Democrats, will support the President of the United States when he makes his final determination the vital interests of this country are at risk and we must take military action to protect those vital interests. Tonight the President will make that case before the American people, and we will all listen intently to his words.

As a Senator who represents the interests of Utah but also the interests of our country, I know a decision on the use of force is the most serious consideration I can make because the costs may be measured by the ultimate sacrifice of good Americans. I make this decision with the deepest of study and prayer, and I offer my prayers to support any President who must make such a final decision.

President Bush has acted conscientiously and openly in determining his administration's policy toward Iraq. I do not understand criticisms of this administration as being secretive, unilateral, militaristic, and uncooperative. From my perspective, none of these adjectives represent an objective reality. President Bush has warned us of the threat from Saddam Hussein's Iraq since he stepped into the national spotlight during the Presidential campaign. I was there. He has been expressing what most observers, expert analysts, and honest brokers have long recognized.

Iraq has broken all of its pledges to cooperate with the international community and disarm;

Iraq has refused to allow international inspectors since 1998;

Iraq has never completely accounted for materials used for weapons of mass destruction, specifically biological and chemical weapons, since its defeat in 1991;

Iraq has violated every U.N. resolution passed since 1991;

Iraq has repeatedly fired on U.S. and allied aircraft patrolling the northern and southern "no-fly" zones;

Saddam Hussein has continued to threaten his neighbors and has never ceased his hostile rhetoric toward the United States;

And, Iraq has never proven to the international community that it has abandoned its pursuit of nuclear weapons.

In fact, as a member of the Senate Select Committee on Intelligence, I can tell you Iraq has never really abandoned that.

Charges that the President has been unilateralist are completely unfounded. The pace of diplomatic activity conducted by administration officials in the capitals of our friends and

allies, as well as in Geneva and in New York, is as active as any administration's diplomacy in modern times. Every day there is another respectful consultation, as the President's Secretaries of State and Defense, and the National Security Adviser's team, have repeatedly demonstrated.

The President's speech before the United Nations 1 day and 1 year after September 11 was the most eloquent and forceful presentation of a U.S. President before that body.

His appeal was ethical and it was logical. He stood before the body of the international community and he said:

The United States stands with you behind the resolutions that are the core reason for this body's existence.

If this body is to mean anything, the President logically implored, then this body must stand behind the resolutions that Iraq is flaunting today.

Never before has a President made such a dramatic and persuasive appeal before the U.N.

Never before has the U.N. been confronted with such a clear choice: Stand by what you say or stand aside in irrelevance.

The President has consulted with every Member of Congress, and with most of us many times.

His representatives have dutifully and constructively testified before numerous of our committees, and they have always been available for more discussions when needed.

While the Constitution gives the foreign policy-making prerogative to the executive branch, I have always thought it sound judgment that a President voluntarily seek support and authorization from the U.S. Congress.

Clearly, that is what this President has done with numerous consultations over the past weeks, including discussions that have culminated in this resolution we will debate this week.

This administration has respectfully included the public in this most serious of deliberations. Virtually all of these presentations, testimonies, and speeches have been done in the public eye.

While a few congressional briefings have had to be conducted in closed settings due to the necessary review of classified materials, the arguments and most of the evidence for the determination of this administration's policy on Iraq have been there for the public to judge.

The President's speech tonight will crystalize for the American people the important decision before us.

In the past 2 weeks, there have been a few partisan eruptions.

I believe we should never shirk from debate, and I believe that the matters of war and peace must be thoroughly debated as long as we recognize that, in the world of human affairs, there is no perfect wisdom, particularly of how the future will unfold.

But let us not presume there are limits to good faith.

There is not a single Democrat or Republican who glibly supports a decision that may have the consequence of shedding blood.

And there is no Democrat or Republican who would ever seek to jeopardize the national security of this country by refusing to engage a threat that is looming.

The decision to go to war cannot, must not, ever be a function of politics.

In 1996, I warned that Osama bin Laden was a threat to this country. Bin Laden's activities had been of concern to a few prior to this. But, in that year, a number of interviews and articles with this man led me to conclude that he had large and evil intentions. I believed that he would distinguish himself from other terrorists by taking his grievances out of his homeland and his region and that some day—at a time we could not predetermine—he would be a threat to this country.

I cannot raise this point with any pride. I warned about bin Laden, and many good people in the intelligence and law enforcement agencies began to respond to this growing threat.

For reasons the historians will someday study, based in part on the inquiries we have already begun, we did not stop bin Laden. And he brought the terrorism war home to us.

Two years later after I first warned about bin Laden, he attacked two U.S. embassies in the same morning, destroying buildings, and killing American diplomats and their families, as well as hundreds of Africans in Nairobi and Dar es Salaam.

A few days later, the President addressed the Nation, telling us he had responded to the Africa attacks by bin Laden with cruise missiles against Sudan and Afghanistan.

While some raced to criticize him for "wagging the dog" trying to distance himself from the unfolding drama of his personal troubles I personally spoke out and approved of the President's initiative.

I was in Salt Lake at the time. Because I had raised bin Laden so many times and had become thoroughly involved in trying to help the President with some of his problems, they interviewed me there, and I said at that time that he did the right thing, but I also said he should follow up and not just do it once.

We were attacked and the U.S. had to respond, because if we did not respond, our passivity would invite further attacks.

I also urged the President not to let that be a single set of strikes. I knew that any response we made short of eliminating the threat of bin Laden would embolden bin Laden.

Since the days after September 11, I have often thought of those key moments in the late 1990s. I do so not to cast blame. The lives lost in New York, at the Pentagon, and in that Pennsylvania countryside will always be a reminder of how we failed to anticipate, failed to respond, failed to eliminate a threat we knew was out there.

But let these not be lessons lost.

The lives lost in New York, Washington, Pennsylvania, and in our cam-

paign in Afghanistan demonstrate that if we are not prepared to engage an enemy before he strikes us then we must accept that we will pay a cost for pursuing him afterward.

To me and to many Utahns and citizens throughout the Nation, the lesson of September 11 is: do not wait for your enemy to attack—especially when he has access to weapons of mass destruction.

