Mr. President, I have

sought recognition, as noted, to discuss

the pending resolution. At the outset, I

commend the President for coming to

Congress. Originally the position had

been articulated by the White House

that congressional authority was not

necessary. The President, as Commander

in Chief, has the authority

under the Constitution to act in cases

of emergency. But if there is time for

discussion, deliberation, and debate,

then in my view it is a matter for the

Congress.

Senator HARKIN and I introduced a

resolution on July 18 of this year calling

for the President to come to Congress

before using military force.

When the President made his State of

the Union speech and identified the

axis of evil as Iran, Iraq, and North

Korea, followed by the testimony of

Secretary of State Powell that there

was no intention to go to war against

either North Korea or Iran, it left the

obvious inference that war might be in

the offing as to Iraq.

I spoke extensively on the subject

back on February 13, 2002, raising a

number of issues: What was the extent

of Saddam Hussein’s control over weapons

of mass destruction? What would it

cost by way of casualties to topple Saddam

Hussein? What would be the consequence

in Iraq? Who would govern

after Saddam was toppled? What would

happen in the region, the impact on the

Arab world, and the impact on Israel? I

believe it is vastly preferable on our

resolution to focus on the question of

weapons of mass destruction as opposed

to the issue of regime change.

When we talk about regime change,

there is a sense in many other nations

that the United States is seeking to

exert its will on another sovereign nation.

Much as Saddam Hussein deserves

to be toppled, when we move away

from the focus of containing weapons

of mass destruction, it is my view we

lose a great deal of our moral authority.

There is no doubt Saddam Hussein

has been ruthless in the use of weapons

of mass destruction with the use of

chemicals on his own people, the

Kurds, and in the Iran-Iraq war. There

is very substantial evidence Saddam

Hussein has storehouses of biological

weapons, and there is significant evidence

he is moving as fast as he can toward

nuclear weapons. So when we talk

about self-defense, when we talk about

ridding the world of the scourge, that

is a very high moral ground. When we

talk about regime change, it raises the

concern of many leaders of many nations

as to who is next—maybe they

are next.

I suggest it is possible to achieve regime

change in a way superior to articulating

or planning an attack with

the view to toppling Saddam Hussein. I

believe the way to achieve regime

change, consistent with international

principles, is to try Saddam Hussein as

a war criminal. I introduced a resolution

on March 2, 1998, which was passed

by the U.S. Senate on March 13, 1998,

calling for the creation of a military

tribunal, similar to the war crimes tribunal

at The Hague, similar to the war

crimes tribunal in Rwanda, so that

Saddam Hussein could be tried as a war

criminal. There is no doubt on the evidence

available that Saddam Hussein

has committed war crimes. Without

going into all of the details set forth in

the resolution, I ask unanimous consent

that it be printed at the conclusion

of my remarks.

Herein, there is a

very ample statement for the basis for

trying Saddam Hussein and trying him

successfully as a war criminal. In doing

that, we would be following the precedent

of trying former Yugoslavian

President Milosevic as a war criminal.

I have made some seven visits to The

Hague and have participated in marshaling

U.S. resources from the Department

of Justice, also specifically from

the FBI, also from the CIA during the

104th Congress back in 1995 and 1996,

when I was chairman of the Intelligence

Committee; and we now see the

head of state, Slobodan Milosevic, on

trial.

We had the experience of the war

crimes tribunal in Rwanda, which

achieved an international precedent in

convicting former Prime Minister Jean

Kambanda of Rwanda, the first head of

state to be convicted. He is now serving

a life sentence.

So it is my suggestion that the objective

of regime change can be accomplished

in accordance with existing

international standards, on a multilateral

basis, without having other nations

in the world saying the superpower

United States is trying to throw

its weight around. It might take a little

longer, but as is evidenced from the

proceedings in Rwanda as to the former

Prime Minister of Rwanda, and as evidenced

from the proceedings of

Milosevic, that is an ordinary successful

progress of the law. The most difficult

issue pending on the resolutions

as to the use of force on Iraq, the most

difficult issue, in my opinion, is the

question of whether the United Nations

authorizes the use of force.

I commend the President for his efforts

to organize an international coalition.

President George Herbert Walker

Bush did organize an international

coalition in 1991, and prosecuted the

war against Iraq with great success,

enlisting the aid of the Arab nations,

including Egypt, Syria, and other

countries. That is the preferable way

to proceed, if it can be accomplished.

The obvious difficulty in conditioning

the President’s authority to

use force on a United Nations resolution

is the United States would be subjecting

itself to the veto by either

China, or Russia, or even France, and

we prize our sovereignty very highly—

justifiably so. The conundrum, then, is

whether we will get that kind of an

international coalition that would

have the weight of world public opinion,

would have the weight of the U.N.

behind them.

