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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

PRAYER

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

Almighty God, we confess that it is sometimes easier to pray about Your presence and power than it is to turn over the control of our lives and our work to You. We are here to serve You by working together as we serve our Nation. But built right into our two-party system is the potential for discord and the lack of civility. Sometimes procedures can become more important than progress and winning more crucial than finding ways of working together.

Now at the beginning of this day, remind the Senators and all of us who serve with them that this is Your Senate, that we are accountable to You, and that we could not breathe a breath without Your permission. In our mind's eye we picture a day in which we can put You and our Nation first. We humble ourselves lest we miss Your call to greatness. For You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, Thursday, March 6, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,

President pro tempore.

Ms. MURKOWSKI thereupon assumed the Chair as Acting President pro tempore.

SCHEDULE

Mr. BENNETT. Madam President, the Senate will be in a period for morning business until 10 a.m., with the time equally divided between the two leaders or their designees. Following morning business, the Senate will return to the Estrada nomination, with the time equally divided between the chairman and ranking member of the Judiciary Committee or their designees. At 10:30, the Senate will vote on the motion to invoke cloture on this important nomination. If cloture is not invoked on the nomination, the Senate will resume consideration of the Moscow Treaty. Additional amendments are expected to the resolution of ratification. Therefore, Senators should anticipate votes throughout the day. The Senate will complete action on the Moscow Treaty this week.

ORDER OF PROCEDURE

I ask unanimous consent that the time allocated for morning business be equally divided between the majority leader and the minority leader or their designees.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. We had a majority and minority member coming over this morning. They are not coming now, so for

anyone who has had a desire to come speak and has not had the opportunity, this would be the opportunity to do that until 10 today.

Mr. BENNETT. That is my understanding.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, the Senate will now be in a period for morning business until the hour of 10.

The Senator from Utah.

WAR IN IRAQ

Mr. BENNETT. Madam President, seeing no one else here and being prepared to yield as soon as someone comes with a desire to speak, I will take advantage of this opportunity to make a few comments with respect to the pending situation in Iraq.

Since I returned from last weekend in Utah, I have become increasingly aware of how anxious people are about Iraq and the possibility of war in Iraq. This anxiousness comes from those who are supporters of the President as well as those who are detractors of the President. Some who have faith in the President's judgment and in his instincts say, we will back him but we are very concerned about the possibility of going to war. Those who do not have faith in the President's political judgment are almost beside themselves with anger and anxiety that he would go ahead in the face of what they consider to be serious worldwide opposition to the war.

As I look out at the situation, as best I can I have tried to explain to them

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



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what I see to help them understand that which the Washington Post editorial said last week; that is, the risks of not going to war in the present circumstances are probably greater than the risks of going to war. Those who are looking to the United States to exercise leadership in this part of the world—indeed, to free them from the tyranny of Saddam Hussein—are just as desperate that perhaps we might back down as are those who fear that war will come.

War is never an easy decision, and I assure all of my constituents that this President is not given to war simply as something to do. That which we hear in the press about this possibility is clearly wrong; that is, the suggestion that perhaps the President is going to war in order to secure more oil for America. I point out that if oil were our motivation, war would be our last option. We could simply turn to Saddam Hussein, remove the sanctions, make accommodations with him, and say, go ahead and produce all the oil you want and we will take advantage of that and the impact of that on the world oil market.

Nor does it have anything to do, as some have suggested in the press, with the desire on the part of this President to somehow redeem the pledge that was made by his father. All of this rewrites history. George W. Bush—or George Bush, the first, if I might use that term—was operating under a series of resolutions from the United Nations that did not authorize him to invade Iraq or go into Baghdad to remove Saddam Hussein. The decision was made, after examining the circumstances on the battlefield, that the mandate laid down by both the Congress and the U.N. had been fulfilled when the first George W. Bush had succeeded in liberating Kuwait.

We can look back through the lens of history and say that was a mistake in terms of what happened in the area, but by no means was it a circumstance where we could say that the present President Bush feels a need to somehow revenge his father or atone for his father. At the time, the decision was made on the basis of the legal situation and the best information available from the battlefield. In hindsight, we might say it was the wrong decision, but under no circumstances can we say that the first President Bush should be criticized for having made it.