If you have evidence of your enemy's capabilities and with Saddam Hussein we do and if you have evidence of his enmity and with Saddam Hussein we do—then do not err on the side of wishful thinking. With enemies with the destructive capabilities of Saddam Hussein, we must be hard-headed.

The administration has argued that Saddam's Iraq poses a threat, a threat that must be eliminated. If we cannot eliminate the threat of weapons of mass destruction through coercive, thorough and comprehensive inspections backed by the threat of force supported by the international community—then the U.S. must seek to build our own coalition of willing nations to disarm Iraq by force and allow for a regime that will replace Saddam and return Iraq to the community of nations.

I believe the President should continue to work with the international community to seek ways to disarm Iraq short of military intervention. Military force should never be our first course of action.

But I will not support a resolution that conditions our authorization on actions by the United Nations.

Such a move would set a precedent over sovereign decisions conducted by this country to defend its national interests.

Supporting such language would, in my opinion, infringe upon the constitutional prerogative that resides with the President to conduct and manage the Nation's foreign policy.

Congress must resist attempts to micromanage a war effort.

The resolution we debate today is an authorization. But, the timing and modalities of action need to be—and must be controlled by the administration, with consultation wherever possible, so long as that consultation does not hamper the war effort.

Traditional geopolitics requires us to think about national security in categories of our interests.

Our vital interests are defined as the security of our homeland and our way of life; we must defend them at any costs, and we must be willing to defend them alone, if necessary.

There are areas of vital national interest to this country, that if they were threatened or succumbed to hostile control, would jeopardize our homeland or our way of life.

They are: the Western Hemisphere; Japan; Europe; and the Persian Gulf.

Saddam Hussein continues to threaten the stability of the Persian Gulf. From this perspective, I believe that the frightening capabilities of

Saddam's chemical and biological weapons pose a threat to the region, and to the stability of the Gulf, and therefore to our vital national interests.

In addition, nontraditional geopolitics recognizes that international phenomena other than nation states must be considered when assessing the national security of the United States.

Terrorism is the number one non-traditional threat to the U.S. today. This may seem obvious after September 11. It was not obvious enough before September 11.

The American people know that we are at war with al-Qaida.

The American people recognize that never again can we be complacent about threats to this country and our interests.

And the American people understand that this war on al-Qaida cannot be used as an excuse to ignore other grave threats, such as the threat that Iraq continues to pose.

We should not assume that Saddam Hussein will politely stand in line behind al-Qaida.

With the questions remaining about Iraq's weapons of mass destruction, with too many suggestions of Iraq's ties with terrorists, and with no question about Iraq's animosity to the United States, and other countries as well, including many in the Middle East, should the United States consider an option of doing nothing, or too little, as we did with al-Qaida before September 11?

Perhaps, as a result of the diplomatic pressure building on Saddam Hussein in recent days, his regime will comply with a forceful and comprehensive international inspection regime.

However, we should not for a single moment forget Saddam's history of obfuscation and delay. His record of non-compliance is 100 percent. Any inspection regime which we agree to support must complete the actions required in all Security Council resolutions, including the ones being drafted now, that would demand compliance with inspections or face the use of force.

Some have suggested that a war on Iraq would be the beginning of a radical doctrine of preemption—that we are now setting a precedent for unilateral military action against regimes that we find odious.

The idea of "preemption" is as old as Grotius, the father of international law, who wrote in the 17th century.

U.S. policymakers have never fore-sworn the option of preemption, and have never seen the U.N. Charter as restricting the use of preemption in the event of a threat to our national security. There are many examples of this thinking in both Republican and Democratic administrations.

Recall that U.S. nuclear doctrine never adopted a no-first-use policy.

Nor is the policy decision we are facing today opening up a new, militaristic, and unilateral approach to dealing with other countries with which we have conflicts.

Some have suggested that, if we authorize the use of force against Iraq, we are automatically implying that we support the use of force against the other two countries in the "axis of evil" termed by the President.

Today, the administration is using diplomacy to control the ongoing confrontation on the Korean Peninsula.

And while Iran remains a geopolitical threat, as it continues to fund terrorists operating in the Middle East, and is extending its influence in Afghanistan, the political foment within Iran is also providing a challenge to that Islamic fundamentalist dictatorship, as more and more Iranians seek to overthrow their corrupt and repressive tyranny.

Despite some leftist revisionist histories, America has always been reluctant to use force overseas. As a democracy, we are imbued with values of caution and respect for human rights, reluctance and a desire to let other nations choose their own paths.

But the world changed for us on September 11, 2001.

The American people are patient, but we should never let that patience be used against us. As the President has said, if we are to wait until we have definite proof that Iraq intends to use weapons of mass destruction against us, then it may be too late.

For too long, we were hesitant to attack al-Qaida, presuming that they would never dare to attack us in the heart of our financial center, at the core of our defense establishment, in the openness of our commercial airways. We were wrong.

Can we accept the consequences of being wrong with Saddam Hussein's Iraq?

If this Congress authorizes the use of force, and if the President concludes that force is the only option in removing Saddam Hussein from power and disarming Iraq of weapons of mass destruction, then I believe that every member of this body will fully support our President and our Armed Forces.

Iraq has been in a dangerous geopolitical limbo since Saddam Hussein was ejected from Kuwait in 1991, and then left to oppress his people over the ensuing decade.

If the United States must act to remove Saddam Hussein, we must be committed to help reconstruct Iraq. This will take sustained policy focus. The U.S. will, once again, pay for a large portion of the costs of war. We would expect our allies to pay for a large portion of the reconstruction.

U.S. policy must commit to the long-term stability of Iraq. We must work with the various Iraqi ethnic groups to build their own vision of a tolerant, educated, modern Iraq. Many of the Iraqi people have a history of valuing education, modernity and multiethnic society. We must commit to staying in Iraq until the basic institutions that will provide long-term stability are built.

A stable, tolerant, modern Iraq may transform the Arab Middle East. Other

traditional states will have to explain to their own peoples why they hesitate to grant democratic rights and privileges, basic human rights, and respect for women, if an Iraqi government were to arise from the repression of Saddam to blossom as an example of tolerance and modernity.

