Madam President, I

say to my valued friend and colleague

on the Senate Armed Services Committee

that I thought we had an excellent

debate on Friday afternoon, at

which time a number of the points the

Senator from West Virginia raised

today were discussed. But I believe the

administration has worked diligently

in consultation with the Congress—

most particularly the appropriate committees—

the Senate Armed Services

Committee, on which my colleague

from West Virginia and I are privileged

to serve, and also our colleague from

Georgia, as well as the Foreign Relations

Committee.

These questions, I believe, and the information

that can be made available

are and perhaps will again in the next

day or so be made available to the Congress.

I know I have, I say to my good

friend from West Virginia, pressed the

administration to see whether or not

further information that now has classification

can be given.

I and other Members of the Senate

were back with our constituencies this

weekend. I had about five meetings

with my constituents at various places,

and foremost in their minds is the seriousness

of this situation we face with

Saddam Hussein and his regime which

possesses these weapons of mass destruction.

I believe this debate is evolving. I believe

the Congress is in possession of

those facts to justify a vote on the resolution,

which Senator LIEBERMAN,

Senator BAYH, Senator MCCAIN, and I

have drawn up in accordance with consultations

with the White House and

the leadership.

I thought we got off to a good start

on Friday. I thank my colleague for

the opportunity to debate him—and we

do very vigorously, and undoubtedly

we will continue. But I believe, if I

might say respectfully to my colleague

from West Virginia, it is a good, strong

record for the Congress and the American

people. And there may be additional

facts forthcoming. Certainly, we

should await the President’s message

to the Nation and to the world with

great respect because he has time and

time again said war is the last option,

the use of force is the last option. He

pursued diligently diplomatic means

before, not only with the United Nations

but in one-to-one meetings himself,

and the Secretary of State with

the heads of state and governments in

a great many nations.

I believe progress has been made in

all directions.

I thank the Chair. I thank my colleague.

I yield the floor.

The Senator also

made reference to the period of the

Clinton administration when President

Clinton, again, in consultation with

the Congress, acted on the seriousness

of the issues of Saddam Hussein after

he kicked out the inspectors and defied

all 16 resolutions. We in the Senate

acted, and I am going to read the resolution

we adopted in the Senate:

with

Both the Senator from Georgia and I

supported it, am I not correct?

As my colleague, I assume,

agrees with me, whoever is

President of the United States—be it

President Clinton or now President

George Bush—has the inherent power

to utilize the Armed Forces of our Nation

when he deems there is a threat to

our security. That, of course, is the essence

of the debate we are undertaking

now. So when I read the clause where

the Congress said ‘‘therefore the President

is urged to take appropriate action,

in accordance with the Constitution

and relevant laws of the United

States,’’ to me, that implies a recitation

of what we all know since the very

first President—he has the authority

to use force, if he deems it necessary,

to bring Iraq into compliance with its

international obligation.

I wonder if the Senator would agree

with this Senator one thing that has

changed since this resolution is the situation

in Iraq has worsened in the

sense Saddam Hussein has had these

years to proceed with his scheme of

building weapons of mass destruction,

and I think the open evidence shows he

has achieved it in terms of the biological,

and he has achieved it in terms of

the chemical. With respect to the nuclear

weapons, I believe the agreed upon

set of facts is he is doing everything

he can to complete a program.

There is a difference of opinion as to

the time within which he can complete

a program to give him a nuclear weapon.

So, in my judgment, what has

changed since 1998 is the situation has

gotten worse and more threatening

from Saddam Hussein. Does my colleague

have a view in concurrence with

the Senator from Virginia?

I thank my colleague

very much. I have enjoyed his observations.

I respect him very much, as he

bears the scars of a brave soldier on behalf

of freedom while defending this

country.

Mr. President, to conclude our colloquy,

I want to read a brief statement

that was given by President Clinton at

the time of this resolution:

Mr. President, I see others on the

floor.

I yield the floor.

Madam President, I

compliment our distinguished colleague.

I say to the Senator, even

though you have given your statement,

I anticipate this debate in the Senate

will continue for 2 days, and perhaps

you will find the opportunity to revisit

the floor and, again, personally elaborate

on your points.

Today, you have given a very important

and timely historical context of

the events, and the sequence of those

events. And you have placed extremely

important emphasis on what the U.N.

is trying to do today, as we are right

here, in fashioning an inspection regime

that is much stronger than the

one that is on the books from when

Hans Blix was appointed. But I am sure

the Senator observed Hans Blix, after

visiting with Iraqi officials in Austria,

said he would like to wait until the Security

Council acted.

