Mr. President, no one

should doubt for a moment the resolve

of the United States to respond with

force, if necessary, to Iraq’s continued

flagrant violation of United Nations

Security Council resolutions.

Vigorous diplomacy has been pursued

over the past three months, but, thus

far, Saddam Hussein has shown that he

has no interest in a peaceful solution

on anything other than his own terms.

We cannot allow this tyrant to prevail

over the will of the international community.

Our national security would be

seriously compromised by a failure to

stand up to the challenge he has confronted

us with.

Our strategic objective is to contain

Saddam Hussein and curtail his ability

to produce the most deadly weapons

known to mankind—weapons that he

has unleashed with chilling alacrity

against his own people. Left unchecked,

Saddam Hussein would in

short order be in a position to threaten

and blackmail our regional allies, our

troops, and, indeed, our nation.

Let me take just a moment to recount

how we have come to the point

where military force may be employed

in the near future.

For nearly seven years, Iraq has engaged

in a cat and mouse game with

the international inspectors that comprise

the United Nations Special Commission.

It has obstructed UNSCOM

from fulfilling its mandate to monitor,

investigate, and destroy Iraq’s capacity

to produce weapons of mass destruction.

In spite of Iraq’s tenacious efforts at

concealment and obstruction, UNSCOM

has uncovered and destroyed more

weapons of mass destruction than were

destroyed during the entire gulf war.

UNSCOM has revealed Iraqi lie after

Iraqi lie.

Last October, Iraq threatened to

expel all American members of the special

commission. Ambassador Richard

Butler, the chairman of UNSCOM, responded

appropriately by withdrawing

all inspectors rather than having his

staff of professionals segregated on the

basis of their nationality.

The ensuing stand-off led to diplomatic

intervention by Russia. Eventually,

Iraq relented by allowing

UNSCOM back into the country.

But the central issue of unconditional

and unfettered access by

UNSCOM was left unresolved. Ambassador

Butler visited Baghdad in December

to try to resolve this issue, but to

no avail.

Then, last month, Iraq refused to cooperate

with a team of inspectors investigating

Iraq’s efforts at concealment.

It made preposterous charges

that the American head of the team,

Scott Ritter, was a spy.

During a subsequent visit by Ambassador

Butler, Iraq struck a defiant

note. It vowed never to open so-called

‘‘presidential and sovereign sites’’ to

inspection. In a recent speech, Saddam

Hussein stated his decision to expel

UNSCOM by May 20 if sanctions remain

in place.

The United Nations Security Council

has repeatedly condemned Iraq’s noncompliance.

Since October of last year,

on seven separate occasions, the Security

Council has demanded that Iraq

fulfill its obligations.

But Saddam Hussein has made clear

that it is more important to him to retain

the capacity to produce weapons

of mass destruction than it is to comply

with the resolutions that would

allow sanctions to be lifted. Once again

he has proven what little regard he has

for the suffering of his people.

The international community has exhibited

enormous patience with Iraq.

But that patience has reached its limit.

Time has run out. If Iraq does not

comply immediately and unconditionally

with United Nations Security

Council resolutions demanding unfettered

access for U.N. weapons inspectors,

I believe that President Clinton

will have no choice but to order the use

of air power.

Unfortunately, we have learned over

the past several years that the Iraqi

Government, and more specifically its

leader, only seem to understand the

blunt language of force.

In recent weeks, several questions

and criticisms have been raised with

respect to President Clinton’s policy. I

would like to take a moment to respond

to some of these comments.

Questions have been asked about our

objectives. The objectives have been

defined precisely. They are to curtail

and delay Saddam Hussein’s capacity

to produce and deliver weapons of mass

destruction and his ability to threaten

his neighbors. We have been told by the

Joint Chiefs of Staff that a military

plan has been developed that would fulfill

these objectives.

In a sense, the international coalition

now assembling forces in the Persian

Gulf will accomplish through the

use of force what UNSCOM would be

doing were it allowed to do its job. Secretary

Cohen has told us that there is

no substitute for having UNSCOM on

the ground, but we are left with little

choice if UNSCOM is prevented from

carrying out its duties.

When the objectives have been explained,

the next question that arises

is what are the next steps. But this

question is based upon the flawed

premise that the use of force reflects a

new policy. In fact, the use of force for

the purposes outlined by the President

is an integral part of the long-standing

policy of containing Iraq.

Containment is a very unsatisfying

policy at an emotional level. It lacks

finality and it requires patience and

staying power. But it meets our strategic

objective of preventing Iraq from

threatening our national security interests.

Containment is the best of three bad

options available to us. The other two

options would be to do nothing, or to

send in several hundred thousand

ground troops to occupy Iraq. Neither

of these policies is viable.

Doing nothing would encourage Iraqi

defiance and lead to a complete collapse

of the constraints that have been

placed upon Iraqi behavior since the

end of the gulf war. It would be the surest

way to rehabilitate Saddam Hussein.

Just as unpalatable is the prospect of

sending in several hundred thousand

ground troops to change the Iraqi regime.

I believe that there is little support

for such an operation in the Congress

or the public. It would also raise

a series of questions:

Would we be prepared to occupy and

rebuild Iraq over a period of several

years?