If we commit to the liberation of the Iraqi people, and we assist them in rising out of decades of Saddam Hussein's depredations, the whole world will be able to see that the Arab world is not predestined to tyranny, radical regimes, anti-Western hatred, willful ignorance.

I believe that this is President Bush's vision. The President understands that the use of force against Saddam Hussein—if it comes to this—will be the beginning of the end—not just of that dictator's brutal reign, but also of nearly a century of Arab despotism.

I pray that Saddam Hussein capitulates to the international community and allows unfettered and comprehensive inspections, and that he removes himself from power or is removed by some brave Iraqi.

But if we are not so fortunate, I pray Godspeed for our men and women in the military when they, once again, go beyond our shores to protect those of us within them.

Mr. President, I again thank our very fine leader on our side and others on the other side for their efforts in this regard, for the support they have for this country, for our President, and for doing what is right.

I personally respect the distinguished Senator from Virginia very much. I have watched him through the years work with both sides, trying to bring people together and to accomplish the best things for our country. I personally express my respect for him here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our colleague for his kind comments, and also for his important statement he has delivered to the Senate.

I want to pick up on one thing that the Senator mentioned, and there has not been as much discussion as yet on this subject. It is a very important one.

The President has repeatedly said the use of force is the last option. But should that be taken, and there be force used by presumably our country, Great Britain, and hopefully others in the coalition, then the responsibility devolves upon those nations, primarily those who use force—again, hopefully, the United Nations would take a strong role, but that remains to be seen—in trying to reestablish, for the people of Iraq, against whom we hold no animosity—the people—a nation bringing together the factions in the north, the Kurds, and the Shi'ites in the south, and hold that country together.

But I find, in studying, as my astute colleague will undoubtedly believe, as we look at the situation in Kosovo, we

had to come in there with other nations and help establish the economy, and we are still there. Indeed, in South Korea, how well you know we have been there now over 50 years.

It seems to me there are several points with regard to Iraq which differentiate the responsibilities of our Nation and other nations following such hostility, as hopefully will not occur, but should they occur; that is, Iraq, at one time, was an absolute extraordinary nation, a nation of well-educated people, a nation which had a number of natural resources, primarily petroleum, from whence to gain a revenue flow.

So far as I can determine, much of that infrastructure of intellectual people and well-educated, hard-working people and, indeed, the oil that is present there, once it is properly cared for and put in the competitive world market, it seems to me that the dollars involved would be, comparatively speaking, much less because of the natural resources, and the problem of reconstructing a government, hopefully, would not be as challenging as maybe some say because of the presence of such a fine citizenry, almost all of whom, not all, have been severely depressed by Saddam Hussein and the brutality of his regime.

Does the Senator share those thoughts?

Mr. HATCH. I do. Our intelligence shows that the Iraqi people know they are repressed, that there are many of them who wish things would change, but there is such repression that they are afraid to strike out, afraid to speak out, or afraid to react in ways other than the way the current leadership in Iraq wants them to react.

This is a very important country. It has tremendous resources, resources that are fully capable of helping that country to resuscitate itself, to reconstruct. Those resources are being ripped off of the Iraqi people right now by Saddam Hussein and others around him. They are being spent on matters that really do not benefit the country of Iraq, and they are being spent on matters that do not uplift the aspirations and hopes of the people in Iraq.

As we all know, there is no question that if we could get rid of this repressive regime, Iraq could become a real player in the Middle East and help everybody in the world to understand that Islam is not a religion of destruction. It is not a religion of warfare in particular. It is a very good religion with tremendous ethics and responsible approaches towards life and towards living in the world community.

Nor do I agree with some of our critics in the evangelical movement in this country who have been outspoken in their criticism of Islam, blaming the radical elements of Islam, who are not the majority, for many of the things that are going on, that are reprehensible, including the Osama bin Laden group, al-Qaida, and so many other terrorist groups.

The Senator is absolutely right. We believe, and our intelligence shows, that Iraq could become a major player in world affairs, a major construct for good, if it had different leadership and if the people had the privilege of democratic principles.

I thank my colleague because he has been pointing out all day, as he has served here, very important nuances upon which every one of us should take more time to reflect.

Mr. WARNER. I thank my distinguished colleague. He has many years of experience in the Senate. His wisdom is being brought to bear on this critical issue. All of us feel a weight on our shoulders, the importance of this debate, and the importance of the vote we will cast. If there was ever a vote that would be clearly a matter of conscience between all of us, this is it.

Mr. HATCH. I thank my colleague.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. WARNER. I see our valued colleague on the Senate Armed Services Committee. I look forward to hearing his remarks.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Virginia for the opportunity to be here today and for his close attention to these matters of war and these matters of peace that so often come before us on the U.S. Armed Services Committee, and for his counsel and wisdom. I thank him so much.

I rise today to discuss our Nation's Iraq policy, and the resolution we are now debating. This resolution could give the President the power to send the United States Armed Services into a military conflict with Iraq.

As I am sure most of my colleagues will agree, for the U.S. Congress there is no more important debate than one that involves a decision that may lead to loss of life of our brave men and women in uniform.

It is without question that Saddam Hussein poses a threat to the Middle East, our allies in the region, and our international interests that include rebuilding Afghanistan and making peace between the Israelis and Palestinians.

Saddam has refused to comply with United Nations resolutions that were the basis for a cease-fire during the Persian Gulf war in 1991. He agreed to those terms in order to prevent the multinational coalition from proceeding into Iraq and removing him from power by force.

Throughout most of the 1990s Saddam was held in check through U.N. weapons inspectors, a naval blockade and United States and allied air patrols over the southern and northern areas of Iraq.

During that time the U.N. inspectors uncovered Saddam's chemical and biological programs and dismantled those they located. However, since 1998, Saddam has not allowed U.N. weapons inspections.

Now, nearly 4 years have passed with no outside reporting on progress made

in Saddam's chemical, biological, or nuclear programs. Moreover, we know that Saddam recently attempted to purchase aluminum rods used to refine uranium. These rods could be used to develop materials for nuclear weapons.

