Mr. Speaker, the decision to go to war is one of the

most important decisions that our country can make. As elected

representatives, we have to consider our international and domestic

obligations, as well as our individual and collective moral beliefs.

There is no question that Slobodan Milosevic has committed horrible

atrocities in Kosovo and I do not believe the international community

should stand by idly. The votes today though, require us to look at the

international context of this conflict and some of the consequences of

our response thus far. I believe the evidence leads us to the view that

Congress should have a say before any kind of ground troops are

deployed and that is why I will support H.R. 1569.

The political process that gauges the appropriateness of humanitarian

intervention needs to catch up with the military's ability and

willingness to undertake those operations. In that respect, today's

debate serves a useful purpose. Regardless of how you intend to vote on

today's measures, an open and fair debate on real, credible options is

democratically healthy and Constitutionally necessary. I opposed the

rule earlier today because I do not think it rose to this standard. It

imposed an absurdly small amount of time for debate and took the

unprecedented step of precluding further House consideration of any

resolutions under the War Powers Resolution dealing with Yugoslavia

during the remainder of this Congress.

I also must observe that my colleagues on the other side of the aisle

have taken an excessively captious approach to the president's strategy

in Yugoslavia and the administration's foreign policy generally. Yet I

believe this Congress has been derelict in its own duties, happy to sit

back and criticize the president. First it avoided action for the first

month of the war, limiting itself to a vote on peacekeeping troops

after hostilities have ended and a symbolic vote to support the troops.

Now the House is voting on a group of four resolutions, none of which

present real, credible alternatives to bombing.

I think there are some very difficult questions that should inform a

thorough debate on war in Yugoslavia, starting with how we define what

we are trying to accomplish.

The military objectives in Kosovo have been variously described as

(1) forcing Milosevic to make peace; (2) severely degrading his

capacity to carry out military action in the future; (3) deterring an

even bloodier offensive against civilians in Kosovo; and (4) allowing

the return of refugees and ensuring their self-governance. What I'm

wondering, is what thresholds have been established to determine when

we have accomplished these goals? What role do we envision for Congress

in determining when the mission objectives have been completed and what

criteria will be used to make that determination? I am voting for H.R.

1569 because I believe it will preserve those Congressional

prerogatives.

I also do not think we have adequate assurances from regional states

such as Russia that they will refrain from participating in the war; we

have boxed Mr. Yeltsin into a very tight corner domestically. I know

that the Deputy Secretary of State has been working hard on that issue,

but the public statements from Russia are nevertheless alarming. For

example, earlier this week a high ranking Russian official noted that

the NATO embargo on fuel does not apply to Russia, since it is not a

member of NATO. And there is strong nationalist momentum in the Duma to

supply the Serbs.

I also wonder if the removal of the current regime in Belgrade a

prerequisite for a negotiated settlement to the conflict in the

Balkans. I've seen what happened with our Iraq policy and I'm afraid we

may be headed down the same kind of path, where compliance is

unilaterally defined and goals are arbitrarily shifted.

Regardless of how Congress votes today, I hope we will vigorously

pursue diplomatic options. As Admiral Eugene Carroll (ret.) of the

Center for Defense Information has suggested, we cannot have a solution

to the Yugoslav conflict that is overly reliant on military force. The

situation demands a political solution eventually, no matter how you

feel about the ongoing bombing. There have been numerous attempts at

diplomacy thus far.

United Nations Secretary General Kofi Annan's peace proposal on April

9 demanded: ``First, an end immediately to the campaign of intimidation

and expulsion of the civilian population; two, to cease all activities

of military and paramilitary forces in Kosovo and to withdraw these

forces; three, to accept unconditionally the return of refugees and

displaced persons to their homes; four, to accept the deployment of an

international military force to ensure a secure environment for the

return of refugees and unimpeded delivery of humanitarian aid; and

finally, to permit the international community to verify compliance

with these undertakings.'' In order to make this proposal work, Annan

called for a cessation of hostilities as ``a prelude to a lasting

political solution to the crisis, which can only be achieved through

diplomacy.''

The European Union made a peace proposal placing Kosovo under

international protectorship if Yugoslavian forces agreed to withdraw.

And of course Russia has been to the bargaining table a number of

times. These efforts have gotten scant attention and minimal diplomatic

support. Much of this is a result of the deliberate marginalization of

the UN.

