Finally, I ask unanimous

consent to print in the RECORD a letter

from several international leaders

called ‘‘Europe and America Must

Stand United,’’ reprinted from the Wall

Street Journal. It is signed by representatives

from Spain, Portugal,

Italy, the United Kingdom, the Czech

Republic, Hungary, Poland, and Denmark.

It makes the point that other

countries in Europe stand with the

United States in our determination to

bring the country of Iraq into compliance

with the norms of international

behavior and U.N. resolutions that

apply to its weapons of mass destruction

program.

That is the subject I would

like to devote the rest of my time to

discussing. It is the issue the President

addressed in the State of the Union

speech, an issue we dealt with 3 months

ago in the Senate when we approved a

resolution authorizing the President to

use force, if need be, to bring Iraq into

compliance with both agreements it

had signed at the end of the Persian

Gulf war 12 years ago and also various

United Nations resolutions.

I rise to speak today because there

are obviously a lot of legitimate concerns

being expressed by various Members

of the Congress, including a longtime

Member of the Senate, Senator

KENNEDY, who recently introduced a

resolution calling for the Senate to revisit

this issue. I did not have the opportunity

to tell Senator KENNEDY I

would be speaking about his resolution,

but I did want to note this has been

dealt with by the Congress. We have

given the President the authority.

One could argue with respect to any

change in circumstances that conditions

have only gotten worse, not better,

since the President was granted

that authority by the Congress and

therefore we do not need to vote on

that resolution again or a new resolution

giving the President the authority

to act. I make that point because of

the submission of his resolution yesterday

and because of the remarks he

made. I will be referring to those remarks.

The point of the President’s comments

in his State of the Union speech

was not to lay out the case for proceeding

against Saddam Hussein but,

rather, to begin to create the predicate

for action we will have to take. People

have asked why President Bush has not

been more vocal about the case to be

made. I don’t know because I have not

talked to him, but I suspect that the

last thing President Bush wanted to do

was to be seen as beating the war

drums. This is a grave decision he will

have to make. It is a decision I know

he does not make lightly. He makes it

very reluctantly. But in the end, he

will have to make a decision. I believe,

from the tone and tenor of his remarks

on Tuesday evening and the fact that

he has not been speaking out a lot

about this in the last several weeks,

that is an illustration of the fact that

he did not want to be seen as promoting

the United States involvement

in military action in Iraq but rather

exactly the opposite: Asking Secretary

Powell to visit with our allies at the

United Nations and other nations, as

well, and Secretary Rumsfeld and Dr.

Rice to go out and speak to others to

assert their views on the subject and

express our views on the subject, to try

to find some way to avoid having to

use military action to enforce these

U.N. resolutions.

The President has made the point

that time is running out, that Saddam

Hussein has steadfastly, continuously,

repeatedly refused to comply with

those resolutions and that at some

point the international community as

a whole, the United Nations as a body,

and the United States specifically,

have to decide whether these international

agreements are going to be

enforced. If they are not, then one

could easily say they are not worth the

paper on which they are written. The

United States would have less moral

suasion in the world if it refused to act

when it had a clear responsibility to do

so, and the United Nations and its Security

Council would be deemed increasingly

irrelevant by virtue of the

fact that it has passed no fewer than 16

resolutions expressing the fact that

Saddam Hussein has remained in violation

of his promise to dismantle his

weapons of mass destruction and has

not done so.

If we are to rely upon international

bodies, multilateral agreements, and

even treaties and agreements signed by

Saddam Hussein, there has to be an ‘‘or

else’’ if they are not complied with or

there is no point in entering into them

in the first instance. Second, if you do

not enforce the agreements, you foster

more rogue behavior by nations such as

Iraq under Saddam Hussein’s leadership

because those nations know they

can continue to violate international

norms of behavior and get away with it

because at the end of the day no one is

willing to enforce those norms of behavior

even when they have been codified

in agreements or in United Nations

resolutions.

