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NEXT STEPS IN IRAQ

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BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

SEPTEMBER 25 AND 26, 2002

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NEXT STEPS IN IRAQ

WEDNESDAY, SEPTEMBER 25, 2002

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 2:15 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee), presiding.

Present: Senators Biden, Dodd, Kerry, Feingold, Wellstone, Boxer, Bill Nelson, Rockefeller, Helms, Lugar, Hagel, Chafee, and Brownback.

The CHAIRMAN. The hearing will come to order, please. Good afternoon. In late July and early August, this committee held 2 days of hearings on U.S. policy toward Iraq, and our purpose was to begin a national discussion of that policy and to raise some of the difficult questions surrounding any consideration of the next step. We heard from a broad range of expert witnesses, and in the weeks since prominent Americans with decades of experience in foreign policy and national security policy have spoken out, and so has the Bush administration in public statements, in hearings before the Congress, and President Bush's powerful speech in the United Nations General Assembly.

As a result, I believe there is an emerging bipartisan consensus on the basic principles for moving forward on Iraq, and rather than give this entire statement that I have, let me suggest that I am of the view, and speaking for myself, that no matter how well conducted, foreign policy cannot be sustained without the informed consent of the American people.

I personally am looking forward to the President shortly going to the Nation, as he went to the United Nations, and making the case for what he wishes to do relative to Iraq. He made a compelling case in the United Nations as to why Iraq has violated the United Nations' own rules, principles, and sanctions, but that is not sufficient, in my view, nor do I believe the President believes it is sufficient to convince the American people as to what we must do.

It is one thing to lay out the threat. But we need a clear, unequivocal statement of what the U.S. objective is in Iraq. Is it weapons of mass destruction? Is it regime change? Is it return of Bahraini prisoners? What is it? Why has—and I believe I am inclined to believe it has, but why has the policy of containing Saddam failed? What is the urgency? What are the regional considerations? What should we be prepared for? What is likely to occur in the mind of the President, and what about—Senator Lugar and I sent an extensive letter to the President prior to his speech before

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the United Nations asking him to consider, which I am positive he will, what other commitments are we talking about?

What about the day after? What responsibility, if any, do we have? What is the President's vision for what Iraq will look like after Saddam is gone? Are we committing the American people to a sustained commitment to Iraq until there is stability in Iraq?

I realize no one can predict exactly how long that would take, but what is the commitment we are making? What are we about to do?

And so there are many questions to be answered. I think they all have answers, and I am, for one, anxious to hear the President lay out in some explicit detail what it is he is going to be asking of the American people, and I, for one, believe that, as I have said before, if Saddam Hussein is around 5 years from now, we have a serious problem.

The question is, again, what are we asking the American people? What are we about to commit them to, and what latitude and authority does the President need to meet those commitments?

With that, let me yield, and I might add, tomorrow we are going to be hearing from former Secretaries of State as well as the Secretary of State. Unfortunately, two of our witnesses had to cancel. I sincerely thank Mr. McFarlane for responding on such very short notice to be able to be here today, but we will continue this process of trying to discern what it is that we are about to sign on to and, as I said, I know of no policy that can be sustained unless you tell the American people, front end, what it is that we are going to expect of them. And I think they are up to anything, anything we ask of them if we are straight with them and tell them what the potential price may be in order to enhance our security, and we clearly would be more secure without Saddam Hussein in possession of weapons of mass destruction.

I would yield to my friend Senator Helms, and I think I am right, Mr. Chairman, that this is your first hearing. You have been here for a markup, but your first hearing since you had to take a little sojourn and get yourself back in shape again, and we are delighted to see you back.

Senator HELMS. I am running 60 miles an hour now.

The CHAIRMAN. That is about 20 miles an hour faster than I run, and about 40 miles slower than you usually run, and I have no doubt you will be up to 100 in no time.

Senator HELMS. If you will believe what I just said, you will believe anything.

Of course, we welcome Richard Holbrooke and Mr. McFarlane. We have met with them many times, and they have been many times helpful. The focus of the hearing today, as Joe has said, will be the role of the United Nations in addressing the threats posed by the Iraqi regime of Saddam Hussein and, Mr. Chairman, I recall when we took our committee to the United Nations for hearings when Ambassador Holbrooke was serving in New York, we had a discussion about Secretary General Kofi Annan's assertion that the United Nations charter was the sole source of legitimacy in the use of force, and during that hearing you and I forcefully agreed that this was not the view of the U.S. Senate.

While the President is attempting to ascertain a political recitation at the United Nations and support from a coalition of the will-

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ing, there is no debate that the United States retains the authority to use force to protect the national security interest of the United States, and with that, I am going to conclude, and await answers and the testimony of our two distinguished witnesses.

The CHAIRMAN. Our first panel today is Ambassador Richard C. Holbrooke, who served as the United States Permanent Representative to the United Nations from 1999 to 2001. Before joining the U.N. mission, he was vice chairman of Credite Suisse First Boston from 1996 to 1999. He also served as Assistant Secretary of State for European and Canadian Affairs from 1994 to 1996, and was the Ambassador to Germany from 1993 to 1994, and is currently a counselor for the Council on Foreign Relations, and vice chairman of a leading private equity firm.

We also have Hon. Robert McFarlane. It is good to have you back.

Mr. McFarlane was National Security Advisor from 1983 to 1985. He also served as Deputy National Security Advisor from 1982 to 1983, and counselor at the State Department from 1981 to 1982. He is currently chairman of Energy and Communications Solutions, an infrastructure development firm.

I welcome you both, and we regret that Mr. Pickering and Ambassador Kirkpatrick were unable at the last moment to be able to appear, and we thank both the witnesses for being here.

The floor is yours, Mr. Ambassador.

STATEMENT OF HON. RICHARD C. HOLBROOKE, FORMER U.S. AMBASSADOR TO THE UNITED NATIONS, COUNSELOR, COUNCIL ON FOREIGN RELATIONS, NEW YORK, NY

Ambassador HOLBROOKE. Thank you, Mr. Chairman, members of this distinguished committee. It is a great honor to appear before you again today at the start of hearings of such historic importance, and to join you, Mr. Chairman, in especially welcoming Senator Helms back here again.

The last time I testified before this committee, he sat where you did, and you were very gracious in your support of me, and I welcome the confidence and support all of you who are here today have given me.

In my opening remarks, I shall discuss three key issues, first, the process which is finally underway in both the Congress and the United Nations Security Council after what I believe was a costly and unnecessary delay; second, the goal of American policy in regard to Iraq, that is, regime change, which I support; and third, the draft resolution before you today, to which I would suggest four specific changes before passage.

In regard to the first matter, let me say that the process does, indeed, matter, and the prolonged reluctance of the administration to consult adequately with either the Congress or the Security Council was a costly, self-inflicted mistake. During the long and confused summer, an impression of disarray was left with the world, and during that same period those who opposed any action against Saddam and those who simply disagreed with the tactics being followed coalesced into a large, almost inadvertent opposition. It was only when the President and the administration, however reluctantly, pledged to send a resolution to the Hill that the

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problem here began to resolve itself, but the problem is far from over.

If the administration refuses to consider responsible and serious changes to the resolution that comes out of Congress, it would again needlessly weaken the unity necessary for success. Congress always has a role in such issues, and it must be a coequal branch in deliberations over the draft before you. Senator Helms, I even knew that before you told it to me, because I learned it in high school, but it was one of your main lessons in your trips to New York, and I just want to repeat it.

The other matter was equally serious, the all-too-visible contempt for the United Nations, and even some of our closest friends, was a major impediment to the very sort of collective action that is most likely to succeed.

The President's well-crafted and well-delivered speech to the General Assembly in New York, followed by Secretary Powell's intense negotiations with Security Council members, has significantly improved the situation. I know that some Members of this body have strong views on the proper sequencing of these two tracks, specifically that congressional action should follow a new Security Council resolution, as was the case in 1990–1991.

My own view on this is that it would be better in this case if the Congress did act first. This would help Secretary Powell in obtaining the best possible resolution at the Security Council by sending a signal of national unity to the Security Council's members, especially those countries most critical to Security Council resolution. Russia and France of course come to mind.

However, I would add that sequencing is not an absolutely critical issue. It can work in either direction. The exact wording of your resolution that is before you today, which I will turn to in a moment, is, however, extremely important. While it is absolutely necessary for the United States to make a clear, good faith effort to achieve a new Security Council resolution, I do not believe it is absolutely essential to achieve it. Highly desirable, yes. Absolutely essential, no.

Saddam's clear violation of existing Security Council resolutions does provide an existing legal basis for action, but as former Secretary of State James Baker has written, from a political and practical point of view, it would greatly enhance America's position if we received another clear, renewed mandate, and that is what Secretary Powell is currently seeking.

In fact, twice in the last decade, in Bosnia in 1995 and especially in Kosovo in 1999, the Clinton administration took military action without Security Council approval, and that was because the Russians had indicated to us that they would veto. To be sure, we did have unanimous NATO support in both cases, something that is far less likely today, especially in light of recent events in Germany.

The Clinton administration's actions in Bosnia, which were supported by many members of this committee, most notably Chairman Biden, who had urged action years before it took place, did not even receive support from the House, yet President Clinton acted in accordance with his constitutional authority. As you proceed, I hope we should keep in mind and not ignore such recent history.

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Having said that, I wish to make clear that in my view the dismissive attitude shown by some members of the administration toward the U.N. over the last 20 months was not only unnecessary, but it weakened us internationally for no reason at all, especially when we belatedly sought international support.

I speak of this issue before a committee whose leadership on this issue is unparalleled and before a chairman who, along with his predecessor, Senator Helms, wrote an important page in the history of United States-United Nations relations. I will always be deeply grateful for the support, advice, and encouragement that I received from every member of the committee who is here today and many others as we face the effort to reform the financial structure of the U.N. in accordance with the Helms-Biden legislation.

With regular visits to New York from most of this committee, including a decisive one from Senator Biden in December of 2000, we were able to persuade all 190 nations of the United Nations to approve the most fundamental overhaul of the U.N. financial structure in almost 30 years, a reform that included a 15-percent reduction of U.S. dues to the U.N. Yet despite the best efforts of Senator Biden, Senator Helms, and many of you, all of you on this committee, in fact, the Congress has still failed to release the remaining $244 million due in the third round of the Helms-Biden effort to pay down the arrears.

I mention this issue, which may seem diversionary to why we are here today, for a reason. In order to lead, in order to assemble international coalitions of the willing for action, as President George Herbert Walker Bush did in 1991, groundwork must be laid internationally through efforts like the collaborative Helms-Biden reform effort at the U.N. Without the success of that effort, the administration would be facing today arrears of such magnitude that Secretary Powell's efforts and the national interest in gaining Security Council approval would be severely weakened, yet some people still do not see that the United Nations, with all its flaws, is still indispensable, and that it serves our national interests far more often than it weakens them. This is especially true if the United States, instead of ignoring or undermining the United Nations, works to strengthen it through strong leadership.

Let me now turn to the question of America's national security goals in this unfolding drama. The last administration, of which I was part, supported regime change as a legitimate policy goal. This was a change from the position of the first Bush administration, and one I fully supported. I would point out that after Kosovo and the indictment of Slobodan Milosevic by the International War Crimes Tribunal, we adopted a similar goal regarding Milosevic and carried out a policy of isolation, covert assistance, overt assistance to his opponents and, with the decisive involvement of the Serbian people, ultimately succeeded.

Now, in my view, Saddam is even more dangerous than Milosevic, given his continuing quest for weapons of mass destruction. Left alone, he will only seek to become stronger. Senator Biden said in his opening remarks, if Saddam is around 5 years from now, we have a serious problem. I certainly agree with that, and I think we would all agree that we already have a problem. It just gets more serious if we delay dealing with it.

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Hence, I accept the argument that once the goal of regime change is established, the United States should work to achieve it. Having agreed that regime change is desirable, even necessary, does not, however, go to the question of means. If events take a fortunate turn, the people themselves might rise up and remove a dictator after massive international pressure and isolation. Although this has happened in the last 17 years in one form or another in such diverse places as the Philippines, Romania, and Yugoslavia, we all understand it is virtually inconceivable in Iraq.

There is perhaps a somewhat higher chance that an individual, acting alone, or a small group of people with direct access to Saddam, might take action to eliminate a tyrant whose behavior threatens their own survival. This is, in fact, the situation today in Iraq. The entire Iraqi military surely must recognize that it will be destroyed, and probably quickly, if events follow their present course to its logical conclusion.

Yet even as we hope for such an outcome, we cannot base policy on it. That would be substituting prayer for policy, and that is not a good approach to a serious foreign policy issue like the one before you today. Still, it is tempting to entertain the hope before we move on to more realistic and more difficult scenarios.

This brings us back to the use of force to achieve our goals. If all else fails, collective action against Saddam is, in my view, justified by the situation and the record of the last decade. While we talk of airtight inspections, weapons inspections, no notice anywhere, any time, and disarmament, we must recognize that once launched on a course for either of those goals the chances for a military conflict go up dramatically, because Saddam is unlikely to fully comply, so we should not deceive ourselves on this point, Mr. Chairman. We are talking today about a very possible war and, once started, that war will have as its objective, whether stated or not, a change of regime in Baghdad.

It is highly unfortunate that some advocates of regime change have talked in terms of, "going it alone," or the need to, "act unilaterally," or proclaim an alleged new doctrine of preemptive war. In fact, the United States will not be alone in such a campaign, as Secretary Rumsfeld has stated in the last week. In addition to the British, whose Prime Minister, Tony Blair, deserves enormous praise for his staunch and eloquent support of the United States, and especially for his extraordinary presentation yesterday in the House of Commons, which goes much farther than anything issued here in this country so far in justifying the stand that both of us have taken, I believe that Turkey, the indispensable NATO ally, will be supportive, as well as several other key nations that will find ways to assist the campaign without compromising their own domestic situation.

I also believe that the odds favor a successful outcome against Iraq and, as Senator John Kerry has written recently, probably rather quickly. The deterioration of the Iraqi military since 1991, and the vast improvement in the American military, which I have seen first-hand over the last four decades, suggests that success should be readily achievable. However, in the fog of war, terrible things can happen. There is a real danger that we should not ignore, which we cannot ignore, that what starts as a war against

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Iraq, especially if protracted, could metastasize into wider conflict between Arabs and Israel.

It is, in my view, irresponsible for people, some of them closely allied to the administration and purporting to speak for it, to talk of the war as a "cake walk" or a quick trip to Baghdad. They may be right, and, like all Americans, I hope this will be the case if war comes, but such language, Mr. Chairman, such language demeans and insults the risks that brave young American men and women will face and are already facing in Afghanistan and the Balkans, and the casualties that will inevitably take place, even under the best of circumstances.

I defer, of course, to several members of this committee whose courage under fire in Vietnam is a matter of record, but as a veteran of 3½ years as a State Department civilian working alongside the military in the Mekong Delta and in Saigon, as an eye witness to war and its horrors on two other continents, I must stress the obvious, war is truly hell. There is nothing noble or heroic about its consequences. Even though it can bring out the best in people, it can also bring out the worst. If war comes, let us go forward with a sober appreciation of its horrors, its waste, its costs.

Let me turn now, finally, to the draft resolution itself. I note that in transmitting it to the Congress, the White House invited a full and frank discussion over the draft wording. As Chairman Biden already noted earlier this week, it is just a draft. The last time such a draft came up right after September 11, changes were made in a bipartisan spirit. I believe the current draft proposal from the administration would, indeed, need to benefit from the same action by you and your colleagues, although I hope that it will be as rapid as possible.

Let me offer four initial specific suggestions for improvement of the draft before you, and I think there may be many others, but I would like to offer you four. First, and most important, I believe the authority requested in the final sentence, section 2, is too broad, specifically in regard to the third phrase, which would authorize the President to use all means to "restore international peace and security in the region."

This phrase, which I believe is taken out of context from paragraph 34 of U.N. Security Council Resolution 687 of 1991, has a different meaning in the draft resolution before you than it had in Security Council Resolution 687. It is far too broad. It amounts to virtual blank check authority. Resolution 687 clearly referred only to the preceding paragraphs of that specific Security Council resolution.

The region referred to in Security Council Resolution 687 meant Kuwait and Iraq and, Mr. Chairman, I checked this with Ambassador Pickering when he realized he could not be here today. He was the Ambassador in New York at the time it was passed. He was absolutely clear that that phrase in Resolution 687 meant only Iraq and Kuwait, and I would like to offer that to you as you deliberate.

In the draft before you, however, the phrase could mean anything at all, and I strongly endorse the concerns addressed by Senator Feingold and some of his colleagues. The phrase should simply be removed. Refining it, which is an option, is simply too cum-

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bersome and unnecessary. The final resolution should, in my view, focus clearly on Iraq, nothing else.

My second suggestion, Mr. Chairman, is that the resolution contain a statement of strong support for the efforts of the President, the Secretary of State, and their colleagues to seek and achieve a satisfactory Security Council resolution. For some reason, the draft does not emphasize the effort at the Security Council, which I know is of great concern to all of us. This would emphasize the importance of the Security Council and show our unity to those nations now wavering over this issue.

Third, I would suggest that you add a reporting clause requiring the administration to inform and consult Congress on a very timely basis, perhaps as frequently as every month, in writing, and even more frequently in closed and highly confidential meetings, as they proceed. The administration should not be left with the ability to say that if this resolution passes, they have discharged their obligation to consult and inform Congress, as President Johnson did after the Gulf of Tonkin resolution in August 1964.

I remember this vividly, because I was in Vietnam when that passed, and quite frankly, and it is critical to your deliberations, none of us in Vietnam understood what the Gulf of Tonkin resolution meant. It was used for a purpose not intended by the people who voted for it, and it is very important that that not happen here.

Fourth, I would strongly urge you to add a section concerning the importance of post-conflict reconstruction in Iraq as part of a broad new policy toward the region. Since the story of Afghanistan is not entirely satisfactory on this point, to put it mildly, and since some people are already suggesting that reconstruction can be done either by other countries, or simply through the Iraqis using their own oil revenues, it is important to make clear that you do not consider the job over simply if Saddam is replaced by somebody else.

A successor might be almost as bad, or bad in a different way. Chaos could follow. The materiel for weapons of mass destruction could fall into the wrong hands. We do not want to see Iraq become a safe haven for other forms of terrorists, as happened in Afghanistan after the United States so unfortunately turned its back on that country in 1989. That mistake in Afghanistan, second only, in my opinion, to letting Saddam survive in 1991, created the conditions that led to Osama bin Laden and the al-Qaeda network setting up shop in Afghanistan.

I would recommend, Mr. Chairman, therefore, that you add to this resolution language making clear that the post-Saddam structure in Iraq is of continuing concern to the United States, not only what happens in Baghdad, but also in the south and in the Kurdish north. These groups must not be betrayed and slaughtered again. The time to make that clear is now, before anything begins on the battlefield.

Mr. Chairman, that concludes my opening statement. I thank you for the opportunity to be here, and look forward to entering into a dialog with you and your colleagues on this momentous occasion.

[The prepared statement of Ambassador Holbrooke follows:]

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PREPARED STATEMENT OF HON. RICHARD C. HOLBROOKE, FORMER AMBASSADOR TO THE UNITED NATIONS

Mr. Chairman, members of this distinguished Committee:

It is a great honor to appear before you again today, at the start of hearings of such historic importance. In my opening remarks I shall discuss three key issues—first, the process which is finally underway in both the Congress and the United Nations Security Council, after a costly and unnecessary delay; second, the goal of American policy in regard to Iraq—that is, regime change—which I support; and third, the draft resolution before you today, to which I would suggest at least four specific changes before passage.

In regard to the first matter, let me say that process does indeed matter, and the prolonged reluctance of the Administration to consult adequately with either the Congress or the United Nations Security Council was a costly self-inflicted mistake. During the long and confused summer, an impression of disarray was left with the world, and during that same period, those who opposed any action against Saddam and those who simply disagreed with the tactics being followed coalesced into a large, almost inadvertent opposition. It was only when the President and his team, however reluctantly, pledged to send a resolution to the Hill that the problem began to resolve itself and the problem is far from over. If the Administration refuses to consider changes from Congress it will—again—needlessly weaken the utility necessary for success. Congress always has a role in such issues, and it must be a co-equal branch in the deliberations over the draft before you. The other matter was equally serious: the all-too visible contempt for the United Nations and even some of our closest friends was a major impediment to the very sort of collective action that is most likely to succeed. The President's well-crafted and well-delivered speech to the General Assembly, followed by Secretary Powell's intense negotiations with Security Council members, has significantly improved the situation.

I know that some members of this body have strong views on the proper sequencing of these two tracks—specifically, that Congressional action should follow a new Security Council resolution, as was the case in 1990-91. My own view on this is that it would be better in this case if the Congress acted first; this would help Secretary Powell in obtaining the best possible resolution by sending a signal of national unity to the members of the Security Council—especially those countries most critical to the resolution. Russia and France come to mind. However, I would add that sequencing is not an absolutely critical issue—it could work in either direction. The exact wording of your resolution, which I will turn to in a moment, is, however, very important.

While it is absolutely necessary for the United States to make a clear good faith effort to achieve a new Security Council resolution, I do not believe it is absolutely essential to achieve it. Highly desireable—yes. Absolutely essential—no. Saddam's clear violation of existing Security Council resolutions does provide an existing legal basis for action. But, as former Secretary of State James Baker has written, from a political and practical point of view it would greatly enhance our position if we received another clear renewed mandate—and that is what Secretary Powell is currently seeking.

In fact, twice in the last decade, in Bosnia in 1995 and especially in Kosovo in 1999, the Clinton Administration took military action without specific Security Council approval. To be sure, we did have unanimous NATO support in both cases, something that is less likely today in light of recent events in Germany. The Clinton Administration's actions in Bosnia, which were supported by many members of this Committee, most notably Chairman Biden—who had urged action years before it took place—did not even receive full support from the House, yet President Clinton acted in accordance with his Constitutional authority. We should not ignore such recent history as we proceed.

Having said that, I wish to make clear that the dismissive attitude shown by some members of this Administration toward the United Nations over the last twenty months was not only unnecessary, it weakened us internationally for no reason at all, especially when we belatedly sought international support. I speak of this issue before a Committee whose leadership on this issue is unparalleled, and before a Chairman who, along with his predecessor, Senator Helms, wrote an important page in the history of U.S.-U.N. relations. I will always be deeply grateful for the support, advice and encouragement that I received from every member of this committee as we faced the effort to reform the financial structure of the UN in accordance with the Helms-Biden legislation. With regular visits to New York from most of this committee, including a decisive one from Senator Biden in December 2000, we were able to persuade all 190 member states of the UN to approve the most fundamental overhaul of the UN financial structure in almost thirty years, a reform

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that included a fifteen percent reduction in U.S. dues to the UN. Yet despite the best efforts of Senator Biden, Senator Helms, and many of you, the Congress has still failed to release the remaining $244 million due in the third round of the effort to pay down our arrears.

I mention this issue for a reason: in order to lead, in order to assemble international coalitions for action—as President George H.W. Bush did in 1991—groundwork must be laid through efforts like the collaborative Helms-Biden reform effort. Without the success of that effort, we would now be facing an arrears of such magnitude that Secretary Powell's efforts would be weakened. Yet some still do not see that the United Nations, with all its flaws, is still indispensable, and serves our national interests far more often than it weakens them. This is especially true if the United States, instead of ignoring the UN, works to strengthen it through strong leadership.

Let me now turn to the question of America's national security goals in this unfolding drama. The last Administration supported regime change as a legitimate policy goal. This was a change from the position of the first Bush Administration, and one that I fully supported. I would point out that, after Kosovo and the indictment of Slobodan Milosevic by the International War Crimes Tribunal, we adopted a similar goal regarding Milosevic, and carried out a policy of isolation, covert and overt assistance to his opponents, and—with the decisive involvement of the Serbian people—succeeded. Saddam is even more dangerous than Milosevic, given his continuing quest for weapons of mass destruction. Left alone, he will only seek to become stronger, and thus a greater threat to the region and beyond. Hence, I accept the argument that once the goal of regime change is established, the United States should work to achieve it.

Having agreed that regime change is desirable—even necessary—does not, however, go to the question of means. If events take a fortunate turn, the people themselves may rise up and remove a dictator after massive international pressure and isolation. Although in the last seventeen years this has happened, in one form or another, in such diverse places as the Philippines, Romania, and Yugoslavia, we all understand that it is virtually inconceivable in Iraq. There is perhaps a somewhat higher chance that an individual acting alone, or a small group of people with direct access, might take action to eliminate a tyrant whose behavior threatens their own survival. This is, in fact, the situation today in Iraq: the entire Iraqi military surely must recognize that it will be destroyed—and probably quickly—if events follow their present course to its logical conclusion. Yet even as we hope for such an outcome, we cannot base policy on it; that would be substituting prayer for policy, never a good approach to a serious venture. Still, it is tempting to entertain the hope, before moving on to more realistic—and more difficult—scenarios.

This brings us back to the use of force to achieve our goals. If all else fails, collective action against Saddam is, in my view, justified by the situation and the record of the last decade. While we talk of airtight weapons inspection—no notice, anywhere, anytime—and disarmament, we must recognize that once launched on a course for either of those objectives, the chances for a military conflict go up dramatically, since Saddam is unlikely to comply fully. So we should not deceive ourselves on this point: we are talking today about a very possible war. And once started, that war will have as its objective, whether stated or not, a change of regime in Baghdad.

It is highly unfortunate that some advocates of regime change have talked in terms of "going it alone" or the need to act "unilaterally" or proclaimed an alleged new doctrine of pre-emptive war. In fact, the United States will not be alone in such a campaign, as Secretary of Defense Rumsfeld stated last week. In addition to the British, whose Prime Minister, Tony Blair, deserves enormous praise for his staunch and eloquent support of the United States, I believe that Turkey, the indispensable NATO ally, will be supportive, as well as several other key nations that will find ways to assist a campaign without compromising their own domestic situation.

I also believe that the odds favor a successful outcome against Iraq, and, as Senator John Kerry has written, probably rather quickly. The deterioration of the Iraqi military since 1991, and the vast improvement in the American military, which I have seen first hand over the last several decades, suggests that success should be readily achievable. However, in the fog of war terrible things can happen. There is a real danger, which we should not ignore, that what starts as a war against Iraq, especially if protracted, could metastasize into a wider conflict between Arabs and Israel. It is irresponsible for people, some of them closely allied to the Administration and purporting to speak for it, who talk of the war as a "cakewalk" or a quick rush to Baghdad. They may be right, and like all Americans I hope this will be the case if war comes. But such language demeans and insults the risks that brave young American men and women will face, and are already facing in Afghanistan

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and the Balkans, and the casualties that will inevitably take place even under the best of circumstances. I defer, of course, to several members of this Committee whose courage under fire in Vietnam is a matter of record. But, as a veteran of three years as a State Department civilian working alongside the American military in Vietnam, and a eyewitness to war and its horrors on two other continents, I must stress the obvious: war is truly hell. There is nothing noble or heroic about its consequences, even though it can bring out the best in people; it can also bring out the worst. If war comes, let us go forward with a sober appreciation of its honors, its waste, its costs.

Let me turn now, finally, to the draft resolution itself I note that in transmitting it to the Congress, the White House invited a full and frank discussion over the draft wording. As Chairman Biden noted already, it is just a draft. The last time such a draft came up, right after September 11, changes were made in a bipartisan spirit. I believe that the current draft proposal from the Administration could benefit from the same action, although I hope—and I urge—that it be as rapid as possible.

Let me offer at least four specific suggestions for improvement:

- first, and most important, I believe that the authority requested in the final sentence (Section 2) is too broad, specifically in regard to the third phrase, which would authorize the President to use all means to "restore international peace and security in the region." This phrase, which I believe is taken out of context from paragraph 34 of UN Security Council Resolution 687 (1991), has a different meaning in this draft resolution than it had in 687. *It is far too broad—amounting to a virtual "blank check" authority.* Resolution 687 referred, clearly, only to the preceding paragraphs of the Security Council resolution; the region referred to in 687 meant Kuwait and Iraq. In the draft before you, it could mean anything, and I strongly endorse the concerns expressed by Senator Feingold and some of his colleagues. This phrase should simply be removed; refining it, which is an option, is simply too cumbersome and unnecessary. *Your resolution should focus clearly on Iraq—nothing else.*
- second, I believe the resolution should contain a statement of strong support for the efforts of the president, the Secretary of State, and their colleagues to achieve a satisfactory Security Council resolution. *This would emphasize the importance of the Security Council and show our unity to the nations now wavering over this issue.*
- third, I would suggest that you add a reporting clause, requiring the Administration to inform and consult the Congress on a very timely basis, perhaps as frequently as every month, in writing, and even more frequently in closed and highly confidential meetings, as they proceed. *The Administration should not be left with the ability to say that if this resolution passes, they have discharged their obligation to consult and inform Congress, as President Johnson did after the Gulf of Tonkin resolution in August 1964.*
- fourth, I would strongly urge you to add a section concerning the importance of post-conflict reconstruction in Iraq as part of a broad new policy towards the region. Since the story of Afghanistan is not entirely satisfactory on this point—to put it mildly—and since some people are already suggesting that reconstruction can be done either by other countries or simply through the Iraqis using their own oil revenues, it is important to make clear that the job is not over simply if Saddam is replaced by someone else. A successor might be almost as bad, or bad in a different way. Chaos could follow. The material for Weapons of Mass Destruction could fall into the wrong hands. We do not want to see Iraq become a safe haven for other forms of terrorists, as happened in Afghanistan after the United States turned its back on the country in 1989. That mistake—second only, in my opinion, to letting Saddam survive in 1991—created the conditions that led to Osama bin Laden and the Al-qaeda network setting up shop in Afghanistan.

I would recommend, therefore, that you add to this resolution language making clear that the post-Saddam structure in Iraq is of continuing concern to the United States, not only in Baghdad but also in the south and in the Kurdish north. These groups must not be betrayed and slaughtered again. The time to make that clear is now—before anything begins on the battlefield.

Mr. Chairman, that concludes my opening statement. I look forward to entering into a dialogue with you on this momentous occasion.

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The CHAIRMAN. Thank you very much for being here. Mr. McFarlane, thank you for being here. It is good to have you back before the committee.

STATEMENT OF HON. ROBERT C. McFARLANE, FORMER NATIONAL SECURITY ADVISOR, CHAIRMAN, ENERGY & COMMUNICATIONS SOLUTIONS, WASHINGTON, DC

Mr. MCFARLANE. Thank you, Mr. Chairman. I am deeply honored to be invited to participate in your deliberations on the decision to go or not to go to war, deeply honored always to be party to the deliberations of this great body. My father served in the other body, but I have had the honor of serving at the Armed Services Committee under the leadership of Chairman Stennis, Senator Goldwater, Senator Jackson, giants of this body.

I come today as one who was deployed in the Gulf of Tonkin in 1964, and shortly thereafter commanded a unit of the first landing of American forces in Vietnam. That landing occurred under Presidential authority, endorsed by the U.S. Senate. The events leading up to our engagement there, specifically the fraud that was perpetrated on this body and on the American people, profoundly affected American attitudes toward launching war and, since that day, and in the ensuing decades, the mistrust stemming from our ill-conceived entry into that conflict has resulted in sustained serious introspection concerning why and how we decide to go to war.

We live in a world, not to say a community of nation states that coexist, compete, covet, and conspire to survive and prosper. Through centuries of struggle, we have conceived doctrines, defenses, dogmas designed to settle disputes among states peacefully: concepts like mediation, arbitration, arms control, collective security have all been tried and have often succeeded in reducing tensions and settling disagreements.

To be fair, even the failures of one or another of these frameworks have been useful, for they have added to our knowledge of what works and what does not work and, thus, they move us closer to building an international system that can be effective in settling disputes peacefully. But we are not there yet. Disputes and violence among nation states seem to be inevitable for as long as the lust for power and hubris remain unchecked by institutions and popular governments, and that is what brings us here today.

Today and for the past generation we have faced a threat from Saddam Hussein that has proven resistant to all of the bodies, the systems, the frameworks, the creations of architecture and statecraft that we have devised. The threat is posed by weapons of mass destruction in the hand of a monomaniacal despot bent upon regional domination, with all that such domination would imply for nations throughout the world.

Today, in Iraq, there are chemical and biological weapons and systems to deliver them on the shelf that could be used to kill tens if not hundreds of thousands of people in the region and beyond. History tells us that Saddam Hussein also has the will to use these weapons, and has done so. In short, we face a man with the means and the willingness to attack his neighbors and us.

Through the years, through trial and error in the use of these several efforts at dispute resolution that I have described, we have

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begun to distill a few rules about going to war, and we have begun to establish a few of them in custom and practice, although not in law. The one that is most shared among nations is the notion that force ought not to be used except as a last resort, and before resorting to it, states should exhaust all of the nonviolent alternatives.

For the past 6 weeks, that is what President Bush has been doing. Together with allies, he has presented the factual record of Saddam Hussein's successful drive to attain chemical and biological weapons and the means to deliver them. He has made the case for action to deal with this clear and present threat to the peace as called for in the United Nations charter.

Within weeks, the coming weeks, he will have made the case at the United Nations, made the case with the U.S. allies, before the U.S. Congress, and I believe before the American people, for taking action to constrain once and for all the ruthless ambitions of Saddam Hussein.

I agree with Ambassador Holbrooke that to move forward in this action does not require a new U.N. resolution. Indeed, to insist on yet another one in the face of the violations and persistent abuse that we have seen in the past 10 years is to devalue the importance of a U.N. resolution.

In calling for action, I recognize that some have called launching a war today against Iraq preemption. I disagree. Preemption implies precipitous action taken without warning against an evident threat without affording the threatening country an opportunity to cure the grievance. This is surely not the case with Saddam Hussein. For 20 years he has been afforded the opportunity to demonstrate a change in the aggressive behavior expressed in his invasion of Iran and of Kuwait, his repressive brutality against his own people, and his obvious ambition for regional hegemony.

Clearly, however, a launching of a war in Iraq will establish a precedent that we cannot want to see emulated by others, without fulfillment of accepted principles. I am confident that the President and his administration are focused on that very issue, and that the relevant criteria to justify a preemptive attack will be enunciated in the days ahead.

They will include in my judgment, among others, transgressions such as we are seeing in Iraq in recent history, a history of aggression against neighbors, unchecked power within Iraq, and the possession and the will, the military means to inflict mass casualties, the ability and readiness to use them on short notice.

It is a measure of moral strength in our society that we place a very heavy burden of proof on our government before it launches a war, but this forbearance does come at a price, a price measured in the growing risk of attack by Iraq as we continue to explore alternative means. It is never easy to judge how much lost time and risk is prudent. Our modern tendency to hold out hope beyond all reasonable expectations was born in an era when the threatened action would not have been catastrophic. Today, however, the price of error is much, much higher, measured in horrendous loss.

Mr. Chairman, in light of this history of aggression and brutality, of willful violation of United Nations resolutions and obstruction of its inspectors, with evidence of an extant and growing arsenal of mass destruction systems and a willingness to use them, and hav-

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ing used all alternative means at hand to avoid conflict, we must now act. To do so is not to preempt. Far from it. It is to do our duty. It is to vindicate the trust of generations before us to act with prudence and deliberation to defend our values, our people, and our way of life.

What specifically should we do? The President should shortly complete the deliberate process of consultation with the Senate and the House, he should complete his consultations and efforts to engender support and cooperation among allies, and he should continue to work with the United Nations to engender its support and understanding.

We should then stage our forces in the countries that Ambassador Holbrooke just mentioned, and gulf states that I believe will be ready to provide all the staging we need, and then we should move deliberately to seize and hold Baghdad and, as necessary, to neutralize the Republican Guards and organize Iraqi forces to destroy the systems of mass destruction and to be prepared to undertake the long building process to establish the institutions of government worthy of the name and the renewal of the Iraqi economy.

I join with Ambassador Holbrooke in lamenting the betrayal the United States inflicted on Afghanistan 12 years ago, and of the awful price we payed for that betrayal to a country that achieved historic victory for us in the cold war. To have left it in ruins with 1,000 dead, 3 million refugees, infrastructure destroyed, and not to have even cared enough to leave people on the ground to determine if some day we might become threatened once again ourselves, represents a betrayal of historic proportion and ignorance begging credulity.

I appreciate the opportunity, Mr. Chairman, to join you today, and look forward to your questions.

[The prepared statement of Mr. McFarlane follows:]

PREPARED STATEMENT OF HON. ROBERT C. MCFARLANE, FORMER NATIONAL SECURITY ADVISOR

Mr. Chairman, I appreciate the opportunity to testify before the committee today.

I come as one who was deployed in the Gulf of Tonkin in the summer of 1964 and soon after commanded a unit in the first landing of U.S. forces in Vietnam under presidential authority endorsed by the United States Senate. The events leading up to our engagement there—specifically the fraud that was perpetrated on this body and our people—profoundly affected American attitudes toward launching war since that day. In the ensuing decades the mistrust stemming from our ill-conceived entry into Vietnam has resulted in sustained, serious introspection concerning why and how we decide to go to war

We live in a world—not to say a community—of nation states that coexist, compete, covet and conspire to survive and prosper. Through centuries of struggle we have conceived doctrines, defenses and dogma designed to settle disputes among states peacefully. Such concepts as mediation, arbitration, arms control, and collective security have been tried and often have succeeded in settling disagreements. And to be fair, even the failures of one or another of these mechanisms have been useful for they have added to our knowledge of what works and what doesn't and thus lead us closer to a system that is truly capable of keeping the peace. But we aren't there yet. Disputes and violence among states seem to remain inevitable for as long as lust for power and hubris remain unchecked by institutions and popular governance. And that's what brings us here today.

Today and for the past generation we have faced a threat from Saddam Hussein that has proven resistant to all of the bodies, systems and architecture of statecraft we have devised. This threat is posed by weapons of mass destruction in the hands of a monomaniacal despot bent upon regional domination with all that such domination would imply for nations throughout the world. Today in Iraq there are chemical

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and biological weapons and systems to deliver them on the shelf that if used could kill tens—if not hundreds—of thousands of innocent people. And history tells us that Saddam Hussein also has the will to use these awful weapons. In short, we face a man with the means and the proven willingness to attack his neighbors and us.