It is inappropriate for NATO to be bombing without specific

authorization from the United Nations Security Council. When the

Security Council passed Security Council Resolution 1199 on September

23, it called on the Federal Republic of Yugoslavia to stop repression

against civilians and withdraw forces from Kosovo. The Resolution

specifically noted that should progress on this and other stated matter

be inadequate that the Security Council would ``consider further action

and additional measures to maintain or restore peace and stability in

the region'' and remained seized of the matter.

Moreover, since Article 53 of the UN Charter specifically states that

``no enforcement action shall be taken under regional arrangements or

by regional agencies without the authorization of the Security

Council'', I think it was inappropriate for NATO to proceed without

specific Security Council authorization. Article 39 of the Charter

clearly states that ``The Security Council shall determine the

existence of any threat to the peace, breach of the peace, or act of

aggression.'' The fact of the

matter is that the Security Council should have made any determination

regarding the existence of any threat to the peace, breach of the

peace, or act of aggression in Kosovo. It is also not clear that the

Security Council ever made any determination under Article 42 as to

whether force could be employed by NATO. I am aware of the Secretary

General's public statements, but I think these issues remain

unresolved.

The United States should address these issues before the UN Security

Council along with the authority for and composition of a post-war

peacekeeping force. The Secretary of Defense and the Secretary of State

told the Speaker today in a letter that the Administration is ``willing

to consider a U.S. contribution to an international security

presence,'' but they insist that it must have ``NATO at its core.''

This kind of inflexibility is not justified.

One of the key stumbling blocks from the beginning has not been a

restoration of autonomy for Kosovo or the withdrawal of troops, it has

been whether the implementation force will be NATO-led or include more

of our allies who have an interest in peace. I think the peacekeeping

operation must have at its core an international institution broader

than NATO, such as the United Nations or the Organization for Security

and Cooperation in Europe. The fact of the matter is that NATO has a

very limited mandate and limited membership.

The North Atlantic Treaty clearly limits NATO to acts of self

defense. Article Five states that ``The Parties agree that an armed

attack against one or more of them in Europe or North America shall be

considered an attack on them all. . . .'' NATO does not have any legal

authority to engage in military action that is not self-defense such as

humanitarian intervention; I'm saying this independent of whether this

intervention is morally correct or not.

The escalation of the conflict has had devastating consequences for

non-combatants. On April 6, the United Nations High Commissioner for

Refugees (UNHCR) took the highly unusual step of asking NATO to take

over relief coordination due to the extraordinary demands being placed

on their resources. I do not think we have fully studied the propriety

of a military alliance making decisions that greatly impact the care,

maintenance and legal status of refugees--work that is ordinarily

carried out by a non-political relief agency.

There has also been a great many civilian deaths, partly as a

consequence of NATO's decision to target non-military facilities such

as TV stations. It is also an unintended consequence of flying at high

altitudes in the interest of minimizing the risks to pilots. This

happened on April 12, when NATO planes struck a civilian train on a

bridge over the Juzna Morava River. The pilot fired his missiles before

he even saw the target. The next day, 16 patients in a hospital in

Banica were wounded by flying glass during a bombing raid. On April 6,

dozens of people were hurt or killed in an attack on Aleksinac when

bombs went 1500 yards astray. When the Pentagon admitted that a bomb

went astray, the New York Times reported the next day that in fact more

than one missile was used. The Washington Post reported on April 13

that NATO had acknowledged bombing residential areas of Kosovo,

Pristina and the Southern Serbian town of Aleksinac where at least 20

people were killed. For exactly these reasons, the head of the

International Red Cross, Cornelio Sommaruga, called this week for an

end to bombing civilian targets by NATO.

I know it is extremely difficult to avoid civilian casualties during

war. I mention these incidents because I think we need to be cognizant

of the fact that the more frequently they occur, the more difficult it

is going to be to build a political solution on the ground after the

war.

I do not think that I have adequate assurances that neither the U.S.

nor any third party country will arm (or has armed) the KLA as part its

war-fighting or exit strategy. We are all already aware of the

atrocities that have been committed by Milosevic's forces but I was

appalled by some information I received just today about the KLA.