That is why President Bush is right;

time is running out, and Saddam Hussein

has a very critical decision to

make. Will he finally see the handwriting

on the wall that his days and

his regime’s days are very numbered

and comply with the agreement he

made, to save his own life, to dismantle

his weapons of mass destruction under

international supervision? That is the

term that is used in Resolution 687 of

the United Nations which has been incorporated

into the most recent Resolution

1441.

That is the basis for the ability of

the United States and the other nations

of the world to act in this case.

Saddam Hussein promised to dismantle

his weapons of mass destruction under

international supervision. He never did

that. There was an inventory in 1998 of

his weapons of mass destruction by the

United Nations. He has never fully explained

what happened to that inventory.

He had a last opportunity to do so

in the declaration he was invited to file

a couple of months ago. A declaration

was filed. It contained the same old

things he talked about before but no

evidence that he had destroyed those

weapons of mass destruction.

Now, why did the United Nations say

he had to dismantle these weapons

under international supervision? Precisely

because we did not want to be in

the position of having to go find the

needle in the haystack: We have to go

find evidence somewhere to prove that

he still maintains or possesses these

weapons of mass destruction. After all

of these years and the opportunities he

has had to hide these weapons, the burden

should not be on the United States

or the United Nations to go find these

weapons but, rather, right where it was

when he signed the agreements at the

end of the gulf war and when the

United Nations adopted its original

resolution saying he had to dismantle

these weapons under international supervision.

We knew that was the only

way we would know for sure it had

been done, because of his record of

lying and cheating.

Sure enough, over the past 11 years,

that record has continued. He has

never explained what happened to

these weapons. He has never given us

the evidence that they have been destroyed.

We have evidence that they

still exist, from the declarations of the

United Nations in 1998 as well as our

own intelligence and some admissions

from the Iraqi Government itself and

eye witness accounts. You cannot get

better evidence than that.

Now, some of this evidence, of course,

is collected by the intelligence agencies

and not of the kind that can be released

publicly. But Secretary Powell

is going to visit with our allies and

others at the United Nations, hopefully

next week, to lay out some additional

information we can disclose and, hopefully,

persuade these nations it is now

time to act.

The basis of the resolution Senator

KENNEDY offered was that there should

be more time for the inspections to

work. I would like to confront that directly

because I know that while the

concept is well meaning, it is very misplaced.

There is nothing in the evidence

to suggest Saddam Hussein will

change his behavior in the least if he

has more time. In fact, quite the opposite

is true. The only time Saddam

Hussein has ever come forward and

done anything that has even begun to

suggest compliance has been when he

has been pressured to do so, when he

has known the time was short and people

were going to enforce the agreements

he made if he did not do something.

Ironically, the best way to get him to

comply is to make it clear that military

action is a very distinct and proximate

possibility. That is the only basis

on which I think there is any hope to

avert military action—if he understands

it is inevitable unless he complies.

So I think giving him more time

would be seen not only by Saddam Hussein

but other rogue terrorists and terrorist

states in the world as a lack of

willingness on the part of the international

community to enforce these

agreements it has gotten Saddam Hussein

to sign and the resolutions the

United Nations adopted.

What are the implications of that? If

international norms of behavior are

not enforced and if the free nations of

the world cannot muster the will and

the ability to enforce them, it merely

fosters similar action by terrorists and

rogue states around the world. The

eyes of the world are upon us. This is

why President Bush has made the commitment

to move forward if Saddam

Hussein does not comply, because he

understands that everyone is watching,

and if the rogue terrorists of the

world—rogue states and terrorists decide

they can get the United States and

the United Nations to blink, that at

the end of the day they are not really

willing to enforce these resolutions and

agreements, you can see them act in

ways that very soon will challenge us

to military action and perhaps at a

time when it is more disadvantageous

for us to take that action.

The lesson of Korea is a good lesson.