President Bush and his advisers have determined that Saddam Hussein's quest for weapons of mass destruction must end now. The President said in his speech before the U.N. that Saddam poses an immediate, unchecked threat to our Nation and our allies, and unless we act now his arsenal will only grow.

Any resolution on action involving Iraq that the United States Congress would approve must focus on the imperative of disarmament of Iraq.

By disarming Saddam and removing his nuclear, biological and chemical capability, he will pose no strategic threat to the United States or our allies. Saddam would be contained.

If, in order to disarm Iraq, we need to use military force that results in the removal of the current regime, then we should do so. Saddam Hussein must know that the United States will support President Bush's use of force to remove him, if he does not comply with orders to disarm and destroy all weapons of mass destruction.

The President has suggested that "regime change" may be the only way Iraq will comply with the 16 existing U.N. resolutions. However, a resolution whose primary focus is "regime change" does not address the fact that the next regime in Iraq, even if it is more friendly to the United States, would inherit all weapons systems and programs that the United States did not destroy.

Additionally, if we pursue "regime change" as an objective, we will severely limit our ability to form a multinational coalition of support as President Bush's father did so successfully during the Gulf War.

Our allies worldwide have expressed support for disarming Saddam, but little enthusiasm for regime change.

Alone among President Bush's advisers, Secretary of State Colin Powell has suggested that putting weapons inspectors back in and making sure they can do their job is the proper avenue to pursue.

The heart of this resolution should outline precisely what access weapons inspectors should be afforded as they inspect the Iraqi military capabilities. It should demand complete transparency of Saddam's military inventory, and unrestricted and unfettered access to all of Iraq by U.N. weapons inspectors, including the presidential palaces.

In concert with a focus on disarmament, a congressional resolution should also strongly urge the President to exhaust all diplomatic efforts within and outside the United Nations. Total disarmament of Iraq should be a multinational effort.

Nevertheless we must reserve the right, and give the President the authority, to act unilaterally provided

the presence of an immediate and grave threat to the United States.

This congressional resolution should not give the President an immediate and unconditional pass to wage war, but should place an emphasis on his diplomatic effort to resolve the issue of disarmament without loss of life.

If Saddam's defiance leads to war, we must also focus on what will need to be accomplished after the war in order to ensure stability in the region.

More thought must be given to the effort that will be required to maintain peace and provide for the Iraqi people in the event that Saddam fails to resolve this issue peacefully.

We seek no quarrel with the people of Iraq and the international community must be prepared to assist them. It is an endeavor that the United States should not undertake alone which, in my opinion, strengthens the need for any use of force to be multilateral.

As a member of the Armed Services Committee, I have heard many hours of testimony from administration officials outlining their case for war. But I fear we have not yet heard enough about what Iraq will look like when the smoke clears.

I am willing to debate and support a resolution that has the characteristics that I have mentioned, but there needs to be equal debate and thought into how we will leave Iraq and what kind of commitment we are willing to give.

This resolution will serve as Saddam's last chance at a peaceful conclusion to his years of defiance of international law if it meets these conditions: The primary objective of the United States is the disarmament of Iraq rather than regime change; the United States will work to establish international support and cooperation and exhaust all diplomatic avenues before going it alone in Iraq; and the United Nations weapons inspectors will be allowed unfettered access to inspect Iraqi weapons systems and facilities and they will be supported by armed U.N. troops.

With these objectives, the United States will demonstrate that we seek a peaceful and diplomatic solution, but if diplomacy fails the United States will take every measure necessary to defend our country, our allies, and our interests. This is our responsibility to our national security, our international interests, our citizens, and the people of the world.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank our colleague for his contribution to this debate. Listening to him, as I have to all the others who have spoken today, underscores the importance of each Senator hoping to contribute to this debate.

My understanding is the leadership will announce shortly the intention to have periods tomorrow that this debate can take place. I hope we will experi-

ence tomorrow as robust and important debate as we have had today on the floor.

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. REID. 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. REID. Mr. President, the order that has been guiding us all day continuing until 4 o'clock was the time be equally divided between the two leaders, and that Senators have up to 15 minutes to speak on the Iraq resolution. We have done a good job in doing that.

I ask unanimous consent that any Senators who wish to come yet today, before we adjourn for the evening, still be guided by the 15-minute limitation. Senator DASCHLE and I have spoken about this, and I am sure Senator LOTT would agree—although I have not spoken with him—that we would be well advised that Tuesday we are going to be very busy, with a lot of people speaking. Senators who wish to speak would be well advised to notify their respective cloakrooms. So people will not have to wait all day for their turn, we can set up a sequence. If an equal number of Democrats and Republicans wish to speak, we will alternate, and that way we can have an orderly debate and move on to the ultimate disposition at a subsequent time.

Mr. WARNER. I think I can speak for our leadership on that. That is a constructive observation. I am sure my distinguished colleague would think almost all 100 Senators will want, at one point in time prior to the vote, to express themselves on this important issue. So that will result in a considerable amount of the Senate's time. It is the most important thing before us. I think that is wise counsel.

Mr. REID. Mr. President, Senator BYRD asked me if I would clear a unanimous consent request in regard to this matter with him. So I ask that everyone be recognized for 15 minutes, and I am sure he will agree to a reasonable time. I don't have his permission now. So I will reiterate my unanimous consent request, with the exception of Senator BYRD.

I also ask Senators who wish to speak to get word to their cloakrooms, and we can set up a time for them to speak during the day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, I have just been advised possibly someone on our side might want some additional time, and the matter will be managed here by the designees, the respective leaders. I have offered to work with Senator LOTT, and he accepted that offer. There may be others who want

more time. We will try to facilitate the management of the floor.

My point is those Senators who might desire to exceed 15 minutes, I am sure the Senate will consider why they need that additional time.

Mr. REID. Mr. President, as usual, our staff saw a possible problem with this. So what I think would be best to do is just not worry about Senator BYRD. We will have this limitation apply for the rest of the evening and until 12:30 tomorrow when we go into the party conferences.

Mr. President, I ask unanimous consent that any further speeches tonight on the Iraq matter be limited to 15 minutes, and that when we come in tomorrow morning to go on the Iraq matter, the speeches be limited to 15 minutes until 12:30.