Through the years through trial and error in the use of the several efforts at dispute resolution I've described, we have begun to distill a few rules about going to war and to try to establish them in customary practice if not law. We must recognize, however, that while these rules may nurture more civil practice among nation states they don't solve the problem. The one that is most shared among nations throughout the world is the notion that force ought to be a last resort and before resorting to it states should exhaust the nonviolent alternatives. For the past six weeks that is what President Bush has been doing. Together with allies he has presented the factual record of Saddam Hussein's successful drive to attain chemical and biological weapons and the means to deliver them. He has made the case for action to deal, with this clear and present threat to the peace as called for in the UN charter. Within weeks he will have made the case at the UN, with allies, and before the U.S. Congress for taking action to constrain once and for all the ruthless ambitions of Saddam Hussein.

Some have called this preemption. I disagree. For preemption implies precipitous action taken without warning against an evident threat without affording the threatening country an opportunity to cure the grievance. This is surely not the case with Saddam Hussein. For twenty years he has been afforded the opportunity to demonstrate a change in the aggressive behavior expressed in his invasion of neighboring Iran and Kuwait, his repressive brutality against his own people and his obvious ambition for regional hegemony.

Clearly our launching of an attack on Iraq will establish a precedent that we cannot want to see emulated by others without fulfillment of accepted principles. I am confident that the Administration is focused on that issue and the relevant criteria today and that they will be enunciated in the days ahead. They will include *inter alia* transgressions such as we see in Iraq today—a history of aggression, unchecked power, and military means with the capacity to inflict mass casualties.

It is a sign of moral strength in a society that it places a heavy burden of proof on its government before approving the initiation of war. This forbearance comes at a price measured in the growing risk of attack as we explore alternative means of resolution. It is never easy to judge how much lost time and increased risk is prudent. Our modern tendency to hold out hope beyond all reasonable expectations was born in an era when the threatened action would not be catastrophic. Today, however, the price of error is much higher—measured in horrendous loss.

Mr. Chairman, in light of this history of aggression and brutality, of willful violation of United Nations resolutions and obstruction of its inspectors, with evidence of an extant and growing arsenal of mass destruction systems and a willingness to use them, and having used all alternative means at hand to avoid conflict, we must now act To do so is not to preempt—far from it. It is to do our duty, it is to vindicate the trust of generations before us to act with prudence and deliberation to defend our values, our people and our way of life.

The CHAIRMAN. I thank you very much, Mr. McFarlane. After consulting with Senator Helms, we have a pretty full house here, we will go on the first round for 7 minutes if that is OK with my colleagues, and let me thank you, Mr. McFarlane, for your statement. Particularly I was impressed with your opening comments, which I think mirrored all of our concern. That is, if we go to war now, we had better, unlike in 1964, know what we are about to do.

Senator Lugar and I—and I hope he will not mind my making the letter public we wrote to the President of the United States on September 10, the day before he made his historic speech at the United Nations, suggesting a number of things.

We were not being presumptuous. We were being hopefully helpful here, and one of the things we suggested in that two-page letter was that, "The American people must know the military, financial, and human capital the United States would be prepared to commit to help realize that vision. The Iraqi people and their neighbors must be confident that chaos will not follow Saddam Hussein.

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Moreover, you would help assuage international concerns that the current unsettled situation in Afghanistan may be replicated in Iraq, with far greater strategic consequences."

[The letter referred to follows:]

UNITED STATES SENATE,
Washington, DC, September 10, 2002.

The PRESIDENT
The White House

DEAR MR. PRESIDENT:

Thank you for meeting with us last week to begin a dialogue on Iraq. We very much appreciate the spirit of the meeting and your desire to engage Congress, the American people and the international community in this critical discussion. We were pleased to learn that you intend to seek authorization from Congress prior to any use of force by the United States Armed Forces to ensure Iraq's disarmament.

Mr. President, we share your conviction that the combination of Saddam Hussein and weapons of mass destruction poses a significant threat to Iraq's people, its region and the world. Simply put, either these weapons must be dislodged from Iraq, or Saddam Hussein must be dislodged from power.

Last month, the Senate Foreign Relations Committee began hearings on Iraq and heard from a broad range of expert witnesses. In the weeks since, prominent Americans with decades of experience in foreign and national security policy have expressed their views. In the weeks to come, we look forward to hearing from the intelligence community and policy officials of your Administration in hearings before Congress and from you in the case you make to the American people and the international community.

Mr. President, based on what we have heard to date, there is not yet a consensus on many critical questions. For example, what is the likelihood that Iraq would use its weapons of mass destruction against us, to deter us or to supply terrorists? What are Iraq's links to terrorist groups, including those responsible for the attacks of September 11, 2001? Can Iraq be disarmed without the use of force? Would attacking Iraq precipitate the very thing we are trying to prevent: the use of weapons of mass destruction against us or countries such as Israel? Can we shift substantial resources to the Iraqi theater without compromising the war on terrorism in many other areas? What would be our obligations to a post-Saddam Iraq militarily and economically? It will be impossible to answer these questions with certainty in advance; however, they must be part of the calculus you make in weighing the various courses of action.

Despite these uncertainties, in our judgement there are several principles that already enjoy broad bipartisan agreement and that would maximize the opportunities for success while minimizing the risks as we move forward on Iraq. We urge you to embrace them.

First, the United States should pursue a policy that has. broad international support. Such support is desirable for both substantive and political reasons. Our allies around the world and our friends in the region have important, and possibly even necessary contributions to make to the effort to disarm Iraq. We may need their support for any initiatives we take at the United Nations. Should we pursue military action, we will want them with us and, at a minimum, require basing and overflight rights from several countries. If, in the course of disarming Iraq, we end Saddam Hussein's regime, a massive rebuilding effort will be required that the United States will not want to shoulder alone. We also depend on the active and continued cooperation of many allies in the unfinished war against terrorism. In short, building international support for our Iraq policy must be a priority.

Second, we should make it clear that Iraq is the world's concern, not just our own. For more than a decade, Saddam Hussein has flaunted the will of the international community, breaking solemn obligations to disarm. These obligations were made not to the United States, but to the United Nations. In your speech to the General Assembly this week, we urge you to seek a new Security Council mandate requiting Iraq to accept an unconditional weapons inspections regime that gives inspectors the power to go anywhere, anytime. It could set a deadline for Iraqi compliance and make clear that any failure by Iraq to comply will result in the mandate's enforcement. Although we recognize that it will require difficult diplomacy, we believe your Administration can succeed in gaining international support—much as President George H. W. Bush did before the Gulf War. Such a mandate would have the merit

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of putting the focus where it belongs: on Iraq's dangerous and illegal weapons programs.

Third, we must be candid with the American people that Iraq represents a long term commitment by the United States. We urge you to formulate and express a vision for a democratic, unified, post-Saddam Iraq, living in peace with its neighbors. The American people must know the military, financial and human capital the United States would be prepared to commit to help realize that vision. The Iraqi people and their neighbors must be confident that chaos will not follow Saddam Hussein. Moreover, you would help assuage international concerns that the current unsettled situation in Afghanistan may be replicated in Iraq, with far greater strategic consequences.

Mr. President, we thank you for beginning the process of consultation on Iraq. We stand ready to work closely with you on this grave and important issue.

Sincerely,

JOSEPH R. BIDEN, JR., *Chairman.*

RICHARD G. LUGAR.

The CHAIRMAN. The reason I mention that is the mention of Afghanistan. And I am going to move to you, if I may, in my short time here, Ambassador Holbrooke, and ask you two questions and, as usual, we are old friends and we both are fairly direct. It is a pointed question.

Would you, were you sitting here, vote for the resolution as submitted to the U.S. Senate in draft form by the administration if that were the only option you had? Vote for that resolution or vote no on that resolution?

Ambassador HOLBROOKE. You mean no chance to amend it?

The CHAIRMAN. No chance, because quite frankly, although I am not in the negotiation, that appears to be where we are at this moment.

Senator KERRY. You can answer it without electoral consequence.

Ambassador HOLBROOKE. I appreciate that.

First of all, I had understood from your remarks on television, in fact, that it was a draft resolution, that it was not an up or down vote.

The CHAIRMAN. It was not intended to be, as I understood it, but things sometimes have unintended consequences the way things flow and, as I understand it—I may be mistaken, although I have not been in the room—there is a relatively good chance that there will be no change in the resolution, although that is not a settled point yet, but regardless of whether it is or not, we may be faced—possibly we may be faced with having to vote on that resolution, that draft resolution unchanged.

Do you think, were you sitting here, would you support that resolution? And that is your only vote, you vote yes for it or you vote no on it.

Ambassador HOLBROOKE. I understand your question. I was not prepared for it, because I am not aware that that procedure is justified by the circumstances. I have come here today, as you know, in an effort to support the administration and recommend a show of unity in a very difficult moment.

I think that the politicization of the issue and the denial to the Congress of a chance to put its own point of view forward in the normal manner would be extraordinary, and it would be very ill-considered for this reason. It would divide the Congress when what the administration and the President need most is a show of unity, and I am not sure how I would vote at this point if that was the

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only choice, because I think it would be a choice so deleterious to the national interest.

The CHAIRMAN. I happen to agree with you. I think that it would be a gigantic mistake, as I indicated to the President when he asked. The last thing the President needs is like that old joke, "the board voted 5 to 4 for your speedy recovery." That is not what is needed here.

Let me ask you a second question, then. You indicated it is in the national interest to get Security Council approval for the use of force. Why is it in the national interest? It seems self-evident that it is. Why do you say it is so clearly in the national interest?

Ambassador HOLBROOKE. It is in the interest, but it is important but not essential. I want to underscore that. President Clinton and the previous administration took military action in the Balkans twice without Security Council resolutions and, unlike the current situation, where there are at least a dozen resolutions already on the books being violated, so you do have a basis for action without a new resolution. There were none in regard to Milosevic.

Now, why, therefore, do I think it would be important? And here Secretary Baker has written about this quite eloquently in the New York Times, because the circumstances we are now contemplating are somewhat new. It is a new situation. We are on the edge of war, and when you go into an undertaking as serious as this, it is very important to have support.

Now, in that regard, Mr. Chairman, let me make a point which I know that no committee in the Congress is more familiar with than yours, because around this very table a rather historic photo was taken 2 years ago which I have on my wall, and I know you do, where you and Senator Helms accompanied by Senator Warner and Senator Levin, and many of the people here today, posed with all 15 members of the Security Council, a photograph never taken before and not replicated since.

The fact is that the United Nations Security Council, while it is not in a position to declare itself the only authority that can legitimize the use of force, and here I agree with Senator Helms' opening comment, is nonetheless the body in the world, the only body in the world that has the stature and authority that makes a difference.

Let us take two specific examples, Saudi Arabia and Turkey. Both countries would love to see Saddam removed. Both countries for different reasons will be in a much stronger position to assist the United States, if the venture must begin, if there is Security Council approval. That is true for Kuwait, Bahrain, Qatar, France, and all our other allies in NATO.

The CHAIRMAN. My time is about up. How long are we going to have to stay if we go?

Ambassador HOLBROOKE. I cannot answer that question.

The CHAIRMAN. Give me your estimates.

Ambassador HOLBROOKE. Mr. Chairman, we discussed this in regard to other areas. I do not believe in exit strategies. I believe in defining the mission, not setting deadlines, and then getting the job done, and what Bud McFarlane and I are both saying, if you undertake a venture and you are the world's leading country, you just have to damn well see it through. We have troops in Korea 49

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years later. We have troops in Bosnia 7 years later. We had troops in the Sinai for a quarter century. We can afford this if it is in our national interest, and I would never guess a question like that. I do not think we should put a time limit on it.

The CHAIRMAN. My time is up. Is it fair to say you are saying we would have to stay, whether it is a day or 20 years, we would have to stay as long as it took to secure and stabilize that nation?

Ambassador HOLBROOKE. I think that is fair to say. If we undertake this venture, we cannot walk away from it like we did from Afghanistan or Iraq in 1991.

The CHAIRMAN. Senator Helms.

Senator HELMS. Mr. Ambassador, the United Nations has passed, I believe, 16 resolutions pertaining to Iraqi conduct. Is that about right?

Ambassador HOLBROOKE. Yes, sir.

Senator HELMS. With the exception of very limited air and cruise missile strikes, as well as increasingly loosened sanctions, there has been no serious effort to compel Iraqi compliance, has there?

Ambassador HOLBROOKE. The Iraqis have defied the resolutions and the inspectors withdrew 3 years ago, and since then it has been a stalemate. There have, however, been very strong efforts to enforce the sanctions and the economic limits. The Iraqis cheat, but there is not any question that these have had an effect.

Senator HELMS. What do you think is the threshold beyond which a failure to enforce these resolutions undermines the United Nations' credibility and at the same time endangers U.S. national security?

Ambassador HOLBROOKE. I think that if Iraq defies the resolutions they have weakened the importance of the Security Council, and they have defied them in the past.

Now, not all the 16 resolutions involve weapons of mass destruction. Some involve prisoners of war from Kuwait and so on, so those are the second tier. No one should think we should go to war with Iraq because they are still withholding information on Kuwaiti POWs, but the core resolutions, and there are probably at least 10 of those, are quite serious and fundamental.

Senator HELMS. I had a friend who called me from Raleigh the other day and he said, "how many resolutions has the United Nations already done," and I said, I think it is 16, but I stand to be corrected.

Ambassador HOLBROOKE. It is 16, but you will notice that in the resolution the administration sent to you they only listed 11, so they dropped 5 resolutions as being below the threshold that rises to this seriousness.

Senator HELMS. Well, back to my question. Why do we even need an additional resolution?

Ambassador HOLBROOKE. Well, as I said, Mr. Chairman—excuse me, Senator Helms, but I will always think of you as the chairman. As I said in my opening statement, it is highly desirable, but not essential, because the basis for collective action exists already. I know that is a very difficult answer for some of my friends on this committee, but it is my deepest considered opinion, and I want to put it in four words, desirable but not necessary.

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Senator HELMS. I think maybe it ought to be mentioned here sometime, I know the chairman knows it and other Senators probably do too, that it is my understanding that negotiations are, indeed, going on between House and Senate bipartisan leadership with the White House, and I think that is of some interest in connection with the questions we are asking and you are answering. Do you agree, Mr. Ambassador, that the United States' national security interests are better protected through the use of these so-called coalitions of the willing?

Ambassador HOLBROOKE. Yes. You know, in practical terms—and my colleague, who served in the military, on the witness stand with me can attest to this. In practical terms, the going alone option is rhetoric. The military cannot get there without the support of some of the countries in the area and coalitions of the willing are always better than so-called unilateralism, and no matter how good our logistical lift, our intelligence, our communications, we are always better off and probably more than better off.

It is essential to have the support of, at a minimum, the Turks for logistical reasons, somebody in the gulf for the same, and intelligence. Going into who is up to the Secretaries of State and Defense. That is very sensitive and British political support has been extraordinarily valuable. So I think the answer to your question is clearly yes, and that is why we should not even think about so-called unilateralism. It is a kind of a macho phrase that may sound good in a talk radio show, but it is not a meaningful phrase to military planners.

Senator HELMS. Let me turn to Colonel McFarlane, and by the way, I join Joe in welcoming you to the committee. It is good to see you again.

Mr. McFarlane, Saddam Hussein has a track record of manipulating United Nations inspection demands as a way of buying time. Even now, he is repeating his antics of 1998, claiming to accept inspections while he is throwing up roadblocks to their success and dispersing his weapons programs.

Now, assuming that many of the permanent members of the Security Council believe that we need to go through this charade with Saddam, do you think we ought to put a date on the U.N. resolution as an ultimatum?

Mr. MCFARLANE. Senator Helms, I believe that we should not seek another resolution for the reasons that you have enumerated already. If 16 of them in the past have been violated and rejected, what promise is there, what prospect that yet another one is going to result in a different behavior? But I think we need to present that record to stress that renewed inspections hold little promise of better results, to point out that the existing ones authorize inspectors to go back, but not to delude ourselves and to engage in the delaying tactics that are inevitable if we go down this road.

Senator HELMS. By the way, before I use all my time, for the information of the committee, I believe most of us know this, the conference report on the State authorization bill that releases the final $244 million and should pass the Senate this afternoon or tomorrow without any glitches, this will fully implement the Helms-Biden U.N. reform bill. I think that ought to be made a matter of record.

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Ambassador HOLBROOKE. That is very good news, Senator.

Senator HELMS. I yield back the balance of my time.

The CHAIRMAN. Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman. Let me also add how good it is to see the ranking member back here again at the hearing.

I would like to thank the ranking member and the chairman for convening these hearings on Iraq, which promise to be excellent follow-ons to the hearings this committee held in July and August. I attended all or part of the five panels of those hearings, and I am glad I did. In August, I then traveled around my home State of Wisconsin listening extensively to my constituents' views on Iraq. I actually held 21 town meetings, and for the first time ever, in addition to health care, concerns on foreign policy and, in particular, Iraq, led the list of concerns.

I attended numerous briefings and read countless reports from a variety of sources. I tried to listen carefully to the administration, and have read quite closely the proposed resolution authorizing the use of force that the administration sent to Congress last week.

Mr. Chairman, after all of this, I still do not have answers to some fundamental questions. I remain extremely troubled by the administration's shifting justifications for going to war in Iraq. I remain skeptical about the need to take unilateral action now, and to accept all of the associated costs of that decision. I remain unconvinced that the administration has thought through the potential cost and challenges of post-conflict reconstruction in Iraq, or even thought through how to address the issue of weapons of mass destruction once an engagement begins, and I am surprised and disappointed that, after months of heated rhetoric, the administration could not yet manage a more thoughtful and focused proposal than the language we received last week.

Mr. Chairman, I also remain deeply concerned about Iraq's weapons of mass destruction program. I reject the assertion that disagreeing with the administration means resigning ourselves to doing nothing. I would like to work with my colleagues and with the administration to address this threat in a focused and serious way that serves our national interest, including our interest in continuing to work with other countries around the world to fight terrorism.

In the end, the use of force may well be required, but to date what the administration is proposing does not make the grade. The message is confused, the vision hazy, the assurances facile. We are making decisions that could send young Americans to war, decisions that could have far-reaching consequences for the global campaign against terrorism and for America's role in the world in the 21st century. I think it is reasonable to demand policy that makes sense.

Perhaps this hearing can help point the way to such policy. Our witnesses today are distinguished and thoughtful, and committed to working in the best interests of the country, and it has always been a great pleasure to work with my friend Ambassador Holbrooke and, of course, to see him here today.

Mr. Chairman, in terms of questions, let me begin by asking Ambassador Holbrooke, what would you say are the historical prece-

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dents for a major U.S. military operation in response to this type of threat?

Ambassador HOLBROOKE. By that you mean an action before a military action was taken against us?

Senator FEINGOLD. And on the type of concern with regard to the type of threats that Iraq raises.

Ambassador HOLBROOKE. Immediately, off the top of my head, I cannot think of any, Senator Feingold. On the question of preemptive war, there are plenty of preemptive wars in history. The Six-Day War in 1967, the Israeli attack on the Iraqi nuclear reactor in 1981, widely condemned at the time. In retrospect, it looks like a visionary action.

We all know the lessons of history, that Hitler should have been taken on in 1936 preemptively. Hitler himself admitted he would have been doomed if we had done it. You can argue the Spanish-American War was a preemptive war, without any provocation at all, since the *Maine* was not blown up by the Spanish, according to the Hyman Rickover investigation of it in 1975.

Having said that, I feel intensely uncomfortable with the assertion of a new doctrine for preventive war, or preemptive war. I just do not see the necessity of it, and with the greatest respect for the people who did it, and in the effort to support their goal in Iraq, I believe that by asserting a universal right instead of focusing on Iraq the administration has weakened the dialog we are having here today, and I would urge you to discuss this tomorrow with your most senior witness, because no President ever would have renounced the right to strike first if we were endangered.

This was a long doctrinal battle during the cold war which Senator Biden, Senator Hagel, Senator Lugar and others participated in. No President would have denied it, but to assert it as a universal right at a moment when we are trying to build a specific coalition on a specific threat actually worked against its goal.

Senator FEINGOLD. I appreciate that answer, but the more recent ones seem to be cases that involved cases of actual prevention, and having read what the administration is talking about in terms of their doctrine of preemption, to me in some ways it sounds more like prevention, which of course has to be a core element of any foreign policy. Every day we should use a range of foreign policy tools to prevent threats from emerging. But announcing that we will unilaterally use our military might to eliminate those who may threaten us in the future, announcing that we basically just are going to play by our own rules, which it almost appears we make up as we go along, may not be conducive to building a strong coalition against terrorism or to combating the anti-American propaganda that passes for news in so much of the world. I am wondering what you would say about the distinction between prevention and preemption.

Ambassador HOLBROOKE. By the way, in the list of preemptive actions I forgot to add the moment when we wrestled mighty Grenada to its knees.

I think the issue you raise is incredibly important, and to assert a new doctrine and to get mixed up here on this issue is not, to my mind, valuable in the debate that we are having. And I am sorry to see that it was introduced earlier this year in a speech at

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a time when we should have been focused on the specific threat. And I do not know why it was done, and it does not help us internationally, and I think it confuses Americans.

We will respond to any threat, and any President will act preemptively when he or she has to, but why declare a doctrine which is unnecessary? It always was there, as those of you who participated in the debate over "no first use" will remember. This committee held many hearings on the issue.

The funny thing, Senator Feingold, is if you take away the rhetoric and the controversy, I do not think it amounted to much, but it was presented in such a dramatic way that it has muddied the discussion which we are having here today.

Senator FEINGOLD. Thank you very much.

The CHAIRMAN. I could not agree with that statement more.

Senator Lugar.

Senator LUGAR. Mr. Chairman, I want to use a portion of my time to just discuss two or three issues. The first one is one that you raised, and I think is very important, and that is, how is the resolution going to be formulated, who will debate it, and what have you.

Let me respectfully make a suggestion that the chairman work with the leadership of the Senate, Senator Daschle and others, to gain jurisdiction for this committee for 1 week with regard to this resolution. This will not delay, as I understand, the work of the Senate in terms of the bills that are now on the floor, but it would firmly establish the jurisdiction of the committee and give Members an opportunity to participate, and I will support that with Senator Lott.

I would say to the chairman that there was a small meeting this morning involving Senator Lott. I attended the meeting, Senator McCain was there, and Senator Santorum, and in essence I made some suggestions to him that he did not indicate that he would accept them, but he was going to discuss them with members of the administration.

The CHAIRMAN. Without taking out of your time, let me respond, because this is so important. I share the Senator's view. I did not formally make the request. I raised that as the appropriate way to proceed.

I was informed that either the combination of the administration, or the administration and the joint leadership concluded that no one should be in on the negotiations other than the Speaker of the House, the majority leader and the minority leader in the House and the majority leader and minority leader in the Senate and their staffs. I think that is a mistake. I suspect it is a growing sentiment in my caucus, I may be wrong, that it should go through this procedure. It would not be unduly delayed, I happen to agree with you. I cannot guarantee the outcome.

Senator LUGAR. The second suggestion follows from the letter you read that the two of us wrote to the President, and I want to spell out again the importance, I think, not only of the President speaking to this, to the American people, but of all of us of trying to think through the cost of the war and the peace.

Now, people are making tries at this. Larry Lindsey, the chairman of the Council on Economic Advisors, suggests $100 billion.

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Some have upped that figure. The implications of this with regard to all of our budgeting, all of our priorities for several years, are very substantial. This does not deny the need to go to war if that is required, but it does require the American people have some idea in advance of priorities that have been set, and I think this really has to be spelled out.

Third, there is a pledge to avert chaos in Iraq and in a post-war situation that is implied, at least in the draft of the resolution. However, I have been trying to query the administration as to whether in the planning there is an idea of how many troops are going to be involved and for how long. I am informed there has been some discussion of that, and I am glad that is the case, but I think probably publicly there needs to be more.

Afghanistan has been mentioned by our witnesses today. This is not a good example of averting chaos after a war. In the case of Iraq, we know that you have a 17 percent Sunni minority that is in control and a 60 percent Shiite majority that could very well commit atrocities against their former oppressors. Are we going to take the responsibility of policing Iraq, and the answer probably is yes, if we are to avoid total chaos. But that is something that really has to be discussed.

The fourth thing that must be determined is our plan for finally getting our hands on the weapons of mass destruction in the midst of all of this police activity, expenditure, and war. That is not clear at all, where these dual purpose sheds are that deal with chemical and biological weapons.

Some thoughts have been that perhaps when we get there we may be able to interrogate scientists who have been involved in this and that they will lead us to these sites. Our main focus must be to eliminate the weapons of mass destruction. How ironic, having fought a war and trying to maintain order we still would not know where the weapons were or whether they had been destroyed. We must hear from someone about how we will do this.

Now, finally, Mr. Chairman, you have been most tolerant about my editorializing about weapons of mass destruction in Russia, but it is relevant. We are asked, how do we know whether Saddam might, in fact, develop something in the next year? The answer always is, he might get the fissile material from somewhere else. Where? Someone has suggested recently Africa. Well, a better bet is Russia.

Now, we have been talking about this in the committee with some productive results. The chairman and I visited with the President, Dr. Rice, and the Vice President in June about this specific issue. Unknown to the President, various regulations were run up by the Congress that were not waived by the administration this year had led to a stoppage of the Nunn-Lugar program in Russia.

The President was startled by this, instructed Dr. Rice to move ahead, she has, she has written a very good letter which I used on the Senate floor to get an amendment to give the President waiver authority so we might start destroying the 40,000 metric tons of chemical weapons in Russia. That is now in the Defense appropriations conference. It has not yet happened. Nothing is happening at Shchuchya. The 40,000 metric tons are still sitting there, hopefully

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not for the Iraqis or for somebody else, but nevertheless, they are all still there.

So I plea in public for the House conferees to let it go. Let the President have the waiver authority. Ditto in the Defense authorization committee. The Senate has provided the President with permanent waiver authority to destroy weapons of mass destruction. The House conferees have not acceded to that wish. That is tied up as of this moment.

Still the President asked and we offered legislation in this committee to let the so-called Nunn-Lugar act operate outside the former Soviet Union in places like Pakistan, or Afghanistan, or wherever threats might show up. The House conferees have said no. They do not want it outside of Russia. This is incomprehensible, given the debate we are having today about Iraq, and this is why I take the time of this committee in this very public way, to plead with the House conferees in these two situations, Defense authorization and Defense appropriations we must give the President of the United States at this crisis time waiver authority so he can proceed to destroy the weapons of mass destruction, or even find them, wherever they may be outside of Russia, and I think this is relevant to the hearing.

I thank the witnesses for offering suggestions on the resolution, and I would say with regard to the final sentence that you mentioned, Ambassador Holbrooke, I made that point this morning. It is not good language, and I have shared that with Senator Biden's staff, and so perhaps we can make some improvement there.

I thought the reporting requirement was an interesting idea, and I am not sure how that works in, but I am sure craftsmen can probably find some way, and likewise, the post-conflict construction of Iraq, I have made already quite a to-do about. I think that is important, otherwise, there will be chaos.

But I just appreciate both of you coming. Your testimony has been very, very thoughtful. It comes from great experience. You are friends of the committee and friends of us. I thank you.

The CHAIRMAN. With the indulgence of the committee, I think it is appropriate to make two points at this time, not in terms of questions. I think part of what is going on here as it relates to Iraq is that there is a desire to demonstrate, and I am prepared to demonstrate it, support for the President's initiative at the United Nations and support for separating Saddam from his weapons, or from power, or both.

That is going simultaneously with an effort yet to be articulated to me as to exactly what the administration is seeking at the U.N. Now, maybe my colleagues know. No one has told me, chairman of the Foreign Relations Committee, specifically what is being sought by Secretary Powell at the United Nations.

To make the point of Mr. McFarlane, he said there needs to be a criteria enunciated in the days ahead as the basis for our action. The irony is, we are being asked to vote on a declaration of war before that criteria is set, for make no mistake, although I am only an adjunct professor of constitutional law, this area I know. A resolution authorizing the use of force has the same exact force as a declaration of war, and so in a sense there is some confusion. As my grandpop might have said, I am not sure the horse can carry

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the sleigh, or we are putting the cart before the horse, to keep this stupid metaphor going.

The notion here is, I am convinced the President is well-intended here. Senator Lugar may recall, in the necessary absence of Senator Helms, at a White House congressional leadership meeting just 2 weeks ago, the President turned to me as he did others and said, "Mr. Chairman, what do you think?" I said, Mr. President, I will be with you as long as—and I laid out two things, and the ending thing was, Mr. President, you tell the people of America forthrightly that we will have to stay, that American forces will be in place for some period of time, and that the cost will be significant, and he looked at me, and he said, "I will," so I am confident he will do it.

I am just uneasy about the way we are going about this now, because we may end up right where Bud McFarlane does not want us to end up, and anybody from the Gulf of Tonkin days on and the Vietnam generation does not want us to end up, and that is a mixed message to the American people about what we are committing them to.

I am sorry for that editorial interjection, but in part to try to explain to the people who may be listening to this why there is some confusion. There is not here an unwillingness to cooperate with the President. There is a desire to cooperate, but I think we have to get the lines a little clearer.

I yield to my friend from California, Senator Boxer.

Senator BOXER. Thank you, Senator Biden, Senator Helms. Thank you for this hearing.

I just want to say, Senator Lugar, there is no more important time for Nunn-Lugar than now, and anything that I can do to help you, I stand ready to do that.

Mr. Chairman, as a Member of Congress for 20 years I want to put my questions into some perspective and put my values out there as a United States Senator, and as a mother and a grandmother.

Mr. Chairman, I voted to go to war twice in recent years, once—and you had tremendous leadership on this—to stop a genocide under Milosevic, with a Democratic President, and after 9/11 to give this President the power to respond in any way necessary to conduct a war against these terrorists. Having said that, I want to say two things about how I view war.

One, I view war as a last resort, not as a first resort, and second, I believe that any President who is asking us to go to war lay out a path for peace or a way to avoid war, and I have to say in this particular circumstance, at this point, I do not sense that this President used this war as a last resort because he has not really laid out a path for peace. I have served with four Presidents now, and I have not seen this before but I do see it now.

And with that, I want to ask some questions and make a couple more comments. Mr. Ambassador, when you opened your testimony you said, "the prolonged reluctance of this administration to consult adequately with either the Congress or the United Nations Security Council was a costly, self-inflicted mistake. During a long and confused summer, an impression of disarray was left with the world . . .".

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Well, I want to say something here that is not easy to say, but I do not think that was a mistake. I think that was a plan, and all you have to do is see the comments of Andrew Card, who said, we do not roll out a new product during the summer, and I ask unanimous consent to place into the record the exact words of Andrew Card on that point.

[The information referred to follows:]

The following is from an article in the New York Times, of September 14, 2002, entitled "Never Forget What?" by Frank Rich.

> Candor is so little prized in Washington that you want to shake the hand of anyone who dares commit it. So cheers to Andrew Card, the president's chief of staff, for telling the Times's Elisabeth Bumiller the real reason that his boss withheld his full-frontal move on Saddam Hussein until September. "From a marketing point of view, you don't introduce new products in August."

Senator BOXER. I do not think it was any kind of mistake. I think it was a plan to make this political. That is very distressing. These issues are too important. A man like Saddam Hussein having these weapons of mass destruction is too important to politicize.

Chairman Biden opened up the hearing and he said, if Saddam is around in 5 years we have got a serious problem. Now, I would like to ask both of you this question. Chairman Biden is saying that today. Why didn't the first Bush administration feel that if Saddam was around 5 years later from 1991 it would be a severe problem? Why did they not move toward regime change?

Ambassador HOLBROOKE. I think you should address that to the Secretary of State, who was chairman of the Joint Chiefs at the time but may have some insight. I would simply say that whatever the rationale at the time, they said they could not do it because it was not in the Security Council resolution. I find that a very strange explanation for the specific manner in which the war was terminated after a nice round 100-hour mark. They argued that they would have to go to Baghdad to do it. I do not believe that was necessarily so, but you have to ask them that question, Senator Boxer.

I have said before, and I must say it today, I believe it was the single greatest mistake in American foreign policy since the end of the Vietnam war, and that is why we are here today.

There is one last point. The entire intelligence community told the President, President Bush, senior, that Saddam would not survive anyway, and that was, of course, historically wrong.

Senator BOXER. He has been around since 1968 as the strong man of that country.

Ambassador HOLBROOKE. And that goes to the Ba'athist structure of the country, but I would have to defer to people who were there in the administration 12 years, or 11 years ago at this time.

Senator BOXER. Mr. McFarlane, would you care to try that answer? In other words, the chairman said here if Saddam is around in 5 years, his exact words were, "we have a serious problem." Why didn't President Bush feel the same way in 1991?

Mr. MCFARLANE. Senator Boxer, I think that being in the other body at the time you were a witness to the very, very intense arguments in the Senate about the resolution of support for going to war in 1991. It was a very, very intense argument which the Sen-

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ate very narrowly, by one vote, endorsed the President's action. I think the Senate was acting in its traditional mode of care, perhaps looking back to the Gulf of Tonkin resolution in which an open-ended authority was abused, and consequently endorsed the limited action of rejecting or expelling from Kuwait and restoring the territorial integrity of Kuwait as the extent of authority.

Senator BOXER. I get your point. You are saying the resolution was limited. I would just make the point that the big debate in the Senate actually, and in the House where I was, was whether there ought to be 60 more days of sanctions before force, but I do not have time to get into it, and I appreciate your answer.

Let me get into a couple of other questions. I see the yellow light is on. Mr. Ambassador, in your editorial that you wrote, which I thought was very strong, on August 27, you said, "a campaign against Saddam Hussein cannot be waged without allies," and in the resolution that was sent up there is no reference to doing this with allies whatsoever, and I want to ask you two questions, then I will yield.

My understanding is that some in Tony Blair's cabinet backed the use of force for Britian to be involved if there was another U.N. resolution, and through that resolution the use of force. That is my understanding of what Britain did. Do you feel, am I accurate on that point?

Ambassador HOLBROOKE. I do not know.

Senator BOXER. And then second, do you think we could strengthen the resolution if we talked about working with our allies, because the one thing I know from my people back home, they do not want us to do this alone. The blood, the treasure, it all—and I think they want to see that we have allies with us, and yet there is no mention, and you did not mention it as you picked over the resolution.

Ambassador HOLBROOKE. I share your point. I suggested four changes in the resolution, one deletion, three additions. What you are essentially proposing is a fifth, an addition which stresses the importance of allies. There is a very revealing poll in yesterday's USA Today, whereby an overwhelming majority of the American public would be willing to see U.S. troops in an effort to deal with Saddam if we had allies, if the Congress approved and if the Security Council supported it.

The more amazing thing was that, given the same option U.S. troops in Iraq absent congressional support, absent allies and absent the Security Council, there was a swing of 30 to 40 points. I have never seen such a swing on an issue like this, and this would reinforce your point, Senator Boxer.

The CHAIRMAN. Would you say that again?

Ambassador HOLBROOKE. Yesterday's USA Today has a very revealing poll in which by margins of something like 68 to 30—do not hold me to the exact numbers, Mr. Chairman—the American public said they would support an attack on Iraq with American ground troops if there was congressional support.

A second question, if there is U.N. Security Council action, the same margin, if there are allies, the same margin, slight differences, and then the poll asked, would you support it without the

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Congress, 35 to 60 no. Would you support it without the U.N. approval, the same margin, no, without allies, the same margin, no.

In other words, what Senator Boxer is saying is reinforced by, I think, the good common sense of the American public. They want to get rid of Saddam, as everyone on this committee does. They do not want to go it alone. The only nuanced difference between us, Senator, which you and I discussed privately, is whether a new Security Council resolution is required or not, and I am bound by my previous comments on that and by my experience, but I think that we cannot go it alone, and that is why I wrote that article, and if you and your colleagues add an additional Therefore clause concerning the need for allies, I think it would help the administration, but I cannot speak for them.

Senator BOXER. Mr. Chairman, can I indulge you for 30 seconds more?

The CHAIRMAN. Sure.

Senator BOXER. In your first op ed piece you said, "existing Security Council resolutions will not be enough." In your second one, you changed, but I agree with your first one, and let me just close by saying this. I agree with where the American people are today. Now, they may change. I agree with where the American people are today, and the difference between us, I say, Mr. Ambassador, is this:

I would want to put working with our allies, working with the United Nations not in a Whereas clause, but in the actual Resolved clause, because sticking something in a Whereas clause does not mean anything, but if it is in the Resolved clause that we will do this through the United Nations, we will do this with our allies, we will not do it alone is a strong difference between where I am coming from, where the American people are coming from, which is right there, and where this administration is coming from with a blank check, which I could never support, and I appreciate the comments of both of you here today.

The CHAIRMAN. For the record, since it was referenced, with the indulgence of my colleague from Nebraska, the question in the USA Today poll, "some people say they would support invading Iraq with U.S. ground troops only if certain conditions were true. For each of the following conditions, please say if you favor or oppose invading . . .".

How about if the United Nations supported invading? And 79 percent would favor.

How about if the United States opposed invading? Only 37 percent would favor.

Senator BOXER. The United Nations, or United States?

The CHAIRMAN. I am sorry. Would you oppose or favor if the United Nations supported invading Iraq? And 79 percent said we would support invading if the U.N. supported invading.

When asked if the U.N. opposed invading, only 37 percent said they would favor it, and so it is overwhelming clear, at least——

Ambassador HOLBROOKE. Mr. Chairman, you might add, because I was trying to remember the same question on Congress and our allies——

The CHAIRMAN. It says if Congress supports, 69 percent in favor, if Congress opposes, only 37 percent favor, other countries partici-

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pating in invading Iraq, 79 percent would favor, the United States invading alone, only 38 would favor.

Ambassador HOLBROOKE. That is a very sophisticated set of answers, Senator Boxer.

The CHAIRMAN. I would ask unanimous consent that this be put in the record.