It would have been better if we could

have dealt with Korea permanently before

it acquired nuclear weaponry. Because

it has that kind of weaponry

today, and longer-range missiles, we

are very reluctant to engage North

Korea militarily, and with good reason.

We cannot afford to wait until countries

such as Iraq or other rogue states

acquire similar weapons, nor to decide

it is time to deal with them, to get

them to comply with these agreements

and U.N. resolutions. That is why more

time is not the answer. More time will

not solve the problem. More time will

do nothing but exacerbate the problem.

Confidence is also misplaced to rely

on the inspections to produce anything.

President Bush has made the

point, Secretary Powell has made the

point—inspections only work if you

have a willing, compliant party on the

other side that has demonstrated a desire

to dismantle weapons and wants

the world to verify that has been done.

We did this before in Ukraine and

Kazakhstan, countries that were willing

to dismantle their weapons. Where

inspections are able to confirm that,

demonstrate that, this is a technique

that can work. But it can never work,

as Secretary Powell said, with a nation

such as Iraq which has as its intention

hiding these weapons rather than cooperating.

The inspectors are not in Iraq—and I

repeat this, the inspectors are not in

Iraq—to find evidence with which to

prosecute Saddam Hussein. That would

be an impossible task. They would have

to get enormously lucky to find anything

in that country. In fact, I guess

we could say they were lucky, to the

extent they found 16 shells which contained

warheads suitable for chemical

weaponry, warheads that were not declared

by Saddam Hussein in his declaration

and therefore were in clear

violation of the U.N. requirement that

he destroy these weapons. They were

lucky to find them.

People say you need a smoking gun.

There is a smoking gun. Why is that

not good enough? The bottom line is

you cannot put the burden on the inspectors

because there is no way in any

reasonable period of time that you

could expect them to find them all. I

have forgotten the exact number now,

but there are in the tens of thousands

of these weapons that Saddam Hussein

had. We knew he had them and he has

never shown he has destroyed them.

How are we going to find those? The

fact is the inspectors are there to

verify voluntary compliance. They are

not there to try to find things that are

being deliberately hidden.

One of the reasons the document I

had printed in the RECORD, the letter

signed by European leaders, is so important

is because it validates the notion

that the free nations of the world

need to be united in enforcing these

norms of international behavior. Thus

the headline: ‘‘Europe and America

Must Stand United.’’ The last paragraph

I will read:

Some of the signatories include Tony

Blair, of the United Kingdom, Silvio

Berlusconi, of Italy, Vaclav Havel, of

the Czech Republic, one of the real

democrats of our era, and others, who

make the point that we have to stand

united in this effort.

The problem they are facing and that

President Bush is facing is if we believe

we have to get the approval of the Security

Council, and any of the five permanent

members, which could be Russia,

China, or France, for example,

were to veto another resolution, then

our hands would be tied. That is why

another resolution is not required. Resolution

1441 is good enough. President

Bush has made that point and Secretary

Powell made the point, telling

those nations, don’t vote for the Resolution

1441 if you are not going to be

prepared to support action when the

time comes.

Now the time is upon us. What these

distinguished leaders are saying in this

letter is the Security Council needs to

step to the plate and authorize the

kind of action that is called for here. If

not, it can be done unilaterally by the

United States and the rest of the coalition

of willing partners. We have that

legal authority to do so. Obviously, it

would be better if the world opinion,

expressed through United Nations resolutions,

backed that action. But that is

not necessary.

I would argue also in some respects it

is not desirable to keep going back to

the United Nations Security Council

for approval. This is the reason why.

You begin to create the precedent that

action is illegitimate unless this group

has approved it; that unless the Security

Council has given its stamp of approval

other nations may not act in

their self-interest and in the interest of

the international community of countries.