Mr. WARNER. Mr. President, it is my understanding it will be around 10 o'clock.

Mr. REID. It will be 9 or 10 o'clock.

Mr. WARNER. I thank our colleague. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I 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. WARNER. 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. WARNER. Mr. President, I am going to depart the floor. I see no colleague on either side wishing to address further the debate on Iraq, although the opportunity has been offered.

I ask unanimous consent at the conclusion of my brief remarks an article that appeared today in the Washington Post be printed in today's RECORD.

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

(See exhibit 1.)

The article is well composed in the sense it asks eight questions of those participating in the Iraqi debate about issues at the heart of what we are discussing. I hope by including it in the RECORD it is more readily available to colleagues as they work on their remarks. These are the very questions I encountered this weekend and last weekend as I traveled in my State. I daresay, other Senators will be asked these questions by their constituents and therefore this article is very helpful.

I will not pick up without specifically pointing to those provisions which prompt me to do so. I pick up comments to the effect by others that if Saddam Hussein does this, then everything will be one way or the other. If he does not do that, then this will happen, one way or the other. I call it the doctrine of giving Saddam Hussein the benefit of the doubt. I urge colleagues to think about that because we are dealing with an individual who is

extremely complex, at the least. People are trying to read his mind. Speaking for myself, I have no capability of reading his mind. Nor do I ever predicate action I take or support on what he might do if he does this. I can't follow that line of reasoning. Therefore, I do not subscribe to giving the benefit of the doubt to Saddam Hussein.

What dictates my views about this man is the clear record that he used poison gas against his own population, his own citizens of Iraq. It is reputed, and I think it is well documented, he has actually beheaded individuals who have stood up to disagree with him. So I somehow feel he has not earned a place in leadership that you can, in any way, pontificate about, or figure out what he might do. I think we have to decide as a free Nation what we are going to do, and urge the United Nations to lay that out very clearly in a resolution that leaves no doubt, gives no benefit of the doubt to him as to what he might do. We should plan a course of decisive action because our very future is dependent upon, hopefully, the United Nations taking such actions as are necessary, clearly, to enforce their resolutions and such additional resolution—and I hope it is only one—as they may devise.

I yield the floor.

EXHIBIT 1

DEBATE OVER IRAQ FOCUSES ON OUTCOME— MULTIPLE SCENARIOS DRIVE QUESTIONS ABOUT WAR

(By David Von Drehle)

Congress plans this week to debate a joint resolution that would give President Bush broad powers to disarm Iraq—including the authority to invade the country and depose President Saddam Hussein.

The resolution is expected to pass easily, in part because leading Democrats want to get the issue of war behind them, and in part because there is widespread agreement on Capitol Hill that Hussein must be dealt with. "We begin with the common belief that Saddam Hussein is a tyrant and a threat to the peace and stability of the Middle East," said Sen. Carl M. Levin (D-Mich.), chairman of the Armed Services Committee.

There is also general agreement that if it comes to war, the United States will win.

But beyond this first level of agreement lie major disputes over important questions—about the alternatives to war, the timing and, most of all, the outcomes. The debate in Congress is likely to distill these disputes.

And although these questions may not be answerable without a crystal ball—experts have already debated them without researching consensus in congressional hearings, op-ed and journal articles, speeches and interviews—they frame the risks and the assumptions of the U.S. approach.

Here are eight of the most important questions:

(1) Can Hussein be "contained" and "deterred"?

For more than 50 years of the Cold War, the United States faced an enemy armed with thousands of high-yield bombs mounted on sophisticated missiles and managed to avoid a direct military confrontation. How? By "containing" the enemy—that is, trying to prevent communist expansion—and "detering" attacks with threats of apocalyptic retaliation.

Some experts believe that this strategy, applied aggressively, can work with Iraq.

After all, continued containment and deterrence is the U.S. policy for dealing with Iran, which is widely believed to be more advanced in nuclear capability and deeply involved in supporting terrorists. Brent Scowcroft, the national security adviser to then-President George H.W. Bush, recently argued that "Saddam is a familiar . . . traditional" case, "unlikely to risk his investment in weapons of mass destruction, much less his country, by handing such weapons to terrorists" or by using them for blackmail. "While Saddam is thoroughly evil, he is above all a power-hungry survivor."

Hussein's behavior has not always squared with this view. In 1993, he tried to use secret agents to assassinate George H.W. Bush, and Iraqi guns routinely fire at allied aircraft over the Iraqi "no-fly" zones. But proponents of continued containment think there is a line that the Iraqi leader will not cross for fear of the consequences.

This assumption drives the thinking of figures such as Morton H. Halperin of the Council on Foreign Relations, who advocates a policy of tougher weapons inspections and a more effective embargo on trade with Iraq—"containment-plus," as he calls it. This strategy, "if pursued vigorously . . . will, in fact, succeed in preventing Saddam from using weapons of mass destruction or supplying them to terrorist groups," Halperin recently assured Congress.

But many people, President Bush among them, believe deterrence is no longer enough after the Sept. 11 attacks—not when weapons might be delivered secretly to fanatics willing to destroy themselves in an attack. Sen. John W. Warner (R-Va.), the ranking Republican on the Armed Services Committee, put it this way: "The concept of deterrence that served us well in the 20th century has changed. . . . Those who would commit suicide in their assaults on the free world are not rational and are not deterred by rational concepts of deterrence."

(2) Is Hussein in league with al Qaeda?

Somewhere, there is a cold, hard answer to this question, but so far, no one has publicly proved it one way or the other. Though administration officials have charged that al Qaeda operatives are living in Iraq, the same is believed to be true of more than 50 other countries. Daniel Benjamin, former director of counterterrorism for the National Security Council, recently argued that secular Iraq and fundamentalist al Qaeda are natural rivals, not co-conspirators.

But if the answer is yes, it strengthens the case for moving quickly.