Would we be prepared for the real

possibility that a march on Baghdad

might lead Saddam Hussein to unleash

his weapons of mass destruction?

Would any other nation support us

for an action that is clearly outside the

bounds of security council resolutions?

To this point those resolutions have

provided the basis for all U.S. military

action against Iraq since the gulf war.

In the end, the only policy that

stands up to scrutiny is that of containment,

which the Clinton administration

has followed and the Bush administration

before it followed.

Finally, another question that has

arisen is whether the President should

obtain specific authorization to use

force. I believe that the President

would be wise to obtain such authorization.

The executive branch contends that

it already has sufficient legal authority,

under Public Law 102–1—the use of

force resolution passed by Congress before

the gulf war. The argument, as I

understand it, may be summarized as

follows:

In Public Law 102–1, Congress authorized

the President to use United States

Armed Forces:

‘‘Pursuant to United Nations Security

Council Resolution 678. Security

Council Resolution 678, passed by the

Council in November, 1990, authorized

members of the United Nations to ‘‘use

all necessary means to uphold and implement

Resolution 660 (1990) (The resolution

which called for Iraqi forces to

leave Kuwait) and all subsequent relevant

resolutions and to restore international

peace and security in the

[Persian Gulf] area.’’

Following the gulf war, in April, 1991,

the Security Council passed Resolution

687, which set the terms of the cease

fire and required Iraq to accept the destruction

or removal, under international

supervision, of its weapons of

mass destruction. By its terms, it reaffirmed

Resolution 678, and all prior

council resolutions regarding Iraq.

Because Security Council Resolution

678 provided broad authority for nations

to enforce ‘‘all subsequent relevant

resolutions’’ and ‘‘to restore

peace and security in the area,’’ and,

because peace and security has not

been restored to the Persian Gulf—indeed,

Iraq is currently in violation of

the cease-fire resolution—then the resolutions

from 1990 and 1991, both by the

Security Council and Congress, the administration

contends, would still have

legal force.

Moreover, Congress has never modified

or repealed Public Law 102–1, so

absent further congressional action,

and absent the restoration of peace and

security to the gulf, the President still

has the legal authority to use military

action against Iraq. Or so the administration’s

argument goes.

As a strong advocate of Congress exercising

its powers under the Constitution

in authorizing the use of force, I

must admit to some skepticism about

this theory. In my own research of the

question, I have consulted several eminent

constitutional scholars. My conclusion

is that the administration’s argument

may be legally tenable—if

barely so—and would probably be sustained

in a court of law.

But merely because the position may

be legally sufficient—and the courts

are notoriously deferential to the executive

in matters of war and peace (if

they agree to consider the case at all)—

I do not believe it would be wise precedent,

or wise policy, of the President to

proceed with renewed military action

against Iraq without a clear authorization,

newly enacted by this Congress.

Indeed, because the question is a close

one—and because we have a different

President than we did in 1991, and a

significant change in the membership

of Congress since that time—it would

be prudent for President Clinton to

seek a new expression of legal authorization

from Congress.

Mr. President, we should all hope for

a genuine diplomatic solution to this

stand-off, but no one should doubt our

resolve to use force if it becomes necessary.

We have little choice in this matter.

Important principles and vital national

interests are at stake.

First and foremost, an Iraq left free

to develop weapons of mass destruction

would pose a grave threat to our national

security. The current regime in

Iraq has repeatedly demonstrated its

aggressive tendencies toward its neighbors.

It has also displayed a callous

willingness to use chemical weapons to

achieve its aims.

Recently, we have heard chilling reports

of possible biological weapons experiments

on humans. An UNSCOM Inspector

has spoken of information that

points to a secret biological weapons

production facility. And Ambassador

Richard Butler has told us that Iraq

could well have missile warheads filled

with anthrax capable of striking Tel

Aviv.

An asymmetric capability of nuclear,

chemical, and biological weapons gives

an otherwise weak country the power

to intimidate and blackmail. We risk

sending a dangerous signal to other

would-be proliferators if we do not respond

decisively to Iraq’s transgressions.

Conversely, a firm response

would enhance deterrence and go a

long way toward protecting our citizens

from the pernicious threat of proliferation.

Second, a failure to uphold United

Nations resolutions would diminish the

credibility of the Security Council. As

much as we might like to deal with

every threat we face on our own, in reality

it is impractical and unrealistic.

Instinctively, we all know that we are

much better off when we have the support

of the international community

when facing common threats.

But in order for the Security Council

to respond effectively to threats to

international peace and security that

might arise in the future, it is important

that those who would violate the

will of the international community

pay a steep price for their actions. Iraq

offers an important test case for the

Security Council. Capitulating to Iraqi

defiance could spell a dismal future for

the Security Council in handling the

central matters of international peace

and security for which it was created.

I hope that the Russians, French, and

Chinese keep in mind that it is not in

their interest to see the authority of

the Security Council diminished.

It is difficult to overstate the stakes

involved.

Fateful decisions will be made in the

days and weeks ahead. At issue is nothing

less than the fundamental question

of whether or not we can keep the most

lethal weapons known to mankind out

of the hands of an unreconstructed tyrant

and aggressor who is in the same

league as the most brutal dictators of

this century.

I yield the floor.