[The poll from USA Today follows:]

USA TODAY/CNN/GALLUP POLL, 9/23/2002

12. Question. Some people say they would support invading Iraq with U.S. ground troops only if certain conditions were true. For each of the following conditions, please say if you would favor or oppose invading Iraq with U.S. ground troops if it were true. How about if—

	Favor	Oppose	No Opinion
A. The United Nations supported invading Iraq			
National Adults (Sept 20-22 2002)	79	19	2
B. The United Nations opposed invading Iraq			
National Adults (Sept 20-22 2002)	37	58	5
C. Congress supported invading Iraq			
National Adults (Sept 20-22 2002)	69	28	3
D. Congress opposed invading Iraq			
National Adults (Sept 20-22 2002)	37	59	4
E. Other countries participated in invading Iraq			
National Adults (Sept 20-22 2002)	79	18	3
F. The United States had to invade Iraq alone			
National Adults (Sept 20-22 2002)	38	59	3

Ambassador HOLBROOKE. There is a 30 to 40 percent swing against unilateralism, is the way I would interpret those answers.

The CHAIRMAN. Senator Hagel.

Senator HAGEL. Mr. Chairman, thank you, and gentlemen, thank you for coming before us today, because your experience and talent and insight is very important to this debate, and you each have presented I think important points, and I would like to delve into a couple in a moment, but before I do, I want to go on record, Mr. Chairman, in support of every utterance of my wise, learned colleague from Indiana's statement. I think Senator Lugar makes, as he always does makes eminent good sense. I would strongly support his suggestion to you that whatever is the appropriate responsible approach, ask that this committee be part of this deliberation.

I have not been around very long, Mr. Chairman, but I am a bit astounded when I read in one of the publications this morning that the chairman of the House International Relations Committee, when asked what his role has been in working with the administration on this resolution to maybe take this Nation to war, his comment was something to the effect that Tom Lantos the, of course, Democrat ranking member of that committee, Tom and I are pressing our nose up against the window looking in.

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There is something that does not quite fit with that kind of response. I do not know if your nose is up against the window, but the fact is, this is about as serious an issues as the Congress will ever debate. My question to you, Mr. Chairman, and maybe you could give us some sense of this, what was the procedure in 1991 when that resolution was passed? Did this committee have a role, or was it bypassed like this committee is being bypassed today?

The CHAIRMAN. And again, this is not against the Senator's time for questions. When I go back and refresh my recollection, exactly what the sequence was, but there were three important points.

One, initially Kuwait was invaded in August. The President asserted he did not need congressional authority, and his Attorney General, who is actually a good friend and has helped me teach a couple of my classes, asserted that the war clause only was put there for the Congress to be able to declare war if the President did not, and that was literally asserted by the White House.

And then I, along with several others, probably Senator Lugar, I do not recall, insisted that that issue be litigated before the committee, of the requirement, and we had constitutional scholar after scholar come and testify in open hearing saying the President must submit a resolution seeking approval.

We solicited that resolution, and then President Bush did what I thought, quite frankly, was a very wise thing, and that is, he said, I do not want you to vote on this in the midst of congressional elections. He said, this should be put over until the congressional elections are over, even though it was more urgent then, in that there was a country invaded and occupied, and we had 250,000 troops amassing on the ground. He still said, I guess because of his experience as a combat veteran he still said, we should not vote now.

And then we came back—we came back in January and voted after the election, and I cannot say to my friend with certainty whether or not the resolution of the President ultimately submitted in that interim period was once again before the committee or not. I do not recall. Maybe my friend from Indiana does.

But the point is, there was considerable debate, because we did not vote in a highly charged electoral circumstance, but that was the sequencing.

Senator HAGEL. Mr. Chairman, I appreciate that, and it may well be that we go back and examine that record as to how it was done in 1990 and 1991, especially in light of the fact that we are a few weeks away from an election, and this deserves the kind of thoughtful time and debate that I think the American public deserve and, quite frankly, the world deserves.

I am also astounded that those who know most about those issues, the ranking members of the Armed Services Committee, the Foreign Relations Committee, the Intelligence Committee—some are with us today—are not part of the process in writing or drafting or amending a resolution, and I would hope that whenever that resolution is taken up in the House and the Senate, that it will be the Members, the senior Members of this committee that will lead that floor debate, that will manage that bill.

Now, with that said, Mr. Chairman, I want to ask a question of Ambassador Holbrooke. In his testimony he cites, I believe on page

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4—and I will read this so I have it exactly right, "however, in the fog of war terrible things can happen," but I am particularly interested in your next point, Mr. Ambassador, and I would appreciate it if you could talk in more detail about what you mean.

This point, you say, "there is a real danger which we should not ignore that what starts as a war against Iraq, especially if protracted, could metastasize into a wider conflict between Arabs and Israel." Would you please expand on that? Thank you.

Ambassador HOLBROOKE. I do not want to be Cassandra, and I do not want to make a worst case scenario, but prudent policy planning for civilians and military alike requires that you consider worst case scenarios, and people who do not, who thought, for example, in the summer of 1914 that it would be a short war, live with consequences incalculable for the rest of history.

I share the view expressed by some members of this committee, Senator Kerry among others, that the odds significantly favor a rapid military success, but as you well know from your own experience in Indochina, military plans are scrapped and rewritten on a daily basis, and the key to this war—and here I speak as a civilian. The key to this war will be whether the degradation and destruction of Saddam's weapons of mass destruction and their delivery systems, and to me, that is an unknown, will precede his ability to put something against Israel.

In 1991, he put 35 Scud missiles into Tel Aviv. The Israelis did not respond. According to current newspaper accounts, the Israelis will not be so self-contained this time and, given the other issues raging to the west of Iraq between the Palestinians and the Israelis, we cannot preclude the worst case scenarios.

Again, Senator, you and I share a Vietnam experience, as does Bud McFarlane, and we all know that things do not always work out according to plan in wars, and as we go forward, if we go forward, we should do it without predicting cake walks, but with a readiness to deal with this, and it would obviously be for the military chiefs in closed session to discuss with you what they have in mind to prevent this.

I can assure you of one thing. The U.S. military planners are well aware of the risks, probably far more aware than I am, and anyone who dismisses this out of hand, as I have seen some rather casual television so-called experts, is being very irresponsible. We cannot just sit here and say, it is going to be a cake walk, because we do not know what will happen.

Senator HAGEL. Thank you. Mr. McFarlane, would you care to respond to that?

Mr. MCFARLANE. Senator Hagel, it seems clear that Saddam's behavior is not predictable, but that there is a very strong animus toward Israel there, and that in the last war his use of weapons against them had, beyond its explosive purpose, to perhaps engender that very thing, a wider war, but indeed, that is a scenario that is not implausible at all, that the use of Scuds against Israel and their reaction, which has been confirmed as likely, would bring in other Arab parties to the conflict, with very unpredictable consequences, but a far greater commitment required by us to deal with it.

Senator HAGEL. Thank you both. Mr. Chairman, thank you.

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The CHAIRMAN. Senator Nelson.

Senator NELSON. I am going to defer to my colleague from West Virginia.

The CHAIRMAN. Senator Rockefeller.

Senator ROCKEFELLER. And as he was here before I was, I will defer to Senator Chafee.

The CHAIRMAN. Senator Chafee.

Senator CHAFEE. Thank you, Mr. Chairman. Thank you, gentlemen. I would just like to have you discuss the relative threats to the United States from, first, terrorism, and second from Iraq, especially in light of how they are hemmed in by our international coalition, enforcing the no-fly zones. How do you weigh the threats against the United States from those two, in some way they might be mixed, but by and large separate dangers, Iraq, as we are discussing here, but also international terrorism?

Mr. MCFARLANE. Senator Chafee, the scale and capability of the al-Qaeda and affiliated terrorist threat has not been fully defined, I think, by our government, and yet it is asserted that beyond Afghanistan affiliates in more than 50 cities and countries throughout the world have the training, the funding capability, to carry out major violence against the United States.

Evidence of the past 10 years of the, what is it, half a dozen attacks from 1993 in New York to the embassies in Africa, to the USS *Cole* and Khobar Towers and so forth, are evidence that this is a very potent force and will remain so for a long time, in my judgment. One thing that has been underreported is the level of funding that is sustaining this work, which is not trivial. It is, in my judgment, more than $1 billion annually. Global terrorism, oriented primarily against the United States, is going to be with us for a long time.

Saddam Hussein, as someone who is unchecked by a Congress or other institution, as made clear that he has ambitions to dominate his region. His invasion of two neighbor countries, the force that he maintains in being, which gives him the capability to do it again, his determination to achieve weapons of mass destruction, beg the question for what purpose, if not to expand his influence and to coerce the behavior of neighboring states.

One also has to ask whether or not, given his history of supporting terrorists, the most notable recently deceased Abu Nidal, but Black June, Black September and others, underscore that his support for terrorists and terrorism is on the record, and therefore to suggest the plausibility of his providing terrorists with weapons of mass destruction in the perhaps hope of achieving anonymity through this third party use with his sponsorship, I certainly cannot assert that that is a high or a low probability, but given his history, it is a plausible scenario.

Ambassador HOLBROOKE. Nothing to add, Senator.

Senator CHAFEE. I will follow that up with, in light of the potential to fan the flames of anti-Americanism not only in the region but apparently in Europe also, is our intervention in Iraq counterproductive to our war on terrorism?

Ambassador HOLBROOKE. That I will take a shot at, Senator Chafee, and my answer is simple. It depends. What does it depend on, and this goes back to Senator Hagel's question. It depends upon

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the war itself. If it is quickly successful in its objectives, I would share Fuet Jami's well-known statement that there would be dancing in the streets of Baghdad, and no mourning in any of the other Arab capitals.

If the war does not go quickly, if it has consequences—and that is why I made the allusion in 1914, where everyone thought it would be a short war. It was not, and the world changed—then you are in a different situation.

As anyone in this room who has served in the military knows, military plans start getting rewritten and scrapped on day one. Our whole bombing campaign in Serbia, for example, was initially miscalculated, and the NATO command in Brussels, General Clark and company, had to redo it.

So you have asked a fair question, but the outcome of the military determines the political situation that follows. That was true in 1914. It was true in 1945. It was true in the Six-Day War in the Mideast. It is true in Vietnam. It is the core fact. People think there is war, and then there is diplomacy. It is not true. If war is an extension of diplomacy by other means, then diplomacy is an extension of war, as a result of it, and so that is why what we are talking about has such enormous consequences.

Senator CHAFEE. I could not agree with you more. I think it was in your written statement you did say—Senator Hagel quoted from one of your statements, but also, war is truly hell, and went on to talk about the horrors and waste and its costs, so in light of that, just to followup on the same question, how do we justify—and again, I guess, going back to Senator Feingold, how do we justify without concrete evidence of a threat? In answering Mr. McFarlane's testimony here that the threat is just no different from several years ago, how do we justify this action?

Ambassador HOLBROOKE. Senator, most of us in this room, unless we have access to current intelligence information, which I do not, cannot answer the question precisely. It is my view, however, that Saddam Hussein has spent 12 years doing whatever he can to rebuild himself. He could not rebuild his ground forces, which are about one third the size of 1991, but since inspectors left Iraq 3 years ago he has, without question, done what he could——

Senator CHAFEE. Let me interrupt. Even with our overflights, our satellite reconnaissance, our no-fly zones? He is hemmed in.

Ambassador HOLBROOKE. I will answer that subquestion on two levels. No. 1, even if we had cameras that could see through concrete bunkers and lead, all they would be was cameras, so we would not actually know what we do not know, and second, you can only do this with on the ground—and Hans Blix himself said last week, the excellent Swedish head of the U.N. inspection mission, which is preparing to go back in under certain circumstances, that nothing will be foolproof, but this goes to a very fundamental question.

If Saddam is a problem today, as Senator Biden has said, he will be a much worse problem if he is left untouched for 3 or 5 years, and that is why all of us as individuals, and you especially, as Senators, are going to have to decide whether to support a policy which has a very high probability of leading to war—why would anyone even consider it under these circumstances, and I hate war. I have

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been in refugee camps everywhere, I have been shot at, the whole works.

The reason we have to contemplate it, in my view, although I agree with Senator Boxer, as a last resort, is that he will be more dangerous in the future. In 3 to 5 years he will be more powerful, and I do not agree that nothing has happened to bring it to a crisis. Why it is happening at exactly now, September of 2002, is a separate issue, but he has had 12 years in which he has done everything he can—he has made himself an international outlaw, essentially.

If there is a state in defiance of the world system, the U.N. Security Council, which everyone in this room has talked positively about, it is Saddam and the Iraqis.

Senator CHAFEE. I do take exception to the definitive aspect that he will be more of a threat in 5 years. That is debatable. Fidel Castro, you might have said he will be more of a threat if left untouched, and here, years later, he is not more of a threat, so that is a debatable point. I do not take that as an absolute.

The CHAIRMAN. Did you want to respond, Mr. McFarlane?

Mr. MCFARLANE. Please, Mr. Chairman. I do not think any of us can give you certainties on almost anything regarding Saddam Hussein. I would like to recall, however, Senator Lugar's comment about the plausible risks and the stated ambitions that we have heard from Saddam Hussein.

Nuclear materials are poorly guarded in much of the former Soviet Union. Thanks to Senator Lugar and Senator Nunn, the program that was so well begun and is continuing has to be sustained and, unless it is, the plausibility of nuclear materials being misdirected, stolen, purchased, or whatever, cannot be denied, and the existence of a nuclear program in Iraq, which is a matter of fact under the United Kingdom's report, issued yesterday, gives us just cause in guarding against the growth of that program.

The CHAIRMAN. Let me, before I yield to Senator Rockefeller, make a point that I think is a distinction with a difference. I think we miss the boat when we are talking about Iraq. Iraq violated international norms, invaded another country, essentially sued for peace, essentially signed an armistice, the conditions of which were contained in the U.N. resolutions, and has clearly violated those resolutions. Whether or not they are a threat or not, they violated those resolutions.

I hope we stop talking about preemption. This is not preemption. Maybe we should or should not go to Iraq, and I have an open mind about that, but it is fundamentally different than invading a similar country in terms of seeking weapons of mass destruction, acted against their own people, not to the same extent, like Iran, or North Korea. They are not in the same situation. Iraq signed essentially a peace agreement with conditions. The conditions are contained in U.N. resolutions. They have violated them on their face. That is a fundamentally different thing.

I wish the President and everyone else would stop talking about preemption and give people around the world the sense that we are acting like cowboys, and/or they have a right to act preemptively. This is a different deal.

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Ambassador HOLBROOKE. Mr. Chairman, I pray that what you have just said is understood, because many of your colleagues have talked about the fact that they do not feel the rationale has been adequately explained. If we would just focus on what you just said, then we could have a clear discussion of whether it is appropriate to move toward war. When we get into these theories about preemptive war, we bring in all these extra factors, so I heartily support what you have just said.

The CHAIRMAN. Senator Rockefeller.

Senator ROCKEFELLER. Mr. Chairman, I thank you.

What you said, let me use as a segue, because I was in an Intelligence Committee meeting yesterday, and it was fascinating, because there was—well, he was behind a screen so he was not visible—but there was a Minneapolis FBI agent, and he had reviewed Moussouai, and Moussouai's French visa had run out.

Now, the FBI agents are lawyers, and they are trained to enforce the law, so he had two choices, and one was that he act upon the act of wrongdoing on the part of Moussouai, which was, he had a visa that had run out, and it was French, and he said, this cannot stand, and so he went to do something about that, and I asked him, well, and substantiated more in the press this morning, there has been some talk that he had quite a lot to do with terrorism, too, and would that not call for surveillance, and he said no. My job is to make sure that he did not—I mean, I am a little bit, with all due respect, reminded of that kind of comparison.

Something changed after 9/11 is my general impression. I sure did, and I think everything has changed, so I am happy to talk about how it took Wendell Wilkie to come and testify before, I presume, this committee, or maybe it was a House committee, to get Lend Lease passed at Roosevelt's request, because Roosevelt could not get it done himself, so the British would not sink, so we could go ahead, and precedents are incredibly important.

My question is, are precedents of a different nature now, and I want to put that in the form of a question of a different nature to both of our witnesses. We use the word, preemption, and I am also uncomfortable with the word preemption. I think it is an unfortunate word. It talks about unilateralism, and I get lots of e-mails on that subject.

And on the other hand, supposing we changed the Security Council resolution in ways which have been suggested, and others have suggested, and it was done, and in fact it was done prior to the point that we voted, which probably will not happen, but if that were the case, that would be a neater, cleaner way of doing it.

The question then arises, what is it that our allies, having, let us say, voted with us, would then proceed to do about it, and at some point it seems to me, and I agree with the chairman that, do not let Saddam Hussein hang around from 3 to 5 years, because I will guarantee you he is a lot worse.

He does not want to be a martyr. I think he wants to leave a legacy, and I do not really want to think a whole lot about what kind of legacy that might be, and it might well be at our expense, and it was not all wrong when Dick Cheney raised the question, what if the risk is that we get attacked, what would we say then? What would we say then? What would we say to our grandchildren

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then? Everything is, what would we say to our grandchildren? What if we get attacked, and he picks us over Israel?

I do not think he would. I think he would take Israel over us. Is there a difference between that? In fact, because would we not then come to the defense of Israel?

So my question is, given a new world order, which is going to last for a very, very long time under the domination called non-state terrorism, which is cellular in function, which has absolutely nothing to do in many ways with things like Security Council resolutions, it is what I want, when I choose and how I choose, and you will never know, but I will do it because I do not like you and that is what I have been trained to do, I have been trained to kill you—al-Qaeda.

Now, Saddam may not be thinking that way. I think he probably is. Is he more prepared? He surely is. Is he a greater threat than he was in 1991? He surely is. He has different ways of launching Scuds that go faster and farther, there is no question on that.

So my question is, if we do the unilateral, or if we do not do the unilateral but do the Security Council, and then they say, OK, we are with you on this, and maybe they give us fly zones or landing zones, or they give us this or that, but with the exception of one or two, are they going to be there for us, and if they are not there for us, does that mean in this debate, precedent-based, historically based, that we sort of sit and take it, or are we going to end up basically being unilateral anyway because we cannot have our children smallpoxed?

Ambassador HOLBROOKE. Your question is, if no one was with us, would we go it alone anyway?

Senator ROCKEFELLER. And more refined than that, if people were with us, in what measurable way would they, in fact, be with us which would count for us in terms of dealing with that crisis?

Ambassador HOLBROOKE. Senator Rockefeller, in the first part of your question, we will not be alone. The British have already made clear that they will be with us, and I would put a great deal of confidence in the fact that the Turks will be with us, and to some degree we will have support, logistics, basing and so on.

Let us take Germany, for example. The Germans have said they will not be with us, but the bases will still be available for us to deploy out of.

Senator ROCKEFELLER. But that is my point. That is my point. I brought in the bases. I said, let us allow for those, the fly over and all of that, but at some point it is either troops on the ground or it is missiles, or it is the things which cause people to retaliate, or which, as Senator Chafee said when he was here, counterproductive—I mean, I think that is going to happen anyway. That dynamic works through something called poverty, so what really is the point on this, both of you?

Ambassador HOLBROOKE. I think we have to defer to the military planners.

Senator ROCKEFELLER. I do not want to defer. I want to defer to you two.

Ambassador HOLBROOKE. Bud, why don't you go first. You are a military man. I have a view on this, but you should speak first.

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Mr. MCFARLANE. This is an issue that ought to be much more front and center in this debate that is unfolding, Senator Rockefeller. This will not be a cake walk at all. It is possible that the brutality of Saddam will lead his organized army and the Republican Guards to fall away, and yet I cannot imagine that he will not maintain some capability and, indeed, a capability to use these awful weapons against us or against Israel, or both.

Your question is, will anybody be there with us?

Senator ROCKEFELLER. In a significant way.

Mr. MCFARLANE. I do not believe that there will, and that is an issue that I, and I am sure you, have focused on for a long time, and that is, if we are alone, is it still nonetheless imperative that we do this? Is the alternative of allowing this awful threat to grow, and some day be launched against anybody too big a risk to take, and I think it is, even if we have to do this alone.

Ambassador HOLBROOKE. Senator, let me just try—I think I now understand the question. If you are talking about materiel support, airplanes pilots, combat troops, it is very unlikely that non-American assets, including the British, would account for more than 10 percent. I am making up that number. That was the case in the Balkans, especially in Bosnia. That is the case in Afghanistan, where, in fact, the Pentagon rather interestingly rejected a lot of the offered help initially. According to today's Times, they are beginning to look back on that as a mistake. So the materiel assistance, it will be marginal.

The United States military strength is greater than all the other NATO countries combined. You know the statistics on this. The logistics, however, is indispensable, and the political support is far more important, in my view, than some of the spokesmen for the administration, who have been sort of contemptuous of it.

It is very important in my mind that Prime Minster Blair did what he did yesterday in the House of Commons. I believe in the end the French will come around. Maybe I am being over-optimistic, but I have worked a long time with the French, and in the end they do not want to be left behind, but they always want to be the last ones to come on board. They therefore get a better seat on the train. The Germans are a special problem because of the recent election, which I consider very unfortunate, but in the long run it is not going to damage U.S.-German relations.

The Arab states in the gulf are all trying to maneuver to find ways to help us without compromising themselves or create domestic disturbances, and I do not know the state of play in Riyadh and Qatar and Bahrain and Kuwait, but they are going to find ways to help us within the limits they can. American troops are already basing in the East African Horn now to prepare for exigencies, with the permission of the local countries.

So if you are meaning symbolic, logistical, political, we will not be alone. If you are meaning a really material addition to our fire power, I would say, again, as a civilian, that it will be marginal.

I hope that is responsive to your question, Senator.

Senator ROCKEFELLER. Mr. Chairman, I think the political is tremendously important. It has psychological meaning. The question is, how long does that psychological meaning last? How long does it help us if it is our boots on the ground, if it is our guns that are

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shooting, if it is our missiles that are killing their people, and I agree with what you both said, all three of you have said, and that is that the probability of our being at war is very likely, and we can do all kinds of things to make that stay as far away as possible, give him a chance to back off as much as possible.

Who knows, he could change his mind. He could play some kind of game with us that might not be a game. I doubt it, but he might, but in the end I think that that threat is real, and I just cannot deal with Woodrow Wilson and Wendell Wilkie in trying to set my mind to contemplate the scenario that plays out before us.

The CHAIRMAN. Thank you.

Senator Nelson.

Senator NELSON. Mr. Chairman, I find that I agree quite a bit with my colleague from West Virginia. It is my intention at this point to support a resolution. I hope that that resolution does, in fact, incorporate the Ambassador's suggestions, which I think are excellent.

The vagueness of this resolution that has been sent to us as a draft begs for specificity, and the four points that you raised in your testimony I certainly hope are going to be included.

I was quite intrigued to hear your comments that since the Constitution would confer upon the President as Commander in Chief the right to act to protect the interest of the United States, by him then coming out and enunciating this preemptive war doctrine, it has actually weakened his position. Would you elucidate further?

Ambassador HOLBROOKE. Well, you have put in a much more succinct and pointed phrase what I think both Chairman Biden and I were saying about preemptive war. Why was it necessary to do it, when every President from Washington on has been able to do it, when the history shows that Presidents have used force 234 times, according to yesterday's papers, and asked for declarations of war only 5 times, or 11 times if you take each axis country individually, so that is my strong view, that we have muddied the discussion.

Senator NELSON. It seems somewhere in American history I heard of a President that said, "speak softly and carry a big stick," and that people respected the United States, and of course that leads me as to why a lot of this conversation has been going on, and then you know, sadly, I read on the front page of the Washington Post today the quote that Senator Daschle felt compelled to take the floor this morning and quote, and I read from the Washington Post.

"Four times in the past few days Bush," referring to the President, "has suggested that Democrats do not care about national security, saying on Monday that the Democratic-controlled Senate is, 'not interested in the security of the American people,'" and that is a sad commentary coming out of the mouth of the President of what is to be the United States, when in fact it is very divisive.

Ambassador HOLBROOKE. I have read this article, as you have, Senator, and I very much note Senator Biden's earlier chronology of 1990–1991, that President Bush Sr., waited until after the midterm elections in order to have this discussion. However, it is the President's prerogative to send up a proposed piece of legislation whenever he wants to, and he has chosen to do it at this time, and

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that is why we are here today, instead of having this discussion in December or January.

So whatever the background, whatever the reasons, this is where we are, and it would be easier to have this discussion absent the overtones of the final days of a very critical midterm election, but it has happened before in history. Woodrow Wilson in 1918 did this, took the war-peace issues to the Nation and lost both Houses of Congress, so there are precedents. In any case, we are where we are.

Senator NELSON. Did Woodrow Wilson, in your recollection of history, make statements like this?

Ambassador HOLBROOKE. Well, I do not want to give history lessons, but he did something even more extraordinary. Senator Biden's predecessor at the time was Henry Cabot Lodge, Sr., as chairman of this committee, and was also Senate majority leader, and Woodrow Wilson chose to launch the attack on the Senate in Fanueil Hall in Boston, and from that point on Senator Lodge never forgave him, and the personal animosity turned into an all-out war, and that is why the League of Nations died, so President Wilson's political judgment on these things left something to be desired. I do not know whether there are any historical analogies or not. Senator Rockefeller talked about Wendell Wilkie. I think that is a particularly interesting incident.

But the bottom line here, Senator, is, we are where we are. We are discussing a momentous issue today, war and peace, in the context of a political calendar, and we cannot avoid it, even if we may wish otherwise.

Senator NELSON. What do you think, both of you—look into your crystal ball. If we are ready to go to war, how are we going to handle Germany, given the position that they have painted themselves into, in a corner?

Ambassador HOLBROOKE. I was Ambassador to Germany, and I know Chancellor Schroeder quite well, and Foreign Minister Fischer. I believe the ties between the United States and Germany are unbreakable, based upon culture, commerce, common heritage, and the legacy of the cold war, and I believe we are going to get through this.

There are permanent interests of countries, and the permanent interests of Germany are to be close to the United States. In fact, Chancellor Schroeder flew to London this morning specifically to ask Prime Minster Blair to intervene with the White House, but there is also personal relationships. Clinton and Yeltsin had a good relationship. It helped policy. Gorbachev and Reagan, when Bud was working on this, had a good relationship, and it helped world history. President Bush and President Putin have a good relationship that helps.

In this case, the personal relationships are working the other way. It is not going to be a core issues, and I note that Germany has now offered to lead the International Security Assistance Force in Afghanistan, and Fischer, the Foreign Minister, is reaching out to his American counterpart, Colin Powell, as we speak.

But on Iraq, it would appear to me that Chancellor Schroeder dug himself much deeper in than he probably now thinks is wise. On the other hand, he won the narrowest election in post-war Ger-

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man history. I do not consider this a long-term crisis, but going back to Senator Rockefeller's question, it will definitely affect that issue.

One last point. The Bundestag, your counterpart body, would have to approve any German deployments. When Schroeder went to the Bundestag for approval, he won by only two votes, so my German friends have told me that he could not win a vote to send forces directly into Iraq anyway. On the other hand, it did not have to become this intense and this personal.

Senator NELSON. Thank you, Mr. Chairman.

The CHAIRMAN. I wonder what recent history would have been had we accepted the offer after he risked his career to send troops to Afghanistan, had we accepted the offer. I wonder what it would have been had we not unceremoniously pulled out of Kyoto as he walked into the President's office.

So these personal things do matter, but I happen to agree, for what it is worth, with the Ambassador that the core relationship is so deep, so strong, that we will overcome personalities.

But let me speak to Afghanistan for a minute, because like Cooperative Threat Reduction and Nunn-Lugar, I do think it relates, but not to the same extent, and that is that it seems pretty clear now, I emphasize appears, fairly clear now that the Defense Department has rethought a position that Senators Lugar, myself, I believe the Senator from Florida and the Senator from Nebraska all pushed for, which was that we expand the international security force in Afghanistan, that we engage NATO—as a matter of fact, Senator Lugar and I once again importuned the President to take NATO up on its offer for participation in Afghanistan, arguing that failure to do so was counterintuitive and counterproductive in terms of U.S.-NATO relations, and it seems as though now—and that was rejected over the strong objection on the part of the Defense Department, (a) to expand, (b) to include NATO, (c) to take advantage of the French and/or German offers for deployment.

Now, if what we read is correct, and we had, by the way, several hearings that addressed this issue, calling the administration up, asking them to reconsider this position, specifically asking them to reconsider this position, and now it looks like they may be reconsidering the position. I ask you both, starting with you, Mr. McFarlane, if during this somewhat tumultuous period the administration is able to reconfigure an international security force with some muscle, some NATO signature, if you will, do it, and is able to put it in place, will that have any positive or negative impact on our ability to get support and/or succeed in Iraq, or is it not relevant? How will it play?

I know you know so many foreign leaders. How do you think that would play in terms of the objective we all seek, which is a more cooperative effort to deal with Saddam? Saddam is not just our problem, he is the world's problem. We may be the only solution, but he is the world's problem.

Is there any correlation between how we handle, from this point out, Afghanistan and its stability and our demonstrating to the world we have kind of learned a—what we intend in Iraq, and I will close this question—it sounds more like a diatribe than a question, but I have met with the Foreign Ministers of most of the Eu-

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ropean countries, beginning this February, and Iraq is always the subject at some point or another, or heads of state from our European allies that we have hosted here, and in almost every instance I have been asked the question, what is our intention relative to an Iraq without Saddam?

They have no doubt we can take out Saddam. They wonder, what after, so that is the reason I ask this question, because there seems to be an inordinate amount of unease—or maybe inordinate is not right. There is an incredible amount of unease among our European and Arab friends of what happens to a destabilized Iraq, even without Saddam.

Does the question make any sense?

Mr. MCFARLANE. Yes, Mr. Chairman. I think first, your suggestion of the need for expansion in Afghanistan is right on the mark. If you think back 20 years to Lebanon, where our intention was to establish a truly Lebanese army, Shia, Sunni, Christian, Greek Orthodox and so forth, that was a sound idea, and essentially we are trying to do that in Afghanistan today, but it is not here, and it will not be here for a long, long time, and until we have that kind of force plus a separate constabulary worthy of the name, it is going to be a very unstable place.

Today, all the guns are in the hands of the Northern Alliance, and it is a very unstable situation that can only be relieved by an expanded ISAF, in my judgment. Whether the additional units of volunteers from European countries should be individual or under NATO auspices, I do not have an opinion on. Clearly, we do need and would benefit from greater European participation.

A second point, I think, is that to the extent our advocacy for a larger ISAF and a welcoming of a greater role for ourselves in it would relieve part of the angst, I think, that is real in Europe, and Asia for that matter, about unilateralism on our part, it would be a positive good in relieving some of those concerns.

I think finally, however, that what would do the most good of all is to do both of those things, but then pledge very emphatically that if we go into Iraq, to not only change the regime, but restore or build institutions that can promise greater stability in the future, and that will take years and years, but it has to be done.

The CHAIRMAN. Thank you.

Mr. Ambassador.

Ambassador HOLBROOKE. With your permission, I would like this to be my final answer, because I am running very late. I was supposed to host a dinner tonight for President Gusmao of East Timor in New York, and Nick Plath is going to handle it, but I would like to get there before it is over.

You and I have discussed this many times. I wrote an article on this in early November, and you and I share the same view. What you said about Germany I agree with completely. It was unnecessary, when Schroeder put his whole career on the line, to treat it that way.

I am very struck by today's New York Times article from the NATO summit saying the Americans regret they did not give NATO a role. This goes back to Senator Lugar's famous phrase, which has now become part of the language, "out of area, out of

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business." I believe you initiated that phrase for NATO, and you and I have been allies on that.

The ISAF should have been outside of Kabul, and the fundamental mistake that was made in Afghanistan was that while we proclaimed support for Karzai we strengthened the war lords, who are also drug lords, and whose strength is incompatible with any kind of affective central government, even a loose one in a loose federation, and you talked to Karzai when he was here about this.

He minimizes the problem when he talks to us because he does not want to play into the hands of the critics of the administration that supported him, but he knows it is a problem, and you and I both talked to him privately, and I agree with what Bud McFarlane said, and if they are beginning to realize that they should have done it differently in Afghanistan, if they are beginning to realize that Bosnia is not the place that they should pull out of, as they wanted to a year and a half ago, then I hope those lessons will be applied to Iraq, if and when the time comes.

The CHAIRMAN. Nation-building ain't a dirty word, but that is what we are talking about, nation-building.

I understand you have to go.

Senator Lugar.

Senator LUGAR. I would just thank the Ambassador, but I wish that he would leave if he needs to at this point, and I will raise my questions afterwards.

Ambassador HOLBROOKE. Thank you, Senator Lugar, and before I leave, I did not express my own views on Nunn-Lugar because it would only be repetitive, but we need it more than ever, and your leadership has been extraordinary on that. Thank you.

Senator LUGAR. Mr. Chairman, let me just say for the record that the quote, "out of area, out of business," came from somewhere else. I did not originate it, although I have utilized it. I think it was accurate, and I appreciate the fact that NATO has moved in that way. I would just underline what you and Ambassador Holbrooke have pointed out, that we did try to emphasize NATO in Afghanistan because it offered a structure.

If Lord Robertson was able to assign countries so there is not a pick-up game every 3 months as to who might volunteer, and they would be prepared to do that. Lord Robertson came here to the United States and made those comments. Now, hopefully that may offer some structure, but something is needed there.

Likewise, I just want to make a point once again for the record that President Bush has been commended for recommending that it be postponed until after the election. He did that, but the argument at that meeting was that there would be new Members seated in the new Congress, so as a result the old Members ought not to be voting in late November or December, because hearings were to be held. The chairman pointed out in his memo this committee met in December, as in Armed Services, but still there was resistance all the way through by the administration having to vote.

And I can recall going to the White House with people who were arguing that the President should simply use the war powers resolution. In other words President Bush should just proceed, then after the requisite 30 or 90 days or so, if it had not worked out, come back and ask for something at that point.

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Now, fortunately, we had the vote on January 11 which gave us 4 days to go before 250,000 people or more would go into combat. So I am hopeful that we can sort of reconstruct all of that history. I think it is relevant for this situation, because ideally I think we still ought to take jurisdiction in the committee if we can do so for a period of time, it is reasonable for us to fashion a resolution. It may or may not be the one that is debated but nevertheless it should be our job.

In it there were two resolutions that were offered in the Senate, and they were the rival resolutions from the Armed Services Committee, one offered by my friend Sam Nunn, and another offered by Senator Warner. These went together with the majority leader, Mr. Mitchell, and Mr. Dole, the minority leader, and those were the two offerings that we had at that point.

I just wanted to ask you, Mr. McFarlane, in your judgment, would the Security Council be more likely to fashion a resolution that dealt with Iraq if the Senate held a vote before the Security Council acted? In other words, some have argued that the Security Council members, quite apart from Saddam, may finally doubt the resolve of this country, feel that once again we are bluffing, that for the last 11 years or so people have huffed and puffed about violations of the Security Council resolutions, as well as incursions in the no-fly zone, but not a whole lot has occurred and as a matter of fact, we have been gone for 4 years.

If he was a betting man, he might guess we might be gone for 4 more, but would it be helpful for us to vote, just playing the devil's advocate for a moment, sooner rather than later to indicate some resolve, the administration and the Congress working together?

Mr. MCFARLANE. Senator Lugar, I think it would have a very positive impact, and the demonstration of that resolve and support and commitment that you suggest, and that that impact would be felt by members of the Security Council.

This is not a direct analogy at all, but I recall very well the run-up to the first summit with President Gorbachev in 1985 in Geneva, and the impact that the Senate, the majority resolution actually had on Gorbachev, separately the action of all permanent members of the Security Council, in joining in the support of President Reagan as he left for Geneva, and this very vivid public solidarity expressed in New York from Thatcher, Kohl, Mitterand, Craxi, I believe, and Nakasone, echoed—not echoed, but in parallel with that of the Senate, the joint resolution, and then of course the American people were at 70 percent supporting the President's positions going to Geneva, were more than Gorbachev could ignore, and it had a profound effect—it is in his memoirs—in influencing his position of change and a revolution that gradually led to successes in arms control and elsewhere.

I think it has a very positive impact.

Senator LUGAR. Let me ask a second question. What should be the proper call with regard to the tactics of fighting a war in Iraq if we have one? For example, some have argued, I think privately rather than publicly, that the type of tactics that the United States ought to adopt in Iraq that would minimize the loss of American lives and minimize civilian losses and what-have-you are extraor-

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dinarily new and different, involving smart weapons, special forces, and so forth. But this requires, of course, not only an element of surprise but coordination which only our country might be able to bring this off successfully. To invite others into these intricate tactics is to risk failure.

That, at least, was the argument made with regard to many of the tactics adopted in Afghanistan. The one reason that allies were not invited in was that they did not have lift capacity, but second they were not really compatible with the particular training and tactics that we were going to use in the Northern Alliance and so forth.

From your own experience in this, and this has been extensive, what do you think of that argument? Is it the prudent thing, once we have decided to do this, even if we have a Security Council resolution and so forth, for us to counsel with our allies and say, now let us handle this in our way, because we believe we can do so with the minimum loss of lives and minimum amount of time and so forth. As opposed to taking time to involve several nations so that there is a show of their ability to participate?

Mr. MCFARLANE. Well, I believe it is a little disingenuous to discount and disparage the role of allies because of incompatibility, or not having common tactics and so forth, given that that is what we have been working on for more than 50 years in NATO, for example, and that commonality in fact exists. I would credit to an extent the arguments specific to Afghanistan that we were going into something where we were very much blind. This deserves in itself a lot of focus, because the intelligence of the United States before that conflict about the situation in Afghanistan was appallingly bad.

The idea that the CIA for 10 years had to read in the newspapers that we had a drug problem there and not put anybody on the ground, that we had a growing cell of terrorist activity there and not put anybody on the ground, with the result that we finally go to war with nobody on the ground, led us to have to rely on the resourcefulness of our special operations people, and they did a remarkably good job.

How much better it would have been if they knew who the good guys and who the bad guys were, and we ended up hiring bad guys who called air strikes on good guys. Well, that is another story.

But your point is well taken. It is surely feasible to carry out the kind of tactics we are going to need to use in Iraq with allied units. We have operated in this kind of area. We have trained for it together, and we ought to be encouraging it. This does not even include the enormous political gain that comes from the political support that we also enjoy.

Senator LUGAR. Mr. Chairman, let me just make a point, prompted by that testimony. I am hopeful, and I do not draw any conclusions, but I am hopeful our intelligence with regard to Iraq is substantially better than Mr. McFarlane is pointing out it was prior to our war in Afghanistan. I mention that not with regard to the questions we have been raising of intelligence, because we participated in a good meeting with the CIA Director and others, but on these questions in which there do not seem to be many answers in terms of political leadership inside of Iraq.