The difficulties of having the United

States act alone would be the precedent

that would be set. It could be a

reference point for China, for example,

looking at Taiwan, where China has

made many bellicose warlike statements

as to its disagreements with

Taiwan. If the United States can act

unilaterally, or without United Nations

sanction, there would be a potential

argument for a country like China

proceeding as to Taiwan. There would

be a potential argument for a nation

like India proceeding as to Pakistan, or

vice versa, Pakistan proceeding as to

India, which could be a nuclear incident.

Both of those countries have nuclear

power.

This is a question I believe has to be

debated on the floor of the U.S. Senate.

I have not made up my mind as to

whether it is preferable to condition

the use of force on a United Nations

resolution, and I am cognizant of the

difficulties of giving up sovereignty

and being subject to the veto of China,

which I don’t like at all, or being subject

to the veto of Russia, which I don’t

like at all, or being subject to the veto

of France, again something I do not

like. But I think we have to recognize

when we are authorizing the use of

force, and if the President takes the

authorization and is not successful

going to the U.N. to get a coalition, we

will be establishing a precedent that

may have ramifications far into the future,

at some point in time when the

United States may not be the superpower

significantly in control of the

destiny of the world with our great

military power.

I am glad to see the President is

moving ahead with an effort to get inspections

in the United Nations, and

Secretary of State Powell met last Friday

with the U.N. inspection chief, who

agreed there ought to be broader authority

for the U.N. inspection than

that which was in place in 1998 when

Iraq ousted the U.N. inspectors. Hans

Blix supported the position the United

States has taken. Yesterday, on a Sunday

talk show, the Iraqi Ambassador to

the U.N. made a comment to the effect

there was no huge problem on having

U.N. inspectors come, even to the Presidential

compounds.

That is probably a typical Iraqi

statement: holding out an offer one day

and revoking it the next. I do believe it

is important that we exhaust every

possible alternative before resorting to

the use of our armed forces, and to

have the inspectors go back into Iraq is

obviously desirable. We must have the

inspectors, though, go into Iraq in a

context where there are no holds

barred.

In August, Senator SHELBY and I visited

the Sudan. The Sudan is now interested

in becoming friendly with the

United States. Our former colleague,

Senator Jack Danforth, has brokered

the basic peace treaty which still has

to be implemented in many respects.

But as a part of the new Sudanese approach,

the Government of Sudan has

allowed U.S. intelligence personnel to

go to Sudanese factories, munitions

plants, and laboratories with no announcement

or minimal announcement

of just an hour, break locks, go in, and

conduct inspections. That would be a

good model for the inspection of Iraq.

If, in fact, the Iraqis will allow unfettered,

unlimited inspections, it is conceivable

that would solve the problem

with respect to the issue of weapons of

mass destruction.

Certainly that ought to be pursued to

the maximum extent possible. If, and/

or when the Iraqis oust the U.N. inspectors

or limit the U.N. inspectors, raising

again the unmistakable inference

that Saddam Hussein has something to

hide, then I think there is more reason

to resort to force as a last alternative

and, in that context, a better chance to

get other countries, perhaps countries

even in the Arab world, to be supportive

of the use of force against Iraq

at the present time as they were in the

gulf war in 1991.

Extensive consideration has to be

given, in my judgment, to the impact

on the Arab world. Egyptian President

Mubarak has been emphatic in his concern

as to what the impact will be

there. So we ought to make every effort

we can to enlist the aid of as many

of the nations in the Arab world as possible.

If Saddam Hussein rebuffs the United

Nations, again raising the unmistakable

inference that he has something to

hide, then I think the chances of getting

additional allies there would be

improved.

With respect to the situation with

Israel, there is, again, grave concern

that a war with Iraq will result in Scud

missiles being directed toward Israel.

Some 39 of those Scud missiles were directed

toward Israel during the gulf

war. Their missile defense system was

not very good. Now we know that

Israel has the Arrow system, but still

all of Israel is not protected. The

Arrow system has not been adequately

tested.

In the gulf war in 1991, the Israeli

Prime Minister Yitzhak Shamir honored

the request of President Bush not

to retaliate. It is a different situation

at the present time with Israeli Prime

Minister Sharon having announced if

Israel is attacked, Israel will not sit

back again.

When former National Security Adviser

Brent Scowcroft published a very

erudite op-ed piece in the Wall Street

Journal in August, he raised the grave

concern that with Israeli nuclear

power, there could be an Armageddon

in the Mideast. Former National Security

Adviser Brent Scowcroft was advising

caution; that we ought not proceed

without exhausting every other

alternative.

A similar position was taken by

former Secretary of State James Baker

in an op-ed piece, again in August, in

the New York Times urging that inspections

be pursued as a way of possibly

avoiding a war.