That would be an extraordinarily bad

precedent. It would cede the sovereignty

of the United States to a

United Nations body which is not some

kind of angelic group of objective

judges on high somewhere, deciding

what is right, truth, and justice in the

world. It is five countries with self-interests,

one of which is the United

States. All of these countries act in

their self-interest and there is nothing

wrong with that. France acts in its

self-interest. A lot of French have business

dealings with the Iraqis. There is

nothing wrong with that except it may

violate the sanctions of the United Nations.

But they have reasons for perhaps

not wanting to confront Iraq.

Russia has a lot of money tied up in

Iraq in debts that are owed to Russia.

It wants to see those debts repaid.

There is nothing wrong with that. So it

is naturally a little bit careful here in

the way it is dealing with Iraq in this

resolution.

China has its own issues, as have

Great Britain and the United States.

All of us approach these issues from

the legitimate position of our own selfinterest

as nations. The combination of

those five countries represents the permanent

members of the Security Council,

who have a veto. There are additionally

10 other nations that rotate on

and off the Security Council.

We got a unanimous decision of all 15

nations, including even Syria, with

Resolution 1441. So we have the ability

to proceed. What I am saying is it is a

mistake to have to go to the Security

Council again, first, because you are

setting a very bad precedent that is the

only way you can legitimately act,

and, second, because there is some kind

of suggestion that nations put their

self-interests over here on a shelf when

they deal with questions such as this.

They do not. They make decisions

based upon their perception of their

own self-interest and there is nothing

wrong with that. But what it can mean

is that if our interests are divergent

enough, we can get into situations

where some countries decide to take an

action and other countries decide to

veto that action. If they have a legal

veto, then they can preclude countries

such as the United States and Great

Britain, for example, from acting in

their own self-interest.

That is why, even though I welcome

the debate and would be very willing to

spend all of the time our good friend

and colleague, Senator KENNEDY, would

like to take on the floor of the Senate,

debating his resolution to have yet another

expression of Congress in support

of military action by the President, it

is not necessary. We have already covered

that ground. It has already been

approved by the Senate. The President

has taken a lot of action in reliance

upon the action of the Senate back in

November.

It is kind of like pulling the rug out

from under him. I know that is not

Senator KENNEDY’s intent, but it could

have that effect because the President

relied on the approval the Senate gave

to him to mobilize tens of thousands of

American troops all over the world.

These troops are now committed to the

theater of Iraq. A great deal depends

upon our ability to combine a military

mission with the timing that is required

to achieve success, and all the

other factors that are involved in a

successful outcome of the enforcement

of these U.N. resolutions by the United

States and its committed allies.

We can’t be getting to the point

where there is a herky-jerky, we’ll give

you the authority, we’ll take it back,

OK, we’ll give you some more, now you

can’t. The Commander in Chief cannot

operate that way. That is why last December

we said we will vote to give the

authority. Don’t vote for it if you don’t

think he should exercise that. Many of

our colleagues did not, and they have

good and sufficient reasons for voting

that way. The vote overwhelmingly

carried. The President was granted the

authority by the Congress. Now, on the

eve of his exercise of that authority, if

he chooses to do so, is not the time to

suggest that, well, we didn’t really

mean it; he has to come to us one more

time. That would be an act, I suggest,

that would not be worthy of the Senate,

given our responsibilities to act in

concert with the President in conducting

his responsibilities as Commander

in Chief.

Even though we know there are sincere

questions and concerns about taking

military action—and every one of

us shares those concerns—we also

know leadership is about making decisions

when the situation is not clear.

All of us have heard about the fog of

war. Henry Kissinger has written about

the essence of leadership and making a

decision when almost everything seems

to be in doubt and there is no clear

path to a decision. Making the right

decision at that time and following

through is what enables you to succeed,

because waiting until everything

is clear is usually to wait until it is too

late. It is the situation I described before

with North Korea, for example. If

we wait until it is clear that Saddam

Hussein has the nuclear weapon, it will

be too late to confront him over the

use of that weapon or over the fact he

possesses that weapon.