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We have the exiles and some identification with these persons who purport to be a potential government or coalition. Granted Saddam has suppressed most people and they probably would not be showing their heads, but at the same time, we are about to get into a situation of potential instability, and I am not comfortable that of our knowledge of potential new leadership. I am hopeful we know more about the military predicament, but I am not confident we know where the weapons of mass destruction are, and that is a very large question in all of this.

I suppose one value of these hearings is that you sound these alarms and it sort of sends signals. You ask somebody to look and watch, because it appears to me we are on the threshold of having to make some tough judgments in a military way, quite apart from the post-Saddam situation if we come to that, and in a political way, but these are just thoughts that are prompted by experienced testimony you have given, and I appreciate it.

Thank you, Mr. Chairman.

The CHAIRMAN. I might point out that there are 600,000 to 700,000, as Mr. McFarlane has indirectly referenced in early answers, 600,000 to 700,000 Shia Iraqi refugees in Iran, 600,000 to 700,000 in Iran. What happens then? We are talking about 60 percent of the population.

Senator LUGAR. They become very interested in Iraq.

The CHAIRMAN. Yes, but they are Iraqis in Iraq. Senator.

Senator NELSON. That begs the question. As we look to the post-Saddam Hussein Iraq, how do you keep Iraq together with all of those forces pulling at it, the Kurds in the north, the Shia in the south, and how in the world do we protect the interests of the United States, and what is the plan for that? Can we discuss that? We do not hear that discussion coming out of the administration, but that is a very important element for the future protection and the interests of the United States.

The CHAIRMAN. If the Senator would yield, part of the value, hopefully, of these hearings, to in a sense parrot the point Senator Lugar was making, is hopefully we send out the sort of cries for assistance here. We had testimony, as you well know, on so-called the day after, and former Secretary Weinberger and Secretary Rumsfeld, Weinberger last month, Rumsfeld last week, suggested the United States would not need to stay very long in Iraq.

They argued that Iraq has a talented population, considerable resources to pay for its own reconstruction, will quickly be able to organize itself politically, economically, and militarily into a peaceful unified nation, free of weapons of mass destruction.

But then we also had testimony here before this committee from considerably talented military experts, one whose sole job was post-war planning—I mean, post-victory planning, who indicated that 75,000 troops were required at a cost of $16 billion for the first year to maintain order, to preserve Iraq's integrity, secure weapons of mass destruction sites.

Other experts we had predicted that the United States will have to engage substantial resources for years, and among the more significant challenges for years, and among the more significant challenges that Iraq will not be able to handle on its own from a plethora of witnesses was, cleaning up after effects of a battle, and mali-

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cious destruction by Saddam with chemical and biological weapons, and providing basic humanitarian needs. We saw what happened in Afghanistan, a smaller country—dealing with refugees, displaced persons, catching Saddam if he flees, providing police protection, and preventing reprisal killings, detoxification of the Ba'athist officials and security services, aiding in the formation of a new government, ensuring Iraq territorial integrity, and dealing with possible Iranian and Turkish intervention, rebuilding the oil sector while ensuring the smooth reentry of Iraqi oil into the world markets, and promoting legitimacy of a new government for Iraq in the Arab world.

I met, as we all have, I assume with the Iraqi National Congress. I admit this is now 5 months old. They came to me and said, hey, we are not getting any response from the administration. We are asking them to help train us on how to run an infrastructure. They said, well, we will talk to you later. Who is going to run these things?

This is able to be done, but it sure requires some significant thought process a little bit ahead of time, and as I said, I believe—I am not just hopeful, I believe the President before, no matter under what circumstances, he arrives at the use of force, if he arrives at that, I am convinced he will come to us and the Nation with answers to some of these questions, but I do not think it is an exaggeration to suggest that the speech at the United Nations, although an incredibly important speech, was not designed to answer these questions. It was not designed to answer these questions, and these questions, if not answered, have to at least be spoken to.

Again, I will end where I began. It is not hyperbole to suggest that the American people will not sustain the action we undertake if they are not informed front end. What we are asking of them, I believe if we ask of them, they will respond if we make our case, but I think we have got a little ways to go here, and I am hopeful that we can in a bipartisan way arrive at these conclusions.

I regret the statements that I read in the paper. I suspect those statements related to the homeland security resolution, and not to Iraq. They were ill-advised, no matter what they related to, but they are probably not as bad as they appear, but I just hope we kind of get beyond this. I wish everybody would sort of calm down a little bit and we could all just take this a piece at a time and work our way through this, and we will arrive at the right conclusion, I have confidence in that, but I would respectfully suggest we are not quite there yet, and your testimony, Mr. McFarlane, has been insightful and helpful, and it reflects a joint position, even though we may start from different places.

You are of the school, like many other very bright people, who say, going to the U.N. to seek this permission is not necessary and probably counterproductive, and others say it is essential to go to the U.N. first. Notwithstanding the fact that there may be disagreement on that point, there is agreement on the point that it is better to go with others if we can. It is better to have others in on the deal for paying the bill, if we can, and it is better to have at least some support and/or the acquiescence of the rest of the

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world if we can, but if we cannot get any of that, and our national interests are still at stake, we must respond.

And so the question is to me, how do we get to the point where we limit the downside as much as we can, and increase the possible upside as much as we can, and that is what this is about right now. I hope no one listening to this in a foreign government or overseas thinks this reflects any fundamental disagreement about Saddam, but it does reflect the natural and necessary impulses of a democracy, to be able to determine what we are about to do and make sure all are signing on to the same deal.

My dad, who just passed away, used to say, "I like to know who is responsible so I know who to hold accountable." Well, I think the American people have a right to know what we have in mind before we ask them to sign on, and I thank you, Mr. McFarlane, for being here. You have great experience. I thank Ambassador Holbrooke.

Tomorrow, again, we have—unfortunately former Secretary of State Eagleburger was to testify but he is ill, not seriously ill, but he is unable to be here. There are no alarm bells. He just has the flu, or something to that effect and is not able to be here tomorrow. Our witness list will be made up of former Secretary Albright, former Secretary Kissinger, as well as the present Secretary of State, Colin Powell.

I do not intend that these, with the permission of my Republican colleagues as well, to be the last hearings we are going to have on this, but I do think it is important to have the three Secretaries of State tomorrow, and I will pursue with Senator Lugar his suggestion that this committee at least have an opportunity to debate—not debate, but to have hearings on whatever resolution we are going to be considering.

And I am not suggesting that we should not be able to be discharged if we are unable to reach any conclusion. It is not meant to be in any way an attempt to hold anything up, and I further would suggest that the purpose of committees is to allow all of our colleagues the benefit of having done some serious spade work before we vote on important subjects. It seems to me to be the responsibility of this committee to do that. I will attempt to work with my colleague to do that.

Senator LUGAR. Mr. Chairman, may I make one more, I hope diplomatic comment, and that is, essentially all of us today, whatever we have thought of past administrations or this one, are really trying to ask questions in which we hope that there is planning going on in our administration now on these critical issues. We may not have been informed of it.

But on these questions of the numbers of people required in Iraq, or the thoughtfulness about the Sunnis and the Shiites and the implications of Iran and other countries, there are a lot of very bright people in America, a good number of them I am sure in the administration. The question is, has there been a focus, and if so, I think we would appreciate in this committee some sharing of that.

Now, some of it may be highly classified, or even the fact that people are thinking about it is classified, but at some point, historically, the American people are going to ask of us, where were you when all of this went on, did you raise these questions, and we

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would say, we just did not think of that, we were fastened on something else.

I think the committee hearing today, aided by our two witnesses, did think of a number of things, and both of us and others have indicated we are using this forum almost to send messages, and please, to do things.

I would just like to say, Mr. Chairman, I appreciate the spirit with which you have approached this hearing, as well as others. Sort of clamoring outside of the committee room are many who want comments as to whether the whole Iraq issue has become viciously partisan, and so forth. The fact is that it could be, but it should not.

The chairman is a candidate for reelection this year. Fortunately, I am not, so I have the comfort zone at least of that situation to say that I understand. People who are involved in election campaigns, reading the analysis every day, does Iraq supplant every other issue, or something of this variety, may be tempted to get into some other analysis, but thank goodness, that was not the case here, so I thank the chairman, and I think the bipartisanship and the nonpartisanship really with regard to this issue has been very important, and that was true of our first two hearings, it was true of this one, and it is important in terms of our own credibility, because we are raising these questions with our administration as well as the rest of the world.

If we do so from a degree of unity, why, obviously it is highly, much more effective, so I thank the chairman.

The CHAIRMAN. We often kid about this, but it probably hurts us both that at least you and I—not least, you and I have been almost completely unified in this endeavor, as has Senator Hagel and, I might add, if you notice way down the other end there in terms of seniority is the Senator from Florida who has, to the best of my knowledge, stayed for every last drop of every hearing.

We are not attempting to be self-congratulatory. We are trying to send a simple message. This committee, this Congress, the people who have primary responsibility in this Congress for at least presenting this debate are unified and are trying to help, not be obstructionist. We are trying to help the President in resolving a very difficult situation.

We all know—I have been here for almost 30 years, this Senator has been here 28 years, if I am not mistaken.

Senator LUGAR. Twenty-six.

The CHAIRMAN. We have been around a long time We understand that no President is ever in a position where he has 100 percent of the information he needs to make a decision. We understand that.

The only thing we want to know is that he has thought through, the administration has thought through, even if the answers are not available, has raised all the pertinent issues, because—I keep saying how the American public has to be informed. I want to be informed. I want to be informed before I vote on these things.

Again, I thank you all. Bud, thank you for sitting through our little dialog here, our conversation among ourselves. You are very gracious to do that.

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But again, this is not a divided committee. This is a united committee in our effort to do what is right for this country, and I have not a single doubt in my mind that the three Senators here and the rest of the members of this committee will do what we think is right, regardless of what we think the political pressures are relative to each of our political parties, and I think that is how everyone is going to act.

This is too important. There are some things worth losing elections over. There are some things worth losing elections over. This is one of those things that is so big that, even if it was going to be politically costly, we have no choice but to do a thorough and deliberate job.

Again, I thank everyone. Thank you for your indulgence. We are adjourned. Thank you.

[Whereupon, at 5:05 p.m., the committee adjourned, to reconvene at 10:30 a.m., September 26, 2002.]

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NEXT STEPS IN IRAQ

THURSDAY, SEPTEMBER 26, 2002

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met at 10:35 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee), presiding.

Present: Senators Biden, Sarbanes, Feingold, Wellstone, Boxer, Bill Nelson, Helms, Lugar, Hagel, Frist, Chafee, Allen, and Brownback.

The CHAIRMAN. The hearing will please come to order.

Starting in July, the committee has held a series of hearings on U.S. policy toward Iraq, and we have heard from a broad range of experts and witnesses, former senior officials on the basic questions before the country, which is, what threat does Iraq pose to the United States? What are our possible responses? How do our allies around the world and our friends in the region see the problem? What would be our responsibilities the day after? What is the goal that we have here?

I think the President is dead right about the danger of Saddam Hussein. The witnesses and my colleagues are tired of hearing me say this. I think no matter how well formulated a foreign policy, it will not be sustained very long without the informed consent of the American people.

So one of the questions I have been asking is, at what point, if it gets to this that we "take down Saddam," do the Secretary of Defense and the Secretary of State turn to the President and say, we are done here, Mr. President? We have met our goals and we can go home. I think we should be talking about that.

This morning we continue our inquiry with two Americans who have had an extraordinary impact on our country's foreign policy and security problems: former Secretary of State Madeleine Albright, and former Secretary of State Dr. Henry Kissinger. This committee has heard from them on many occasions in the past and I am pleased to welcome them both here again to help us work through a difficult challenge posed by Iraq.

This afternoon we are going to hear from the current Secretary of State, Colin Powell, and I will have a lengthier statement at that time.

For now, let me simply welcome our two witnesses and tell them how pleased we are they are here for this important process and yield to my very good friend from North Carolina, Senator Helms.

Senator HELMS. Mr. Chairman, thank you very much.

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You have rung the bell this morning by bringing these two leaders here this morning. I join in welcoming them here. If I had been a little closer, I would have hugged you, but it is hard to do it with a barricade like that.

We could not have, I think, two finer examples of naturalized citizens. I have thought about that a lot. They are a tribute to the opportunities offered by our country to all citizens. And certainly I join you and the rest of the committee in welcoming both of them.

An international consensus to rid the world once and for all of Saddam Hussein is developing, I think, and the President's speech to the General Assembly of the United Nations 2 weeks ago presented the clearest possible case for action against the Iraqi regime of Hussein.

Tony Blair. My affection for that guy just keeps increasing because he has really stuck with us in thick and thin. His speech and his report to the British Parliament also laid the case out clearly and succinctly.

Yesterday Ambassador Holbrooke sat where you are sitting this morning, ma'am. He called Turkey our indispensable NATO ally. I could not agree more, and that country's assistance is noteworthy.

The Washington Post reported last week that Qatar and Jordan and Saudi Arabia are coming around, even at the expense of criticism and possible—possible—unrest within their jurisdictions.

In any case, it is certainly good to see you here this morning, and all of us will be interested in your assessment of the further steps we can take to solidify the key support of our key allies. And I thank you for being here, both of you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Let me suggest to our witnesses something that we do not often suggest. I am not asking you to be limited by time. This is such an important issue. I mean this sincerely. We have two incredibly knowledgeable people and we will benefit from whatever time you think is necessary for you to make the points that you make. So I am going to ask the staff not to turn on the timer light and apologize to my colleagues. I do not expect that the witnesses will take an inordinate amount of time, but your statements are so important I do not want you to feel rushed to say I am summarizing my statement in 3 minutes or 5 minutes and move from there, unless that is what you prefer to do. I just want you to know we are anxious, truly anxious, to hear from you both.

Only in order of recent occupants of the chair, I would yield first to Secretary of State Albright and then to Dr. Kissinger and then we will move to questions, if that is appropriate and all right with my colleagues.

Senator HELMS. Good.

The CHAIRMAN. Secretary Albright.

STATEMENT OF HON. MADELEINE K. ALBRIGHT, FORMER SECRETARY OF STATE, CHAIRMAN, NATIONAL DEMOCRATIC INSTITUTE, WASHINGTON, DC

Secretary ALBRIGHT. Mr. Chairman, thank you very much, and Senator Helms, thank you for your kind comments. It is very nice to see you.

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I am delighted to be here as you exercise your patriotic duty to ask questions about the substance and direction of American policy toward Iraq. To me this committee is kind of like a second home, and it is a special honor to be accompanied by my very distinguished and charismatic predecessor and especially very good friend.

I think I speak on behalf of both of us, Senator Helms, that there is no greater honor than to serve this country, especially for those of us who were not able to be born here but have benefited from the great generosity of the American people.

Mr. Chairman, the President's speech to the U.N. 2 weeks ago paralleled many of the statements that I made when I served as U.N. Ambassador and as Secretary of State. The details of Saddam's noncompliance with Security Council resolutions were not new, nor was the President's challenge for the Council to respond firmly or face a forceful American response.

The difference now is that weapons inspectors have been absent from Iraq for almost 4 years, and the risk that Saddam Hussein will succeed in reconstituting deliverable weapons of mass destruction has increased. It is in the interest not only of the United States but also of the entire international community to act.

So I strongly support the administration's decision to back the return of U.N. inspectors to Iraq without any conditions. The path of inspections is all too familiar, but it is worth traveling one last time. If the Iraqis break their promise, the case for military action will be stronger. If they keep it, the U.N. inspection and monitoring regime will resume, and that is good. Before the inspectors were kicked out, they had destroyed more weapons of mass destruction capacity than the gulf war itself had. Unfettered inspections and monitoring will make it far harder for Iraq to continue developing advanced arms.

So we must be willing to take a "yes" for an answer. But we must also be prepared for a negative response.

The President has asked Congress for the authority to use all means necessary to enforce Iraq's compliance with U.N. Security Council resolutions. He should have this authority and members of the Security Council should join us in the enforcement effort. And I refer particularly to permanent Council members France, Russia, and China. You know, we speak about the United Nations, but ultimately it is the individual members who make the decision. These are the countries that most vigorously promote the Council's prerogatives, and they should be the countries most determined to see that its resolutions are enforced.

If Saddam continues to behave like Saddam, we have legitimate grounds for acting on behalf of the Security Council to bring Iraq into compliance. This answers the question of why a confrontation might be necessary.

It does not, however, answer two other questions. The first is how and the second is when.

The question of how has two parts. One is military, which I will leave to my friends in uniform. The other is the problem of planning for a post-Saddam era. This is complicated because we could be confronted with a no-win choice. One option might be a prolonged U.S. military occupation of the country that served as the

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cultural capital of Islam during that civilization's Golden Age. This would hand a new organizing tool to anti-American terrorists worldwide.

The other option is to withdraw promptly and risk plunging the country into factionalism and civil war. It is naive to think that a peaceful and democratic Iraq will automatically emerge from the ashes of our invasion. It is crazy to believe we can run post-war Iraq alone. And it is essential that the administration think through the consequences of all this in advance, which it is not evident to me that they have done. One thing is certain. We may be able to win a war against Iraq without a broad coalition. But there is no way we can win the peace without help from many others.

As for when to confront Iraq, the answer should be at a time of our own choosing. In making that choice, several factors should be borne in mind.

As evil as Saddam Hussein is, he is not the reason anti-aircraft guns ring this city and a Department of Homeland Defense is being created. Saddam Hussein remains the enemy we know. His military is far weaker than it was a decade ago, and he knows that he will be obliterated if he ever tries to attack another country again. As a rule, people who build statues to themselves are not suicidal.

The more urgent threat remains al-Qaeda and related groups because deterrence is ineffective against those who embrace death. More than a year after September 11, only a handful of al-Qaeda's top leaders have been eliminated and its funding sources have not dried up. Terrorist attacks continue to take place and al-Qaeda members are reportedly filtering back into Afghanistan.

Defeating al-Qaeda is not a part-time job, and we will need the sustained help of governments everywhere and especially in the Islamic world. And we must make an undivided commitment of our own military power, diplomatic capital, intelligence, and law enforcement resources.

This is not the time or place for short attention spans. The fight against al-Qaeda must remain our top priority.

I did note that yesterday, Dr. Rice in an interview talked about the fact that they can now link some al-Qaeda people and Iraq. This kind of information is just dribbling out and I am not sure that we fully understand what it means or that we have enough information about it. And I hope very much that that is something that we can all explore.

In his memoirs, one of our most illustrious predecessors, Secretary of State Acheson, wrote that it is sometimes necessary to over-dramatize a threat in order to arouse public support for a policy. This administration is now doing just that by trying to claim September 11 as a primary reason to go to war against Iraq. Officials say that September 11 created a new reality, which is that terrorists might be able to obtain weapons of mass destruction. That is, of course, a reality but hardly a new one. There are perhaps half a dozen other countries that are thought to have weapons of mass destruction programs and links to terrorism that are at least as extensive as Iraq's.

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Certainly the danger is real, but eliminating Saddam will not eliminate the threat. It might even make it worse if anti-American extremists elsewhere are energized by an assault on Baghdad.

There is a valid case for using force against Iraq, but timing matters. At a minimum, the administration still needs to develop a coalition, strengthen Iraqi opposition groups and develop a coherent blueprint for the post-Saddam era. It must also conduct diplomacy aimed at cooling tensions in the Middle East and make certain that a war with Iraq does not result in attacks against Israel and a broader regional conflict.

To buy this time, we should give notice that if U.N. inspectors are again rebuffed by Iraq, we will destroy, without warning, any facilities in that country we believe are being used to develop prohibited arms. Even if those suspicions prove wrong, the blame should fall on Iraq for denying access, not on America for enforcing the Security Council's will.

Mr. Chairman, in closing, let me say that I expect Congress to authorize the President to use force against Iraq. I hope, however, that it will not be necessary to use the authority in question. America must respond firmly to Saddam Hussein, but I do not share the irrational exuberance for conflict that is present among some pundits and perhaps even a few administration officials. It is not an American trait to want war, and it is not a sign of sound leadership to understate the risks of war or to offer constantly shifting rationales, as this administration has, for undertaking such a venture.

I also question the administration's wisdom in publicly adding new and hegemonic language to our national security strategy. This document brags unnecessarily about American strength and gives ammunition to those who accuse us of pursuing our interests without regard to international norms.

More than 200 years ago when the British Empire was at its height, Edmund Burke wrote, "I dread our own power and our own ambition; I dread our being too much dreaded. We may say that we shall not abuse this astonishing and hitherto unheard of power. But every other nation will think we shall abuse it. Sooner or later, this must produce a combination against us which may end in our ruin."

Mr. Chairman, there is a gathering danger that America will be perceived as a nation uninterested in the concerns of others at the precise moment we most need global cooperation to fight terrorism, proliferation, and menacing dictators such as Saddam Hussein.

We must, therefore, be strong but also smart in articulating the why, planing the how, and choosing the when of actions directed against Iraq and other challenges we face. And we must be clear not only about what America is against, but what America is for. We are against terrorism and Saddam Hussein; that is a given. But we are for democracy and development, the rule of law and respect for human rights. These priorities must not be lost amidst the sound and fury of some parts of this present debate.

I salute you and the committee for these hearings because I think that they are providing a very important place to debate, as calmly as we can, what is the most difficult decision any President and Congress has to make, to go to war.

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I will not take more advantage of your time and hope very much that a lot of the issues that we have will come up in questions. I am very, very pleased now to turn the floor over to my good friend, Secretary Kissinger. I am sure that he agrees heartily with everything I have said.

[The prepared statement of Secretary Albright follows:]

PREPARED STATEMENT OF HON. MADELEINE K. ALBRIGHT, FORMER SECRETARY OF STATE

Mr. Chairman, Members of the Committee, I am delighted to be here. This Committee is like a second home, and it is a special honor to be accompanied by my very distinguished predecessor and friend, Secretary Kissinger.

Mr. Chairman, the President's speech to the UN two weeks ago paralleled many of the statements I made when serving as UN Ambassador and Secretary of State. The details of Saddam's noncompliance with Security Council resolutions were not new. Nor was the President's challenge for the Council to respond firmly or face the likelihood of a forceful American response.

The difference now is that weapons inspectors have been absent from Iraq for almost four years. The risk that Saddam Hussein will succeed in reconstituting deliverable weapons of mass destruction has increased. It is in the interests not only of the United States, but also of the entire international community to act.

So I strongly support the Administration's decision to back the return of UN inspectors to Iraq. The path of inspections is all too familiar, but it is worth traveling one last time. If the Iraqis break their promise, the case for military action will be stronger. If they keep it, the UN inspection and monitoring regime will resume, and that is good. Before the inspectors were kicked out, they had destroyed more weapons of mass destruction capacity than the Gulf War. Unfettered inspections and monitoring will make it far harder for Iraq to continue developing advanced arms.

So we must be willing to take "yes" for an answer. But we must also be prepared for a negative response.

The President has asked Congress for the authority to use all means necessary to enforce Iraq's compliance with UN Security Council Resolutions, the most important of which requires Baghdad to destroy its weapons of mass destruction and longer-range missile programs.

The President should have this authority, and members of the Security Council should join us in the enforcement effort. I refer particularly to permanent Council Members France, Russia and China. These are the countries that most vigorously promote the Council's prerogatives. They should be the countries most determined to see that its Resolutions are enforced.

If Saddam continues to behave like Saddam, we have legitimate grounds for acting on behalf of the Security Council to bring Iraq into compliance. This answers the question of "why" a confrontation might be necessary. As President Clinton said almost four years ago, the Iraqi leader threatens "the security of the world," and the "best way to end that threat once and for all is with a new Iraqi government."

This does not, however, answer two other questions. The first is "how" and the second is "when."

The question of "how" has two parts. One is military, which I will leave to my friends in uniform. The other is the problem of planning for the post-Saddam era. This is complicated because we could be confronted with a no-win choice. One option might be a prolonged U.S. military occupation of the country that served as the cultural capital of Islam during that civilization's Golden Age. This would hand a new organizing tool to anti-American terrorists worldwide.

The other option is to withdraw promptly and risk plunging the country into factionalism and civil war. It is naive to think that a peaceful and democratic Iraq will automatically emerge from the ashes of our invasion. It is crazy to believe we can run post-war Iraq alone. And it is essential that the Administration think the consequences of all this through in advance, which it has not yet done. One thing is certain. We may be able to win a war against Iraq without a broad coalition. But there is no way we can win the peace without help from many others.

As for "when" to confront Iraq, the answer should be at a time of our own choosing. In making that choice, several factors should be borne in mind.

As evil as Saddam Hussein is, he is not the reason anti-aircraft guns ring this city, a Department of Homeland Defense is being created, and the phrases "ground zero," "Let's roll" and "9-1-1" have acquired new meanings.

Saddam Hussein remains the enemy we know. Since the administration of former President George H.W. Bush, each time Mr. Hussein has pushed, we have pushed

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back. Today, American and British planes enforce no-flight zones over 40 percent of his country and a maritime force prevents weapons from reaching Iraq by sea. Saddam Hussein's military is far weaker than it was a decade ago. And he knows that he will be obliterated if he ever tries to attack another country again. As a rule, people who build statues to themselves are not suicidal.

The more urgent threat remains Al-Qaeda and related groups, because deterrence is ineffective against those who embrace death. More than a year after September 11, only a handful of Al-Qaeda's top leaders have been eliminated. Its funding sources have not dried up. Terrorist attacks continue to take place. And Al-Qaeda members are reportedly filtering back into Afghanistan where thousands of Taliban hide in plain sight, and the international community has failed to establish a meaningful security presence outside Kabul.

Defeating Al-Qaeda is not a part time job. We will need the sustained help of governments everywhere, and especially in the Islamic world. And we must make an undivided commitment of our own military power, diplomatic capital, intelligence and law enforcement resources.

This is not the time or place for short attention spans. The fight against Al-Qaeda must remain our top priority.

In his Memoirs, former Secretary of State Acheson wrote that it is sometimes necessary to over-dramatize a threat in order to arouse public support. This Administration is now doing just that by trying to claim September 11 as a primary reason to go to war against Iraq. Officials say that September 11 created a "new reality," which is that terrorists might be able to obtain weapons of mass destruction. That is, of course, a reality—but hardly a new one. And there are perhaps half a dozen other countries that are thought to have weapons of mass destruction programs and links to terrorism that are at least as extensive as Iraq's.

Certainly, the danger is real, but eliminating Saddam will not eliminate the threat, and might even make it worse if anti-American extremists elsewhere are strengthened by an assault on Baghdad.

Unlike the Gulf War, which was paid for largely by others, a war with Iraq will be paid for by us, and could cost anywhere from sixty to two hundred billion dollars in direct costs, not to mention what the mere prospect of war is doing to our economy. Congress should consider whether our country would be more secure using those funds to intensify the pursuit of Al-Qaeda, secure Russia's nuclear arsenal, strengthen homeland defense, improve public diplomacy, and transform Afghanistan into a permanent terrorist-free zone.

As I said, there is a valid case for using force against Iraq, if that is needed to ensure disarmament under UN Security Council Resolutions. But timing matters.

At a minimum, the Administration still needs to develop a coalition, strengthen Iraqi opposition groups, fine-tune military planning, develop a coherent blueprint for the post-Saddam era, and identify the resources required to fund the war. It must also conduct diplomacy aimed at cooling tensions in the Middle East, and make certain that war with Iraq does not result in attacks against Israel and a broader regional conflict.

To buy this time, we should give notice that if UN inspectors are again rebuffed by Iraq, we will destroy without warning any facilities in that country we believe are being used to develop prohibited arms. Even if those suspicions prove wrong, the blame should fall on Iraq for denying access, not on America for enforcing the Security Council's will.

Mr. Chairman, in closing, let me say that I expect Congress to authorize the President to use force against Iraq. I hope, however, that Senators will continue to exercise their patriotic duty to ask hard questions. And that the language of the Resolution will be drawn more narrowly than the Administration's draft, which includes an authorization of force unrelated to any specific countries, threats, American interests or periods of time.

I also hope it will not be necessary to use the authority in question. America must respond firmly to Saddam Hussein and it may be necessary to wage war to remove him. But I do not share the irrational exuberance for this conflict that is present among some pundits and perhaps even a few Administration officials. That enthusiasm is not shared by many in our military or among professional diplomats. It is not an American trait to want war. And it is not a sign of sound leadership to understate the risks of war, or to offer constantly shifting rationales—as this Administration has—for undertaking such a venture.

I also question the Administration's wisdom in publicly adding new and ostentatiously hegemonic language to our national security strategy. This document brags unnecessarily about American strength, and gives ammunition to those who accuse us of pursuing our interests without regard to international norms.

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More than 200 years ago, when the British Empire was at its height, Edmund Burke wrote, "I dread our own power and our own ambition; I dread our being too much dreaded . . . We may say that we shall not abuse this astonishing and hitherto unheard of power. But every other nation will think we shall abuse it. Sooner or later, this must produce a combination against us which may end in our ruin."

Mr. Chairman, there is a gathering danger that America will be perceived as a nation uninterested in the concerns of others at the precise moment we most need global cooperation to fight terrorism, proliferation and menacing dictators such as Saddam Hussein.

We must, therefore, be strong but also smart in articulating the "why," planning the "how," and choosing the "when" of actions directed against Iraq and other challenges we face. And we must be clear not only about what America is against, but also about what America is for. We are against terrorism and Saddam Hussein; that is a given. But we are for democracy and development, the rule of law and respect for human rights. These priorities must not be lost amidst the sound and fury of the present debate.

Thank you for your attention. I will be pleased to respond to any questions you may have.

The CHAIRMAN. Dr. Kissinger, you are probably the single most listened-to voice in the last 30 years in American foreign policy. It is an honor to have you here and it is a pleasure. It is almost 30 years to the day since the first time I met you at a similar hearing. At least we have now got each other's names straight. It is a long story. But at any rate, welcome, Dr. Kissinger, Mr. Secretary. Happy to have you here.

STATEMENT OF HON. HENRY A. KISSINGER, FORMER SECRETARY OF STATE, CEO, KISSINGER ASSOCIATES, INC., NEW YORK, NY

Secretary KISSINGER. Mr. Chairman and members of the committee, good morning. Like Madeleine, I would like to express my pleasure at being here. I have the recollections of many meetings in this room, of the different chairmen and of the issues that have deeply affected our country.

Madeleine and I have been friends for decades and we have discussed these problems between us—when we were in office, when one of us was in office and when both of us were out of office. And as she pointed out, we share the experience of having had the great good luck of finding refuge in this country and safety from totalitarianism. That then also created a very special sense of obligation and concern for the role that America plays in the world.

The Senate and the Congress have been asked to express themselves on what action the United States should take to deal with the threat being posed by the illegal stockpiles of weapons of mass destruction in Iraq, and by their potential growth.

President Bush has reaffirmed America's commitment to a cooperative world order by asking the United Nations to rectify Iraq's defiance of a large number of United Nations resolutions mandating the destruction of these stockpiles, as well as Iraq's flagrant breach of its pledge to do so as a condition for the suspension of the gulf war in 1991. If, by fudging its response, the world community opts to face the risk of an even greater threat in the future, the issue becomes one of whether America and a coalition of the like-minded should acquiesce to stockpiles of weapons of mass destruction in Iraq.

I do not believe that the issue of America acting alone will arise. Whatever happens, a significant number of countries will support,

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and maybe a larger number will welcome, an American action. I think that Secretary Albright and I agree that the authority for such action already exists in the form of previous resolutions whether or not the U.N. passes another resolution.

But there is a question as to the when and the how. I would like to stress, first that there is an integral connection between the Iraqi stockpiles of weapons of mass destruction and the terrorist threat. I do not believe it is possible to separate these two issues or to deal with them in sequence. For how we deal with Iraq will affect our ability to deal with the terrorist threat.

On September 11, 2001, the world entered a new period. Private, non-state organizations had undertaken threats to national and international security by stealth attacks. Highly disciplined operatives were scattered around the globe, some on the soil of America's closest allies and of even America itself. Having no territory to defend, these terrorists are not subject to the deterrent threats familiar to us from the cold war. Having as their aim the destruction of social cohesion, they are not interested in the conciliating procedures and compromises of traditional diplomacy.

Modern technology in the service of terror gives no warning; its perpetrators are capable of inflicting catastrophic damage and vanishing with the act of commission. The relationship of international politics to the traditional notions of sovereignty is inherent in the nature of the challenge, therefore also to the accumulation of weapons of mass destruction in Iraq. Moreover, violation of U.N. resolutions cannot be separated from the war against terrorism.

In the cold war world there was a degree of uniformity in the assessment of risk between the two nuclear sides. But when many different states threaten each other for incongruent purposes and when they acquire weapons of mass destruction, who is to do the deterring and in the face of what provocation? This is especially true when what has to be deterred is not simply the use of weapons of mass destruction, but the threat of them.

In the discussion that is going on today, one hears a great deal of talk about the danger that American and allied action might provoke the use of existing stockpiles of weapons of mass destruction against Saudi Arabia, Israel, or other targets. But if that is a danger today, how much more of a danger will it be some years from now? What this illustrates is the complexity of the challenge rather than the obstacle to dealing with it now.

Therefore, when the question is asked, why now, I would like to ask the question, why not now? What is the reason for not dealing with it?

Global terrorism cannot flourish without the support of states that either sympathize with or acquiesce in its actions. To the extent that these countries observe the flouting of United Nations resolutions, the weakening of international norms, and the defiance of America, they feel less restrained in acquiescing to or ignoring terrorist activities. For nations of the world to accept the presence of growing stockpiles of weapons of mass destruction in the very region where this new form of terrorism originated, is to undermine restraint with respect to not only weapons proliferation but the psychological impulse toward terrorism altogether.

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In short, the continuation of illegal proliferation and the global dangers that involves, the rejection or unfeasibility of establishing a viable inspection system, and the however subtle growth of terrorism require action—preferably by the international community but, as an ultimate resort, by America together with those countries prepared to support it.

It is argued, and has been argued by my friend, that dealing with weapons of mass destruction in Iraq weakens the war against terrorism. It is not clear to me what measures required in the war against terrorism would be either interrupted or weakened by actions that might may be imposed on us if it is not possible to do away with the stockpiles of weapons of mass destruction in Iraq by other means.

One can make the opposite argument, that by showing our determination to prevent such threats, we strengthen the war against terrorism.

At any rate, my basic point is that the two issues are so closely related that they cannot be separated, and that the attempt to separate them will make it difficult to achieve either. The war against terrorism will take many years. Dealing with weapons of mass destruction in Iraq cannot wait for many years. So one can only really argue about the number of months by which one can defer action.

At the same time, while reserving the option to act in concert only with those nations it can convince to join the effort, I strongly support the United States' appeal to cooperative action by the world community. As the most powerful nation in this world, the United States has a special, unilateral, capacity—indeed, obligation—to take the lead in the implementation of its convictions. But it also has a special obligation to justify its actions by principles that transcend the assertion of preponderant power. It cannot be either in the American national interest or in the world's interest to develop principles that grant every nation an unfettered right of preemption against its own definition of threats to its security.

The case for enforcement of established resolutions derives from the special danger Iraq poses by its violations of the United Nations resolutions. This does not require a universal principle. Indeed, I would favor a discussion, led by the United States, of those principles of preemption that are compatible with the operation of an international system separate from the case of Iraq which does not require such a debate.

Second, if military action against Iraq is unavoidable, it becomes most important to address the issues of reconstruction and the future of the region.

Iraq is a country of strategic importance to the equilibrium of the region. It is composed of a combination of at least three, and maybe several more, ethnic groups. A Federal system enabling these groups to live together without domination and oppression is surely desirable, but how this can be achieved and with what degree of American involvement, is a matter that requires serious thought.

Moreover, I believe that, when military action proves necessary, however many nations hesitate to support it explicitly, we will encounter a larger degree of support by inviting them to join a program of post-war reconstruction, which I believe is in the interest of the region and in the interest of the world.

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Mr. Chairman and members of the committee, Congress has an opportunity to vindicate a system of international order. I urge you to give the President the authority to enforce the appropriate U.N. resolutions, together with the world community, if at all possible, in concert with like-minded nations if necessary. Thank you.

[The prepared statement of Secretary Kissinger follows:]

PREPARED STATEMENT OF HON. HENRY A. KISSINGER, FORMER SECRETARY OF STATE

Mr. Chairman: Congress is considering one of the most consequential expressions of its views since the end of the Cold War: what action the United States should take to deal with the threat posed by illegal stockpiles of weapons of mass destruction in Iraq and their potential growth. President Bush has reaffirmed America's commitment to a cooperative world order by asking the United Nations to rectify Iraq's defiance of a large number of U.N. resolutions mandating the destruction of these stockpiles as well as Iraq's flagrant breach of its pledge to do so as a condition for the suspension of the Gulf War in 1991. But were the world community, by fudging its response, to opt for the risk of a greater threat in the future, can America and a coalition of the like-minded acquiesce in stockpiles of weapons of mass destruction in Iraq? Thus the Committee will need to consider not only the risk of action but also the consequences of inaction.

The Iraqi stockpiles of weapons of mass destruction will be growing in an international environment in which their danger merges with the threat of terrorism. For on September 11, 2001, the world entered a new period in which private, nonstate organizations undertook to threaten national and international security by stealth attacks. The controversy about preemption is a symptom of the impact of this transformation. At bottom, it is a debate between the traditional notion of sovereignty of the nation-state prevalent since the Treaty of Westphalia in 1648 and the adaptation required by both modern technology and the nature of the terrorist threat.

Osama bin Laden's base was on the territory of a national state, though his was not a national cause. Highly disciplined operatives are scattered around the globe, some on the soil of America's closest allies and even within America itself. They enjoy financial and organizational support from a number of states—most frequently from private individuals ostensibly not under the control of their governments. Bases for terrorists have been established in several countries, usually in areas where the governments can plausibly deny control or are actually not in control, such as in Yemen, Somalia, or perhaps Indonesia and Iran. Having no territory to defend, the terrorists are not subject to the deterrent threats of the Cold War; having as their aim the destruction of social cohesion, they are not interested in the conciliating procedures and compromises of traditional diplomacy.

