Mr. President, I have

remained after the conclusion of the

vote to comment about the vote and

about a very significant historical

precedent which was established tonight.

The Senate of the United States

took up its constitutional responsibility

to make a decision as to whether

Congressional authority would be given

for the United States to commit an act

of war in Kosovo following a request by

the President of the United States for

such a vote.

In modern times, we have seen the

erosion of the congressional authority

to declare war. Tonight in the Senate,

we reaffirmed the basic constitutional

responsibility and authority of the

Congress on that very subject, after

the President had made a significant

request for authorization to use force.

This action tonight follows the situation

in January of 1991 when the Congress

of the United States authorized

the use of force in the Persian Gulf following

a similar request by President

Bush. I believe that this is of great importance

historically as a precedent, to

guide the future Presidents, that their

authority as Commander in Chief does

not extend to involving the United

States in war. Where acts of war are involved,

it is a matter for the Congress

of the United States and not the unilateral

action of the President of the

United States.

On the merits of this evening’s vote,

it was a very difficult vote. It was the

choice of two very undesirable alternatives.

In voting aye and supporting

the use of force, I chose what I considered

to be the lesser of the undesirable

alternatives.

The President in his letter today said

that the United States national interests

are clear and significant. I disagree

with that conclusion by the

President.

The President then went on in his

letter to amplify those national interests.

Yet the absence of a very strong

purpose and reason underscores my

conclusion that this is an extremely

difficult question on U.S. national interests.

The President’s letter continues,

the first line of the second paragraph

says,

The second line says,

That is a statement of possibility,

but we know that this is intervention

by NATO, including the United States,

in what is essentially a civil war. The

President then went on in the second

paragraph to say,

The President relies quite substantially

upon the ‘‘humanitarian catastrophe’’,

he may really be saying the

use of force for humanitarian purposes,

and it may be that this standard is a

one which ought to be adopted. But I

do suggest that this may be a departure

from what has previously been

recognized as U.S. policy to use force

where there is a vital United States national

security interest. If we look for

humanitarian catastrophes, we can

find them all around the world, and we

have been criticized for not doing more

at an earlier stage in Bosnia. We have

been criticized for not doing more in

Rwanda. There have been many criticisms

leveled against the United States

and the civilized world for not intervening

on prior occasions. It may be

that with such a thin statement of

vital national interests, the authorization

to use force in Kosovo really reflects

a shifting standard. As the President

articulates,

Mr. President, several

weeks ago, I filed a resolution for the

use of airstrikes in Kosovo. This was

essentially a vehicle to move the Senate

of the United States to take up the

issue of the use of force, to debate it

and to decide the question. It has always

been my view, as expressed in 1991

in the debate on the use of force in the

Persian Gulf and, before that in 1983,

where we debated the War Powers Act

with respect to deployment of marines

in Lebanon, that the constitutional

issue of Congress’ sole authority to declare

war is of paramount importance.

I congratulate our leadership today

for moving through a procedural morass,

where we had a cloture vote—that

is, a vote to cut off debate—on the resolution

pending by the Senator from

New Hampshire, Senator SMITH. Afterwards,

in consultation, this resolution

was crafted so the Senate could vote

yes or no on this important issue. As

noted by others, we did have a bipartisan

vote of 58–41 in favor of the use of

force, with some 17 Republicans joining

41 Democrats, making a total of 58, and

38 Republicans and 4 Democrats voting

in the negative. There is a strong bipartisan

showing by these figures.

It would have been vastly preferable,

Mr. President, had President Clinton

taken this issue to the American people

at a much earlier stage so the

American people could be aware of the

consequences of this very, very important

decision. The President did address

the matter in the opening remarks

on his press conference on Friday.

I concurred with what the Senator

from Delaware said yesterday—when

he and I debated or discussed the subject

for about a half hour—this was

most appropriately a subject for a 30-

minute Presidential speech. The president

should lay out the issue in great

detail. There is a large concern on my

part, and on the part of many others,

that the American people are not really

prepared for the consequences as to

what may occur in Kosovo. There have

been forceful statements that the risks

are very, very high, and that the air

defenses in Serbia are very strong.

It is important that the American

people understand the substantial risks

involved so we do not retreat as we did

in Somalia. The way to guard against

that is to build up a public understanding

as to what the scenario is in

Kosovo with as forceful an articulation

as possible, and I repeat, much more

forceful than the President’s letter

today. The President should articulate

in great detail about the savagery of

the assaults on people and the brutality

and the ethnic cleansing which

has gone on in Kosovo. Those details, I

think, are a concern to the American

people but they have not been stated in

a way which really brings forth the

magnitude of the human catastrophe in

Kosovo so the American people would

be willing to accept and undertake the

risks that are involved in this matter.

But all of that is prologue. Now we

have the authorization by the Senate

for the use of force. On a very difficult

question, I think it is the lesser of the

undesirable alternatives, and featuring

prominently is the desire of keeping

NATO intact. We seem to have more

support from our European allies on

this matter than at any time in the

past. Our precarious position on NATO

has occurred because the administration

has moved us into a position without

congressional authorization to an

executive commitment really, in effect,

to support the NATO decision to

use force in Kosovo.

To that extent, so that we do not

have a breach of making NATO look

bad and do not have a breach of making

the United States look bad, which

would in effect be a backdown, we are

in a sense backing into the issue. But

the more important aspect is the fact

that the President did come to the Senate.

I was interested in the discussion

with our distinguished senior Senator

from West Virginia and to hear his

comment where he had expressed to

the President today the view that the

President should not lean so heavily on

Presidential prerogatives but should

ask the Congress of the United States

for authority to use force. The President

has done so.

Now we have a very significant precedent

which should be a clarion call to

future Presidents not to exercise their

authority as Commander in Chief and

unilaterally engage the United States

in war. The President should take this

issue to the Congress of the United

States and to the American people. The

President should do this at an early

time so the issue can be fully debated,

not on a short time limit, as we had

this evening.

It must be a source of some wonderment

to people who were watching on

C–SPAN II to see such an important

issue debated in such a brief period of

time with 2 minutes allotted to Senators

to speak on the subject and 1

minute taken by the manager, the Senator

from Delaware. There had been extensive

debate yesterday, but we could

have used even more time. Unfortunately,

we were caught in the press

with the budget resolution, which is

first on the docket for tomorrow.

I thank the Chair for setting this

extra overtime.

I yield the floor.