"We must remove threats such as those [posed by] Saddam Hussein, al Qaeda and other terrorist groups," retired Air Force Lt. Gen. Thomas McInerney told a Senate hearing. The same gaps in intelligence gathering that make it hard to know whether Hussein deals with al Qaeda make it dangerous to assume he doesn't, McInerney argued. "We face an enemy that makes its principal strategy the targeting of civilians. . . . We should not wait to be attacked with weapons of mass destruction."

(3) Is disarmament possible without "regime change"?

No one in the mainstream believes that Hussein will disarm voluntarily, but some experts—including Secretary of State Colin L. Powell—entertain the possibility that he will if it is his last hope of survival.

That said, skepticism is very high that the Iraqi weapons problem can be solved while Hussein runs the country. Charles Duelfer, a veteran of previous weapons inspections in Iraq, recently said, "In my opinion, weapons inspections are not the answer to the real problem, which is the regime." Finding and destroying offending weapons now would not prevent the regime from developing new ones after the inspectors have left.

Even many proponents of renewed U.N. weapons inspections see them mainly as a tool for building international support for war. As retired Gen. Wesley Clark, a former supreme commander of NATO, put it: "The closer we get to the use of force, the greater the likelihood. And the more we build up the inspections idea, the greater the legitimacy of the United States effort in the eyes of the world."

(4) In the event of war, what would Hussein's military do?

There are two scenarios: one ghastly, one hopeful.

In the first, his commanders fire chemical and biological weapons into Israel, trying to ignite a pan-Arabic war, and lob gas bombs at approaching U.S. troops. In the other, Iraqi officers refuse to commit such futile war crimes in the face of certain defeat and turn on the dying regime.

"Most of the army does not want to fight for Saddam," McInerney maintained. "We are already seeing increasing desertions from the regular army as well as the Republican Guards." He cited reports from inside Iraq that Hussein has arrested or executed scores of disaffected officers and won't allow even some elite Republican Guard units into Iraq's cities, for fear of a coup. "That's why I think there will not be urban fighting."

But retired Gen. Joseph Hoar, a former commander in chief of U.S. Central Command, sees it differently. "The nightmare scenario is that six Iraqi Republican Guard divisions and six heavy divisions, reinforced with several thousand anti-aircraft artillery pieces, defend the city of Baghdad. The result would be high casualties on both sides, as well as the civilian community . . . [and] the rest of the world watches while we bomb and have artillery rounds exploded in densely populated Iraqi neighborhoods," Hoar testified before Congress. "It looks like the last 15 minutes of 'Saving Private Ryan.'"

(5) What would the Iraqi people do?

Again, there are two scenarios (always with the possibility that the truth is somewhere in between).

One emphasizes the relative sophistication and education of the Iraqi population, and its hatred for Saddam Hussein. These qualities, according to the optimists, would make the Iraqis unwilling to defend him, grateful for the arrival of American liberators and ready to begin building a new, pro-Western country as soon as the smoke cleared. "We shall be greeted, I think, in Baghdad and Basra with kites and boom boxes," Arab scholar Fouad Ajami of Johns Hopkins University has predicted.

The aftermath of the war would not necessarily be chaos, Duelfer has theorized. "There are national institutions in Iraq that hold the country together: the regular army; there's departments of agriculture, irrigation; there's a civil service."

The pessimistic view emphasizes the deep divisions in Iraq. There are Kurds in the oil-rich north, yearning for an independent state. There are Shiite Muslims concentrated in the South and seething at the discrepancy between their large numbers and small influence in Iraq. For all their education and institutions, Iraqis do not have experience with self-government. Iraq might trade one despot for another.

In this scenario, the only thing that would prevent a messy breakup of the former Iraq would be a long American occupation—a prospect the Bush administration has been reluctant to discuss.

(6) How will the Middle East react to the war and to the subsequent peace?

This may be the most potent of the unanswered questions. Here, there seems to be agreement that rank-and-file Muslims won't like an American war in Iraq. Michael

O'Hanlon, a defense analyst at the Brookings Institution, has referred to the "al-Jazeera effect"—millions of Muslims watching televised scenes of destruction and death, and blaming the United States. Halperin is one of many who have theorized that al Qaeda recruiters would be inundated. "Certainly if we move before there is a Palestinian settlement . . . what we will stimulate is a large number of people in the Arab world who will be willing to take up a terrorist attack on the United States and on Americans around the world."

Some experts predict that the regional reaction would then go from bad to worse.

According to Geoffrey Kemp, director of Regional Strategic Studies at the Nixon Center in Yorba Linda, Calif., "Iranians . . . worry about a failed or messy U.S. operation that would leave the region in chaos. They would then be on the receiving end for possibly millions of new Iraqi Shi'a refugees." Mark Parris, a former U.S. ambassador to Iraq's northern neighbor, Turkey, has raised the specter of a war between the Turks and the Kurds over the oil cities of Mosul and Kirkuk. The fragile reign of Jordan's moderate King Abdullah II would be shaken by an expected anti-American reaction among that nation's many Palestinians. Said Kemp: "The Saudis will ride it out, the Egyptians will ride it out, the Qataris will—but we're all a little worried about the king." Against this, there is a school of thought that says a moderate government in Iraq could lead to modernization and liberalization throughout the region. "A year after [Hussein falls], Iran will get rid of the mullahs," McInerney recently predicted. "The jubilation that you see in Baghdad . . . will change the whole tenor of the world, and the sum of all your fears will disappear, I assure you."

(7) Would a military campaign in Iraq help or hurt the war on terrorism?

Sources as diverse as the conservative Weekly Standard magazine and former president Bill Clinton scoff at the idea that it would be too much to pursue al Qaeda and deal with Iraq simultaneously, both saying: "The U.S. can walk and chew gum at the same time." However, former NATO commander Clark worries about "a diversion of effort" on the part of U.S. military and intelligence forces, and Halperin counsels that there is a limit on the number of things government bureaucracies can handle at once.

But the deeper problem, many believe, is that U.S. action in Iraq could spoil the spirit of cooperation with many nations—including many Arab nations—that is essential to fighting terror.

To "drive a stake in the heart of al Qaeda," Hoar recently said, it is essential to have "broad support from our European allies and from our friends in the Arab world." Like many experts, he believes that a war in Iraq could dry up that support like fire under a damp skillet.