Unlike the previous centuries, when the movement of armies foreshadowed threat, modern technology in the service of terror gives no warning, and its perpetrators vanish with the act of commission. And since these attacks are capable of inflicting catastrophic damage, traditional notions of sovereignty have to be modified with respect to countries that harbor terrorist headquarters or terrorist training centers. The problem of preemption is inherent in the nature of the terrorist challenge.

The accumulation of weapons of mass destruction in Iraq in violation of U.N. resolutions cannot be separated from the post-Afghanistan phase of the war against terrorism. Iraq is located in the midst of a region that has been the hotbed of the special type of global terrorist activity from which the attack on the United States was organized. And the consequences of weapons of mass destruction have many similarities to those of terrorism. They can be used without warning; their impact is catastrophic. In some circumstances, their origin can be uncertain. If the world is not to turn into a doomsday machine, a way must be found to prevent proliferation—especially to rogue states whose governments have no restraint on the exercise of their power.

Cold War principles of deterrence are almost impossible to implement when there is a multiplicity of states, some of them harboring terrorists in position to wreak havoc. The Cold War world reflected a certain uniformity in the assessment of risk between the nuclear sides. But when many states threaten each other for incongruent purposes, who is to do the deterring, and in the face of what provocation? This is especially true when that which must be deterred is not simply the use of weapons of mass destruction but the threat of them.

Suicide bombing has shown that the calculations of jihad fighters are not those of the Cold War leaders. The concern that war with Iraq could unleash Iraqi weap-

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ons of mass destruction on Israel and Saudi Arabia is a demonstration of how even existing stockpiles of weapons turn into instruments of blackmail and self-deterrence. Procrastination is bound to magnify such possibilities.

The existence and, even more, the growth of stockpiles of weapons of mass destruction in Iraq poses a threat to international peace and stability. The issue is not primarily whether Iraq was involved in the terrorist attack on the United States. The challenge of Iraq is essentially geopolitical and psychological. Its policy is implacably hostile to the United States, to neighboring countries, and to established rules that govern relations among nations. It possesses growing stockpiles of biological and chemical weapons, which Saddam Hussein has used in the war against Iran and on his own population. Iraq is working again to develop a nuclear capability. Saddam Hussein breached his commitment to the United Nations by preventing the operation of the international inspection system he had accepted on his territory as part of the armistice agreement ending the Gulf War. There is no possibility of a direct negotiation between Washington and Baghdad and no basis for trusting Iraq's promises to the international community. By what reasoning can the world community—or America—acquiesce in this state of affairs?

If these capabilities remain intact, they will become an instrument—actual and symbolic—for the destabilization of a volatile region. And if Saddam Hussein's regime survives both the Gulf War and the anti-terrorism campaign, this fact alone will compound the existing terrorist menace.

By its defiance of the U.N. Security Council resolutions requiring it to give up weapons of mass destruction, Iraq has in effect asserted the determination to possess weapons whose very existence compounds the terrorist threat immeasurably. Global terrorism cannot flourish except with the support of states that either sympathize or acquiesce in its actions. To the extent that these countries observe the flouting of U.N. resolutions, the weakening of international norms, and the defiance of America, they feel less restrained in acquiescing in or ignoring terrorist activities. For the nations of the world to accept the existence of growing stockpiles of weapons of mass destruction where the new form of terrorism has been spawned is to undermine restraint with respect not only to weapons proliferation but to the psychological impulse toward terrorism altogether.

The campaign in Afghanistan was an important first step. But if it remains the principal move in the war against terrorism, it runs the risk of petering out into an intelligence operation while the rest of the region gradually slides back to the pre-9/11 pattern, with radicals encouraged by the demonstration of the world's hesitation and moderates demoralized by the continuation of an unimpaired Iraq as an aggressive regional power. In short, the continuation of illegal proliferation, the global dangers which it involves, the rejection or infeasibility of a viable inspection system, and the growth of terrorism require action, preferably global, but as an ultimate resort of America's, together with those countries prepared to support it.

It is argued that dealing with weapons of mass destruction in Iraq weakens the war against terrorism. The opposite is more likely to be true. Eliminating such weapons in Iraq is an important aspect of the second phase of the anti-terrorism campaign. It demonstrates American determination to get at the root causes and some of the ultimate capabilities of what is, in essence, a crusade against free values. Enforcing U.N. resolutions in Iraq does not compete with the capabilities needed to pursue the second phase of the anti-terrorism campaign. In all likelihood, such action will strengthen it by additional deployments to the region.

Nor should it weaken the cooperation of other countries in the anti-terror campaign. Assisting in this effort is not a favor other countries do for the United States but ultimately for themselves. And what exactly will they decline to support without risking their entire relationship to the United States? The fight against terrorism will take many years. To wait for its end before acting is to guarantee that stockpiles of weapons of mass destruction multiply.

At the same time, while reserving the option to act in concert with only the nations it can convince, the United States is wise to appeal to cooperative action of the world community. As the most powerful nation in the world, the United States has a special unilateral capacity and, indeed, obligation to lead in implementing its convictions. But it also has a special obligation to justify its actions by principles that transcend the assertions of preponderant power. It cannot be in either the American national interest or the world's interest to develop principles that grant every nation an unfettered right of preemption against its own definition of threats to its security. The case for enforcement of established resolutions should be the opening move in a serious effort of consultation to develop fundamental principles that other nations can consider in the general interest.

The United Nations is therefore challenged to come up with a control system that eliminates existing weapons of mass destruction in Iraq—together with procedures

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to prevent their being rebuilt. The control system must go far beyond the inspection system negated by Saddam Hussein's evasions and violations. It must prevent any possibility for local authorities to harass informants or to impede free access to the inspectors. It should be backed by standby authority and perhaps a standby force to remove any obstacle to transparency. Moreover, any system of inspection must be measured against the decline in vigilance that accompanied the previously flawed system's operation. Nor can it be achieved at the price of lifting sanctions while Saddam Hussein stays in office. For that would provide the Iraqi regime with the means of rearmament as a reward for ending its violations. Indeed, the rigorous measures required to implement the U.N.'s own resolutions are almost surely incompatible with Hussein's continuation in power.

In the end, enforcement of U.N. resolutions should be coupled with a program of reconstruction for Iraq. Because of the precedent-setting nature of this war, its outcome will determine the way U.S. actions will ultimately be viewed. And we may find more nations willing to cooperate in reconstruction than in enforcement, if only because no country wants to see an exclusive position for America in a region so central to international political and economic stability.

Reconstruction will require dealing with how to preserve the unity and ensure the territorial integrity of a country that is an essential component of any Gulf equilibrium. A federal system to enable the Shiite, Sunni, and Kurdish ethnic groups of Iraq to live together without domination by one of them is surely appropriate. But any serious planning would have to consider the means to prevent autonomy from turning to independence, which, in the case of the Kurds, would put Turkish support for the military phase at risk. And all this would have to take place in the context of a government capable of resisting pressures from the remnants of the old regime or from neighboring countries determined to destabilize the emerging system.

The United States has put forward a reasoned definition of the dangers: the possession of weapons of mass destruction by governments that have demonstrated their willingness to use them, have professed hostility toward America or its allies, and are not restrained by domestic institutions. Can the world community reject that definition of the danger?

However the issue of weapons of mass destruction in Iraq is resolved, the longer-range goal must be to devise a system for dealing with new attempts by additional countries to acquire weapons of mass destruction or biological and chemical weapons. We are only at the beginning of the threat of global proliferation. The nations of the world must face the impossibility of letting such a process run unchecked. The United States would contribute much to a new international order if it invited the rest of the world, and especially the major nuclear powers, to cooperate in creating a system to deal with this challenge to humanity on a more institutional basis.

Congress has an opportunity to vindicate a system of international order. I urge you to give the President the authority to enforce the appropriate U.N. resolutions together with the world community if at all possible, in concert with like-minded nations if necessary.

The CHAIRMAN. Thank you very much.

With the permission of Senator Helms, we will go 7-minutes rounds. Does that make sense?

Senator HELMS. Yes, sir. That would be fine.

The CHAIRMAN. Let me again thank you both.

There are a number of questions, as you can tell by the attendance here. I would like to focus on just one aspect, and I apologize for being parochial in the sense of articulating my view.

I arrive at the same spot that you both do, which is that it is not a question of if, it is a question of when and how we deal with this problem of Saddam Hussein. I for one think that the distinction made by Dr. Kissinger is a very important one and implied by the comments of Secretary Albright, that we need not yield to a newly and not fully articulated doctrine of preemption to justify action against Saddam Hussein.

I am operating on the premise that I am likely to be faced with voting for a resolution that I think is not a good resolution, because I believe that the President will not go alone. I believe there are

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other nations in the world, whether it is a Kosovo model or a U.N. model, that we will not be alone. And I am quite confident of that. But I do worry about a resolution that sets a precedent for future Presidents, Democrat and Republican, that they will be able to turn, assuming I am here after November, and say, well, Biden, you voted for a resolution that said the following.

We all have a resolution in front of us that I think is so broad, and unnecessarily broad, without articulating the rationale for action and a conclusion that I have reached, as a matter of policy, that the President should be in a position to be able to enforce the U.N. resolutions, preferably with the U.N. stepping up to the ball, clearly with some outside help, but if need be, reserving the right to enforce them alone.

But we have kind of put the cart before the horse here in a sense. The President keeps saying that he has not made a decision about war. I believe him. He said that privately and he said that publicly. Yet, he is asking us for an equivalent of a declaration of war. I cannot think of any time in American history where there has been a resolution sought authorizing the use of force at the discretion of the President against an individual country before the President has come to the American people and us and said, this is what I intend to do. That disturbs me.

It further disturbs me that there is no clear articulation as it relates to precedent, based on the administration witnesses, as to what the legal rationale for action is. In the Armed Services Committee, some of the testimony was, as I understand it—I did not attend at all, but just on the reading of the news excerpts—that it fits within this doctrine of preemption.

I for one would like to see a resolution make it clear that that is not the basis upon which we are giving the President authority, adopting a non-articulated or, I think, poorly articulated doctrine of preemption that warrants the debate Dr. Kissinger refers to, led by the United States, as to whether or not the world should change its attitude.

If I am not mistaken, you have pointed out, Dr. Kissinger, it was back as far as the first half of the 1600s that after the religious wars, we agreed on a modus operandi of how we proceed, as to what constitutes a legitimate action on the part of one nation state moving against another nation state. And to change that blithely is, I think, a very dangerous precedent.

So it leads me, believe it or not, to a question coming from a Senator who is likely to vote for what is probably going to be an imperfect resolution, but because I think the President should be in a position to be able to enforce the U.N. resolutions.

Now, here is my question. Given the sequence of events that got us to this moment, this hearing, and the primary rationale being offered by the administration at the moment for wanting us to act, the U.S. Congress, is that it strengthens his hand at the United Nations to get the United Nations to do the thing that they should do, and that is jointly enforce a violation of what effectively are the conditions of surrender of a country that invaded another country, lost the war, and agreed to a set of conditions in the wake of that loss, the U.N. resolutions, and that this would strengthen the President's hand.

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If that is the case—and I think it is a legitimate case—then it seems to me we should be saying to the President in a resolution, Mr. President, we authorize you to act in conjunction with a U.N. resolution, a Security Council resolution, authorizing force in the absence of Saddam agreeing to unfettered inspection. And if the Security Council does not give you that or if that is granted through the Security Council and Saddam resists, then we authorize you, with some further conditions, to use force independently if need be.

Can either of you tell me why that is not a more rational way for us to do this in terms of making two cases? One, giving the President sufficient authority; and two, not leaving the impression around the world and allowing us to be subject to the criticism that comes from many quarters of the world that we are ignoring international law, that we are ignoring the United Nations, that we are acting independently and we are acting without any serious consideration of what the rest of the world thinks.

Because nobody that I know suggests we can win the second war—and I agree they are inseparable, although there is no evidence that al-Qaeda and Saddam Hussein were united in their effort in 9/11, none that I have heard, no matter what is implied, none that I have heard. We need the cooperation of the intelligence services from Beijing to Moscow, to Berlin, to Singapore in order to win that second fight.

So in the waning seconds of my time here, would it not be a better way to sequence, not condition, but to sequence any resolution we have, rather than give a broad declaration to the President, when you have in the New York Times today, whether it is true or not, an article saying that there is a disagreement still within the administration as to whether or not we want the U.N. involved and one unnamed spokesperson saying, all we need is the congressional declaration and we can go? It does not matter what the U.N. does.

Can you speak to that? I realize that is a long question, but it is fairly basic. Does it make more sense to sequence, not condition? Or should we just go the other way?

Secretary ALBRIGHT. If I might, Mr. Chairman. I think you have asked a key question here because it goes to the relationship between the role of Congress and our participation in an international organization.

I have I think the dubious honor on having spent more time dealing on Iraqi resolutions, both as U.N. Ambassador and as Secretary of State, than anybody else. When I went to New York first in 1993, we had these resolutions on the table, and we worked very hard to try to get compliance with them through a variety of means, which I will not go through, that you all know. I am the first one to testify to the fact that it gets harder and harder to get coordination and compliance by everybody on the Security Council. It was there initially. It is harder and harder to get. But when you get it, it is a really big deal because it does allow you to have more legitimacy behind the way you operate abroad.

Obviously, when you cannot get it, as we did not on Kosovo, we took another route, but at least we could see whether we were trying that particular approach.

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If I might just say this, when I sat at the United Nations, I used to sit there and think, in my political science professor mode, that this is the most fascinating thing in the world, that you actually are talking about what is going on inside another country and that you have the right to do that. That is a very different concept that came into existence. And as Secretary Kissinger said, we are in a very different phase where there are non-state actors and you have to look at things in a different way. Nobody is denying the complication of this.

But it seems to me, Mr. Chairman, that your suggestion makes a great deal of sense. I also know that when I was at the U.N. and as Secretary, it helps a lot when you have the power of Congress behind you. It is a big plus in your pocket. So I think a resolution—I am not going to get into the wording of it—makes sense.

The CHAIRMAN. No, I am not either. Just conceptually.

Secretary ALBRIGHT. But the other thing I must say that bothers me, if I might say this, I think we are loading too much onto this issue. There are many people within or outside the administration that had a different agenda from the very beginning, and I think they are finding this, in some ways, a useful horse.

And I think the issue of preemption is a huge issue, and I would definitely agree with Secretary Kissinger that it is worth discussing. It is a huge deal. It is a totally different way of operating. It is one thing for self-defense, and I think that becomes a complicated issue of how quickly do you move when you believe you are being attacked. But I think to load this issue now with a major discussion of change in our whole strategic policy is a mistake, and I think we need to deal with this issue as you have presented it, and as I have heard the discussion. But we do not need to load it with ideological issues that had nothing to do with this in the first place.

The CHAIRMAN. Dr. Kissinger.

Secretary KISSINGER. When the President spoke at the General Assembly, he did not base the case on a general doctrine of preemption. He based the case on Iraq's violations of a whole series of U.N. resolutions and agreements related to the gulf war.

The CHAIRMAN. I agree.

Secretary KISSINGER. Therefore, the issue of preemption is inherent in the terrorist challenge because there you have non-state actors operating from the territory of states in pursuit of objectives that go beyond national borders.

However, this is not an issue that needs to be settled theoretically now. To justify action against Iraq, it is sufficient to examine the behavior of Iraq and the systematic violation of its undertakings and of the U.N. resolutions.

Second, in order to establish a relationship between terrorism and violations of U.N. resolutions on Iraq, it is not necessary to demonstrate a specific connection between al-Qaeda and Iraq. It is sufficient to point out that one of the motives of the terrorist groups is to convey their belief that the will of the West and of the United States is flagging and that they can assert their claims by ruthless demonstration of power. And to the extent that a country is surrounded by nations acquiescing to or helping terrorism explic-

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itly, it is getting away with a violation of the international system. Overall, the psychological support for terrorism will only grow.

I believe that the two issues cannot be separated because of that psychological and geopolitical connection. It is also why I believe that taking action on the violation of U.N. resolutions is part and parcel of the war against terrorism, independent of whether al-Qaeda had—or has—connections in Baghdad, of which I have no personal knowledge.

I should also think that the media tend to emphasize whatever disagreements may exist at middle- and lower-levels. My impression—and the Secretary of State will, undoubtedly, express himself more convincingly on this than I can—is that, on the basic principles we are discussing here, the administration is indeed united and that the basic principles we are discussing here are in the fundamental national interest.

The CHAIRMAN. Thank you very much.

Senator Helms.

Senator HELMS. Mr. Chairman, I would like to have a give and take between these two distinguished Americans. Do you agree with Secretary Kissinger, Ma'am?

Secretary ALBRIGHT. Well, I agree with part of what he has said. I think that there certainly is the question, the way he has redefined it, on preemption that makes sense to me, that it is important to have a discussion about it, but not apply it to this, and that there are, in fact, legitimate resolutions that are already in place.

I have a disagreement, somewhat, not in the fact that what is going on in Iraq is terrorism and that it links to terrorism generally, but that I am concerned about the timing on this because, as Chairman Biden said, there are certain aspects of the war against terrorism that require cooperation, even among countries that we do not particularly agree with, on intelligence, on tracking the money of al-Qaeda and Osama bin Laden, and on law enforcement when the people come into their various territories. And I think this is not the time to disrupt that.

I think one of the things—actually Henry and I have talked about this a lot—we do talk to each other. And by the way, may I say the only time that there was not disagreement between the State Department and the White House was when Henry Kissinger was both National Security Advisor and Secretary of State. Otherwise, it is hard wired.

But I think that there is this question about what is the right timing on this. What you pointed out, Henry, is that having unsheathed the sword here, if we in fact do not use it immediately, do we lose credibility? I do not think so because I hope very much that we would continue to be robust in our fighting of terrorism in Afghanistan, where I pointed out we have not finished, and also make clear what we believe in. So I hope we are not in this position, having threatened, that we cannot take a measured approach to what we are doing.

Secretary KISSINGER. Could I make two points?

Senator HELMS. Yes, sir.

Secretary KISSINGER. First, when one talks about timing, when is there a better time to deal with Iraq than at this moment, when the major nations of the Security Council are not in open opposi-

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tion to us and can be brought along? Above all, the war against terrorism will take many years. The decision one has to make is whether to wait, permitting the growth of stockpiles for many more years until one has to address the issue under quite different international circumstances.

Second, when nations help in the fight against terrorism, they are not just helping us; they are helping themselves. Russia has a major interest in not permitting fundamentalism to become a dominant force in the Muslim world. The war against terrorism must be conducted on the basis of its protagonists having common interest, rather than looked at as if it were a special challenge to the United States. To the extent that other nations believe in the importance of a strong America, they will not stop cooperating with us on something that is so much in their own interest, because after all we are enforcing U.N. resolutions.

I do believe that we must go through a process that is now already underway and which will make clear what support we can generate and what coalitions we can create. I am sure the Secretary of State will talk about this in the afternoon.

Secretary ALBRIGHT. I think that I do not believe, nor did I say, that the war on terrorism would have to be finished. First of all, I think it will not be finished for a long time. It is unfortunately what we have to live with for most of our lives and our children's lives. So there can be no termination to our effort on it.

But I think that we are in a crucial phase as far as finishing the job in Afghanistan. Just to use an image here, I think that we do have Saddam in a box, a strategic box. We do not know a lot about it, but I have a feeling that if we blow up the box, that as the sparks fly out, they will have an effect already on a region that is inflamed and we cannot forget what is happening or not happening in the Middle East.

So I actually think we are probably not as far apart as might seem. It is a matter of timing and our favorite diplomatic word, "nuance," in terms of when we do things. I agree with Henry that we cannot persuade other countries to think that fighting the war on terrorism is only in our benefit. It has to be in their benefit also, obviously.

But I think it is just unnecessary to do this this moment, and what I am advocating is that we play out the U.N. string with the support of Congress in the pocket of the President and the Ambassador, and we will have a better chance of getting support by the other countries if it is evident to everybody that the Iraqis stiffed us. And that is where my timing comes in.

Senator HELMS. Do you have any further comment?

Secretary KISSINGER. It really is a question of whether we are talking about a few months or a few years. The process, as it now seems to evolve, seems to me to require some months of clarification and that seems to me also perfectly consistent with what the administration is doing and saying. So I do not think there is a fundamental difference, if that is what we are talking about.

The CHAIRMAN. You are both talking about a few months, are you not, as opposed to a few years?

Secretary KISSINGER. Then there is no difference.

Senator HELMS. What was your answer to his question?

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The CHAIRMAN. I said you are both talking about a few months, and your response was, yes, if that's the case, there is no difference. Right? Is that correct?

Secretary KISSINGER. I am talking of a few months.

The CHAIRMAN. And I understand, Madam Secretary, you are talking months, not years.

Secretary ALBRIGHT. Correct, but I think that we have to run out the string.

The CHAIRMAN. No, I understand.

Secretary ALBRIGHT. And may I just say this. The inspectors have to get in. They have to have a chance to work it, et cetera.

Secretary KISSINGER. May I say something about that?

The CHAIRMAN. Sure.

Secretary KISSINGER. I think that before inspectors go in, or as inspectors go in, we require for ourselves some definition of what is considered an adequate inspection system.

The CHAIRMAN. Absolutely.

Secretary KISSINGER. The previous inspection system was clearly not workable. My understanding is that an inspection system needs to have some assurance that its inspectors can talk to potential informants without interference from local authorities. I do not know how you bring this about, but those concerns need to be answered since we know that the previous inspection system has not worked. One must not permit the word "inspection" to be used as a subterfuge for endless procrastination. And inspections must be tied to a system that gives major assurance that we will not see a repetition of what we have been going through for the last 10 years.

Secretary ALBRIGHT. You have given us unusual leeway, and I do not want to take advantage of it. But I think the timing also depends on whether we hear from the administration what a day-after plan looks like. It is the getting the inspectors in and going through that string, but I think it is irresponsible to go in without knowing a little bit more than at least I know about what their plans are afterwards. So for me the timing depends a lot on the information that comes out on the U.N. string, and on what very detailed plans are—not on the military side, because that is not my job and never was, but more on the process of not leaving a vacuum there.

The CHAIRMAN. Senator Sarbanes.

Senator SARBANES. Thank you very much, Mr. Chairman.

Secretary Kissinger, is it your position the war against Iraq is necessary and inevitable?

Secretary KISSINGER. My position is that military action to enforce the U.N. resolutions is necessary if they cannot be implemented any other way. And I think it is likely.

Senator SARBANES. Therefore, should we move to military action?

Secretary KISSINGER. We should not move to military action until we have run out the string on the diplomatic process that is now underway.

Senator SARBANES. Is there a peaceful path by which this matter can be solved?

Secretary KISSINGER. I have difficulty visualizing how an inspection system can operate while Saddam Hussein is in unimpaired power. It will certainly require some political changes in Iraq. But

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I would be open-minded enough to allow for the possibility that somebody could produce an inspection system that can really operate. I do not think the issue should be defined strictly in terms of who is for war and who is against war.

Senator SARBANES. Well, that is a pretty fundamental question, is it not, whether we are going to go to war or not or whether there is a peaceful path? I take it your position is you do not think there is a peaceful path. You just sort of dismissed the inspection path. So if we do that, what is left? War.

Secretary KISSINGER. No, no. I think there is a peaceful path.

Senator SARBANES. Well, what is that peaceful path?

Secretary KISSINGER. Theoretically, if the U.N. passes a strong resolution and if an inspection system is devised that meets the objectives of the U.N. resolution, it is possible that they will agree to it. Under those conditions, that would indeed be a peaceful solution. That it is unlikely this will happen, is a judgment, not a course of action, and we should run out the full diplomatic string.

Senator SARBANES. Well, because you think it might work or just as a matter of appearance?

Secretary KISSINGER. Not as a matter of appearance. I would like it to work. I think it is unlikely to work, but I would be delighted if it worked.

Senator SARBANES. You say in your statement that we have to entertain a program of reconstruction for Iraq.

Secretary KISSINGER. Are you talking to me?

Senator SARBANES. Yes, and that is on page 5 of your statement.

Secretary KISSINGER. Right.

Senator SARBANES. What do you think about the program of reconstruction in Afghanistan?

Secretary KISSINGER. Afghanistan is a notoriously difficult country for foreigners to deal with or to reconstruct. I strongly favor economic aid to Afghanistan.

Senator SARBANES. Do you think we are paying adequate attention to the question of reconstruction in Afghanistan? You argue here on Iraq, we are going to go in, and then we are going to do a major reconstruction program in order, in effect, to deal with the aftermath. What about the reconstruction program in Afghanistan? If we are going to look at what kind of reconstruction program would we do, how committed have we remained in Afghanistan in order to do reconstruction?

Secretary KISSINGER. It depends on how you define reconstruction.

First, about Iraq. Reconstruction in Iraq should be undertaken not just by the United States, but by an international consortium, international community, and a group of major interested countries.

Something akin to that should be done in Afghanistan, too, though Afghanistan has the additional difficulty that the country is run by a group of warlords whose subjugation would require a major military effort. In the past, attempts to that have produced a situation in which the warlords, who normally fight each other, unite against the foreigner seeking to curb their power. So I would be uneasy about a major military effort to pacify the whole country. I would favor whatever can be done with a reasonable military ef-

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fort and a significant economic effort, together with other nations. But I do have a question in Afghanistan, which would not arise to the same extent in Iraq.

Senator SARBANES. Is the effort underway in Afghanistan for reconstruction up to the standard that you think it should be? Are we falling short, perhaps woefully short, in Afghanistan? There are some who think we are risking turning a success into a failure by not following up on the reconstruction.

Secretary KISSINGER. The first thing one has to consider, Senator, is this: if, on September 10, 2001, somebody had said that we were going to have an expeditionary force in Afghanistan, were going to overthrow the Taliban, operate all over the Middle East, and do all this within 6 weeks, it would have been considered incredible. So, considering the magnitude of the challenge we have faced and the unusual cast of thinking required vis-a-vis American traditions, I think we have done well in Afghanistan. As things continue——

Senator SARBANES. You think at this point that our reconstruction effort is adequate and meets the standard? You do not think we should be doing more?

Secretary KISSINGER. I think we have done the best that could be done under present circumstances. As time goes on, we will probably want to strengthen the reconstruction effort.

Senator SARBANES. Could I hear from Secretary Albright on these points?

Secretary ALBRIGHT. I disagree. I think that we have done a halfway job in Afghanistan and we need to keep our attention on it. I know that I certainly have met with some Afghan officials, and they are grateful to us, but they understand that there is a lot more to do and that there is reconstitution there potentially of some al-Qaeda groupings, and Pakistan continues to be a haven for some of these issues. So I think it is very hard. We have not finished the job and this concerns me.

And I might say that I think we have to deal with something very serious here. The issue of Afghanistan is as a result of unintended consequences of previous foreign policy decisions, and I think we have to be very careful about the unintended consequences of whatever decision we make on Iraq. And Iraq at the moment, as I have said, I think is in a strategic box. We need to be careful about blowing it up and seeing what the problems are.

And to answer your previous question, I do think there is a possibility here that there could be some working of the issue if in fact the international community is mobilized. We did it once, and the problem was that it dissipated over the years. We do continue to bomb. We have authority to do that. And I think we have got to be careful about making this a war versus the fact that 40 percent of Iraq is already under a no-fly zone. So it is a matter of enforcing issues and giving strength to the United Nations resolution, that maybe the threat of this will, in fact, make it possible to have a different solution.

Senator SARBANES. Mr. Chairman, my time has expired, and I appreciate it. I hope we will have a second round because I want to address this issue.

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The CHAIRMAN. We will. I realize I am frustrating my colleagues at the end here on both ends, but I am going to let the witnesses go on, otherwise I will go to a 15-minute rule for each Senator.

Senator SARBANES. I just want to say I do want to come back to the preemption issue. I see Secretary Kissinger has put Yemen, Somalia, Indonesia, and Iran on the agenda here, and I want to explore that with him.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Thank you, Mr. Chairman.

Dr. Kissinger in his testimony says "the United Nations is, therefore, challenged to come up with a control system that eliminates the existing weapons of mass destruction in Iraq, together with procedures to prevent their being rebuilt." This follows his discussion of the violation by Iraq of United Nations resolutions dealing with weapons of mass destruction.

And certainly he is right. This is at the heart of our problem, but it is obviously very difficult to think through how the United Nations is going to have this ability under current conditions or even with Hans Blix and inspectors going back in. This does not negate the discussion we have had of timing, but it is at the heart of the matter. How in the world do you ever find weapons of mass destruction and then, as Dr. Kissinger said, have a control system not only that destroys them but that makes sure that no one ever rebuilds them? That is a degree of invasion of sovereignty that is very substantial.

Secretary Albright mentions it is naive to think that a peaceful and democratic Iraq will automatically emerge in the ashes of our invasion. It is crazy to believe, she says, we can run post-war Iraq alone. It is essential that the administration think of the consequence of all this through in advance. But she says, it has not yet been done.

Now that is at the heart of our dilemma. As the chairman has said, we are heading toward a resolution, a very imperfect one, in which many Senators may vote in favor of authorizing our President to have this authority so that he has some bargaining ability with the rest of the world.

But the consequences of this are critically important. I have not heard any discussion of Secretary Kissinger's thought about how the United Nations or anyone else comes up with a control system. We need to hear about this rapidly.

And the chairman and I, about 5 o'clock last night, were having a dialog between the two of us, and Mr. McFarlane who was left as a survivor at the witness table at that point, essentially saying we are trying to send messages. We are asking somebody. Now, this afternoon we will have our Secretary of State, and we will ask him. Is there a plan? Do we have any idea what we plan to do in Iraq after we win the war? How do we stop the fragmentation of this box that Secretary Albright has talked about?

All the testimony we have had from the Iraqis who came before us before was simply to confirm it is a very complex country with many nationalities and divisive groups, Iran coming in from one area, Turkey from another. This is very tough business right now.

The CHAIRMAN. If the Senator will yield. And every one of those witnesses said the United States has to be the one to manage this.

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Senator LUGAR. Yes, so we come back to that. How about the United Nations?

And you are probably both right. We ought to try to make sure there are a lot of other helpers to help pay for this as well as sustain it for a period of time.

But let us take the worst case scenario. It is us. Do we have any idea, any plan for how to bring about peace in Iraq, the territorial integrity, peace with the neighbors, to get the weapons of mass destruction?

Now, maybe somebody in the administration does. Maybe even as we speak there are people who will come and say, we have thought of those things. We have not told you about them and they are highly classified. That would be reassuring.

But I simply use this opportunity to ask either of you. You do not know what the administration is doing, but Secretary Albright, what would you do? How would we begin to think through the situation at the end of the war in the worst case scenario that we are there alone? Now, you said we enlist other people. We try to do that. But what are the elements of a plan for a post-war Iraq?

Secretary ALBRIGHT. Well, first of all, I think that we do have to recognize, while I agree with Henry that Afghanistan is full of warlords and a real problem, Iraq is not exactly a unified place. And everything that we have ever heard is that it is a country that was created by outside powers that put together at least three groups, the Kurds, the Shiites, and the Sunnis. And that is the least of it. So the integrity of the country is an issue.

I met previously many, many times with the Iraqi opposition, and as somebody whose father was part of an exile movement, I applaud those people, but I also know how difficult it is. Everybody has a different view, and believe me, the Czechoslovak exile movement had nothing in common with the Iraqi one.

So I think that there are very many different kinds of groupings. When I met with them, they all had a different idea about what to do. And I think the first thing that has to happen is to try to bring them together in some particular way.

The reason that I also believe that it is essential to get more international support is while it has not been perfect, Bosnia and Kosovo have, in fact, provided a model of what happens when you work with an international organization in terms of getting a high representative and various countries participating in not only the reconstruction, but the modeling of local elections, et cetera. We cannot do that alone. So that is one of the reasons I think it is important to have U.N. support because it does provide some kind of model. That is a beginning.

But I was plagued always whenever I suggested using force—and I did—with what is the exit strategy. As far as I have heard, none. And I do think that the administration, while there is no way they can give us all the details on this—I think that is impossible—they do need to give us a better blueprint for what is out there after the day after.

Senator LUGAR. Secretary Kissinger, do you have any idea as to how the control situation might work with regard to the weapons of mass destruction, how we would get to something that is satisfying?

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Secretary KISSINGER. I think this is a question that should be addressed to the Secretary of State.

At some point in this process, we have to make clear what we would consider an adequate inspection system or, at the least, what we do not consider an adequate inspection system. Otherwise, there will be no criteria on which to base our actions. I have put down here some general ideas, but I have not studied in detail what you would require.

At the same time, I want to warn against the danger of using the imperfection of any solution as an argument for doing nothing. From where we stand now, the choice is this: will there be enforcement of the U.N. resolutions, or will these stockpiles continue to grow? I think the danger of acquiescing is greater than some of the concerns that have been raised, but I also think we have to answer this question.

Now, about a post-war Iraq and its political organization. That really requires really a lot of thinking because it is easy enough to say you have a democratic government. The question is, how quickly can you create it and what are the interim arrangements that have to be made. One also has to keep in mind that there will be great temptations on the part of Iran to wreck any political structure in order to shift the balance of power in the region, and that there will be other neighboring claimants as well. This is not a vacuum in which one can operate politically with an unlimited time span, but an issue that has to be dealt with.

Senator LUGAR. Mr. Chairman, I would just add yesterday one of our witnesses suggested, as Dr. Kissinger has, we may not have the perfect solutions but that should not defeat action. But the administration ought to report to the Congress at least every 30 days on how it was going. In other words, if you are still trying to perfect the solutions, that one resolution to go to war ought not to suffice for the next 8 years, given all the ramifications that we are discussing that would follow.

Secretary KISSINGER. Also, the power to improve what exists now is not too high. We do not have to achieve perfection in order to have the people of Iraq live under better conditions than they live in now.

The CHAIRMAN. The interim solution will be a MacArthur in Baghdad.

Senator HELMS. Mr. Chairman, I ask unanimous consent that a letter relevant to what we are discussing right now from the State Department be printed in the record.

The CHAIRMAN. Without objection, it will be placed in the record.

[The letter referred to follows:]

U.S. DEPARTMENT OF STATE,
Washington, DC, May 29, 2002.

Ms. PATRICIA A. MCNERNEY
Republican Staff Director,
Committee on Foreign Relations,
United States Senate,
Dirksen Senate Office Building,
Washington, DC.

DEAR MS. MCNERNEY:

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As we discussed on May 23, the Bush Administration regards the Future of Iraq project as a key part of our Iraq regime change policy. We notified the appropriations and authorization committees on March 21 and held consultations on this project with you and your colleagues in April and May. In response to questions from you and the SACFO, on May 21 we provided you a paper describing how we proposed (1) to move forward now to fund Phases I and II of the project, in the amount of $1.54 million out of the total $5 million for the project, and (2) not to use the Middle East Institute but rather to bring management of the project inside the State Department. We plan to carry out this project through small, grants to policy NGOs and to a neutral conference-planning institute. We will consult with authorizing and appropriations committees before we decide to move forward on Phase III and beyond.

In particular, I want to address the three questions you posed. First, for the substantive work of the working groups, it is our intention to fund the work in Phases I and II of the project through policy-oriented NGOs that have expertise in the subject matter of the working groups, are able to work effectively and credibly with Iraqi and international experts, and have the organizational capacity and ability to handle a grant of funds from the State Department. For example, among the characteristics of an ideal NGO to help handle the Public Health and Humanitarian Needs working group, in addition to these general criteria, would be an understanding of the health care and humanitarian needs of Iraqis inside Iraq, a track record of delivering health care and humanitarian assistance to Iraqi refugees, knowledge of how to administer public health programs, and familiarity with best practices in health care and humanitarian aid delivery. (This working group will be a particular challenge, as no one group is likely to have the same high level of expertise in both public health and humanitarian needs, so we intend to try to find the best fit.) We would prefer the substantive work to be done by NGOs led by free Iraqis, though we recognize that for some of the working groups, there may not be an existing Iraq-focused group with the necessary expertise and organizational capacity to administer a grant of USG funds. In such a case, we would look at universities, private businesses, or non-Iraq-focused NGOs with (i) special expertise in the subject matter, (ii) the necessary organizational capacity, and (iii) the ability and willingness to work with a broad range of free Iraqis.

Second, we intend to involve about 10-20 Iraqis in each working group. We have canvassed the broadest possible range of Iraq-focused groups, both political an non-political to solicit names, although we have made clear that the final determinant will be the Department, subject to approval by an inter-agency steering group that includes members from the Department of Defense, the National Security Council, and the Office of the Vice President. To date, we have received hundreds of names from Iraqi opposition groups and others. To narrow the lists, we will look to the individual's expertise in the subject matter of the working group, to the individual's ability to contribute to practical problem-solving, and to their ability to work with Iraqi, U.S. and international experts.

Finally, in response to your view that we should start a discussion of political issues in Phase I of the project, we are bringing forward the working group on Political Principles and Procedures to Phase I. We believe we can do this within the existing $1.54 million budget, though we may have to move forward our consultations on Phase III by a couple of weeks to accommodate this change, or we may delay one of the other working groups until Phase III.

We hope that this information will be sufficient to enable us to, go ahead with the Future of Iraq project. Please do not hesitate to contact me if you require further information.

Sincerely,

RYAN C. CROCKER,
Deputy Assistant Secretary
of State for Near Eastern Affairs.

The CHAIRMAN. Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman. I certainly appreciate Senator Lugar's line of questioning.

To get some initial answers about some of these basic questions about the day after is not to suggest that any of us are in a do-nothing posture. The administration is passionate about regime change in Iraq, and I subscribe to a policy that supports regime change by reasonable means. It does not mean I will sign off on any proposal aimed at that end. I cannot imagine any American

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would not support the overall goal. Saddam Hussein's rule has been brutally violent.

So I guess I would like to just assume, in terms of my questions, that a military operation has been successful in toppling Saddam Hussein, and I would like to see if we could get you to at least speculate on a couple of specific points, following on Senator Lugar's question.

The Iraqi people have suffered terribly from years of deprivation. Of course, they have been consistently told that it is American support for sanctions that is responsible for their plight.

If widespread civil conflict breaks out in the wake of military action, a significant military presence, obviously, might be required for some time, particularly given the reality of weapons of mass destruction in the country. What kind of reaction can we expect from the Iraqi people if the United States moves to invade and then for some period of time has to occupy the country? Secretary Albright?