So what we are looking forward to

now is the evolving process of a regime

which I think has to meet the criteria

established by our President and the

Prime Minister of Great Britain, and

others, before we can accept that as a

workable solution. Would the Senator

agree?

I thank my colleague.

Assuming the Security Council will

act, I will personally await the judgment

of our President and that of the

Prime Minister of Great Britain with

regard to the structure and effectiveness,

potentially, of such a new regime.

In this debate we have sort of gone

back and forth in a very effective discourse

on the issues. I wonder if at this

time I might ask unanimous consent

that the junior Senator from Virginia,

Mr. ALLEN, might follow our distinguished

colleague, Mr. DOMENICI.

I thank our distinguished

colleague from Alaska. It was

very helpful for him to make references

to his knowledge of the preworld

War II days. He had a very distinguished

career in World War II as a

member of the Army Air Corp and as a

pilot. I had a very modest one at the

tail end, just in training, in the Navy.

But both of us remember that period

very well.

The Senator emphasized quite forcibly

the need for the United Nations to

face up to this. Having lived through

that period, we remember the League

of Nations. We remember the blatant

attack by the Italian military under

the leadership of Mussolini against

then Abyssinia, now referred to as the

nation of Ethiopia, and how the league

began to look at that situation, and

look at it and look at it and look at it

and did nothing, and then the aggression

during the attacks by Japan on

China.

The Senator recalls these periods in

history. Eventually the league went

out of business. It fell into the dust bin

of history and in some small vestige

was absorbed into the United Nations.

I have a strong view, and I think our

President has made reference to this,

that unless the United Nations lives up

to its charter and assumes the responsibility

of enforcing its own Security

Council resolution, that organization,

too, could fall into the dust bin of history,

not unlike the League of Nations.

Does the Senator share those views?

Might I add that those

pilots to whom the Senator referred,

American and Great Britain, were shot

at 60 times in just the month of September

alone and they have been at it

now for over a decade. It is the only enforcement

of any resolution undertaken

by any of the member nations. It

is the United States, Great Britain,

and at one time France. They have now

discontinued. That is the only enforcement

of any resolution.

The purpose of this

resolution is to prevent a pilot from

being downed. If we are resolute in this

Chamber, if we clearly show, not only

to the American public but to the

whole world, that we stand arm in arm

with our President, no daylight between

us which can be exploited by

Saddam Hussein and perhaps weak nations—

if we are arm in arm, it is the

extent to which this United Nations is

more likely to fulfill its obligations

under the charter and, hopefully, devise

a resolution which can bring about

an inspection regime which has teeth

in it this time, and make it very clear

if Saddam Hussein’s regime does not

live up to it, then member nations such

as ours and others in the coalition can

utilize and resort to force.

My colleague is absolutely

right. Now with the transportability

of some of those weapons of

mass destruction, and if he were to

place them in the hands of the international

terrorist ring—I don’t say he

hasn’t done it already. We don’t have

the specific knowledge—that is an imminent

danger to the United States.

But you concluded on history. I

would like to read one brief statement.

June 1936, Haile Selassie, Emperor of

Abyssinia—Ethiopia today—in an appeal

to the League of Nations.

The rest is history. The League did

nothing but debate and debate and did

nothing. And this country perished.

We are at that juncture now, I say respectfully

to the United Nations. Will

they fall into the dustbin of history as

did the League?

I thank my colleague.

Mr. President, we

thank our colleague. The advancement

of technology is what makes things different.

The advances of technology are

what underlies this doctrine of preemptive

strike, which our President says

must be addressed now, not only by our

Nation, but other nations that wish to

protect themselves and their own security.

That is a very important issue,

and I give great credit to this President

for having the courage to bring to

the forefront of the world—not just the

United States, but the forefront of the

world—the threats we face with now

rapid technology and the development

of weapons of mass destruction.

I yield the floor.

Mr. President, I thank

our colleague for his kind comments,

and also for his important statement

he has delivered to the Senate.

I want to pick up on one thing that

the Senator mentioned, and there has

not been as much discussion as yet on

this subject. It is a very important one.

The President has repeatedly said the

use of force is the last option. But

should that be taken, and there be

force used by presumably our country,

Great Britain, and hopefully others in

the coalition, then the responsibility

devolves upon those nations, primarily

those who use force—again, hopefully,

the United Nations would take a strong

role, but that remains to be seen—in

trying to reestablish, for the people of

Iraq, against whom we hold no animosity—

the people—a nation bringing together

the factions in the north, the

Kurds, and the Shi’ites in the south,

and hold that country together.