No, the reason we are going forward in Iraq has to do with much more of the American spirit and the American tradition. America is not an imperial power, in spite of the statements by some of the people in the European press. America does not seek Roman-type domination over other nations. When America moves forward in war, it is for one purpose only, and that is to advance the cause of freedom. Usually, it is to advance the cause of freedom in America; that is, to preserve our citizens from attack. That is an aspect of the current situation.

Those who say, no, Iraq has never attacked us are being blind to the interconnections throughout the world of the Middle East with respect to terror. They say, we do not have a smoking gun to prove absolutely that al-Qaida, when they attacked the World Trade Center and the Pentagon, was receiving aid from Iraq. Those who are waiting for that kind of absolute certainty before they move ahead are not cognizant of the intelligence information that is available not only to those who have attended classified briefings but, frankly, to the whole world based on the presentations made by Secretary Powell at the U.N. and in other circumstances.

There can be no doubt that America has been attacked, has been attacked by those who have received sanctuary in Iraq, and has been attacked by those who will, if not stopped, come back at us again and again and again. It is their clear desire to drive the Americans out of the Middle East through military—if necessary, terrorist—tactics, to see to it that we leave. When we leave, what will be the legacy of that decision? If we back out of our military threat against Iraq, what will we leave behind? Will we leave stability? Will we leave freedom? Will we leave prosperity? No. If we back out of the region now, we will leave behind us continued warfare, continued death, continued poverty, and continued torture. That is not the American tradition, to turn our back on those circumstances and walk away when there is an opportunity to advance freedom, liberty, prosperity, and peace.

I do not envy the President the challenge of the decision he must make, but I recognize America has traditionally, when aroused, stood on the side of moving ahead to protect liberty wherever we can. If we do go ahead with military action in Iraq in the face of Saddam Hussein's continuing refusal to disarm, what, then, will be the legacy we will leave behind when the entire operation is finished? We can only look at other American circumstances to try to find the parallel. When we moved into imperial Japan at the end of the second world war, defeated the Japanese military, what did we find? A feudal system where women were not only not allowed to vote but in many cases were treated like property and chattel, where slavery existed throughout the empire, where property rights were not available to any except those who had been born to them—a feudal society firmly mired in circumstances of centuries before.

What did we leave behind when we departed? A free nation that had women's suffrage, where slavery was abolished, where property rights were available to all, where the rule of law existed in a democratic society. We saw the Japanese rise to a level of prosperity thereafter that made them the second strongest economy in the world. That was the legacy we left behind when we achieved military victory.

When we won the Second World War, we not only liberated those people who considered themselves under the yoke of foreign domination—the Dutch, the French, the Belgians, et cetera—we also liberated the Germans, who were our enemies, and the Japanese, who were our enemies. After the Second World War, those who had been our adversaries had a greater degree of freedom, a greater degree of prosperity, and a peace and calm in their circumstances they did not have under their previous regimes. They did not live under American domination or American legions left there as the Romans would do. They lived there in freedom and peace and were protected by American military might from those who would have attacked that peace.

It is that history in America that gives me confidence that President Bush will do the right thing in Iraq. If war becomes necessary because of Saddam Hussein's continued refusal to disarm and his continued refusal to step down and turn his country to freedom, if war becomes necessary, the American tradition says the legacy we will leave behind will be one that our children can be proud of and in which Iraqi children can rejoice.

Let us not shrink from our responsibility to be the protectors of freedom and liberty throughout the world. And let us not shrink from our responsibility to protect America from those who would attack us if we do not move ahead.

I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

ESTRADA NOMINATION

Mr. DASCHLE. Mr. President, shortly we will have a vote on cloture on the nomination of Miguel Estrada. Let me just say that I am saddened that we have to have this vote at all. Democrats are not interested in delaying the debate, delaying the vote. What we are interested in is the same standard set for judicial nominees virtually all through history. Nominees in the past have come before the Judiciary Committee, they have answered their questions, they have provided the documentation, votes have been taken, and judges overwhelmingly have been confirmed. This is the exception, not the rule.

While we were in the majority we confirmed 101 judicial nominees. I haven't checked, and I have no way of knowing, but I suspect all 101 confirmed judges are conservatives. I don't think they would have made it through