According to Human Rights Watch, the KLA began its first major

offensive, an attack on the town of Orahovac on July 18, 1998. ``At

least forty-two people were killed in the fighting, and on estimate,

another forty remain unaccounted for. Reports of mass graves and

summary executions surfaced, but remain unconfirmed.'' The press

release also notes that on August 27, 1998, ``twenty-two civilians were

reportedly executed by KLA members in the village of Kle ka'' and on

September 9, 1998, ``the bodies of thirty-five people, including both

ethnic Serbs and Albanians, were found in an artificial lake near the

village of Glodjane. The evidence strongly suggests that they were

killed by the KLA.'' The Associated Press notes that the KLA publicly

claimed responsibility for bombing government targets in 1996.

Some of my colleagues are in favor of arming the KLA. I think we need

to be concerned about the KLA not just because they may be perpetrators

of the same kind of violence that NATO is supposedly trying to stop but

also because there is such strong potential for mission blowback.

Let me repeat that I do not think we should have looked the other

way. There is an obvious tension in international law between the

obligation to respect the sovereignty of nations versus the duty to

intervene to stop genocide and crimes against humanity. The UN Charter

begins by stating its purpose is to ``save succeeding generations from

the scourge of war, which twice in our lifetime has brought untold

sorrow to mankind.'' The Charter condemns violations of sovereignty and

states that ``All Members shall refrain in their international

relations from the threat or use of force against the territorial

integrity or political independence of any state. . . .'' At the same

time, the Universal Declaration of Human Rights guarantees the rights

of individuals against oppressive states, and the parties of the

Genocide Convention are committed to prevent and punish the crime of

genocide.

The answer is that both U.S. and international law need to be a part

of determining when atrocities warrant humanitarian intervention. This

combination ensures multilateralism, helps to share the costs of

operations and takes into consideration the opinions of our allies,

which in this case should include countries who are not NATO members

and who could contribute to a peaceful resolution of this crisis.

When I learned that an F-117 had been shot down and that troops were

being held in captivity, it brought home the horrors of war even sooner

than I feared. Congressional oversight and involvement must stay in

sync with this rapidly unfolding war. I urge my colleagues to vote for

H.R. 1569 and to not abandon the path to peace.

Mr. Speaker, as with all Americans I am greatly

distressed by the brutality and loss of freedom the Kosovars are

suffering at the hands of military forces of the Serbian regime in

Belgrade. However, NATO military policy, while inflicting heavy

penalties on the infrastructure of Yugoslavia, has done nothing to stop

the forced removal of the Albanian residents of Kosovo, the original

objective announced by President Clinton and our NATO allies. It may,

in fact, have aggravated the situation. And the effort of the honorable

Congressman from California, Tom Campbell, and his supporters, to move

for a congressional declaration of war is fraught with additional

danger with regard to both our domestic tranquility and the

possibilities of expanding the conflict.

On the domestic front the President as Commander in Chief would be

empowered to call up the Reserves and federalize the National Guard.

All regular enlistments in the armed services would be extended until 6

months after the termination of the conflict. (10 U.S.C. 506, 671a)

Private property deemed necessary for military purposes could be

seized. (10 U.S.C. 2663-64) Under certain conditions, the President

could take over private manufacturing plants, transportation systems,

and regulate the transmission of electrical energy. (10 U.S.C. 4501-02,

9501,-02, 4742, 9742, 16 U.S.C. 824) Private vessels could be

requisitioned by the government (46 U.S.C. App1242-a), radio and

television transmission rules could be suspended (47 U.S.C. 606), and a

variety of controls could be established with regard to aliens,

particularly those from states considered enemies. While it is not

certain, it is highly probable that Congress would agree to pass other

legislation deemed necessary to achieve victory, which would curtail

other aspects of civil life we take for granted.

With regard to United States foreign policy, the negative costs could

be equally grave. Such a declaration could be divisive in NATO, with

some members (Greece, Italy) determining that the effects of such a war

declaration by the U.S. Congress would decrease the support among their

own citizens, thus ending their cooperation and producing a rupture in

the alliance. It would certainly increase the sense of hostility with

Russia, the Ukraine and possibly other former Soviet states.

While we are all agreed with the objective of bringing peace and

justice to the Balkan region, there needs to be further reflection and

discussion regarding the terms we wish to establish with the Yugoslav

government and the means by which we achieve this end. It may be

desirable to consider establishing an ad hoc group within the UN

General Assembly, beyond just the NATO members, to aid in the search

for an honorable and sensible end to this increasingly grave crisis.