But I find, in studying, as my astute

colleague will undoubtedly believe, as

we look at the situation in Kosovo, we

had to come in there with other nations

and help establish the economy,

and we are still there. Indeed, in South

Korea, how well you know we have

been there now over 50 years.

It seems to me there are several

points with regard to Iraq which differentiate

the responsibilities of our

Nation and other nations following

such hostility, as hopefully will not

occur, but should they occur; that is,

Iraq, at one time, was an absolute extraordinary

nation, a nation of well educated

people, a nation which had a

number of natural resources, primarily

petroleum, from whence to gain a revenue

flow.

So far as I can determine, much of

that infrastructure of intellectual people

and well-educated, hard-working

people and, indeed, the oil that is

present there, once it is properly cared

for and put in the competitive world

market, it seems to me that the dollars

involved would be, comparatively

speaking, much less because of the natural

resources, and the problem of reconstructing

a government, hopefully,

would not be as challenging as maybe

some say because of the presence of

such a fine citizenry, almost all of

whom, not all, have been severely depressed

by Saddam Hussein and the

brutality of his regime.

Does the Senator share those

thoughts?

Mr. President, I say to

my distinguished colleague, speaking

for myself—and I hope the majority of

the Senate—in no way should this Nation

ever subordinate itself in its decision

making with respect to our national

security, to actions or inactions

by the United Nations.

Let me just give a wonderful quote

that I, in my research on this subject,

have referred to before. This was October

22, 1962, when our Nation, under the

leadership of President Kennedy, was

faced with the looming missile crisis

down in Cuba. I know my colleague

knows that period of history very well.

Kennedy said the following:

Mr. President, any action

by a strong, sovereign Nation such

as ours, which I say with humility is a

leader in the world in so many issues of

foreign policy, can be used as a precedent.

But I say to my friend, what is

the precedent of inaction? I have given

some comments about the League of

Nations here earlier today. Throughout

the history of the League, it is documented

inaction, from Mussolini’s attack

on Abyssinia in the 1930s, to other

operations militarily, naked aggression—

inaction.

So what is the precedent of inaction,

if our President and our Nation does

nothing collectively with Great Britain,

in the face of this crisis? So, of

course, it would be a precedent.

But the times have changed. I also

put a list in the RECORD the other day

of some 13 instances where Presidents

of our United States, going back as far

as 1901, have instituted—you might

characterize it, as I do, as preemptive;

I certainly so characterize it—preemptive

strikes in the use of the military,

the U.S. Army, Navy, Air Force, Marines.

Look here; it is documented:

Panama, 1901; Dominican Republic,

1904, 1914 and 1965; Honduras, 1912;

Nicaragua, 1926; Lebanon, 1958; Cuba,

the naval quarantine in 1962; Grenada,

1983; Libya, 1986; Panama—just cause—

1989; Somalia, 1992; Sudan and Afghanistan,

August 1998; Iraq, Desert Fox—

you recall that one. The eve of Christmas.

I remember my good friend and your

good friend, Bill Cohen, was Secretary

of Defense. I went over and visited with

him in his office as ranking member of

the Armed Services Committee, where

we discussed the coming Desert Fox operation,

a form of consultation between

the executive and legislative branch.

That was December of 1998.

Kosovo, there was preemption. I will

hand this to the Senator. That was

March of 1999.

International law recognizes the concept

of anticipatory self-defense. That

is a phrase known in international

law—if a country is imminently threatened.

I think the record at this point is replete

with facts, where we could be in

imminent threat of the use of weapons

of mass destruction by Saddam Hussein,

and more likely his surrogates—

any one of which in this international

coalition of terrorists.

Mr. President, I say to

my good friend we have been fortunate

to serve in this institution for many

years together, and I hope, with luck

perhaps, a few more. But the Senator

has always been very careful, very

thoughtful, and well prepared. While I

haven’t always agreed with the Senator,

it is not for lack of a strong case

that he has worked up on his side. I

hope in due course he can see the wisdom

of joining in this resolution which

I and three others—Senators MCCAIN,

LIEBERMAN, and BAYH—have put together.

We really believe—and it is the

one which is before the House of Representatives

right now—that this is the

wisest course of action for this Congress

to take to support the President,

and do it in a way that leaves no doubt

in anyone’s mind—Saddam Hussein or

any other nations in the United Nations—

who are thinking that a different

course should be taken.

Mr. President, I thank

my colleague for his kind remarks. We

have had a very healthy debate here for

41⁄2 hours on Friday afternoon—Senator

BYRD, Senator KENNEDY, Senator

DODD, and myself. We resumed today

with, I think, seven colloquies on both

sides of the aisle addressing this issue.

I think we are going to perhaps even

exceed the thoroughness, the thoughtfulness,

and the strength in the debate

we had in 1991 on a similar resolution

that I dealt with at that time, along

with my distinguished friend and colleague,

Senator LIEBERMAN.

I thank the Senator.

Mr. President, if I

could, because I have been aligned with

the distinguished Senator from Nevada,

Senator LEVIN, and others on

both sides of the aisle, together with

our colleague from Georgia, about this

concurrent receipt—this Senator

knows of no time the President of the

United States has directly spoken to

this issue. Thus far, only the individuals

who are working in the budgetary

matters at OMB have. As you mentioned

yesterday, I say to the Senator

from Nevada, Mr. Chu, who is a principal

adviser to the Secretary of Defense,

had made comments.

At this point in time I find no foundation

to associate the President personally

with this decision. Furthermore—

and then I will yield right

away—being an active member of the

conference of the four principals between

the House and the Senate, the

targets are moving back and forth.

There is the Senate version, there is

the House version, and there is the

amended Senate version. There is also

one Senator MCCAIN and I have talked

about, and that is, should we move forward

on concurrent receipts, we would

do it in the context of the Purple Heart

winners and those who have injuries

that are directly associated with having

served in combat zones. That may

not be to the liking of all of us, but all

types of options are being explored.

I know at this time no basis of fact

that the President is personally involved.

Mr. President, I say to

my good friend he is very correct and

accurate, as always, in what he stated

yesterday as not being associated to

the President personally.

I say to the Senator, I associate myself

with your goal of having broader

concurrent receipts. But I am faced, as

the ranking member of the committee,

with the reality of the situation. We

will have to ascertain exactly: Is there

a line at which the executive branch

will accept some version of concurrent

receipts? And we just have to bring

that back to our colleagues.

Because if we were to experience a

veto—I am not suggesting in any way

it has been communicated other than

through the staff to this Senator—our

bill would go down. Twelve months of

work by the Armed Services Committee

would go down. Many benefits,

pay raises for the men and women of

the Armed Forces, new weapons—it all

goes down on this one issue.

I say to the Senator, I share with

you—I find it very hard to think that

could come about. But, nevertheless,

all of us having been here many years,

under several Presidents, know there

are junctures in conferences when this

does happen. It is our responsibility—

and I assume it—to try and ascertain,

is there some form? And then we bring

it back to our colleagues. If there isn’t,

then I think we should all recognize

the situation.

.

If I could ask my colleague

a question. It seems to me the

risk is only magnified by the passage of

time—whether it is weeks, months, or

years—if we do not act.

I draw to my colleagues’ attention

what the President said in addressing

the Nation last night:

I paraphrase that he has not sought

by this a declaration of war. War is the

last option. The decision has not been

made.

Continuing, the President said:

Congress will also be sending a message

to the dictator of Iraq that his

only choice is full compliance and the

time remaining for that choice is limited.

I draw the Senator’s attention to a

document entitled ‘‘Joint Resolution’’

distributed by the chairman of the Senate

Armed Services Committee and the

chairman of the committee on which

my distinguished colleague and I serve.

While this document is not at the desk,

it purports to be in the form of an

amendment and is under some consideration.

I presume that because that is

what was distributed by my good friend

and colleague, Senator LEVIN.

From page 4, I read the following:

The question I ask for my colleague

is in regard to section A:

I read that as putting in the hands of

the United Nations a veto on the actions

taken by this body, a veto on the

President’s ability to use, as he has

been given by the Constitution, the

Armed Forces of the United States to

protect at any time he deems necessary

the security of America.

Does the Senator support such a concept

that the United Nations would

have a veto at any time in this situation?

The President has gone to the

U.N. asking that they take action to

enforce the 16 resolutions that have

been ignored by Saddam Hussein, defied

by Saddam Hussein, and they are

now looking at a 17th, a framework for

perhaps a new inspection regime, but

this current draft of a proposed amendment

implies that the U.N. has to act

before our President can utilize the

forces given to him by the Constitution

of our country.