Secretary ALBRIGHT. I have to tell you frankly we do not know because we have been told that there are many people who would welcome us with open arms on the assumption that they have lived under the terrible boot of a dictator and that they know that he is responsible for this and that the United States is not. But in our lives I think we have all dealt with people who have been heavily propagandized for a number of years, and they have, as you have said, Senator, been basically told that the sanctions are the fault of the United States. Some of them will definitely not be pleased to see us there.

Plus, I think as I said in my testimony, Baghdad is a very special place to the Islamic religion, and the question is how others would react to a United States occupation of that country.

Then there is the whole issue of the divisions within Iraq itself.

I think we all need to ask these kinds of questions so that the people at the State Department who are working on this know. What would we do if a civil war developed in Iraq between the Sunnis and the Shias, or what if the Kurds take a different position vis-a-vis each other? They are not also totally united. So I think these are the kinds of questions that have to go down.

But we cannot assume that this is like liberating central Europe after Hitler. This is a different situation, and so we have to look at that very carefully.

Senator FEINGOLD. Let me follow that. Then I want to hear Dr. Kissinger's remarks. Can you say anything more specifically about what kind of threat conditions our U.S. soldiers might be facing for months on end and what we could do to reduce the threat? I wonder if you would follow with that, Secretary Albright.

Secretary ALBRIGHT. I think, again, this is something we do not know because it depends if it is the Republican Guard or the people that have been very close to Saddam Hussein—if we are in Baghdad with hand-to-hand fighting from block to block, I think there would be a threat. And I think that the number of forces that will have to stay there and should to protect our own forces as a result of our own experiences in this, we would have to assume that there would be a threat to our military. Whether it exists or not, we cannot take the chance of sending them in without assuming that there would be.

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Senator FEINGOLD. Dr. Kissinger.

Secretary KISSINGER. First, as to the political outcome in Iraq. I do not pretend to be an expert on Iraqi conditions, but I do think a lot will depend on what kind of outcome takes place. It is conceivable that, if the United Nations takes a firm stand and if this country is united in its general direction, as I believe it is and will be, that Saddam may then do what Milosevic did after Kosovo: accept some kind of agreement that in fact undermines his rule and, after a certain interval, he is removed. It is not very likely, but it is also not totally inconceivable.

What is more conceivable, though still not very probable, is that some of the military people in Iraq will decide that they have gone about as far as they can that to fight a suicidal war is senseless and that we suddenly find Saddam has been removed. In that case, we would have the problem of negotiating with a de facto government. The question of coming up with an inspection system with real teeth would be very relevant, which the Government of Iraq would be less of an issue.

From the point of view of post-war reconstruction, the most complex situation would be one in which military action leads to the disintegration of all authority in Iraq. Then the need to reestablish authority, as was the case in the occupation of Germany and, to some extent, of Japan, would pose an extraordinarily complicated issue.

I am opposed to the prolonged occupation of a Muslim country in the heart of the Muslim world and by Western nations proclaiming the right to re-educate that country. Such an undertaking would prove very difficult and should really be turned over to some kind of new international group in which we would have a very major role. But it is very difficult to talk about all this in the abstract.

Senator FEINGOLD. Well, I appreciate that answer. And if I could just comment, Mr. Chairman, and then turn it over. We are talking about a scenario here where we have militarily succeeded, but no matter who is taking over there, we still have the problem of the weapons of mass destruction and securing those weapons of mass destruction. I do not think that is the time to start figuring out how we are going to secure those weapons of mass destruction.

I agree with Senator Lugar, although I certainly do not want to try to put words in his mouth, that there is a sense here that we are not getting even the outlines or the general concept of what would that entail. What would be the American commitment? What kind of agreements do we have to get up front from our allies about how to achieve the kinds of things in that area that Senator Lugar has devoted so much of his career to doing in other places?

So I think this is central, and I am worried that we are talking about knocking out Saddam Hussein and then trying to figure it out after the fact.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Hagel.

Senator HAGEL. Mr. Chairman, thank you.

I add my welcome and thanks to both of you. We are grateful for your appearance this morning and the benefit of your expertise and insight and great experience. Thank you.

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I would just add a comment to what the Senator from Wisconsin and prior to the Senator from Wisconsin's comments, the Senator from Indiana said, but more to the point, their line of questioning. I think as you have sat through this for about an hour-and-a-half, you both are getting a sense, at least from some on this committee, where the thrust of this is, this great question, this debate, this issue of whether we should go to war and the questions that you both began with, how, when. I think it is clear to state that no one has all the answers, and I think it is also clear to state, going back to referencing the Senator from Wisconsin's point, I do not know if there is a Member of the Congress certainly that I am aware of that does not take seriously the threat of Saddam Hussein.

Now, that said, we differ a bit on how we deal with that. But there are those who minimalize even such a debate and how outrageous to even question things like the destabilization of the Middle East. I mean, how foolish of you to ask such a question. If we could just get rid of Saddam Hussein, then all of our problems would go away. Everybody knows that. And you heard some of that.

I want to go back to the destabilization issue in a moment and would like very much to hear from each of you on a particular question I will ask on that.

But before I do, Secretary Albright, you are the most recent Secretary of State who has had to deal with this issue. You were Secretary of State in the first 2 years after Saddam Hussein kicked the U.N. inspectors out. What did your administration learn that you could share with this committee on how we should be dealing with Saddam Hussein and this issue today, the debate that is going on today?

For example, did your administration ever closely examine or pursue tightening those resolutions or forcing those resolutions at the U.N. and looking seriously at a military option, to go through maybe what President Bush is going through now, realizing that you did not have the force of September 11? You did not have the mobilization of the country, the world, the Congress behind you on that. But is there anything that you can share with this committee with the experience you had most recently that might give us some assistance here as we grapple with this great debate of our time?

Because I am one who believes that we are not talking about just going to war with Iraq. You both have talked about preemption, about doctrines, about the future, of what this will do to balance of power and geopolitical strategic interests, economic interests. We are talking about an awful lot here. Your point, Madam Secretary, about overloading the structure and the system, I generally happen to agree with that.

But not to get off into that tangent, I would like to stay on focus on asking you to answer the question and then I would come back to a more particular question I have for each of you. Thank you.

Secretary ALBRIGHT. I, unfortunately, do have more experience with this than most, and I think we have to keep in mind the following, that we did try very hard to keep a consensus in the United Nations. There began to be what we called sanctions fatigue. As we know, certain of our friends and allies had a different idea. But we, for a long time, kept a completely unanimous Security Council to

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enforce the resolutions, but ultimately it was very hard I think to keep everybody in line.

We began to think about very much the kind of thing that Secretary Powell came forward with at the beginning of the administration, which were the smart sanctions which was trying to limit and tighten the box on the regime and not to punish the people because one of the things that was happening was we were losing support because there was increasing—I would actually not have agreed with this—propaganda, basically that it was our fault that the people were suffering.

We also did consider a number of military options, and I think we managed to do what was the right thing, which was to keep constantly vigilance on the no-fly zones to make sure that he stayed within that box, and were more and more robust in that bombing not just when our pilots were illuminated, but when we felt that there was danger from ground-to-air attacks. So I think we really did bomb and do that job well, and they are continuing to do it now.

I must say that while there were sometimes discussions about a ground option, you point out very accurately the mood is very different after 9/11, and I think that there was no way to do that psychologically, much less do I think physically given what we knew about the numbers that were necessary to do that.

I stand down to no one in terms of my characterization of Saddam Hussein in terms of being a danger and an evil. And I think the question is what is the best way to handle it. I do think that the continued bombing is the way to do it. And as I suggested in my testimony, if we know or have suspicions that some facility is actually in the process of doing something with weapons of mass destruction, I think we have the authority to just go and do the bombing. So I think that we need to continue this robust keeping him in a box until we are ready with all the plans that we need to have some other aspect if it cannot be handled in some other way.

May I just make one other point? The inspection issue is a dreadful one because what happened in the course of the years, the original inspection regime became weaker and it did work at the beginning. As I said, the inspectors managed to get rid of more weapons of mass destruction than the war itself. But ultimately there were changes in the modalities, and I do think that the deal that Kofi Annan made in 1998 was a problem in terms of inspectors had to be accompanied by diplomats and all that. But even that has not been enforced. So we need to get back to an intrusive and overall inspection regime, not the modalities that we have had in the past.

Senator HAGEL. Mr. Chairman, may I ask if Secretary Kissinger had any response to that, we would welcome his response?

Secretary KISSINGER. I think the conditions after September 11 produced the current situation. I understand why, before September 11, it was deemed not to be desirable but, sooner or later, we would have faced this problem. Sooner or later, the problem of weapons of mass destruction in Iraq would have had to be faced, but I generally sympathize with the answer that Madeleine has given.

Senator HAGEL. Thank you, Mr. Chairman.

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The CHAIRMAN. Senator Wellstone.

Senator WELLSTONE. Thank you, Mr. Chairman. You know, I have been listening and I have a bunch of questions prepared by staff, but I am going to try to go with our discussion and try to ask some questions based upon what is on my mind.

I think it was Senator Hagel who said that there is no disagreement about Saddam Hussein. Nobody I know wants to just put him in parentheses and say we will get back to thinking about this in 3 to 5 years from now. I do not know anybody who has taken that position at all.

A couple of observations and one question. Senator Sarbanes asked Dr. Kissinger, is there a path to peace? Dr. Kissinger said, I do not know but certainly we ought to play it out. I want to emphasize that again. It seems to me that, although Secretary of State Albright is correct that this has not worked so far, it is simply not true that you cannot design an international arms inspection regime that could work and that insists on unfettered access and that gets whatever weapons of mass destruction there are out. It seems to me we would want to, first of all, pursue that with all vigor before we talk about going to war. It seems to me the military option would be the last option.

My question is when I hear you all say what happens afterward, we win militarily but then we are there—and then I have heard I think both of you say we do not want to be doing this alone. That is for sure. Then I heard Secretary Albright say I have got some real concerns about this war against terrorism and al-Qaeda and I want to make sure this does not undercut our efforts in South Asia and the Near East where we need the assets on the ground and we need the cooperation. And then I think about the Israeli/Palestinian conflict.

It would seem to me that there would be a world of difference in terms of both what our men and women face if we have to go in, God forbid, in terms of what the reaction in the Near East and South Asia and throughout the world would be, much less who is going to do the occupying afterwards. It would make a huge difference whether we did this with the international community or we did it alone. Do you think there are some major differences here in terms of all of the consequences? Because the resolution calls for preemptive, unilateral military action. That is what we are voting on.

Do you think there is a difference in terms of the consequences on all three fronts between our doing it alone versus if we have to? And I still believe that the arms inspection regime ought to be given the first priority. That if we have to, that we do it internationally would make a huge difference or not?

Secretary ALBRIGHT. Well, I happen to believe it makes a huge difference to do it internationally, and the first gulf war was done internationally. That was a huge difference to have that coalition, and the first President Bush worked that very well. I admire what was done, and there is great continuity where we picked it up in 1993 from there. So I do think that it is very important to do it internationally. It would make a huge difference.

If it is impossible and if we are given better information than at least I believe we have on how rapidly this has to be done, I think

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that we then owe it to our people to take action. But all that is missing. Those are the missing pieces.

And I must say that I think this is a remarkable discussion. I think the fact that we are able to have these kinds of discussions is what the American people need to hear because this is going to be long-term and expensive. There are a lot of priorities that we will have to set aside because of this. I am very concerned not just about a unilateral foreign policy but a unidimensional foreign policy. We will suffer for that in the long run.

Senator WELLSTONE. Dr. Kissinger.

Secretary KISSINGER. Look back at the first gulf war, it is important to understand its structure. It is indeed correct that the first President Bush achieved an international consensus. It is also true that he moved some 400,000 American troops into the region before there was international consensus. For it was clear that we could not march in and march out and that the implication of the President's conduct was that, if we did not achieve international consensus, we would operate with those nations that would support us. I believe that one reason he received as much support as he did was that he opted for a way by which other nations could influence our actions and participate in them. So in principle, the difference is not so great in the methods of the Bush family with respect to the gulf and with which, I must say, I agree.

Second, in conducting these discussions, we have to keep in mind that we do seem to agree that what we are talking about here is timing. We are not talking about the principle. One has to take care lest these discussions of the inspection system and of what might happen are not used for endless procrastination. On the other hand, we have to be serious in conducting them.

Senator WELLSTONE. Well, if I could say to me the two issues that I feel like are staring me in the face—and I appreciate the answer of both of you—are, one, as a matter of public policy, are we not going to make it the first priority to try to put into effect an arms inspection regime that will work, unfettered access, and will insist that these weapons of mass destruction are out? Is that the first priority or not? I think some, frankly, do not think it is. They have other priorities. And some think it is.

The second point I would make is it seems to me that we are in an odd position right now because, on the one hand, we are saying to the United Nations we want your support. On the other hand, we are asked to vote on a resolution that gives the United Nations the back of the hand and says regardless of what you do, we are going in. And if we go in unilaterally, I would just say to the chairman again, I think that the consequences throughout the Near East and South Asia, the consequences in the world that we live in, and the consequences for our men and women that are there in Iraq could be very serious.

I think we need to pay very special attention to that, the difference between unilateral, going alone, and having the support of the international community. If it requires more diplomatic heavy lifting, we ought to at least make every effort to do that first. That would be my plea here today.

Secretary KISSINGER. If one looks at the discussion taking place in the Security Council, it is interesting that none of the perma-

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nent members has threatened a veto. For they know that, by abstaining, if that is what they are indeed going to do, they will make possible a resolution that will support our action—assuming we can achieve nine votes. Britain will clearly be for us. And I am not sure that France will abstain. But it is not necessary now to speculate about what the individual countries may or may not do in a final vote.

Second, as I pointed out before, I am convinced that, if military action is taken, we will not be acting alone and that there will be significant countries supporting the United States. None of this is absolute, and one always has to keep focused on the alternatives. But we all do seem to agree that we cannot acquiesce in the growth of weapons of mass destruction in Iraq, so what we are really talking about is the means for dealing with that problem.

The CHAIRMAN. Senator Allen.

Senator ALLEN. Thank you, Mr. Chairman, and thank you both, our esteemed witnesses today, for your insights and comments.

I think I speak for everyone on this committee that no one cares to risk lives unnecessarily of the men and women in uniform. We do not want war. It is not in our interest. However, when you think of the priorities of the Federal Government and you say, gosh, there are a lot of different concerns and priorities, the top responsibility is national security. Unfortunately, we only have a theoretical unimpeded path to disarming Saddam Hussein.

I would say to Secretary Albright that we have had briefings, and some of these briefings were of a highly classified nature. We cannot necessarily publicly state every bit of intelligence, very credible intelligence, about the capabilities that Saddam has as far as chemical and biological weapons and the means of delivering those. One can be in a box and still deliver outside that box. Also, the concern is that he may transfer some of that capability to terrorists.

I know, Madam Secretary, you were Secretary of State in 1998, and I do not mean to get into legalistic matters. But in 1998, the Senate passed Senate Concurrent Resolution 71 with all the Whereases and the Resolved clauses. In many ways, this resolution is a furtherance of it. In fact, it is entitled a furtherance of the 1998 resolution. As Secretary of State, did you support this resolution, which urged the President "to take all necessary and appropriate actions to respond to the threat posed by Iraq's refusal to end its weapons of mass destruction programs?"

Secretary ALBRIGHT. First of all, we did want them to end everything in terms of their weapons of mass destruction. But the terms of that resolution were somewhat different. They were more narrow in terms of the scope for the President. My reading of it here is that it was to bring Iraq into compliance with its international obligations.

I think part of the problem with the current resolution—and again, I do not think it is up to me as a private citizen to even begin to think about how you draft that last paragraph, but I think what is troubling to me as a private citizen is it sounds very much like a carte blanche to do things within the entire region. I think that is one of the questions and how much impact and activity the Congress wants to have in this.

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I worked for Senator Muskie, so I understand the role of Congress in foreign policy, and I respected it as Secretary of State. I think here, as Senator Lugar suggested, part of the difference in this resolution is that it needs to have more of a reporting role in some way. So that is the difference.

The resolution that we had in 1998 was more limited, and I did support it.

Senator ALLEN. I would say, Mr. Chairman, that you made some comments having to do with a sense of the Senate which makes, a great deal of sense logistically and diplomatically in that we would encourage more allies to be with us. I do think the Bush administration—we will hear from the Secretary of State this afternoon—is making efforts in the United Nations and obviously, with our NATO allies and others who are not NATO members, countries in the Middle East, which is very important. Logistically, in the unfortunate event that military action is needed, you want allies, if nothing else, for some of the bases for the tactical air strikes, allies will also help, obviously, in making sure that any conflagration stays in Iraq and that we do not end up having Saddam, as he has done in the past, trying to get Israel into this and trying to make this into religious wars.

I would say, Mr. Chairman, that those sort of constructive additions to Whereas clauses in here would make sense, but I ask Secretary Albright: Since the statement back in 1998 urging the President to take all necessary and appropriate actions—which is pretty broad—to respond to the threat posed by Iraq's refusal to end its weapons of mass destruction programs, have you seen anything, Madam Secretary, in the subsequent 4 years to lead you to believe he has not gotten stronger in his stockpiles and capabilities, whether in delivery systems or in the biological or the chemical weapons programs?

Secretary ALBRIGHT. Again, I think it is very hard to tell. I have had a briefing also, and I think that he has probably gotten weaker in terms of some of the conventional aspects that he has. And we do not know enough about what has happened in the others, but it is of concern. I in no way am underestimating the concern that we should have, and we were concerned and continue to be concerned. I think the question is whether an all-out invasion of some kind is the right approach to take at this time.

I also believe, Senator, that one of the strengths that we have had in all of this is a continuity and in many ways bipartisanship as far as the policy toward Iraq is concerned. We were handed Saddam Hussein in 1993 with a set of resolutions that we worked very hard to get international support for. I hope very much that we continue to see this in a bipartisan way. The way this question is asked is a little bit as to what we did and when, and I just think that we have all been on this really difficult road of trying to deal with what I call Migraine Hussein. I mean, he has really been there throughout, and I think we are looking for the best methods to make sure that he stays in a box that does not explode and make the Middle East more complicated than it already is.

Senator ALLEN. Madam Secretary, I just wanted to see if there is consistency of thought and so forth since 1998.

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I ask Secretary Kissinger: You mentioned if not now, why not now? It reminds me of Ronald Reagan's statement about if not now, when? If not the United States, then who is going to disarm Saddam Hussein for his clear violations? We do need to have our allies.

Do you feel that if the United Nations does not act, that we still should act with as many allies as possible in the event military action is necessary?

Secretary KISSINGER. Yes, I do because if we do not, we will face a worse problem a year or 2 or 3 from now.

Senator ALLEN. Thank you. My time is up, Mr. Chairman.

Senator SARBANES. Mr. Chairman, could I ask Senator Allen, when he quoted whatever it was he quoted to Secretary Albright, what was he quoting from?

Senator ALLEN. I was quoting from Senate Concurrent Resolution 71, which was a resolution passed in 1998 condemning Iraq's threat to international peace and security. This was the second resolved point.

Senator SARBANES. Did that pass?

Senator ALLEN. I asked the Secretary if she supported it and she said she did.

Secretary ALBRIGHT. If I might ask. I was thinking we were talking about what happened August 14, 1998, which became public law.

Senator SARBANES. That is not this resolution. This resolution did not pass, and the resolution that passed on August 14 and the public law that passed on October 31 were both more narrowly drawn. The public law on October 31 said at the end: "nothing in this act shall be construed to authorize or otherwise speak to the issue of United States armed forces except as provided in section 4(a)(2) in carrying out this act." And 4(a)(2) talked about drawdown of military defense articles for the Iraqi opposition.

And the other one, Public Law 105–235 at the end said that "the President is urged to take appropriate action in accordance with the Constitution and relevant laws of the United States," which of course includes, amongst other things, the War Powers Act, and that was very carefully worked out in the Congress.

And my understanding—and if I am wrong, I certainly want to be corrected—is that the resolution from which the Senator is quoting in fact was not passed by the Congress.

Senator ALLEN. I would say, Mr. Chairman, to my good friend from Maryland, I wanted to ask what her position was on this resolution. This resolution, I would say to my friend from Maryland, Senator Sarbanes, was sponsored by the following Senators who are still here, and it had bipartisan support: Mr. Daschle, Mr. Leahy, Mr. Dodd, Kerry, Moynihan, Byrd, Wyden, Hollings, and Akaka, as well as others on our side of the aisle.

Senator SARBANES. It did not have Senator Biden or me cosponsoring it or a number of others. In fact, it did not have Senator Lugar. I am looking at this resolution. When the resolution was finally worked out, there was much more narrow and careful language. That is the only point I am making.

I am laying this out because the premise that was given to the Secretary was that this was passed by the Congress, presumably

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acquiesced in by the administration. The language you quoted was not passed by the Congress. I have the language that was passed by the Congress. In both instances, the relevant paragraphs are far more narrow and pointed than what you quoted to the Secretary, which was an open-ended thing. The fact that some people went on it when it was introduced—that was not the end product.

Senator ALLEN. Nevertheless, I would say, Mr. Chairman, that it was the sentiments of those bipartisan leaders in it. I think we can all stipulate that matters in Iraq have not gotten less dire since 1998 when this concern was actually addressed by the Senate and with Secretary Albright as Secretary of State.

Senator SARBANES. Oh, I am not addressing that issue. Maybe it is getting more dire, maybe it is not. I am just addressing the issue that you put a question to the Secretary, the premise of which was that that language had been adopted by the Congress, and that is not the case.

Secretary ALBRIGHT. Senator Sarbanes, I appreciate very much the clarification because the language that I have here that I was responding to was out of Public Law 105–235 that does, in fact, have the final paragraph from which I quoted in responding to your question.

Senator SARBANES. It says any action should be "in accordance with the Constitution and relevant laws of the United States." Is that correct?

Secretary ALBRIGHT. Right, and to bring Iraq into compliance with its international obligations, not the broad language that is in the resolution that has been proposed by the administration that, as I said, gives carte blanche to the administration to do what it wants in the Middle East. I disagree with that, and I hope very much that that will, in the course of this, be redrafted.

But to the point, Senator Allen, I think that we have all, over the years, tried to figure out how to deal with the horror of Saddam Hussein and the mood in the country is different at different times. I am very proud of what we tried to do to keep him in his box.

Senator ALLEN. Well, as we develop this draft resolution we will fine tune it, if it needs fine tuning—and any legislative branch is naturally going to change something; that is just the nature of a legislative branch of the government. But the draft resolution does say the President is authorized to use the means he determines to be appropriate to enforce the United Nations Security Council resolutions that are referenced above in the Whereas clauses.

I think that the chairman does have some good ideas that I would like to work with him on, particularly having allies join with us.

The CHAIRMAN. I do not want to take up Senator Boxer's time. She has been so patient.

But I was involved in that negotiation. I will not characterize anybody else. I will speak for myself. The reason why I felt comfortable in voting for the amended resolution was the addition of the paragraphs that said "the Government of Iraq is in material and unacceptable breach of international obligations. Therefore, the President is urged to take appropriate action in accordance with the Constitution and relevant laws of the United States."

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The other one that we talked about, Public Law 105–338 on October 31, added the section which I may be mistaken but I think I was in the room and helped draft, which was section 8, rule of construction, which says, "nothing in this act shall be construed to authorize or otherwise speak to the issue of United States armed forces except as provided in section 4(a)(2) in carrying out this act." And that was giving aid and assistance.

Senator SARBANES. To the opposition.

The CHAIRMAN. To the opposition.

Again, this is not a matter of argument. At least I am not trying. Hopefully we can do what we have always done with these resolutions, going all the way back to the gulf war or as recently as 9/11. And that is, when we have got cooler heads, we sit down. We have worked through it. Administrations have cooperated. We have ended up with something we could all live with that gave the President the necessary authority needed to meet the limited objective he stated. Hopefully that process is still underway and we will be able to do that. I am anxious to work with the Senator to incorporate, to the degree he agrees with Senator Lugar or me or anyone else, additional language.

But let me yield and apologize to the Senator from California and blame the Senator from Maryland.

Senator BOXER. I think the Senator from Maryland is right, these points are important. I cannot thank both of you enough, because you have helped me cement my views, and I want to tell you why. During yesterday's hearing with Mr. McFarlane and Ambassador Holbrooke I spoke about how I voted for force twice recently, once against Milosevic in your day, Madam Secretary, and once after 9/11 under the current administration, and I also spoke about my belief, very strong belief that the use of force should be a last resort, and that I believe every President has an obligation to lay out a path for peace before taking us to war.

In my view, I have not seen this President do that yet, and in the view of my constituents, thousands of whom are calling me—it is unbelievable, every 2 days, we get 1,000 calls or e-mails They are saying they feel the President is itching to go to war, and to put in a nicer way, a phrase that Secretary Albright used, not pertaining to the President in her opinion, but she said "some in the administration have an irrational exuberance for war," and I think that does speak for a lot of my constituents.

Well, I want to thank you in particular, Secretary Albright, because you did for me something that I have not heard yet before today from someone at your level. You have laid out a path for peace, and I believe your statement was a breath of fresh air in the drumbeat of war.

I also would say to Dr. Kissinger, for one brief, shining moment in your answer to Senator Sarbanes, I think you laid out a path for peace, a little bit more skeptically than Secretary Albright, but nonetheless, it was there, and I can tell you that I take pleasure in small victories as this debate moves forward. For the first time, I have seen experts lay out a path to avoid bloodshed, and I understand it is not an easy path. I understand it might not work. I understand it will take a strong, intrusive, unfettered inspection regime, followed by dismantlement of anything found.

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I personally demand that Iraq live up to the U.N. resolutions, particularly regarding inspection and dismantlement of weapons of mass destruction. They agreed to it. They must live up to it, and the world must ensure that, not just our Nation, because if it is just our Nation, I am very worried, as the Senator from the largest state in the Nation, about the risks and the cost borne by our people. The world must step up to the plate, and I think the world will if we do this right.

Yesterday, Senator Danny Inouye took to the floor. Danny Inouye is a war hero. He has more medals than, I do not know, probably anyone that I know.

The CHAIRMAN. Including the Medal of Honor.

Senator BOXER. Including the Medal of Honor, and I want to tell you what he said. He said, "there are those who plan war and there are those who fight war," and as we sit here talking about post-war regime in Iraq, as we sit and plan for that, I want us to think for a moment the path we are taking if we do not follow the path for peace that I heard outlined here today, and I would ask unanimous consent, Mr. Chairman, at this time to introduce into the record an article in today's USA Today.

It is entitled, "In Iraq's Arsenal: Nature's Deadliest Poison." Botulinum toxin might be the most diabolical of Saddam's terror tools, but the U.S. is far from ready to protect its troops. I would like to put that in the record.

The CHAIRMAN. Without objection.

[The article referred to follows:]

[From USA Today, September 26, 2002]

IN IRAQ'S ARSENAL: NATURE'S DEADLIEST POISON

(BY STEVE STERNBERG)

Botulinum toxin might be the most diabolical of Saddam Hussein's terror tools, but the U.S. is far from ready to protect its troops—the only remedy is antitoxin made from horse serum.

In the year since an unknown bioterrorist stuffed envelopes with anthrax and mailed them, the government has stockpiled anthrax vaccine and antibiotics, planned mass vaccination campaigns and ordered 209 million fresh doses of smallpox vaccine.

Yet the United States is still unprepared to contend with other agents on its A-list of potential biowarfare threats, especially botulinum toxin, an experimental terror tool of Saddam Hussein's.

Botulinum toxin, the most poisonous substance known, is about 100,000 times deadlier than the neurotoxin sarin, which was used in an attack on Tokyo subways in 1995 that killed 10 and sent 5,000 people streaming into hospitals. During the Gulf War in 1991, Iraq reportedly stockpiled thousands of liters of the botulinum toxin and funneled some into bombs.

Today, as the United States edges closer to another war with Iraq, U.S. troops would be just as vulnerable to botulinum toxin as they were a decade ago. There's still no government-approved vaccine, and the only antitoxin is made by extracting antibodies from the blood of vaccinated horses using decades-old technology.

Antitoxin, which clears toxin from the blood, is so scarce that there isn't enough to safeguard thousands of troops from a botulinum attack. There are other major problems: Antitoxin is too difficult to administer on the battlefield, and it can have life-threatening side effects.

Although a 21st-century biotechversion is in laboratory trials, it will be years before the experimental antitoxin reaches battlefield or civilian stockpiles.

"Unfortunately, there's nothing really available for people yet, other than horse serum," says George Lewis, a retired Army veterinary microbiologist who oversaw

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the program that developed the equine antitoxin shipped to Saudi Arabia during the Gulf War.

When botulism strikes, it strikes hard. The toxin destroys the nerves that enable people to breathe and swallow. Until the nerves regenerate, which takes weeks or months, paralysis sets in. Without ventilators and mechanical life support, victims almost always die.

Botulinum toxin's availability and lethality make it a potentially fearsome weapon. It is difficult to defend against on the battlefield or in the hands of urban bioterrorists, who wouldn't have to kill millions or even thousands to have a considerable impact.

The toxin was so popular among Iraqi bioweapons scientists that they claimed to have produced botulinum toxin on an industrial scale. After the Gulf War, Iraq told U.N. weapons inspectors that it had stockpiled nearly 20,000 liters of toxin in solution in anticipation of a U.S. attack. Some of it, Iraq said, had been loaded into more than 100 solution-filled "wet bombs," which were never used.

Security analysts believe Iraq's bioweapons arsenal is much larger than Iraqi leaders acknowledge. Even the experts can only guess at what Iraqi biologists have cooked up since 1998, when U.N. inspections ended.

"The biological program is a black hole," says Avigdor Haselkorn, a Defense Department adviser with the Geopolitical Forum, a consulting group, and author of *The Continuing Storm: Iraq, Poisonous Weapons, and Deterrence,* an analysis of the Iraqi program.

If Saddam had chosen to use botulinum in 1991, he would have caught the U.S. military with its guard down. At the start of the Gulf War, the U.S. stockpile of equine antitoxin totaled roughly 2,600 doses. During the war, the Army bought a herd of horses, vaccinated them and began extracting their antibodies for antitoxin. But three years after the war, the funding died and the effort ended.

Military experts concede that biohazard suits and a costly, crude vaccine remain the best defense against a battlefield botulinum attack. Antitoxin won't help much on the battlefield, they say, because it must be given via a prolonged intravenous drip right after exposure.

"If there was a massive exposure on the battlefield, there aren't enough medical assets to give antitoxin to enough people," says Col. David Danley of the Army's Joint Program Office for Biological Defense.

Where it comes from

The toxin is made by a microscopic bacterium, Clostridium botulinum. Most people think of botulism as a scary byproduct of careless home and commercial canning, because the bacterium grows—and produces toxin—only in airless environments such as vacuum-packed jars and cans.

Adults get botulism from direct exposure to the toxin in food or dirty hypodermic needles, where spores can germinate in leftover liquid. But adults represent just one-third of the roughly 100 cases that occur in the USA each year. The rest are infants who are infected with spores traveling on dust motes in air or who are unwittingly fed spore-carrying honey. The spores germinate in the oxygen-free darkness of the infants' intestines, producing toxin from within.

Microscopic C. botulinum spores, which are found in backyards everywhere, are easily accessible to those with the know-how to extract and grow them. In the hands of an urban terrorist, experts say, the toxin could wreak havoc.

"More people have died from West Nile virus than died from the anthrax letters, but the chaos and terror and economic impact of anthrax were incalculable. You could do that with botulinum toxin," says Stephen Arnon of the California Department of Health, who led the effort to develop a human version of antitoxin to treat infants. "With the simplest of lab equipment, for $1,000, you could make enough toxin to kill hundreds of people."

If a bioterrorist were to release a cloud of botulinum in a major city, 50,000 people would get sick, and 30,000 of them would die without antitoxin treatment, according to a report released this year by the National Academy of Sciences' Institute of Medicine, a think tank financed partly by Congress.

Because 80% to 90% of the beds in any intensive care unit in any given city are usually full—and because most cities have just a few hundred intensive care beds—fewer than 100 cases of botulism could lock up every intensive care ward in a city like San Francisco for weeks, says James Marks of the University of California-San Francisco, an author of the report.

The gridlock would displace cancer patients, heart patients and candidates for elective surgery, Marks says, depriving them of life support and turning them into "collateral damage."

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The religious sect Aum Shinrikyo attempted to weaponize botulinum toxin before its attack on the Tokyo subway system. Aum Shinrikyo's attempt failed because the botulinum variant members used turned out to be non-lethal. Sarin was the group's second choice.

"Botulinum toxin is a very scary agent," says Arturo Casadevall, an infectious-disease specialist at Albert Einstein College of Medicine in New York. "We wouldn't know we were attacked until we had an epidemic of paralyzed people with no explanation."

Casadevall notes that ordinary medicines wouldn't help the victims. "One of my fears," he says, "is that if we get hit we wouldn't have enough respirators in New York City. If you had an attack that involved thousands of people, you couldn't put them in the (intensive care unit)."

Quick access to antitoxin would shorten the course of the illness. If a bioterrorist were to release a cloud of botulinum toxin in a big city, antitoxin could save about half of the lives that would be lost.

But antitoxin is in perilously short supply. After the Gulf War, the Army stockpiled 5,000 doses of finished antitoxin from its herd of horses. The Centers for Disease Control and Prevention stored some of what remains in freezers, but officials will not disclose exactly how much they have on hand. The Army put 45,000 unprocessed doses into the deep freeze.

In 1999, the Army abandoned the program and donated 53 horses to the Air Force Academy stables. Some were auctioned or sold, stable manager Billy Jack Barrett says; others are kept at the stables for cadets and others to ride.

The story of the Army's botulinum antitoxin program provides a compelling example of the nation's once-ambivalent commitment to biodefense, experts say.

Before the Gulf War, most military analysts were more concerned about nuclear and chemical weapons than they were about biological agents. In 1972, 140 countries—including Iraq—renounced offensive biowarfare by signing the Biological Weapons Convention. But the treaty didn't deter Iraq from launching a covert bioweapons program.

CIA bioweapons analyst Kimberly Stergulz says bioterrorism offers rogue nations like Iraq—and "non-state actors" like al-Qaeda—cheap access to weapons of mass destruction. A rogue nation can launch an extensive biowarfare program for about $10 million, compared with the $2 billion needed to build nuclear arms.

Analysts estimate that by the time Iraq invaded Kuwait in 1990, Baghdad had spent $100 million on biowarfare delivery devices and agents. Besides botulism, the Iraqis brewed up vast amounts of anthrax; ricin, a castor-bean toxin that blocks breathing and circulation; and Clostridium perfringens, which causes gangrene.

No one knows how effective Iraq's arsenal would have been had Saddam elected to drop those bombs. Some animal research suggests that botulinum is 40 to 80 times more lethal when it is consumed in food than when it is inhaled into the lungs.

Before the United States abandoned offensive bioweapons research in 1969, tests on Horn Island, near Pascagoula, Miss., suggested botulinum isn't effective when it's dropped in a small bomb.

"It just didn't kill guinea pigs downrange," says David Franz, former commander of the U.S. Army Medical Research Institute for Infectious Diseases.

But a British intelligence report released Tuesday says Iraq is "judged to be self-sufficient" in the technology needed to improve its bioweapons, including fermenters, centrifuges and spray dryers. The L-29 drone aircraft developed by Iraqi engineers are basically high-tech crop-dusters capable of unleashing up to 80 gallons of toxin or other agents in a deadly mist.

In the wake of Sept. 11 and the anthrax attacks, the government has developed a renewed interest in the botulism antitoxin, says Nicholas Pomato, vice president of research at Intracell, the Gaithersburg, Md., biotech firm that made the antitoxin during the Gulf War.

Intracell has begun negotiating to finish the job of processing the Army's stored horse serum, Pomato says, at a cost of $15 million to $20 million—about $500 a dose. "Double that cost if you start making the material from scratch again from horses," Pomato says.

But he adds that it will take time to outfit a processing facility and begin the work. New supplies, he says, won't be tested and ready for use until next year.

Since the Army has decided not to stockpile antitoxin because it would be unwieldy to use on the battlefield, Pomato says, the CDC plans to take over the serum for use in the event of a bioterror attack against civilians.

But horse antitoxin isn't without drawbacks. The human body might recognize it as foreign and reject it, much as it would a transplanted organ. Doctors who administer antitoxin must keep drugs on hand to counter allergic reactions and rejection.

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Ironically, because botulism is such a rare disease, drug companies have elected to invest in more profitable products—such as the toxin itself. A purified form of botulinum toxin, sold as Botox, is used to treat a long list of ailments, including eye-muscle spasms, post-stroke spasticity, migraine headaches and cerebral palsy. Botox's popularity as a wrinkle relaxer also promises to turn it into a billion-dollar cosmetic drug.

The anthrax attacks, impending war with Iraq and an imminent flood of government research money could provoke new interest in treating the botulism itself. Marks, at the University of California-San Francisco, and his colleagues at the Army's infectious-diseases research institute already have begun exploiting the new tools of biotechnology to develop an alternative to equine antitoxin.

In late August, they reported success in developing a trio of genetically engineered human antibodies. Given together in animal tests, the three antibodies inactivated botulinum toxin type A, the most lethal toxin and the one preferred by Saddam. Biotech antitoxin, Marks says, could "deweaponize" botulinum toxin.

Because the antibodies persist in the body for months, troops going into battle could be immunized; protection would last six months. The antibodies are 100 times stronger than the human antibodies used to treat infants, but the experimental antibodies will take years to develop.

Human clinical trials have not yet begun. Moreover, type A botulinum toxin is only one of seven types; different antibody cocktails must be identified for each one.

Marks says vast amounts could be made cheaply in high-production fermenters to treat civilians stricken in a bioterror attack. "One kilogram could treat 10,000 people," he says, and an industrial fermenter could crank out 120 kilograms a month.

The challenge now, Marks says, is to "make them, get them into humans and see if they work."

The Army has a vaccine, developed years ago, that primes the immune system to make its own anti-botulinum antibodies. It is rarely used because so few people run the risk of exposure to the toxin. The vaccine has never gotten government approval because the Army has never been able to mount a large-scale study showing that the vaccine works. As a result, the vaccine can be used only under a special exemption from FDA rules. Newer vaccines are also in the works, but they are years from winning approval.