That is why the President has been

so insistent that the original promise

of Saddam Hussein to dismantle under

international supervision and never

having complied with that promise

must now be enforced. That is the essence

of the President’s case. While I

am sure he will speak to the American

people and lay this out much more

clearly than I have, and that he, Secretary

Powell, and others will continue

to speak with our allies so they know

fully why we are prepared to act and

will feel comfortable in joining us in

this action—and even with those actions

which I think we can contemplate

in the next several days—I

think it would be a big mistake, as I

said, for the Senate to assume we need

to revisit this issue in a legal way and

that the President would not be authorized

to act unless we pass some

kind of legislation.

I welcome the debate, as I said. If our

colleagues wish to have that debate

here on the Senate floor, I suggest it

would be far better for us to acknowledge

the President’s authority and to

stand behind him in the decisions he

makes, knowing our support for his actions

is support for the troops we are

sending in harm’s way. The best thing

we can do for those sons and daughters

is not to continue to question and

wring our hands and express self-doubt

about what we are doing but to solemnly

weigh all of the factors, make a

judgment to support the President in

his judgment, and then support those

troops when they are called upon to

act. That is the best way we can repay

those who are willing to make that supreme

sacrifice for that willingness on

their part.

I solemnly hope as we debate these

issues, we can do so in that spirit, in

the spirit of the sacrifice our troops are

willing to make, and that the debate be

as serious, as analytical, and as nonpartisan

as much as we can make that

kind of debate, but when the time

comes that every one of us will support

the President and our troops.

Mr. President, if I could respond

to the Senator from Pennsylvania,

I don’t want to characterize

Senator KENNEDY’s response to that.

He made his statement. The essence of

one of the things he said was things

have changed since we debated this.

From his perspective, he said things

have changed. One of the things he said

was inspectors had not been able to

find anything.

I would respond to that in two quick

ways.

First of all, the U.N. inspectors have

determined Iraq is not voluntarily disarming

as required by United Nations

Resolution 1441. Quoting Hans Blix,

head of the inspector team:

If I could respond to the

Senator from Pennsylvania, some of

the best evidence of what has changed

or what hasn’t changed comes from

Secretary Powell’s comments on the

United Nations report. Here is what he

said:

If I may further respond to

the Senator from Pennsylvania, this is

not just our view, Secretary Powell’s

view, or President Bush’s view. The letter

we saw in today’s Wall Street Journal

by prestigious leaders in countries

such as Great Britain, Portugal, Italy,

and the Czech Republic said this:

Mr. President, I say to the

Senator from Pennsylvania, that is exactly

right. The analogy is a good one.

It is somewhat similar to what Secretary

Powell has said. If I can find

that, I will put it in the RECORD right

here.

But it is also interesting that not

only is their job not to be a detective

but, rather, to verify voluntary compliance.

But since the resolution, passed

by the Senate, authorizing the President

to use force if necessary, here is

what has happened: The inspectors

have not have been able to interview

any Iraqis in private. The inspectors

have still not received from Iraq a full

list of Iraqi personnel involved with

the WMD programs. The inspectors

have not been able to employ aerial

surveillance. They will not guarantee

the safety of the U–2 planes. In fact,

they shoot at our pilots every day as

we try to surveil their country. Inspectors

have caught Iraqis concealing top

secret information. Inspectors have

evidence that Iraq has moved or hidden

items at sites just prior to inspection

visits. And, of course, Iraq did not provide

a complete declaration of the

WMD program as it is required to do.

So as to the question of what has

changed with respect to inspections, it

is all bad news, not good news.

Might I just make one final

comment to the Senator from Pennsylvania?

I did find what I was looking

for. The Senator has made exactly

the right point. Inspectors can verify

someone who wants to be in voluntary

compliance, but inspectors cannot find

something you are trying to hide. Two

comments. Secretary Wolfowitz said,

on January 23:

Then Secretary Powell had said this

in the Washington Post a week ago: