Mr President, I rise

today in support of the resolution authorizing

the use of military force

against Iraq.

I support this resolution because the

threat posed by the brutal dictatorship

of Saddam Hussein is real, immediate,

and growing.

The threat is real because Saddam

possesses conventional, chemical, and

biological weapons. He also is doing everything

in his power to acquire the

means to construct and field nuclear

weapons.

The threat is real because Saddam

has used his conventional and chemical

weapons to attack his neighbors and

his own people.

The threat is real because Saddam

has openly defied the world and has

made no secret of his enmity toward

the United States and our allies. Saddam

even attempted to assassinate a

former American President.

The threat is immediate and growing

because Saddam has extensive and

growing ties to terrorist organizations

that have either attacked the United

States or declared the United States to

be a legitimate target of their twisted

crusade that they call ‘‘jihad.’’

The threat is immediate and growing

because Saddam has developed the

ability to deliver his poisons and pestilence

by unmanned aerial vehicles

that can easily be smuggled into the

United States.

The threat is immediate and growing

because Saddam has circumvented the

sanctions regime to such an extent

that he is virtually unrestrained by resources

in his pursuit of weapons of

mass destruction.

Let me put this in a historical context.

Following its bloody war with Iran,

Hussein’s Iraq was heavily in debt.

While continuing to spend billions on

weapons of mass destruction and longrange

missiles, Saddam, in 1990, invaded

and plundered Kuwait in order to

help pay his bills. With that act, he

made it clear that his priority was to

feed the war machine which kept him

in power.

In 1991, Kuwait was liberated and the

Persian Gulf war ended when Saddam

Hussein committed to abide by U.N.

Security Council resolutions. Since

then, he has broken those commitments.

He ignored U.N. weapons prohibitions

and ruthlessly crushed rebellions

of the Shia and the Kurds.

Today, he continues to violate U.N.

resolutions, the very commitments he

made to save his regime. His actions

continue to impose terrible hardships

on his own people. After a decade of

sanctions, Saddams’s unwillingness to

relinquish his prohibited weapons programs

continues to cost his country

tens of billions of dollars.

There are those who believe that a

new U.N. Security Council resolution

and renewed inspections are the answer.

In reality, inspections will accomplish

little, delay the inevitable

and provide Saddam with yet more

time to field additional weapons of

mass destruction.

U.N. Security Council Resolutions

have required much of Saddam and produced

very little.

Starting in April 1991, Resolution 687

requires Iraq to declare destroy, remove,

or render harmless under U.N. or

International Atomic Energy Agency

supervision and not to use, develop,

construct, or acquire all chemical and

biological weapons, all ballistic missiles

with ranges greater than 150 kilometers,

and all nuclear weapons-usable

material, including related material,

equipment, and facilities. What has

happened?

Saddam has refused to declare all

parts of each WMD program, submitted

several declarations as part of his aggressive

efforts to deny and deceive inspectors,

and ensured that certain elements

of the program would remain

concealed. The prohibition against developing

delivery platforms with

ranges greater than 150 km allowed

Baghdad to research and develop shorter-

range systems with applications for

longer-range systems.

Additionally, the prohibition did not

affect Iraqi efforts to convert full-size

aircraft into unmanned aerial vehicles

for use as potential WMD delivery systems

with ranges far beyond 150 km.

Resolution 707 enacted in August

1991, requires Iraq to allow U.N. and

International Atomic Energy Agency,

IAEA, inspectors immediate and unrestricted

access to any site they wish to

inspect. it also demands that Iraq provide

full, final, and complete disclosure

of all aspects of its WMD programs;

cease immediately any attempt to conceal,

move, or destroy WMD-related

material or equipment; allow UNSCOM

and IAEA teams to use fixed-wing and

helicopter flights throughout Iraq; and

respond fully, completely, and promptly

to any Special Commission questions

or requests. What has happened?

In 1996, Saddam negotiated with the

UNSCOM Executive Chairman modalities

that it used to delay inspections,

to restrict to four the number of inspectors

allowed into any site Baghdad

declared as ‘‘sensitive,’’ and to prohibit

them from visiting altogether sites regarded

as sovereign. These modalities

gave Iraq leverage over individual inspections.

Iraq eventually allowed larger

numbers of inspectors into such

sites but only after time consuming negotiations

at each site.

Resolution 715 adopted in October

1991, requires Iraq to submit to longterm

monitoring of Iraqi WMD programs

by UNSCOM and IAEA; approved

detailed plans called for in United Nations

Security Council Resolutions 687

and 707 for long-term monitoring.

In reality, Iraq generally accommodated

U.N. monitors at declared sites

but obstructed access and manipulated

the monitoring process.

Beginning in March 1996, Resolution

1051 established the Iraqi export and

import monitoring system. This system

requires U.N. members to provide

IAEA and UNSCOM with information

on materials exported to Iraq that may

be applicable to WMD production, and

requires Iraq to report imports of all

dual-use items.

In reality, Iraq is negotiating contracts

for the procurement, outside of

U.N. controls, of dual-use items with

WMD applications. The U.N. lacks the

staff needed to conduct thorough inspections

of goods at Iraq’s borders and

to monitor imports inside Iraq.

In June 1996 the following resolutions

were adopted: Resolutions 1060, 1115,

1134, 1137, 1154, 1194, and 1205. These demand

that Iraq cooperate with

UNSCOM and allow inspection teams

immediate, unconditional, and unrestricted

access to facilities for inspection

and access to Iraqi officials for

interviews. U.N. Security Council Resolution

1137 condemns Saddam for his

refusal to allow entry into Iraq of

UNSCOM officials on the grounds of

their nationality and for his threats to

the safety of U.N. reconnaissance aircraft.

Throughout the inspection process in

Iraq, Saddam consistently sought to

impede and limit UNSCOM by blocking

access to numerous facilities, sanitizing

sites before the arrival of inspectors

and routinely attempting to deny

inspectors access to requested sites and

individuals. At times, Saddam would

promise compliance to avoid consequences,

only to renege later.

Resolution 1154 enacted in March

1998, demands that Iraq comply with

UNSCOM and IAEA inspections and endorses

the Secretary General’s memorandum

of understanding with Iraq,

providing for ‘‘severest consequences’’

if Iraq fails to comply.

Resolution 1194 adopted in September

1998, condemns Iraq’s decision to suspend

cooperation with UNSCOM and

the IAEA.

Resolution 1205 adopted November

1998, condemns Iraq’s decision to cease

cooperation with UNSCOM.

These resolutions were meaningless

without Iraqi compliance. Baghdad refused

to work with UNSCOM and instead

negotiated with the Secretary

General, whom it believed would be

more sympathetic to Iraq’s needs.

Finally, in December 1999, Resolution

1284 established the United Nations

Monitoring, Verification, and Inspection

Commission, UNMOVIC, replacing

UNSCOM. The resolution demanded

that Iraq allow the commission’s teams

immediate, unconditional, and unrestricted

access to any and all aspects of

Iraq’s WMD programs.

Iraq repeatedly has rejected the unrestricted

return of U.N. arms inspectors

and claims that it has satisfied all U.N.

resolutions relevant to disarmament.

Compared with UNSCOM, Resolution

1284 gives the UNMOVIC chairman less

authority, gives the Security Council a

greater role in defining key disarmament

tasks, and requires that inspectors

be full-time U.N. employees.

Saddam has manipulated the U.N. before,

and if permitted, he will do it

again. Right now, Saddam is ‘‘shuffling

the deck’’ to hide his prohibited items

in anticipation of the return of inspectors.

I believe that inspectors will not set

foot in Iraq until Baghdad is ready for

them. If they were to return, they

would be starting from square one in a

hostile and deceitful environment.

In a June 11, 2000 article, Charles

Duelfer, the former deputy executive

chairman for UNSCOM, noted that,

‘‘. . . the attempt to disarm Iraq of its

weapons of mass destruction was

doomed from the start. This failure repeats

the same mismatch between disarmament

goals and disarmament

mechanisms that frustrated efforts to

disarm Germany . . .’’ after the First

World War.

In the Versailles Treaty of 1919, the

victorious allies imposed disarmament

obligations upon a defeated Germany.

An international organization called

the Inter-Allied Control Commission

was created to implement those provisions.

The Germans, however, were

very adept at denial and deception.

Consequently, Germany was able to

preserve illicit armaments and weapons

production. The Germans argued

that the inspectors were too demanding

and acted like spies. Does this rhetoric

sound familiar?

The lessons of appeasement are not

intended solely for history classrooms.

These lessons are to be learned and

where relevant, applied. Saddam Hussein’s

priorities have not changed and I

do not believe that they ever will, so

we must act before his alliance with

terror finds it way to our shores.

Much has been said about how unprecedented

it would be to engage in

anticipatory self defense by taking

military action against Iraq. In one respect,

this is true: it is a step that our

country has historically tended to shy

away from taking.

But ‘‘unprecedented’’ is not the same

thing as illegal or improper. Scholars

have debated the idea of anticipatory

self-defense for many years, and while

there is no consensus upon its exact

meaning, the idea is clearly not foreign

to international law.

Under article 2 of the United Nations

Charter, countries may not use the

‘‘threat or use of force’’ in a manner inconsistent

with the purposes of the

United Nations. Article 51 of the charter

also recognizes that countries have

an inherent right of both individual

and collective self-defense.

Reading articles 2 and 51 together, it

is clear to me that the right to self-defense

can arise not only in response to

the ‘‘use’’ of force but also in response

to the threat of the use of force.

That this must be the case should be

clear to anyone familiar with the dangers

of the modern world. At some

point in the past, it might have been

possible to wait until an attack actually

occurs before striking back.

Today, however, such a rule would

clearly be unworkable, so dangerously

unworkable as to imperil the inherent

right of self-defense in the first place.

Today, the proliferation of weapons

of mass destruction make it madness

to wait until one is attacked first.

These basic military realities compel

us to understand the idea of self-defense

in response to a threat in broader

ways than before.

To paraphrase U.S. Supreme Court

Justice Robert Jackson, the law is not

a suicide pact.

The law does not require us to wait

for a biological weapon such as smallpox

or a genetically engineered anthrax

strain to be used to kill potentially

millions of Americans before we

have the right to attack the would-be

user.

Especially in this age of modern

transportation, biological weapons

know no boundaries. From 1918 to 1919,

the influenza pandemic killed between

20 and 40 million people worldwide. Today’s

biological weapons scientists

have the capacity to cause even worse

mayhem, not just to any single target

country, but perhaps to everyone on

the planet.

We have long recognized such principles

in our domestic law. A policeman,

for instance, need not wait for a

criminal to actually shoot at him before

he can use lethal force in self-defense.

The United States has been involved

in Iraq for years in attempting to enforce

the many Security Council resolutions

violated by Iraq. Throughout

this entire period, Iraq has continually

fired upon our forces, and those of our

allies, with conventional weapons.

Iraq has a large and expanding biological

and chemical weapons program.

And he is doing everything in his power

to add nuclear weapons and long-range

ballistic missiles to his arsenal.

The law does not require us to wait

to be attached with the other weapons

in Saddam’s arsenal before completing

the task the Security Council has set

for ending the threat Iraq poses to

international peace and security. The

law does not require this, and our security,

and that of other countries in the

region, and around the world, does not

permit it.

I will close with these final thoughts.

There are those at home and abroad

who criticize U.S. intent to take action.

I remind them that the United

States did not pick this conflict. The

United States doe not want this fight,

Saddam Hussein forced our hand by not

complying with his obligations under

the 1991 cease fire. He forced our hand

by not complying with U.N. resolutions.

He forced our hand by building

alliances with terrorists.

We do not make this decision lightly,

we are very aware of the potential

costs of taking action, but we are much

more aware of the costs of not taking

action. As said by Edmond Burke, ‘‘All

that is necessary for the triumph of

evil is that good men do nothing.’’

I urge my colleagues to support this

resolution.