The Botox connection

In an odd twist, vaccinating soldiers or civilians also would immunize them against Botox, the only potential bioterror agent approved for use as a drug.

Botox, which is made by Allergan, poses a dilemma to health officials and bioterror strategists. Vaccinating soldiers and the public would protect against exposure to the toxin, but it also would deprive people of Botox's benefit—and knock a blockbuster product with estimated sales of $430 million this year off the market.

Former FDA commissioner Donald Kennedy, a Stanford University neurobiologist who has used the toxin for years in research, says the risk of leaving the public unprotected is just too great.

"Who would have imagined a world in which terror weapons are used as beauty aids?" Kennedy wrote in a recent issue of the journal Science.

Kennedy, the journal's editor, worries that mass producing Botox, and trying to improve it, will ultimately make it a bigger threat. "I think we should develop a vaccine," he says.

Allergan vice president Mitchell Brin, a Botox pioneer, says his firm has chosen to stay out of the vaccine debate. Brin says the company has assured the government that it will keep its Botox operation secret to preserve national security. "We don't talk about our manufacturing facilities," he says. "We've agreed to keep a low profile."

WEAPONS AGAINST BIOTERRORISM—(BIOTERROR AGENT)

Anthrax

Symptoms: A high fever and flu-like symptoms for inhalation anthrax; a black lesion from cutaneous anthrax. Anthrax cannot be transmitted from person to person.

Defenses: Antibiotic Cipro, which must be taken for 60 days, is the only drug approved by the Food and Drug Administration to treat inhalation anthrax. But so far, all of the anthrax strains have been identified also have been sensitive to doxycycline and other tetracycline antibiotics, as well as penicillin. Bayer, maker of Cipro, tripled it production last fall.

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Botulinum toxin

Symptoms: Botulism always begins with paralysis in the muscles of the head, eyes and face and throat. The first signs appear 12 to 72 hours after exposure. They are typically droopy eyelids, the absence of smile lines around the eyes and dilated pupils. Paralysis descends down the body, with muscles growing limp. Muscles that govern breathing and swallowing stop working. Patients need life-support to survive.

Defenses: An experimental vaccine made from inactivated toxin is used mainly to protect people who work with botulinum and Botox (purified toxin, which is sold as a drug). Newer biotech versions are also in the works. Human anti-toxin made of antibodies from the blood of vaccinated humans is used to treat infant botulism. Horse antitoxin, made from the blood of vaccinated horses, is used to treat adults with the disease.

Smallpox

Symptoms: High fever, chills and head and back aches begin one to six days after exposure. A rash forms on the face, arms and legs and can cause severe scarring. The disease is spread through person-to-person contact. It is highly contagious, especially in populations in which few people have been vaccinated or have had the disease.

Defenses: Vaccination against smallpox in the USA ended in 1971; the world's last naturally occurring case was in Somalia in 1977. The United States currently has 155 million doses of vaccine made decades ago kept in storage. Another 209 million doses have been ordered and are expected by the end of the year, bringing the total supply to 364 million doses.

Tularemia (also known as rabbit fever)

Symptoms: The bacteria-borne disease cannot be spread from person to person; it is usually spread through contaminated animals or meat. Initial symptoms include fever, chills and weakness. Tularemia triggers pneumonia, pleuritis and lymph-node disease within three to five days of exposure. The disease is rare in the USA, but outbreaks commonly occur in Europe and Russia.

Defenses: Tularemia is treated with antibiotics; the military has a vaccine, but it's not available for general use. Treatment with antibiotics after exposure is effective.

Plague

Symptoms: High fever, chills and headache begin one to six days after exposure. Death can occur within two to four days.

Defenses: The vaccine for bubonic plague, which is transmitted by fleas, is not effective against the aerosolized form that would be used in bioterrorism. Antibiotic treatment must begin within 24 hours of symptoms to improve chances of survival.

Viral homorrhagic fever

Symptoms: Depending on the virus (Ebola, Marburg, others), symptoms can be high fever, diarrhea and muscle aches, followed by severe chest pain, shock and bleeding. Death can occur in seven days.

Defenses: No licensed vaccines exist for any of these diseases, though experimental versions have been made for yellow fever and Argentine hemorrhagic fever. The only therapy is supportive, mainly intravenous fluids. An antiviral drug called ribavirin has proven useful in people with Rift Valley and Lassa fevers. An oral form can be used when there are mass casualties and not enough health workers or equipment to give it intravenously.

Senator BOXER. I think sometimes we are not paying enough attention to this, at least in my opinion.

I want to say that I listened to National Security Advisor Condoleezza Rice with great interest, and I spoke to the chairman about what Condoleezza Rice said today about the presence of al-Qaeda in Iraq, and Madeleine Albright, Secretary Albright, you referred to this, and to me it was very interesting.

It seems a whole new line is developing here as a rationale, and since she raised the question, which we have been briefed on but none of us really raised it, I want to say today what I believe to be the case. I believe there may be some al-Qaeda there. I also believe, in my opinion, from what I know, there is more al-Qaeda in

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Pakistan. There is more al-Qaeda in Africa, and there is more al-Qaeda in the United States of America itself, in this Nation, and so those of my colleagues who bring up not taking our eye off the ball in the war against terrorism, and to you, Madam Secretary, for mentioning that, I think that is very important.

To me, the issue in Iraq is simple. Weapons of mass destruction have got to be inspected. We have got to find them if they are there. We have got to get them dismantled. But all these other issues, I think, added now are very interesting, and go to some of the cynicism that I hear among my constituents, and I want to put that point out there.

I have a question, believe it or not, that deals with the Carnegie Foundation. The Carnegie Endowment for International Peace released a study called, "Iraq, A New Approach," which advocates a policy of U.N.-sanctioned, coerced inspections. This plan envisions that an armed inspection implementation force would be added to support international inspectors. I wonder if either of you have read this report, or have a feeling about it, because as I search for a path to peace, it is through the inspection regime, but I want to make sure it is a strong inspection regime, and I think that the Carnegie Endowment for International Peace may have come up with some idea that we can seize on and develop and I wonder if you, Secretary Albright, and then Secretary Kissinger, could respond.

Ms. ALBRIGHT. Secretary Boxer, I think that—I have not read the report. I have read about it, and I do find it an interesting concept, because part of the issue is how to try to get intrusive inspections that actually have some teeth to them, and while I think there probably are some technical difficulties to it, I think it is certainly worth exploring.

If I might also say, I know this is not an easy subject to bring up, but I do not think it would hurt if we considered the fact that Saddam Hussein is a war criminal, and the War Crimes Tribunal made a big difference when we were dealing with Milosevic, and I think this is something we might also think about.

Senator BOXER. Actually, that was my next question. My time has run out, but I will submit it and hope that you can respond to it. I would greatly appreciate it.

The CHAIRMAN. Madam Secretary, I proposed that 5 months ago. He should be declared a war criminal.

Senator BOXER. Can we hear from Dr. Kissinger?

Dr. KISSINGER. I do not agree with the statements that have been heard around here about the administration's irrational exuberance for war. The administration is facing a problem on which we all agree: the existence of weapons of mass destruction in Iraq. They are facing the problem that, if we acquiesce in that now, these weapons will only continue to grow and we will face the same problem a year or 2 or 3 from now.

The President went to the United Nations, put the case to the United Nations, and there-by started a process I am confident he will let run to a reasonable conclusion. We have all agreed here that we are talking about months not years, so the difference in regard to all of this is relatively small.

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Now, with respect to that inspection system. I have talked to General Boyd, who was one of the drafters, and I have read the report. I put a sentence in my statement about a stand-by force and a stand-by authority when I discussed the general requirement for inspection, so I think it is a useful idea. If an inspection system were worked out, that would be a possible element of it.

The only warning I would issue is not to use inspections as a means for avoiding the problem and then having to face the same issue down the road. We should of course see what can be worked out in good faith. I cannot make a big contribution because I do not know enough about it, but I think the administration will in fact, do this because they will have to answer the question of the inspection system as it goes through the process. But if that does not prove feasible we will have to face the issue within a limited period of time for action.

Senator BOXER. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. I apologize to the Senator from Rhode Island for this additional intervention, and it will just take a second, but I want to make sure the record is straight. My understanding was, the comment was made earlier on that some within the administration were engaged in irrational exuberance about war. I do not think that was said of the President.

The second point is——

Senator BOXER. I said that, Mr. Chairman.

The CHAIRMAN. I know. I just want to make sure what we are talking about here, because we are trying to—and the witnesses are incredibly helpful to this degree. We are trying to work something out here. We are trying to do this cooperatively. We are not looking for disagreement. We are looking for agreement to deal with what we all agree is a bad guy and a bad situation, meaning Saddam.

Part of the reason why I think we are in this dilemma is that as recently as today in the press—and I can tell you from my personal experience there is still real disagreement within this administration about how to proceed. Now, I know the Secretary of State is going to tell us there is not much, but there is. There has been at least up until today, and so part of our problem relates to whether or not we pick up the paper and read a statement made by, say, Mr. Wolfowitz, as opposed to a statement made by the Secretary of State. Sometimes they are way apart.

The President is working his way through, deciding who he agrees with on each of the things, but guaranteed there is a fundamental difference being presented to the President on these issues.

And the second point is, the Senator from Indiana and I had an opportunity to meet with the Russian Foreign Minister, Mr. Ivanov. We asked about amendments to a new resolution in the Security Council. His initial response to us was, there was no need for one.

As we pursued this along the lines of Dr. Kissinger's comments and Secretary Albright's comments, we said the inspection regime as played out prior to them being removed was not good enough. The point Dr. Kissinger made, we could not interview potential defectors and/or collaborators because Kofi Annan had come along

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and said, you are allowed to have an Iraqi military person standing in the room. That is unacceptable.

We also discussed the possibility of the need for a military force to accompany the inspectors, and to that, and I am anxious to hear what the Secretary of State has to say, the Foreign Minister said he was open to that. The Russians were open to that. So I would not be so quick—and I know neither of the witnesses are suggesting it. I would not be so quick to suggest that Secretary Powell may not be able to pull off something very positive here to get us down this road we all say we want to go down.

So I just want to make those two points as it relates to how it is beginning to move, and hopefully, God willing, and my grandpop used to say, "and the creek not rising," we could end up at the end of the day with the same kind of resolution agreement we had as we work through the 1998 resolution with sufficient safeguards built into it.

But at any rate—and Senator, you and the Senator from Florida can take additional time to ask your questions, because you have been so patient.

Senator CHAFEE. Well, thank you, Mr. Chairman, very much. I know we all share the same goals and had a good discussion about that, but one of the areas that does concern me is the international relations that have been, the dynamics that have been created by this initiative and, of course, the elections in Germany are, I guess, on the front burner as to how that became an issue in that country.

But one—and you read the comments from the various international leaders from around the country, whether it is China, Japan, Kuwait, even our friends in Canada, they are all expressing concerns about this, but particularly one of the quotes was from President Mubarak, who is maybe one of the deans in the Arab world, has been there since the early eighties as the leader of his country, and he said just several weeks ago, "if you strike Iraq, not one Arab leader will be able to control the angry outburst of the masses."

And maybe we should not argue, just for the sake of discussion, about whether he is right or wrong, but supposing he is right, then what happens, and from your experience, maybe you could take us down that path. What countries are most susceptible in the region to the angry outburst of the masses?

Jordan, certainly King Abdullah has expressed concerns, and where do we go? Then do we go into Jordan and help him out? Do we go into Saudi Arabia or Egypt to help them out? Maybe you could go down that path a little bit, if he is right, just for the sake of argument.

Ms. ALBRIGHT. First of all, could I just say I appreciate Chairman Biden straightening out the business about exuberance, because I did not say it about the President or the whole administration, but I do think, as I said earlier, that there are those who had an agenda even before this started, so that concerns me.

I think Secretary Kissinger is right when he says that if we go in and do this ultimately there will be some that have said they would have nothing to do with us that will have something to do with us, so I do not dispute that.

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On the other hand, I do think that we have had many signals from various Arab leaders in the region who are very concerned about what the sparks of this might initiate, and King Abdullah has made that very clear. I think the Saudis, one of the reasons that they have backed off a lot on this is that they are concerned about what happens on their street, and that we do have to be concerned about how, that we find ourselves in the rather peculiar position, if I can put it this way, that we might be opposed to those who disagree with their governments, but are not necessarily extremists about how this is carried out.

So I think again, as people consider what the effect of this will be, we need to hear more from those who have up-to-date intelligence as to what the effect of all of this will be in those countries, because there is little doubt in my mind that there will be outpourings of sentiment against what we have done.

Dr. KISSINGER. I am assuming that we will not act unless we believe it is in the overwhelming interest of national and international security. If that is indeed the judgment of the administration, it cannot be deterred by the threat of outbursts in the streets, because that is what will happen and it will surely become a source of permanent source of blackmail.

The countries you mentioned have shown a pretty good capacity to control their streets. Still we cannot be driven in our fundamental judgment of what is necessary for international order by the fear or threat of demonstrations.

The growth of Iraq's stockpiles is a serious problem and it must be addressed. It can hopefully be dealt with through the processes now being conducted, but even if it is not, I do not think the demonstrations are going to prove disastrous.

Moreover, the German election was not caused by American policy. There were many elements within German politics that produced this reaction, and it will almost certainly be resolved in the weeks to come in a cooperative spirit.

Senator SARBANES. Would the Senator yield on that very point for just a minute?

Senator CHAFEE. Certainly.

Senator SARBANES. I am interested to hear Dr. Kissinger say that, because on January 13 you wrote—and I would only make this point because earlier in this discussion you said we should not engage in speculation about individual countries, and I wanted to just quote what you said then. Talking about building up this movement against Hussein you said, "Britain will not easily abandon the pivotal role, based upon its special relationship with the United States, that it has earned for itself in the evolution of the crisis, nor will Germany move into active opposition to the United States, especially in an election year."

Dr. KISSINGER. All of us who have been concerned with German-American relations were surprised by the fact that an anti-American appeal could evoke such feelings.

Senator SARBANES. But it does underscore, I think, the warning you gave today about the danger of speculating about individual countries.

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Dr. KISSINGER. That is right. I had not understood the degree to which such feeling had evolved, but it surely has deeper causes than a reaction to the immediate tactics regarding this situation.

Senator SARBANES. I thank the Senator.

Senator CHAFEE. Thank you. I will just followup a little bit.

At a hearing we had earlier this month, I asked one of the witnesses about spontaneous combustion that has happened, and specifically I mentioned Iran, and how we were caught so flat-footed. It just seemed to happen overnight. We did not even get our embassy evacuated, obviously.

The witness responded by saying yes, as a matter of fact, one of the leading scholars in the area wrote a book, "Iran Under the Pahlavis," by Professor Lenkowski, if I have pronounced it right, and saying it is the most stable regime in the region—his book was not a best-seller—so we have to be aware of that, and when President Mubarak is making these type of statements, no Arab leader will be able to control the outbursts—let me get it right, the angry outbursts of the masses, I think we have to listen, and if we are going down this road, go down it.

And I guess I will ask one more time, if Jordan is, the Arab leader cannot control the outburst of the masses, or Egypt, for the sake of argument, then what do we do?

Ms. ALBRIGHT. Could I, Senator—I think that—I hate to, I really do hate to disagree with Henry on this. I think that as we look at what the causes of terrorism are—I remember, Chairman Biden asked me when I testified sometime ago whether poverty was the cause of terrorism, and I remember saying, we do not know that.

We do know that there are people who are looking for reasons to be opposed to us that are part of societies that are dysfunctional, or where there is a great gap between the rich and the poor, or people have no way of knowing what their future will be, that they are out there as potential recruits for terrorism and therefore, if the streets explode, it is not just a matter of controlling them by the monarch or the ruler. It may be impossible, and it may, in fact, create an environment that hurts us in the overall fight against terrorism, and that is my concern.

Senator CHAFEE. I would agree with that.

Thank you, Mr. Chairman.

Dr. KISSINGER. One has to go back to the fundamental issue: that there are stockpiles of weapons of mass destruction in Iraq, in violation of the U.N. resolution; that we are engaged in a diplomatic process to attempt to deal with this. First of all, does Mubarak really mean this, and second, even if he does, can we ultimately be deterred from doing what we should do and leave these weapons undisturbed? Will that not create a worse problem with the streets as time goes on? These are the questions that need to be addressed.

Senator CHAFEE. I know my time is up, but I guess I did not get an answer to the question, what does happen, just for the sake of argument? Do we preemptively go into Jordan if there is someone there, but I do not want to take any more time.

Dr. KISSINGER. The word "preemptively" is being thrown around too loosely in the debate. It has always been understood that, if there is a fundamental threat to national security, one reserves the option for military action. There have been occasions in the past—

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as when the Jordanian Government was threatened—that the United States was willing to give it very substantial support.

Nobody could recommend moving American troops into Egypt or Jordan on the basis of riots in the streets. This will have to be dealt with when the issues arise and in a way that is not determined by an abstract theory of preemption, but by an assessment of the national security and international security as perceived at that moment.

Senator CHAFEE. Thank you very much.

The CHAIRMAN. Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman. I am intrigued by the declaration of this preemption doctrine. As I read the Constitution, the President in his role as Commander in Chief can act preemptively for the protection of the interest of the United States. What is different in this declaration of preemption, and if there is an emphasis on it, is there a weakening of the actual constitutional responsibilities of the Commander in Chief?

Dr. KISSINGER. This is a question you should address to administration witnesses. I have not had the document in my hand yet, but I have read it on the Internet. I have expressed my general view in my statement and elsewhere: that I do not believe it is in the American interest to proclaim a universal theory of preemption that any nation can then use to protect itself against its definition of a threat.

I also believe that, given the kind of terrorism that now exists, dealing with it would be incompatible with some of the notions of sovereignty that have evolved in the 17th, 18th, and 19th centuries, and that have governed the rules among nations. For there is an element of preemption inherent in the nature of the terrorist threat and in the nature of the modern frame of reference.

It would therefore be useful to initiate a general international discussion, or Security Council discussion, of what principles of preemption could be universally applied so that not every major nation could attack every nation around its periphery. I have no resolution to this problem, but—as I recall the statement when I read it—preemption is listed as an absolutely last resort in that document, and primarily aimed at terror. One really ought to ask the people who drafted it. My own view on preemption is the one I have stated.

Senator NELSON. Madam Secretary.

Ms. ALBRIGHT. Well, I think that it becomes a very kind of shadowy area in terms of what the right of self-defense is versus the preemption, and I think you raise a very important point, that perhaps it does undermine the whole concept of self-defense if, in fact, you begin now to see it as a new doctrine, and that is what has concerned me, is that all of a sudden—you know, everybody has been looking for a term for the post-cold war era and whether deterrence still works, and these are very important discussions, but I do not think they should be superimposed on what we are trying to deal with now, because it is so unclear, and I agree with Secretary Kissinger that it would be worth having a national as well as an international discussion of this, not in any kind of an overly rapid or hysterical way.

Dr. KISSINGER. In retrospect, I did not argue that at the time. It would have been appropriate to take preemptive action against bin

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Laden in Afghanistan and, as these terrorist cells exist, it cannot be precluded. But what it means in an international system both as a concept and as something that can be more or less universally accepted so that it does not become arbitrary, is a problem we are at the beginning of not at the solution of it.

Senator NELSON. Mr. Chairman, I have come away from this discussion and others we have had both in this committee and our other committee, the Armed Services Committee, thinking that the draft resolution that was sent to us clearly needs to be changed, that Ambassador Holbrooke had four suggestions of change yesterday that I think were excellent, and I am just curious about the views of our two witnesses here with respect to those suggestions.

One was to delete the clause that would seemingly give carte blanche to go into the whole area, and nail it down just as a resolution authorizing force in Iraq, another one was to make reference to a U.N. Security Council resolution, a third would be the executive branch reporting clause to the Congress, and a fourth was a clause as to the post-conflict Iraq, and what would be our planning efforts and responsibilities there.

Are we moving in the right direction with such changes to the resolution?

Ms. ALBRIGHT. Well, I do not think that as a private citizen it is absolutely right to give you suggestions on this, but my problem with the resolution that came here is its broadness, and you all have in previous ways worked out a resolution that makes clearer what the co-responsibility of the executive and legislative branch is in this, and as somebody that was in an administration that we always have had discussions about the war powers, I do think that it is up to you all to figure out how to refine this, and it is essential, frankly, but I am not sure it is appropriate for me to make suggestions.

Senator NELSON. Thank you, Mr. Chairman.

Dr. KISSINGER. I have not studied the resolution enough to make suggestions. As a general proposition, however I think the President should be given authority of a nature that makes clear that: No. 1, the Congress understands the relationship of the Iraq issue to other issues in the area, and does not just deal with it or look at it in strictly Iraq terms; and No. 2, that the President is given adequate flexibility to deal with this as to reporting requirements.

Senator SARBANES. I am not clear on that answer. Is it your view the President should be authorized to take military action with respect to issues in the region, and not just with respect to Iraq?

Dr. KISSINGER. I am now most concerned about the issue of Iraq. The resolution should clearly indicate the relationship of the Iraqi issue to others, though I really have not studied this enough to make drafting suggestions.

The CHAIRMAN. Senator Brownback.

Senator BROWNBACK. Thank you, Mr. Chairman. Thank you both very much for being here, and for lasting through this.

A couple of quick things. I want to apologize for not being here during a portion of this hearing. There were other hearings I had to be at.

A point that I would like to make is, at least for this Member, if we need to narrow the resolution or add restrictions or reporting

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requirements to that, I would be open to any of that being done as long as at the end of the day it allows the President the use of force, including military force against Iraq if the administration decides it is necessary to move on forward.

So working the wording on this to make it clear that it is not expansive, it cannot be used in other places, I think that is good, and if we can do that and get a large, positive vote for it, because I think that is an important statement to make, that it be a large vote in the Senate for moving forward on this, I think it would be a very positive statement to do.

Secretary Kissinger, I wanted to ask you, in looking through your statement about a post-Saddam Iraq and the impact on terrorism if we do move forward against Iraq—and I apologize if this question has been asked in another forum or while I was not here, but I see a problem if we do not move forward—and you articulate that some people will ask "why now," and you would ask, "why not now" in your original statement. I can see a lot of difficulty if we move forward, but I see a lot of difficulty if we do not move forward, and I think there is a substantial positive scenario if we do move forward on Iraq, not on the basis of a preemption doctrine, but on the basis of what he has failed to do with U.N. resolutions, that we could have a substantial positive impact on the Iraqi people and the war on terrorism if this is done right, and with the right reasoning in place.

Dr. KISSINGER. That is my view.

Senator BROWNBACK. I would like you to articulate, how do you see this impacting the whole region and its war on terrorism if we do move forward with this war on Iraq?

Dr. KISSINGER. There are many causes for which groups join terrorism, and Madeleine has indicated some of them. I would focus on the toleration of terrorist groups by government more afraid of the consequences of not tolerating them; and, second, on the perception that, in the end, the United States and its friends not appear too weak to defend their fundamental interests.

For all these reasons, a demonstration that the United States will insist on carrying out obligations it has undertaken, particularly in this region and especially with respect to weapons of mass destruction, will have a positive impact on the war against terrorism.

As I have said, I do not accept the proposition that there is a distinction between the war on terrorism and the Iraqi problem. I believe the two are closely related. The war against terrorism must be pursued energetically. Our credibility with respect to it will be enhanced if we act as I have indicated and, more importantly, as the administration has indicated, on the Iraq issue.

Senator BROWNBACK. Previously I have worked a lot with the Iraqi National Congress, the Iraq Liberation Act in 1998 that Secretary Albright, you worked on its implementation, and with Senator Kerrey of Nebraska, Bob Kerrey, the former Senator. Both of us concluded—and this is somewhat wishful thinking, but I do not think so, that Iraq will move to democracy and will be, we would hope and think, clearly very possible in the near future, a strong democracy. It has resources underneath it. It has an educated population. It is not without its difficulties and divisions within the

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country, north and south and in the middle, but that this could be a very strong force for democracy once Saddam is removed in that region.

Secretary Albright, you would have dealt with that a lot as Secretary, and probably had a lot of opportunity to think about that recently as well.

Ms. ALBRIGHT. Well, I think it would be much wished, and clearly the population of Iraq is a little bit different in terms of its modernity and education from some of the other places, but the question that I think we have, and we raised, was, what is the plan to get from here to there, that it will not be simple, that there is not only the potential of democracy, but also the potential of internecine fighting before we get there, and what I have wanted to hear a little bit more from the administration, what is the plan from getting here to there?

I am chairman of the board of the National Democratic Institute, that has been working very hard at looking at different ways that democracy might be possible in the Middle East. We have programs in Yemen and Bahrain, and I am not one of those people who believes that it is impossible to have democracy in the Middle East, but I think that we have to get there in a systematic way, and understand how we get there, and I must say that while I have a great deal of respect for those people who try to work with the Iraqi National Congress, it is not a group that I think is quite—has shown so far that it has the continuity and the cooperation within it to be ready to have democracy.

I have talked to the Kurdish leaders. They would so much like to hear us talking about not regime change but a freeing of Iraq, and I think we should be thinking about that, but I think it is a long way between here and there, and that is why we need to see a little bit more how we get there, and what the role of the United States in that will be.

Dr. KISSINGER. I would say that the choices with respect to weapons of mass destruction are relatively limited. Our choices after a military operation will require us to bring about substantial improvement in Iraqi conditions. I would consider it unlikely that one could move there to full democracy in a very brief time. However I think it is essential to move to accountability of the government institutions toward some type of constitutional system, and to substantial improvement in the lives of the population. We cannot do that all alone and it will require an international effort.

Senator BROWNBACK. I would certainly agree with that. I think there is a potential to do something extraordinarily positive for a lot of people and extraordinarily positive for our security here, not without huge risks, substantial risks, but the risks of waiting I have concluded are greater than those of acting now.

Thank you, Mr. Chairman.

The CHAIRMAN. You have been very patient. With your permission, I would like to let Senator Sarbanes—he says he has another question, and I know you missed your shuttles, two of them here.

Senator SARBANES. Mr. Chairman, I am looking at a dispatch from a Virginia paper reporting on a meeting at the University of Virginia on Tuesday at the Miller Center, at which General Scowcroft and Secretary Eagleburger spoke. They had a crowd of, it says

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here of over 900 people, and the director of the center says, "I do not know of a larger gathering, or an event of this kind in the city in a long time."

At that event, General Scowcroft said, "America cannot fight a global war on terrorism without the active assistance of other nations, and must consider what the consequences of actions taken in Iraq might be for that international cooperation. Saddam is a terrible, evil man," he said, "but he is not a problem for us because of terrorism. If we antagonize the world, it could cripple world support for the war on terrorism. We cannot win the war on terrorism without international support."

And, of course, earlier, a little over a month ago, General Scowcroft had an article in the Wall Street Journal in which he said, amongst other things, "an attack on Iraq now would seriously jeopardize our counterterrorist campaign."

Now, Secretary Kissinger, you have argued here this morning just to the contrary. You think an attack on Iraq would help the counterterrorism campaign, but General Scowcroft is very strong on this point. I mean, he argues it with considerable force, so what is your take on this, Secretary Albright?

Ms. ALBRIGHT. Well, I agree with what General Scowcroft has said. That has kind of been my point, is that basically the war on terrorism I think we have been told by the President is our top priority, and I do think that in many ways, either because assets are removed, or because we cannot get the kind of cooperation we need from the rest of the international community for pursuing the terrorists, that this in some ways is an additional task that we do not need right now.

But I think, Senator, the problem that we are all having in this is that there is nothing that is written in stone in this, that there are answers that are not out there, and we are all, I think, trying to seek them, and my personal opinion is that, as you pointed out earlier, we have not finished in Afghanistan. In fact, far from it.

Senator SARBANES. We may not have finished elsewhere. I was struck by Secretary Kissinger's statement here, and I just alluded to it before, and I want to come back to it. At the bottom of page 1 of your statement, bases for terrorists have been established in several countries, and I am now quoting, "usually in areas where the governments can plausibly deny control, are actually not in control, such as in Yemen, Somalia, or perhaps Indonesia and Iran."

Now, should we not be focused on that specific problem at this time, if these terrorists have established these bases, this infrastructure, like what they had in Afghanistan, although presumably not as fully developed, should not the immediate focus of our attention be to figure out how to destroy that infrastructure?

Dr. KISSINGER. General Scowcroft is a long-time associate and friend of mine, for whom I have very high regard. We just have a serious difference of opinion on that subject. I do not believe that the war against these bases is competitive with the need to destroy the weapons of mass destruction in Iraq. Indeed, I believe that success, either diplomatic or military, in destroying these weapons of mass destruction will enhance our ability to conduct another war. Scowcroft has a different opinion.

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Senator SARBANES. What do you think we should do about these four countries here?

Dr. KISSINGER. Well, one would have to deal with them, and there is no general rule. Somalia has no government, really at least no effective government. Thus the question is, what are these places actually doing? Yemen has a government, but not in every region of the country. With respect to bases from which terrorist attacks are being planned or might be planned against the United States, we cannot exclude, ultimately, the use of military action.

Obviously, a country like Indonesia is of such a magnitude that this is not something to be done except under the most extreme provocation—which does not exist right now. It is not even clear whether there are bases on these islands, as some people claim, so one would have to go about this country by country, and consider the nature of each threat.

The CHAIRMAN. Not that you ever need me to defend you, Dr. Kissinger, but as I listened to Senator Sarbanes and your response, am I missing something, or is there—it seems to me that your underlying premise is that if and when the President takes action, he is not going to be antagonizing the rest of the world, that he is going to have a sufficient portion of the rest of the world with him. Is that—I mean, because I think everybody agrees——

Dr. KISSINGER. That is my underlying premise.

The CHAIRMAN. Again, though there is a disagreement, one of the things that I find the most difficult as I try to go through this——

Dr. KISSINGER. It depends upon how you define the rest of the world. But, as a general principle, if you take all the major countries and all the other countries, I do not believe——

Senator SARBANES. What is your analysis if it is done unilaterally?

The CHAIRMAN. In other words——

Senator SARBANES. What is your analysis if it is done unilaterally, American military action unilaterally?

Dr. KISSINGER. I do not believe it will happen.

Senator SARBANES. But we have to reason this through, do we not?

Dr. KISSINGER. But I am convinced that——

Senator SARBANES. Would you condition the President's ability to act on the premise that it not be unilateral?

Dr. KISSINGER. We pay a higher price if we act unilaterally, but I have enough confidence in the President that, if he did act, I would assume it to have been necessary.

Senator SARBANES. Well, the rhetoric that has been used it seems is moving us increasingly to the position where we do not have options. If they do not act, then we say, aha, he did not act. He said he was going to act, unilaterally or not, and he did not do it.

The CHAIRMAN. Well, if I can, you have been here 3 hours. You have been incredible. I just want to conclude by thanking you and also pointing out what I think is a fair statement, I hope is a fair statement, and that is that, as it relates to Saddam Hussein in Iraq, as policymakers writ large, the President, the Secretary of State, the Secretary of Defense, they are never going to have more than 75 percent of the facts they need to know to be certain.

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There is no way we can reach the point where there is certainty, so where we peel off among us is the degree to which it seems to me—it is not observation, but the degree to which we think certain things are going to fall into place. I happen to agree with Dr. Kissinger on this point. I cannot fathom the President going alone. I just cannot fathom the President going alone.

If I am wrong about that—and I am going to end up having to take a chance here when I vote. If I am wrong about that, I have made a tragic mistake, because he would be making a tragic mistake if he went alone, but that comes down to a little bit of faith here. I mean, it comes down to the point where, at least for me, what I do not know I have to look at, and based on my personal conversations, public conversations, I have to take a chance. We all do at some point. We are not going to get all the facts here.

One point I would make, though, and I publicly urge the President, he made a very compelling case to the United Nations as to why Iraq has violated the United Nations standards. That is a different case than the case to the American people of what he is asking the American people to be prepared to do.

I will end where I began this hearing. I am absolutely convinced that no matter how well-formulated a foreign policy, it cannot be sustained without the informed consent of the American people, and at this moment we do not have that informed consent.

You go home—and I will just read from today's paper, the Washington Times. It says, "An increasing number of Republican lawmakers are saying that President Bush has not made a convincing case of using force against Iraq, although they expect the Congress to overwhelmingly approve a resolution authorizing military force."

Representative Michael N. Castle of Delaware, a very good, personal friend, said the same thing I have been saying at home, and what I have been hearing at home. He said "that the administration lobbying job on Capitol Hill has been 'so dismal' that the best arguments by far thus far have been made by Tony Blair." He goes on to say, there is almost "no discussion with the administration, said Mr. Castle, a member of the House Intelligence Committee."

"I do not know if they think we are all glued to the Sunday talk shows, but we are not. Most of us have questions. Members of Congress are not getting the information . . . Quote, "no Republican mentioned the public disagreements among the Democrats . . . I am looking for more information," said Representative Ray La Hood of Illinois, a Republican member of the Intelligence Committee." You go on and on.

Now, that does not mean the case is not there. That does not mean the case is not there. I have the advantage or disadvantage of having access to, on a regular basis, the Secretary of State, the President because of this job, but I really think it is very important, very important that the case be made in more detail, and not confuse having made the case of a violation of U.N. resolutions as being synonymous with having made the case to the American people that we may be asking them—not only, as my friend from Kansas says, taking a chance here, we have to be prepared. Are we prepared?

For example, we had testimony in our second set of hearings from a retired executive director, Colonel Scott Feil, whose job was

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post-conflict resolution questions and what we do. He says, "the requirements are providing a core security for the largest city, about 10 million in population, in the largest state, which is about 40 percent of the population, and humanitarian efforts, securing WMD and associated facilities, patrolling the Iranian border areas, the Kurdish areas, protecting the Shat Al-Arab oil fields, monitoring the region from the Tigris to the Euphrates, and Syrian border—the Tigris and the Euphrates contain the bulk of the population—and then conducting the integrated disarmament and demobilization process in coordination with the integrated efforts."

He goes on to say, "the total cost of this force, once again based on U.S. equivalence—there is wide variation in the country—could range up to $16 billion and a force of 75,000 to operate within Iraq."

Now, it may not be 75,000, but I will conclude by saying, in my last meeting with the President, along with 10 other congressional leaders, the President turned to me in the presence of everyone, as he asked other people, and he said, "Mr. Chairman, what do you think," and I said, Mr. President, I will be with you as long as you make a clear case to the American people, including telling them we are going to have to be there for a while, we are going to have to put American forces on the ground there for a while, and it could cost a lot of money. His response was, "I will do that." That has not been done yet.

Senator BROWNBACK. Mr. Chairman, you are very thorough. Would you mind if I make just a quick comment on this regard, because I think you have got quite a valid point. I mentioned to other people the calls into my office, many are running against this, even though polling numbers say they are for it.

What the President did at the U.N. was, he spoke at the United Nations, and I did not hear new information come forward, but he recited, here is the case. I think we should have the President up to a joint session of the Congress and have him say, here is the case, and here is what we will do, because what the U.N. did, and what the President took advantage of there was to say, OK, you want me to go to the United Nations, I will go to the U.N. Here is my case, and when you put it all together, it stacks up that Saddam has made a great case against himself. He is the one who has made the case.

I think if the President will come up to a joint session of Congress, address the Congress and the American people similarly, here is the case, and that you will cumulatively see, in the private briefings we have, and the public hearings we have had, an extraordinary condemnation, but it does need to be laid out collectively to the American public, because you are right, no policy of ours, if it is to engage a war effort in this country, can be sustained without the sustained support of the American people, and I think that would be an important thing for the President to do and for us to engage.

The CHAIRMAN. I am making that point, and I appreciate the witnesses sticking around for our intramural discussion here, but I am making an additional point, an additional point not merely what the threat is, which is critically important, but what we are

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going to ask of the American people to meet the threat. I think they are prepared, but we have to tell them.

What I worry about after being here 30 years, I do not want to go through a process where we engage, we succeed on the military front, we lose some or many American forces in the process, but we will succeed and then find 18 months from now we do not have the same people who called for going to war refusing in the budget price to say, I am going to vote for an extra $30 billion for Iraq this year, instead of—which will have to be made, instead of a tax cut, or prescription drugs, or for whatever it is, because those are the choices we are going to have to make.

And I watched in Afghanistan, Mr. and Mrs. Secretary, I asked, I sat with the President for literally hours, over 3 hours on this. The President said, we need a mini Marshall Plan. The President said, we need to have forces there to provide security. The President said, this was a long term obligation. The President said, we are in there for the long haul. We cannot get the House and we cannot get some of our colleagues to vote the money we need there.

Now, I do not want to be around when my son, who just got back from Kosovo, or his friends are sitting in the middle of Baghdad and the U.S. Senate says, well, wait a minute, you did not tell me that we had to vote for an extra $10, $20, $30, $40 billion to finish this job. I want everybody on the line.

My father, who died 2 weeks ago, used to say, "I like to know who is in charge so I know who to hold responsible," and I am prepared to do it, but I do not want to be part of an outfit that votes to send us to war, or gives the President that authority, and then leaves him hanging, or is unsure whether the President is willing to come back to us and say, pay the price.

I promise you if we go, forget your permanent tax cut. There is not enough money. If we go, forget the idea that we are going to have a massive new health care program. Now, that, I am prepared to make those choices, but let us not kid the American people, because I am not in for a guns and butter routine here. I am not going down that route again.

I first met the distinguished Secretary of State when I first got here as a 29-year-old kid, and our first meeting was on the Vietnam war. I am not going to go there again. We have to tell the American people what the likely price is, even though we do not know for certain. It may be a lot less.

We will have the present Secretary of State at 2:30. I thank my colleagues. This has been incredibly helpful, and you have been here for over 3 hours. We owe you.

[Whereupon, at 1:35 p.m., the committee adjourned to reconvene at 2:30 p.m., the same day.]

AFTERNOON SESSION

The committee met, pursuant to notice, at 2:45 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee), presiding.

Present: Senators Biden, Sarbanes, Dodd, Kerry, Feingold, Wellstone, Boxer, Bill Nelson, Rockefeller, Helms, Lugar, Hagel, Gordon Smith, Frist, Chafee, Allen, and Brownback.

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The CHAIRMAN. The hearing will please come to order. Good afternoon. It's a pleasure to welcome the Secretary of State, Secretary Powell, back to this committee.