Mr. President, I thank

my colleague for his kind remarks. Indeed,

we have worked together many

times. We work together.

I strongly differ. I think our President

has clearly said—first before the

United Nations and as late as last

night—that there is imminent danger

to our Nation from Saddam Hussein

and his possession of weapons of mass

destruction. We clearly have a difference

on that.

I strongly believe that this resolution,

if it is to be brought before the

Senate, will place a veto power in the

hands of the United Nations. I cannot

be a part of that. I will certainly oppose

it as strongly as I know how.

Mr. President, I will

say at this point in time, Senator

LIEBERMAN and I, and Senators MCCAIN

and BAYH drafted this resolution after

listening to the suggestions of many

Senators on both sides of the aisle. At

this point in time, if any Senator has

talked about changes, then the format

by the Senator from Florida I expect

should be followed by way of a formalization

of the amendment. But at

this point in time, we have other colleagues

who are anxious to speak.

I will give three quotes from President

Bush’s speech to the Nation last

night about the imminent threat posed

by these weapons of mass destruction:

Madam President,

while I disagree with the thesis of our

distinguished colleague, the Senator

from Oregon, I do respect his views on

it. I wonder if I might engage him in a

brief colloquy.

This doctrine of preemptive attack

unilaterally, clearly the Senator knows

the President is diligently working

with the United Nations, with the Secretary

of State—the Secretary of State

visited here with a group of us at midday

today and held a press conference,

and he indicated progress is being

made. For the moment, we have to accord

the administration at least clear

support for trying hard to gain a coalition

of nations and a new resolution in

the Security Council which hopefully

will be much stronger than anything

we have seen before, and could act as a

deterrent to the use of hostilities for a

period of time, and hopefully, who

knows, the regime may have a change

of heart and cooperate.

Cooperation is a keystone to any successful

inspection regime. But back to

the preemptive—and I have shared this

with others—in my research, the

United States, under a number of

Presidents, has directed military action

in the following: Panama in 1901;

Dominican Republic in 1904, 1914, 1965;

Honduras, 1912; Nicaragua, 1926; Lebanon,

1958; Cuba, the naval quarantine,

1962, President Kennedy—clearly that

was a preemptive threat and action by

our President—Grenada, 1983; Libya,

1986; Panama, that was just cause in

1989; Somalia in 1992; Sudan, Afghanistan,

August of 1998. You recall the

bombing raids we did at that time.

Iraq, that was Desert Fox in December

of 1998, and I remember well as ranking

member going over and talking with

then-Secretary of Defense Cohen, a valued

friend and colleague in the Senate

of many years. And Kosovo in March of

1999.

Now, they fit the description of the

preemptive type strikes my esteemed

colleague from the great State of Oregon

has enumerated. They were done

under the concept, which is tried and

true in international law, recognizing

‘‘the anticipatory self-defense if a

country is imminently threatened.’’

I think the Senator pointed out he

feels President Bush has indicated this

country is imminently threatened. So

there are some examples. I do not

think this contemplated action by the

President—he says he has made no decision

to use force, but then again I

point out we have been in a state of

hostility with Iraq for some time. I

point out our airplanes, our brave pilots,

together with Great Britain, have

been engaged in enforcing a resolution

of the United Nations.

Here are two nations flying missions,

clearly trying to enforce the resolutions.

We are fortunate even though

they have been shot upon many times

by ground fire directed at the aircraft,

some 60 times in September of this

year alone—our military has been engaged

in this conflict with Iraq for 12

years. So I think it is a continuation of

the conflict to which we refer in this

resolution.

I ask my good friend if he has any

views with regard to my points.

Could the Senator direct

himself to the point made by the

Senator from Virginia, that our aircraft

have been fired upon in enforcing

resolutions 60 times in the month of

September of this year alone? The

total firings by ground-to-air missiles

on our aircraft—fortunately, they have

not hit or brought down an airplane as

yet—is that not engaging in combat, in

war?

Madam President, I

guess I am missing something, but

drawing on my own modest experience

in the military, where I for a period

was communications officer in the 1st

Marine Airwing, living with aviators

who were being shot at every day, to

me they are American citizens. I think

Americans are being shot at as that

fire is trying to interdict their aircraft.

They may not be home in the United

States—perhaps they would like to

be—but they are out there pursuant to

orders of the Commander in Chief. It is

not just President Bush. It was President

Clinton. To me, that is hostility.

To me, Americans are involved. Great

Britain likewise is flying with their

brave pilots. Somehow I am missing it.