Earlier today I had

discussed the considerations on conditioning

authority for the President to

use force on a United Nations resolution

which called for the use of force,

very much like the 1991 incident, contrasted

with authorization by the Congress

for the President to use force unilaterally,

without a United Nations

resolution, or perhaps with the assistance

of Great Britain. The disadvantage,

to which I had referred earlier

today, on having a resolution which required

U.N. action is that, in effect, we

would be subordinate or subject to a

veto by China, which is undesirable;

France—undesirable; Russia—undesirable.

But the difficulty with authorizing

the President to use force unilaterally

is it might set a precedent for other

countries to say they could do the

same. While these analogies are not

perfect, one which comes to mind is

China on Taiwan, or India on Pakistan,

or the reverse—Pakistan on India.

My question to one of the managers

of the bill, one of the coauthors of the

bill, is: Do you see any problem at all

on a precedent being established if

Congress authorizes the President to

use force without a U.N. resolution to

use force, on justifying some action by

some other country like China and Taiwan,

or Pakistan and India, or some

other situation in the future?

Mr. President, the citation

by the Senator from Virginia is

a very impressive one, beyond any

question, that some might think there

was some difference in circumstances

between the imminence of a possible

attack in 1962, with the so-called Cuban

missile crisis, compared to the present

time with respect to Iraq. I would be

interested to know what the Senator

from Virginia was doing at that time. I

can tell the Senator from Virginia that

was the one occasion where my wife

and I went out to the supermarkets and

stocked up on food, as did most Americans,

and put them in the basement of

our house.

The television was replete with maps

showing the missile range from Cuba to

Philadelphia—the ones I particularly

noted. They passed by Virginia en

route to Philadelphia.

I quite agree with the Senator from

Virginia, we ought never subordinate

our sovereignty when we face that kind

of a threat.

But I think the threat is significantly

different with respect to Iraq—

although I concede the threat. But the

point is missed, at least somewhat, and

that is whether U.S. unilateral action

could set a precedent for some other

country taking unilateral action, such

as the ones to which I referred.

Mr. President, without

going through the entire litany, I

agree that those are all illustrations of

anticipatory self-defense. The Afghanistan

missile attack on August 20 of 1998

was in response to al-Qaida because of

the destruction of our embassies in Africa

at about that time. I don’t think

you could call the Grenada incident a

matter of anticipatory self-defense. I

don’t think you can call it self-defense

at all. I think what the Senator from

Virginia referred to is not a case of anticipatory

self-defense—action by the

United States, but not anticipatory

self-defense. The quarantine of Cuba, as

I said before, certainly does qualify,

but under very different circumstances.

But I thank my colleague from Virginia.

During the course of the coming

days, I think we are going to have very

extended discussions on these issues as

we debate this resolution.

Mr. President, I

thank my colleague from Virginia for

those comments. We form a long-time

mutual admiration society. The Senator

from Virginia was elected in 1978,

and I was elected 2 years later. So he

has been here finishing up his 24th

year, and I, 22. We have worked together

on many matters.

I am raising questions only because I

think it is in the tradition of what

they call the world’s greatest deliberative

body. I am not sure that is accurate.

But when we face an issue of this

sort, we ought to be considering it very

carefully. That is what I intended to do

with this very brief colloquy today

along that line.

Mr. President, it is true

that in 1991 we had a debate which was

characterized as historic. I recall the

occasions when I was in the Chamber

with the Senator from Virginia seated

over there on the right-hand side. Senator

Nunn was in the Chamber. We

were debating that extensively in the

Chamber today. I think it will be reassuring

to the American people to see

this kind of analysis and this kind of

discussion—that we are not rushing to

judgment.