On the other hand, retired Gen. John Shalikashvili, a former chairman of the Joint Chiefs of Staff—while insisting on the importance of building more international support for U.S. policy on Iraq—has argued that dealing with Iraq cannot, ultimately, be separated from the war on terror. "It really falls under the same umbrella," he told a Senate committee. "The war against terrorism isn't just al Qaeda. . . . It is also denying terrorists the means of getting to weapons of mass destruction."

(8) In the end, will the United States be more secure?

One's answer to this question is a sort of scorecard for one's answers to the previous seven. If Hussein is indeed impossible to deter and willing to engage in terror, if a new regime is the only way to eliminate the threat he poses, and if that can be done with

a minimum of chaos and relatively few bad consequences—then the case for war might seem strong. Different answers to these questions can change the equation dramatically.

In the coming debate, Americans will watch scores of elected leaders wrestle with some or all of these disputes, but if the resolution passes, as expected, they will ultimately come to a final calculus on a single desk. As Sen. John D. "Jay" Rockefeller IV (D-W. Va.) said last week: "You don't have all the answers and you never will have all the answers. . . . It rests in the hands of the president of the United States."

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, while the Senator from Virginia is still on the floor, I wonder if he would be willing to have a brief discussion on the resolution and the action before the United Nations?

Mr. WARNER. Yes, I would be privileged to do so.

Mr. SPECTER. Earlier today I had discussed the considerations on conditioning authority for the President to use force on a United Nations resolution which called for the use of force, very much like the 1991 incident, contrasted with authorization by the Congress for the President to use force unilaterally, without a United Nations resolution, or perhaps with the assistance of Great Britain. The disadvantage, to which I had referred earlier today, on having a resolution which required U.N. action is that, in effect, we would be subordinate or subject to a veto by China, which is undesirable; France—undesirable; Russia—undesirable.

But the difficulty with authorizing the President to use force unilaterally is it might set a precedent for other countries to say they could do the same. While these analogies are not perfect, one which comes to mind is China on Taiwan, or India on Pakistan, or the reverse—Pakistan on India.

My question to one of the managers of the bill, one of the coauthors of the bill, is: Do you see any problem at all on a precedent being established if Congress authorizes the President to use force without a U.N. resolution to use force, on justifying some action by some other country like China and Taiwan, or Pakistan and India, or some other situation in the future?

Mr. WARNER. Mr. President, I say to my distinguished colleague, speaking for myself—and I hope the majority of the Senate—in no way should this Nation ever subordinate itself in its decision making with respect to our national security, to actions or inactions by the United Nations.

Let me just give a wonderful quote that I, in my research on this subject, have referred to before. This was October 22, 1962, when our Nation, under the leadership of President Kennedy, was faced with the looming missile crisis down in Cuba. I know my colleague knows that period of history very well.

Kennedy said the following:

This Nation is prepared to present its case against the Soviet threat to peace and our own proposals for a peaceful world at any

time and in any forum in the Organization of American States, in the United Nations, or in any other meeting that could be useful, without limiting our freedom of action.

That, to me, answers the question.

Mr. SPECTER. Mr. President, the citation by the Senator from Virginia is a very impressive one, beyond any question, that some might think there was some difference in circumstances between the imminence of a possible attack in 1962, with the so-called Cuban missile crisis, compared to the present time with respect to Iraq. I would be interested to know what the Senator from Virginia was doing at that time. I can tell the Senator from Virginia that was the one occasion where my wife and I went out to the supermarkets and stocked up on food, as did most Americans, and put them in the basement of our house.

The television was replete with maps showing the missile range from Cuba to Philadelphia—the ones I particularly noted. They passed by Virginia en route to Philadelphia.

I quite agree with the Senator from Virginia, we ought never subordinate our sovereignty when we face that kind of a threat.

But I think the threat is significantly different with respect to Iraq—although I concede the threat. But the point is missed, at least somewhat, and that is whether U.S. unilateral action could set a precedent for some other country taking unilateral action, such as the ones to which I referred.

Mr. WARNER. Mr. President, any action by a strong, sovereign Nation such as ours, which I say with humility is a leader in the world in so many issues of foreign policy, can be used as a precedent. But I say to my friend, what is the precedent of inaction? I have given some comments about the League of Nations here earlier today. Throughout the history of the League, it is documented inaction, from Mussolini's attack on Abyssinia in the 1930s, to other operations militarily, naked aggression—inaction.

So what is the precedent of inaction, if our President and our Nation does nothing collectively with Great Britain, in the face of this crisis? So, of course, it would be a precedent.

But the times have changed. I also put a list in the RECORD the other day of some 13 instances where Presidents of our United States, going back as far as 1901, have instituted—you might characterize it, as I do, as preemptive; I certainly so characterize it—preemptive strikes in the use of the military, the U.S. Army, Navy, Air Force, Marines. Look here; it is documented: Panama, 1901; Dominican Republic, 1904, 1914 and 1965; Honduras, 1912; Nicaragua, 1926; Lebanon, 1958; Cuba, the naval quarantine in 1962; Grenada, 1983; Libya, 1986; Panama—just cause—1989; Somalia, 1992; Sudan and Afghanistan, August 1998; Iraq, Desert Fox—you recall that one. The eve of Christmas.

I remember my good friend and your good friend, Bill Cohen, was Secretary

of Defense. I went over and visited with him in his office as ranking member of the Armed Services Committee, where we discussed the coming Desert Fox operation, a form of consultation between the executive and legislative branch. That was December of 1998.

Kosovo, there was preemption. I will hand this to the Senator. That was March of 1999.

International law recognizes the concept of anticipatory self-defense. That is a phrase known in international law—if a country is imminently threatened.

I think the record at this point is replete with facts, where we could be in imminent threat of the use of weapons of mass destruction by Saddam Hussein, and more likely his surrogates—any one of which in this international coalition of terrorists.

Mr. SPECTER. Mr. President, without going through the entire litany, I agree that those are all illustrations of anticipatory self-defense. The Afghanistan missile attack on August 20 of 1998 was in response to al-Qaida because of the destruction of our embassies in Africa at about that time. I don't think you could call the Grenada incident a matter of anticipatory self-defense. I don't think you can call it self-defense at all. I think what the Senator from Virginia referred to is not a case of anticipatory self-defense—action by the United States, but not anticipatory self-defense. The quarantine of Cuba, as I said before, certainly does qualify, but under very different circumstances.

But I thank my colleague from Virginia. During the course of the coming days, I think we are going to have very extended discussions on these issues as we debate this resolution.

Mr. WARNER. Mr. President, I say to my good friend we have been fortunate to serve in this institution for many years together, and I hope, with luck perhaps, a few more. But the Senator has always been very careful, very thoughtful, and well prepared. While I haven't always agreed with the Senator, it is not for lack of a strong case that he has worked up on his side. I hope in due course he can see the wisdom of joining in this resolution which I and three others—Senators MCCAIN, LIEBERMAN, and BAYH—have put together. We really believe—and it is the one which is before the House of Representatives right now—that this is the wisest course of action for this Congress to take to support the President, and do it in a way that leaves no doubt in anyone's mind—Saddam Hussein or any other nations in the United Nations—who are thinking that a different course should be taken.

Mr. SPECTER. Mr. President, I thank my colleague from Virginia for those comments. We form a long-time mutual admiration society. The Senator from Virginia was elected in 1978, and I was elected 2 years later. So he has been here finishing up his 24th year, and I, 22. We have worked together on many matters.

I am raising questions only because I think it is in the tradition of what they call the world's greatest deliberative body. I am not sure that is accurate. But when we face an issue of this sort, we ought to be considering it very carefully. That is what I intended to do with this very brief colloquy today along that line.

Mr. WARNER. Mr. President, I thank my colleague for his kind remarks. We have had a very healthy debate here for 4½ hours on Friday afternoon—Senator BYRD, Senator KENNEDY, Senator DODD, and myself. We resumed today with, I think, seven colloquies on both sides of the aisle addressing this issue. I think we are going to perhaps even exceed the thoroughness, the thoughtfulness, and the strength in the debate we had in 1991 on a similar resolution that I dealt with at that time, along with my distinguished friend and colleague, Senator LIEBERMAN.

I thank the Senator.

Mr. SPECTER. Mr. President, it is true that in 1991 we had a debate which was characterized as historic. I recall the occasions when I was in the Chamber with the Senator from Virginia seated over there on the right-hand side. Senator Nunn was in the Chamber. We were debating that extensively in the Chamber today. I think it will be reassuring to the American people to see this kind of analysis and this kind of discussion—that we are not rushing to judgement.

Mr. WARNER. They deserve no less. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3068 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOMINATION OF MIGUEL ESTRADA

Mr. SPECTER. Mr. President, I now will comment on the pending nomination of a very distinguished lawyer to the Court of Appeals for the District of Columbia Circuit, Miguel A. Estrada, who has been nominated by President Bush for the Court of Appeals for the District of Columbia Circuit.

Mr. Estrada has an extraordinary background. He received his law degree from Harvard, magna cum laude, in 1986. He received his bachelor's degree, magna cum laude, from Columbia College.

Mr. President, I ask unanimous consent to have printed in the RECORD his employment record, which shows the very outstanding work he has done.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MIGUEL ESTRADA, NOMINEE TO THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA—BIOGRAPHY/EXPERIENCE

Miguel A. Estrada is currently a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP, where he is a member of

the firm's Appellate and Constitutional Law Practice Group and the Business Crimes and Investigations Practice Group.

Mr. Estrada has broad appellate experience—he is widely regarded as one of the country's best appellate lawyers, and has argued 15 cases before the U.S. Supreme Court.

The American Bar Association—the Democrats' "gold standard" for judicial nominees—unanimously rated Estrada "well qualified."

If confirmed, Estrada would be the first Hispanic-American ever to sit on the Court of Appeals for the D.C. Circuit.

From 1992 until 1997, he served as Assistant to the Solicitor General of the United States. From 1990 to 1992, he served as Assistant U.S. Attorney and Deputy Chief of the Appellate Section, U.S. Attorney's Office, Southern District of New York.

Mr. Estrada served as a law clerk to the Honorable Anthony M. Kennedy of the U.S. Supreme Court from 1988-1989, and to the Honorable Amalya L. Kearse of the U.S. Court of Appeals for the Second Circuit from 1986-1987.

He received a J.D. degree magna cum laude in 1986 from Harvard Law School, where he was editor of the Harvard Law Review. Mr. Estrada graduated with a bachelor's degree magna cum laude and Phi Beta Kappa in 1983 from Columbia College, New York. He is fluent in Spanish.

Mr. SPECTER. Mr. President, during the course of the hearings on Mr. Estrada, the issue was raised about obtaining memoranda which Mr. Estrada had worked on in the Solicitor General's office from 1992 to 1997, internal memoranda which would be very troublesome for disclosure because of the need for candid expressions by lawyers who work in the Solicitor General's office.

A letter, dated, June 24, 2002, was submitted by a former Solicitor General, Seth P. Waxman, on behalf of all seven living ex-Solicitors General, objecting to the request by the Judiciary Committee for these internal memoranda, signed by Mr. WAXMAN, on behalf of Walter Dellinger; Drew S. Days, III; Kenneth W. Starr; Charles Fried; Robert H. Bork; and Archibald Cox. It is apparent, on the face of those signatories, that you have people from a broad spectrum, from very liberal to very conservative.

But of more importance than the range of Solicitors General on the political spectrum are the reasons set forth in the letter. And the essence is contained in a couple of paragraphs:

As former heads of the Office of the Solicitor General—under Presidents of both parties—we can attest to the vital importance of candor and confidentiality in the Solicitor General's decision-making process.

Then, in a later paragraph, it continues:

It goes without saying that, when we made these and other critical decisions, we relied on frank, honest, and thorough advice from our staff attorneys, like Mr. Estrada. Our decision-making process required the unbridled, open exchange of ideas—an exchange that simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will hesitate before giving their honest, independent analysis if their opinions are not safeguarded from future disclosure. High-level decision-making requires