Mr. Secretary, as you know, in late July this committee began hearings on U.S. policy toward Iraq and our purpose—and it's no surprise to anyone, because we've both said it, you and I had discussions back then about those hearings and whether they should take place and so on and so forth, and we've cooperated in this all along, as has the administration, generally. Our purpose was to start a national discussion on Iraqi policy, raise the difficult questions that surround it, and consider how that policy should move and in what direction.

We've heard from a broad range of experts and expert witnesses. Elsewhere, prominent Americans with decades of experience in foreign and national security policy have spoken out, and the Bush administration has begun to do so, as well, in public statements and hearings before the Congress and President Bush's important speech to the United Nations General Assembly and, I would note, in your testimony before our counterparts in the House.

As a result, I believe there's an emerging bipartisan consensus on some basic principles for moving forward on Iraq. I want to make it clear I speak for no one but myself here. I'm not speaking for the committee, for the Democratic Party, or for anyone; I'm just saying what I think is emerging here. And I think the emerging consensus on some basic principles is, in no small part, due to your leadership.

First, Iraq is the world's concern, not just the concern of the United States. Mr. Secretary, I know that you were instrumental—I believe; I don't know—you were instrumental in shaping the President's speech to the United Nations. I thought it was a devastating indictment, by the U.N.'s own standards, of Iraq's defiance of the international community. For more than a decade, Saddam has flaunted solemn obligations, obligations made not to the United States alone, but to the United Nations, and the President was right to take the issue to the United Nations, and right to make it clear that the legitimacy of that institution and its efficacy depends, in no small part, on how it responds.

Second, it seems to me there's a consensus that we should pursue a policy toward Iraq that has broad international support. To put it in colloquial terms, it's obviously better if we move with the world behind us than if we move with the world against us. I applaud your effort to build that support and hopefully you'll talk about that today. I applaud your efforts. And our allies around the world and the region have important contributions and, in some cases, necessary contributions to make if we are to succeed, and we—I think all of us on this committee support and encourage and hope for the best in your unfinished business before the Security Council as you pursue gaining this support.

The third general principle, I think, that has emerged here is that many of us share the conviction that Saddam Hussein's relentless pursuit of weapons of mass destruction and his possession of some already, especially his pursuit of nuclear weapons, which I do not believe he possesses, pose a significant threat to Iraq's people,

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its region, and to the world. Ultimately, in my view, either he must be dislodged from his weapons or dislodged from power.

I believe there's a broad consensus on these principles, but important, indeed, fundamental questions remain about the administration's Iraqi policy and about the consequences of the various courses of action under consideration. And that puts us in an extraordinary situation in an extraordinary moment.

The President has asked Congress for an expansive grant of authority to wage war before he, himself, has decided to go to war or addressed some of the unanswered questions. Now, I have no doubt that part of the reason you're here is to be able to answer those questions. And, in fairness to the President, he has just begun to do that.

I would note, as I did with Secretary Kissinger just, it seems a moment ago, an hour ago, that to make the case before the United Nations as to how Saddam has violated the United Nations commitments is a different case than making the case to the American people as to what we're about to ask of them if, in fact, we are in a position as the President has indicated we might end up in, if we end up in a position where we're asked to do this ourselves.

He made, as I said, a powerful case that Saddam is the world's problem, but he has yet, I believe, to make the case to the American people that the United States must solve the problem alone, if necessary.

The threat posed by Iraq is real and escalating, in my view. And the singular capacity of the United States to deal with this threat alone is equally as real. We have the capacity to do that. But so are the potential costs. They are real. Indeed, I believe the degree to which we act alone correlates with the price we'll have to pay in lives, dollars, and influence around the world. That is the burden we may have to bear, but one I know you do not wish to bear, nor does the President wish to bear alone. But before we bear that burden, the American people have to know what is being asked of them, what they're being asked to sign up to.

And so, Mr. Secretary, I hope that here today you will address some of these questions and that in the days and weeks to come we will hear the President, either before joint session or on national television, laying out what it is we're going to ask of the American people.

What is the likelihood that Iraq would use weapons of mass destruction against us to blackmail us or to supply terrorists? What is our objective? Is it to compel Iraq to destroy its illegal weapons of mass destruction or to liberate Kuwaiti prisoners or to end Saddam Hussein's regime? What is the rationale for our action? To enforce the U.N. Security Council resolution that Saddam has flaunted for more than a decade or to preempt that possibility that he'll use those weapons? And what is the rationale we are going to use?

Some are confused—we discussed this at length today—about whether or not we would proceed based on a doctrine of preemption or based on a doctrine that this is a fellow who lost the war, essentially signed an armistice the conditions of which were contained in U.N. resolutions, and he now has violated those, and, therefore, we have reason to proceed. Would attacking Iraq risk precipitating the very thing we're trying to prevent, the use of those weapons?

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I know we have no absolute answers to these, but I think, in fairness to the American people, we should discuss them. There are many more questions which I will not take the time to ask now, because my colleagues will pursue them as we go around this table, but ultimately, Mr. Secretary, your appearance here today is part of a singularly important process that must culminate with the President securing the informed consent of the American people for our policy toward Iraq. I'm confident he can do that. I'm confident that can be done. But I am also absolutely confident it can only be done with some significant change in the resolution that has been sent to us and some clear specification of what the President will be asking of us.

Mr. Secretary, when the President had the congressional leadership down to the Cabinet room about 2 weeks ago, he asked a number of us questions. And when he turned and asked me my view, I indicated to him that I was prepared to be with him, assuming several things. One, that he continued to pursue the course he was pursing at the United Nations and exhaust those possible avenues, as well as state clearly to the American people once we've succeeded in dethroning—removing Saddam—and I have no doubt we will if we undertake that—what we are going to have to do—what we may have to do in terms of staying in Iraq, and what the cost may be without any clear definition of how many troops or how long.

And the President said to me, as you recall, he would do that. He has yet to do that. I'm confident he will do that. And only then, I think, can we have some certainty that once we undertake this, we will have the American people with us committed to do the whole job.

Senator Brownback, I think, was the only person left in the room when the two former Secretaries were leaving, and I indicated that I hope to God we don't do—not you; we, the Congress, giving the President the authority—I hope we don't say to the American people what was said to them by previous Congresses just before I arrived here in the 1960s, that we can have guns and butter, we can have everything we want, the costs will be able to be borne, no matter what they are, without us making any sacrifices.

It may be everything works out like clockwork and there's no problem, but I do not want to be part of a Senate that gives the President the authority where we move and it ends up that we are required to commit billions of dollars a year to sustain a unified Iraq after we defeat the present government and not be able to get the money and the commitment up here to do it. I will not be part of that, personally. And I think everyone should know what we're in for and what the possible costs are, even though we can't say for certain.

So, Mr. Secretary, I'm delighted you're here. I mean this sincerely, I am thankful you are here and I'm thankful you're the Secretary of State at this moment, and I look forward to hearing what you have to say, but I will now yield, if I may, to Senator Helms.

[The prepared statement of Senator Biden follows:]

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PREPARED STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.

Good afternoon. It is a pleasure to welcome Secretary of State Powell back before this Committee.

Mr. Secretary, as you know, in late July this Committee began hearings on U.S. policy toward Iraq. Our purpose was to start a national discussion of that policy and to raise the difficult questions that surround any consideration of next steps.

We have heard from a broad range of expert witnesses. Elsewhere, prominent Americans with decades of experience in foreign and national security policy have spoken out. And the Bush Administration has begun to do so as well—in public statements, in hearings before Congress, and in President Bush's important speech to the United Nations General Assembly.

As a result, I believe there is an emerging bi-partisan consensus on some basic principles for moving forward on Iraq. And this is in no small measure due to your leadership.

First, Iraq is the world's concern, not just a concern of the United States. Mr. Secretary, I believe that you were instrumental in shaping the President's speech to the United Nations. It was a devastating indictment, by the U.N.'s own standards, of Iraq's defiance of the international community. For more than a decade, Saddam has flaunted solemn obligations—obligations made not to the United States, but to the United Nations. The President was right to take this issue to the U.N. and right to make it clear that the legitimacy of that institution and the effectiveness of international security cooperation is at stake.

Second, we should pursue a policy toward Iraq that has broad international support. To be colloquial about this matter, it is better if we move with the world behind us than against us. I applaud your efforts to build that support. Our allies around the world and in the region have important and necessary contributions to make in the effort to disarm Iraq. And we must continue to work with them in the unfinished war against terrorism.

Third, many of us share the conviction that Saddam Hussein's relentless pursuit of weapons of mass destruction, especially nuclear weapons, poses a significant threat to Iraq's people, its region and the world. Ultimately, either Saddam must be dislodged from his weapons, or he must be dislodged from power.

I believe there is a broad consensus on these principles. But important, indeed fundamental questions remain about the Administration's Iraq policy and about the consequences of the various courses of action under consideration.

And that puts us in an extraordinary situation. The President has asked Congress for an expansive grant of authority to wage war before he himself has decided to go to war or addressed these unanswered questions. I have no doubt that you are here to answer these questions.

The President's speech to the United Nations was an important moment. He made a powerful case, under the U.N.'s own standards, that Saddam Hussein is the world's problem. But he has not yet made the case to the American people that the United States must solve this problem alone, if necessary.

The threat posed by Iraq is real and escalating. The singular capacity of the United States to deal with this threat alone is real. But so are the potential costs. Indeed, I believe the degree to which we act alone correlates with the price we will have to pay in lives, dollars and influence around the world.

That is a burden we may have to bear—one I know that you and the President do not wish to bear alone. But before we bear that burden, the American people have to know what they are being asked to sign up to.

And so Mr. Secretary, I hope that, here today, you will address some of these questions, and that in the days and weeks to come, we will hear the President laying out what it is we are going to ask of the American people.

What is the likelihood that Iraq would use its weapons of mass destruction against us, to blackmail us or to supply to terrorists?

What is our objective? To compel Iraq to destroy its illegal weapons of mass destruction programs? Or to liberate Kuwaiti prisoners? Or to end Saddam Hussein's regime?

What is the rationale for our action? To enforce the U.N. Security Council resolutions that Saddam has flaunted for more than a decade? Or to preempt the possibility he will use his weapons against us?

Would attacking Iraq risk precipitating the very thing we are trying to prevent: the use of weapons of mass destruction? I know we have no absolute answers to these things, but I think in fairness to the American people, we should discuss them.

Ultimately, Mr. Secretary, your appearance here today is part of a singularly important process that must culminate with the President securing the informed con-

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sent of the American people for our policy toward Iraq. I am confident he can do that. But I'm also absolutely confident it can only be done with some significant change in the resolution that has been sent to us and with some clear specification as to what the President will be asking of us.

I hope we in the Congress don't say to the American people what was said to them by previous Congresses in the 1960s—that we can have guns and butter, everything we want, and that the costs could be borne without any sacrifices.

It may be everything works out like clockwork and there's no problem. But I do not want to be part of a Senate that gives the President the authority where we move, and it ends up that we are required to submit billions of dollars a year to sustain a unified Iraq after we defeat Saddam, and not be able to get the money and the commitment up here to do it. I will not be part of that personally. I think everyone should know what we're in for and what the possible costs are, even though we can't say for certain.

So Mr. Secretary, I'm delighted you're here. I am thankful you are here and I'm thankful you are the Secretary of State at this moment. And I look forward to hearing what you have to say.

But I will now yield, if I may, to Senator Helms.

Senator HELMS. Mr. Chairman, thank you very much.

The first time I ever saw this gentleman, he was resplendent in his uniform performing before the then-President of the United States and doing a great job at reporting to the President. I made some comment, and President Reagan wrote on a little pad, "Like him?" Slid it over. And I wrote, "I sure do." I still do, Mr. Secretary.

I'm just going to use about two pages of my statement and ask unanimous consent that it be made part of the record, Mr. Chairman.

The CHAIRMAN. It will be.

Senator HELMS. I do want to mention publicly that there are two criticisms, and they've been directed at the present President of the United States. First, it's been suggested by some that the President failed to pay due diligence to the role of the United Nations. Well, that simply is not so. The President has challenged that much-ballyhooed institution in New York to seize this opportunity to become an important actor in world affairs and not just a critic of people who are doing the heavy lifting in dealing with foreign affairs.

The truth is, the President's September 12 speech to the United Nations methodically detailed the history of Iraqi noncompliance with the U.N. Security Council resolutions. It's now up to the United Nations to demonstrate that it is the U.N. that has the will to enforce its resolutions and rhetoric.

And the second point is that some have suggested that the President has not fully taken into account the legitimate role of the Congress in fundamental questions of war and peace. But the truth is, Mr. Chairman, Congress has been and continues to be consulted. The President formally asked Congress to pass a resolution giving him the authority to end the Saddam Hussein problem once and for all.

Having said all that, welcome, sir. It's always good to see you.

[The prepared statement of Senator Helms follows:]

PREPARED STATEMENT OF SENATOR JESSE HELMS

Mr. Chairman, I am grateful for your having scheduled this week's series of hearings to address the resolution authorizing the use of force against Iraq.

The Senate long ago gave our committee exclusive jurisdiction to review intervention abroad and declarations of war. That is an important obligation. I am pleased

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that our committee has taken such an active role in considering (1) the threats posed by the Iraqi regime under Saddam Hussein, and, (2) the appropriate U.S. response to these threats.

The President's speech two weeks ago to the General Assembly of the United Nations presented the clearest possible case for action against the Iraqi regime of Saddam Hussein. I will support the President.

Ten years of noncompliance with United Nations resolutions, the continued brutality waged against his own population, the imprisonment of hundreds of Kuwaiti citizens held since 1990, and evidence of continued pursuit of weapons of mass destruction are all the evidence any Senator needs to support the President, which certainly I do and will continue to do.

Mr. Chairman, there are two criticisms that have been directed against the President. First, it has been suggested by some that the President failed to pay due diligence to the role of the United Nations. Well, that simply is not so. The President has challenged the much-ballyhooed institution in New York to seize this opportunity to become an important actor in world affairs, not just a critic of people who are doing the heavy-lifting in dealing with foreign affairs.

The truth is, the President's September 12 speech to the United Nations methodically detailed the history of Iraqi noncompliance with U.N. Security Council resolutions. It is now up to the United Nations to demonstrate that it is the U.N. that has the will to enforce its resolutions and rhetoric.

The ball is clearly in the U.N.'s court. If the Security Council now fails to support action against Saddam Hussein, the U.N.'s ineffectiveness and irrelevance will be incontrovertibly clear.

Surely, if the September 11 attacks taught us anything, it is that America does not have the luxury of sitting idle while our enemies conspire against us. We simply cannot wait for Iraq to acquire the nuclear weapons to add to the chemical and biological weapons Iraq already possesses.

Second, some have suggested that the President has not fully taken into account the legitimate role of the Congress in fundamental questions of war and peace.

Mr. Chairman, the truth is, Congress has been, and continues to be, consulted. The President formally asked Congress to pass a resolution giving him the authority to end the Saddam Hussein problem once and for all.

Mr. Chairman, I am confident that the Senate will give the President the authority he has requested.

Like the United Nations, we too must consider our own previous declarations and mandates. We must consider our strong words in the Iraq Liberation Act.

We must consider our previous joint letters to the President. We must consider our previous grants of authority to the President.

In 1998, the Congress authorized an earlier President to take appropriate action to bring Iraq into compliance with its United Nations-imposed obligations. Are we not obliged to give *this* President similar authority, and trust that he will take meaningful action to address the dangerous threats to peace and security posed by Saddam Hussein's regime?

The answer, to borrow a Latin expression used by lawyers—res ipsa loquitur.

Mr. Chairman, the thing does indeed speak for itself. Let's get about the business of standing with the President.

The CHAIRMAN. The floor is yours, Mr. Secretary.

STATEMENT OF HON. COLIN L. POWELL, SECRETARY OF STATE, DEPARTMENT OF STATE, WASHINGTON, DC

Secretary POWELL. Thank you very much, Mr. Chairman.

And Mr. Chairman, it's a great pleasure to be back before the committee. I always look forward to the opportunity to discuss the foreign policy of the United States before the distinguished members of this committee, and I'm especially pleased to be here today to follow the very distinguished witnesses who have preceded me, Secretary Kissinger and Secretary Albright today, and Ambassador Holbrooke and my old friend and former National Security Advisor, as I was, Bud McFarlane yesterday, as well as other witnesses.

As I was working out of my office this morning and watching television out of the corner of my eye and also looking at the clock,

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I assumed that Henry was going to run the clock on me as well himself and Madeleine.

But I'm pleased that he allowed you to recess long enough to get a bite of lunch and, therefore, to be ready for me.

I do welcome this opportunity, Mr. Chairman. We have talked about this issue on many occasions, and I'm pleased to be able to do it again today. Before beginning, let me take the opportunity to again thank the committee for the support that they have provided to the State Department. You will have that opportunity once again with the State authorization bill that is before you, and we're very anxious to see action on that bill because there are a lot of authorities in there that we can use, and I hope that it will be moved promptly so that we can get going on that.

And, Senator Helms, it would be remiss of me not to take note once again that this is probably the last time you and I will be together at a hearing and to thank you for the support you've provided to the men and women of the Armed Forces, to the men and women of the State Department and the friendship and support you've extended to me over many years, Mr. Chairman, and for that I am deeply appreciative.

Mr. Chairman, you mentioned that you met with the President. It was 3 weeks ago, if I'm not mistaken now.

The CHAIRMAN. That's correct.

Secretary POWELL. And it was in a time of enormous debate and speculation as to what the President was going to do. August is over now. We were all back together. And he laid it out rather clearly in that afternoon session with the leadership that he was going to consult with Congress and that he was going to consult with the international community. And, as you noted, he has done exactly just that, and that's what we have been doing for the last 3 weeks since he made that statement. And this appearance today and the appearance that my colleagues in the administration have been making before various committees, Director Tenet and Secretary Rumsfeld, are all part of that consultation process.

I have a longer statement that I would like to submit for the record, Mr. Chairman, and I would like to summarize that now.

The CHAIRMAN. Without objection, it will be placed in the record.

Secretary POWELL. I also am prepared to comment on the various issues that previous witnesses have made, the so-called doctrine of preemption and other issues that have been raised over the last 2 days, as we go through the hearing and as questions are raised.

Senator Biden, Senator Helms, and so many other members of the committee, we've talked about Iraq a number of times over the years, and I always have to go back to 1990 when Saddam Hussein's forces invaded Kuwait when I was chairman of the Joint Chiefs of Staff and the Iraqis brutalized the population and rejected, at that time, the international community's ultimatum to withdraw.

At that time, we built a worldwide coalition with the clear political purpose of liberating Kuwait. And the military instrument of that coalition, led by America, had an equally clear military objective that flowed directly from the political purpose, and that was to eject the Iraqi Army from Kuwait.

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The United Nations Security Council endorsed this purpose and objective, and the international community responded with unprecedented political backing, financial support, and military forces. As a result, we not only accomplished our mission in the gulf war, we did it in a way that I think was a model of American international leadership and international cooperation.

When that war ended, the United Nations Security Council agreed to take measures to ensure that Iraq did not threaten any of its neighbors again. Saddam Hussein, we knew, was a man who, after all, had sent his armies against Iran in 1980 and then against Kuwait in 1990. We knew he was a man who had fired ballistic missiles at neighboring countries and who had used chemical weapons in the war with Iran and even against his own people.

The United States and the international community were strongly determined to prevent any future aggression, so the United Nations Security Council Resolution 687 of April 1991 fixed the terms of the cease-fire in the gulf. And the fundamental purpose of this resolution and many more that followed was restoration of regional peace and security by way of a series of stringent demands on Iraq, particularly its disarmament with respect to weapons of mass destruction and ballistic missiles with ranges greater than 150 kilometers.

Desert Storm had dramatically reduced Iraq's more conventional military capability while at the same time—and we did this deliberately—not leaving Iraq so prostrate that it could not defend itself against Iran, its former enemy.

Mr. Chairman, members of the committee, you know the rest of the story. You heard the President relate it at the United Nations 2 weeks ago today. Iraq has defied the United Nations and refused to comply completely with any of the United Nations Security Council resolutions. Moreover, since December 1998, when the U.N. inspection teams left Iraq because of the regime's flagrant defiance of the United Nations, the Iraqi regime has been free to pursue the development of weapons of mass destruction.

Meanwhile, the world has changed dramatically. Since September 11, 2001, the world is a different place. As a consequence of the terrorist attacks on that day and of the war on terrorism that those attacks made necessary, a new reality was born. The world had to recognize that the potential connection between terrorists and weapons of mass destruction moved terrorism to a new level of threat. In fact, that nexus became the overriding security concern of our Nation. It still is, and it will continue to be our overriding concern for some years to come.

We now see that a proven menace like Saddam Hussein in possession of weapons of mass destruction could empower a few terrorists with those weapons to threaten millions of innocent people. President Bush is fully determined to deal with this threat. His administration is determined to defeat it. I believe the American people would have us do no less.

President Bush is also aware of the need to engage the international community. He understands how powerful a strong and unified international community can be, as we have seen so well demonstrated in the war on terrorism in Afghanistan and elsewhere.

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The need to engage the international community is why the President took his message on the grave and gathering danger of Iraq to the United Nations on the 12th of September. Moreover, it is the United Nations that is the offended party, not Iraq, as some would have us believe or might even claim. It was the United Nations resolutions that were systematically and brutally ignored and violated for these past 12 years. It was United Nations inspectors who found it impossible to do their job and had to leave the work unfinished. The President's challenge, therefore, to the United Nations General Assembly and through them to the Security Council was a direct one and it was a very simple one, "If you would remain relevant, then you must act in the face of these repeated violations."

I was there that day, and the President's speech was a powerful one, and it energized the entire meeting hall. It changed the political landscape on which this issue was being discussed—that one speech—and it made it clear that Iraq is the problem. Iraq is the one who is in material breach of the demands placed upon it by the United Nations. It is not the United States that is in the dock; it is not the United Nations that is in the dock. It is not the Security Council that is in the dock. It is not France or Britain or Russia or the United Kingdom or all the other members of the Security Council. It is Iraq that is in the dock, and we must not lose sight of that simple, clear fact.

The President, in his speech, then went on to make it clear what was expected of Iraq to repair this material breach. He made it clear that the issue was more than disarming Iraq by eliminating its weapons of mass destruction and its mid- and long-range missile programs. The United Nations resolutions also spoke of terrorism, of human rights, the return of prisoners and property.

Iraq stands guilty. It convicts itself by its actions. There can be no question that it is in material breach of its obligations. All of these demands on Iraq are spelled out in the 16 Security Council resolutions levied against that country since 1991.

Over the weekend following the President's speech at the United Nations, I watched the reaction. I watched the pressure build on the Iraqi regime as the Arab League, the Secretary General, and so many others pressed Iraq on their need to take action. They essentially told Iraq the jig was up. Nobody was going to listen to these phony excuses anymore, and the pressure built to an enormous level.

On Monday of that week—the next week, Iraq responded with a familiar tactical ploy. The Iraqi Foreign Minister said Iraq would let the inspectors back in without conditions. And later in the week, in a speech at the United Nations, their Foreign Minister challenged President Bush's September 12 speech. He even called for a discussion of the issues of inspection teams in accordance with international law, already qualifying his Monday offer of inspections without conditions. Now, 2 days ago, we have an Iraqi Presidential advisor telling the press in Baghdad that weapons inspectors would be allowed to go wherever they want.

But these people are not deceiving anyone. It is a ploy we have seen before on many occasions. And on each of these occasions,

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once inspectors began to operate, Iraq continued to do everything to frustrate their work.

Mr. Chairman, I will just call your and the members' attention to the written statement that I have provided where I record a dozen examples of Iraq's defiance of these resolutions and of the U.N. mandate. Cited in my longer statement is everything from intimidation at gunpoint to holding up inspectors while all the incriminating evidence was removed. It is a litany of defiance and unscrupulous behavior and every sort of attempt at noncompliance. And I, by no means, in my longer statement, have listed everything, only a sampling.

The regime is infamous for its ploys, its stalling tactics, its demand on inspectors, sometimes at the point of a gun, and its general and consistent defiance of the mandate of the United Nations Security Council. There is absolutely no reason at all to expect that Iraq has changed; at least they haven't given us any indications to suspect that they have changed. And this latest effort to welcome inspectors without conditions is another ploy.

Let's be clear about the reason for their suddenly being willing, after several years, to accept inspectors. Iraqis did not suddenly see the error of their ways. They were responding to the heat and pressure generated by the international community after President Bush's speech at the U.N. We must keep that pressure on.

The United States has made it clear to our Security Council colleagues that we will not fall for this ploy. This is the time to apply more pressure, not to relent. We must not believe that inspectors going in on the same conditions and under the same terms that they went in on so many occasions earlier would be acceptable now. We won't fall for that. These 4 years have been more than enough time for Iraq to procure, develop, and hide proscribed items well beyond the reach of the kinds of inspections that were subject to Saddam's cheat-and-retreat approach from 1991 to 1998.

It is up to the United Nations Security Council to decide what action is now required of Iraq to deal with this material breach of the U.N.'s mandate. If part of the solution involves an inspection regime, it must be a regime that goes in with the authority of a new resolution that removes the weaknesses of the present regime and which will not tolerate any Iraqi disobedience. It cannot be a resolution that we are going to negotiate with Iraq. The resolution or resolutions must be strong enough and comprehensive enough so that they produce disarmament and not just inspections.

Many U.N. members, including some on the Security Council, want to take Iraq at its word and send inspectors back in right now without any new resolution and new authority, and we believe that this would be a recipe for failure. The debate we are having within the Security Council now is on the need for and the wording of a resolution or, some feel, more than one resolution.

Our position is clear. We must face the facts and find Iraq in material breach. Then we must specify the actions we demand of Iraq. And President Bush has already discussed what he believes is appropriate.

And then there's a third element. We must determine what consequences will flow from Iraq's failure to take action. Just laying out a new inspection regime and declaring them in material breach

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isn't enough. The Security Council must face up to their responsibility to take action or to allow action to be taken in the face of continued Iraqi violation.

That is what makes it different this time. This time, unlike any time over the previous 12 years of Iraqi defiance, there must be hard consequences. This time Iraq must comply with the U.N. mandate or there will be decisive action to compel compliance.

We are listening to other points of view, and we are working to reach agreement within the Security Council. It is a difficult debate. There are strong views one way or the other. As you may have noticed in some of the press reporting in the last 24 hours, we have come into agreement with the United Kingdom of what the elements of a resolution should look like. I am sending a senior official from my Department to Paris this evening and then on to Moscow to discuss with the French and the Russians what we believe should be in such a resolution. We are briefing representatives of the Chinese Government here in Washington today. And so far, in the last 12 hours, I've spoken to my French colleague, Foreign Minister de Villepin, my Russian colleague, Foreign Minister Ivanov, my Chinese colleague, Foreign Minister Tang, and Secretary General Kofi Annan describing the progress we have made with the British and the fact that we are now expanding the circle of consultation. We're a long way from getting agreement, but we're working hard, and there are many points where we are in agreement, and there are some outstanding issues that have to be dealt with.

Some have suggested that there is a conflict in this approach, that U.S. interests should be our total concern. We are a member of the Security Council. We are a member of the United Nations. It is a multilateral institution whose resolutions have been violated. So I think it is quite appropriate for the President to seek action by the United Nations through its Security Council.

But the United States, as an entirely separate matter, believes that its interests is threatened. We believe that we are at risk and our interests in different parts of the world are at risk by Iraqi development of weapons of mass destruction and by the nature of this regime. We are trying to solve the problem through the United Nations and in a multilateral way. But, at the same time, if the United Nations is not able to act, and to act decisively—and I think that would be a terrible indictment of the United Nations—then the United States will have to make its own decision as to whether the danger posed by Iraq is such that we have to act in order to defend our country and our interests.

I believe strongly, Mr. Chairman and members of the committee, that our diplomatic efforts at the United Nations would be helped enormously by a strong congressional resolution authorizing President Bush to take necessary and appropriate action. Language has been proposed by the President, and I know it's a subject of intense discussion in both bodies and with the White House and various members of the President's national security team, and it is healthy to have such discussion and debate. But I hope it is not too prolonged, and I ask for your action in the very near future to provide the President such a resolution to show the world that we are united in this effort.

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Mr. Chairman, my colleagues in the intelligence community and the Department of Defense are giving the Congress the information that it will need with respect to the details of our intelligence assessment and military contingency planning that Secretary Rumsfeld is conducting, and I will leave those issues to them.

But let me just make two points before I end this presentation. We can have debates about the size and nature of the Iraqi stockpile. We can have debates about how long it will take him to reach this level of readiness or that level of readiness with respect to these weapons. But no one can doubt two things. One, they are in violation of these resolutions. There's no debate about that. And, second, they have not lost the intent to develop these weapons of mass destruction. Whether they are 1 day, 5 days, 1 year, or 7 years away from any particular weapon, whether their stockpile is small, medium, or large, what has not been lost is the intent to have such weapons of mass destruction.

The challenge before us now is to see whether or not the Iraqi regime makes a sea change in this behavior because of this international presence, and they'll only make this kind of change if they sense there will be consequences for not having made such a change. The President is determined that we cannot look away again. This matter must be dealt with. Hopefully, it will be dealt with by nations coming together the way they came together 12 years ago.

We recognize the seriousness of this issue. We recognize the consequences for our economy. We recognize the consequences for other foreign policy interests that we have around the world. We recognize the consequences for our Middle East policies. And we also recognize that if it becomes necessary to see the regime changed in Iraq, then a great obligation is placed upon those of us who will be changing that regime for the future of Iraq and for the future of the Iraqi people. And I can assure you that this issue is receiving the highest attention within the State Department, the Defense Department, and all the other institutions of government.

If I just may close with one other observation, because I know it came up earlier in the hearings, this comment about "new doctrine of preemption." If you would go to the new National Security Strategy that the President issued not too long ago and look at the specific section which talks about our strategy and doctrine, you will find that we have not abandoned containment. We have not abandoned deterrence. We still have thousands of nuclear weapons. We still have a magnificent military force that can deter. We haven't abandoned these time-honored methods of using our national power.

But, what that chapter specifically says is there is now a new threat out there. There is a threat that doesn't respond the way older threats did to deterrence, that did not respond to theories of containment. These are terrorists. These are people who are willing to ignore what's going to happen to them. They are suicidal. They believe in evil concepts, and they're going to come at us. And so a doctrine of preemption or an element of preemption in our strategy is appropriate.

It's not a new doctrine. It's been around for as long as warfare has been around. I can give you example after example in our own

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history of preemptive actions. In fact, I might even suggest that when President Clinton thought it necessary to attack the chemical plant in Sudan not too long ago, one might say that was a preemptive act or an act of prevention.

When you have this kind of new threat, this kind of new enemy, then this doctrine of preemption should rise a little higher in your consideration, because this kind of enemy will not be deterred or contained the way perhaps the Soviet Union might have been and was contained and deterred in the past.

So see it as elevation of one of the many tools that we've always had, but don't see it as a new doctrine that excludes or eliminates all the other tools of national security and military power.

Thank you, Mr. Chairman.

[The prepared statement of Secretary Powell follows:]

PREPARED STATEMENT OF HON. COLIN L. POWELL, SECRETARY OF STATE

Mr. Chairman, members of the committee, I am pleased to appear before you to testify on the Administration's position with regard to Iraq.

Senator Biden, Senator Helms, you and several other of the committee members have been discussing Iraq with me for a long time. In fact, all the way back to the Gulf War.

In 1990, Saddam Hussein's forces invaded Kuwait, brutalized the population, and rejected the international community's ultimatum to withdraw.

The U.S. built a world-wide coalition with the clear political purpose of liberating Kuwait. The military instrument of that coalition, led by America, had an equally clear military objective that flowed directly from the political purpose: eject the Iraqi army from Kuwait.

The United Nations Security Council endorsed this purpose and objective, and the international community responded with unprecedented political backing, financial support, and military forces. As a result, we not only accomplished our mission in the Gulf War, the way we did it was a model of American leadership and international cooperation.

When the war ended, the UN Security Council agreed to take measures to ensure Iraq did not threaten any of its neighbors again. Saddam Hussein was a man after all who had sent his armies against Iran in 1980 and then against Kuwait in 1990, who had fired ballistic missiles at neighboring countries, and who had used chemical weapons in the war with Iran and even against his own people. The United States and the international community were strongly determined to prevent any future aggression.

UN Security Council Resolution 687 of 3 April 1991 fixed the terms of the ceasefire in the Gulf. The fundamental purpose of this resolution and many more that followed was restoration of regional peace and security by way of a series of stringent demands on Iraq, particularly its disarmament with respect to weapons of mass destruction and ballistic missiles with ranges greater than 150 kilometers. Desert Storm had dramatically reduced Iraq's more conventional military capability while at the same time not leaving Iraq so prostrate it could not defend itself against Iran.

Mr. Chairman, members of the committee, you know the rest of the story. You heard the President relate it at the United Nations two weeks ago today. Iraq has defied the United Nations and refused to comply completely with any of the UN Security Council resolutions. Moreover, since December 1998 when the UN's inspection teams left iraq because of the regime's flagrant defiance of the UN, the Iraqi regime has been free to pursue weapons of mass destruction.

Meanwhile, the world has changed dramatically.

Since September 11, 2001, the world is a different place. As a consequence of the terrorist attacks on that day and of the war on terrorism that those attacks made necessary, a new reality was born: the world had to recognize that the potential connection between terrorists and weapons of mass destruction moved terrorism to a new level of threat. In fact, that nexus became the overriding security concern of our nation. It still is. It will continue to be for some years to come.

We now see that a proven menace like Saddam Hussein, in possession of weapons of mass destruction, could empower a few terrorists to threaten millions of innocent people.

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President Bush is fully determined to deal with this threat. His Administration is determined to defeat it. I believe the American people would have us do no less.

President Bush is also aware of the need to engage the international community. He understands how powerful a strong and unified international community can be, as we have seen so well-demonstrated in the war on terrorism in Afghanistan and elsewhere.

The need to engage the international community is why the President took his message on the grave and gathering danger of Iraq to the United Nations last week. Moreover, it is the United Nations that is the offended party, not Iraq, as some might claim.

It was United Nations resolutions that were systematically and brutally ignored and violated for these past 12 years. It was United Nations inspectors who found it impossible to do their job and had to leave their work unfinished.

The President's challenge to the United Nations General Assembly was a direct and simple one: If you would remain relevant, you must act.

The President's speech was powerful and energized the UN General Assembly debate. It changed the political landscape on which this issue was being discussed, Iraq is the problem. Iraq is in material breach of the demands placed upon it by the United Nations.

President Bush made clear in his speech what Iraq must do to repair this breach:

- Iraq must immediately and unconditionally forswear, disclose, and remove or destroy all weapons of mass destruction, long-range missiles, and all related material.
- Iraq must end all support for terrorism and act to suppress it, as all states are required to do by UN Security Council resolutions.
- Iraq must cease persecution of its civilian population, including Shia, Sunnis, Kurds, Turkomans, and others, again as required by UN Security Council resolutions.
- Iraq must release or account for all Gulf War personnel whose fate is still unknown. It must return the remains of any who are deceased, return stolen property, accept liability for losses resulting from the invasion of Kuwait, and it must cooperate fully with international efforts to resolve these issues, once again as required by Security Council resolutions.
- And Iraq must immediately end all illicit trade outside the oil-for-food program. It must accept UN administration of funds from that program, to ensure that the money is used fairly and promptly for the benefit of the Iraqi people.

All of these demands on Iraq are spelled out in the sixteen Security Council resolutions levied against that country since 1991. If these demands on Iraq sound like regime change, then so be it. And Mr. Chairman, if there is regime change, brought about either by Iraqi voluntary compliance with these demands or by the use of military force to compel compliance, the United States will commit wholeheartedly to the reconstruction of Iraq as a democratic state with its territory intact.

Over the weekend following the President's speech, I watched the pressure build on the Iraqi regime as the Arab League, the Secretary General and others pressed Iraq on the need to take action.

On Monday of last week, Iraq responded with a familiar, tactical ploy. The Iraqi Foreign Minister said Iraq would let the inspectors in without conditions. But he is not deceiving anyone. And later last week, in a speech at the United Nations, the Foreign Minister challenged President Bush's September 12th speech. He then called for a discussion of the issue of inspection teams "in accordance with international law"—almost immediately rescinding his Monday offer of inspections "without conditions." Now, two days ago, we have an Iraqi presidential adviser telling the press in Baghdad, that weapons inspectors would be allowed to go "wherever they want."

It is a ploy we have seen before, on many occasions. And on each occasion, once inspectors began to operate Iraq continued to do everything to frustrate their work.

In May 1991, for example, just after suspension of hostilities in the Gulf War, Iraq accepted the unrestricted freedom of entry and exit without delay or hindrance for UN inspectors and their property, supplies, and equipment.

In June 1991—a short month later—Iraqis fired warning shots at the inspectors to keep them away from suspicious vehicles.

Three months later, in September, the Iraqis confiscated a set of documents from the inspectors. When the inspectors refused to comply with an Iraqi demand to give up a second set of documents, the Iraqis surrounded them and for four days refused to let them leave the inspection site. Finally, when the UN threatened enforcement action, the inspectors were allowed to leave.

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In February 1992 Iraq refused to comply with a UN inspection team's decision to destroy certain facilities used in proscribed programs and in April of that year Iraq demanded a halt to the inspectors' aerial flights.

Later, in July of that year, Iraq refused the inspectors access to the Iraqi Ministry of Agriculture. The inspectors had reliable information that the site contained archives related to proscribed activities. They finally gained access only after members of the Council threatened enforcement action.

In January 1993, Iraq refused to allow the UN inspection teams to use their own aircraft to fly into Iraq.

In June and July of 1993, Iraq refused to allow the UN inspectors to install remote-controlled monitoring cameras at two missile engine test stands.

In March 1996, Iraqi security forces refused UN inspection teams access to five sites designated for inspection. The teams entered the sites after delays of up to 17 hours—which of course permitted the Iraqis to remove any incriminating evidence.

In November 1996, Iraq blocked UN inspectors from removing remnants of missile engines for in-depth analysis outside Iraq.

In June 1997, Iraqi escorts on board a UN inspector team helicopter attempted physically to prevent the UN pilot from flying the helicopter in the direction of its intended destination.

In that month also, Iraq again blocked UN inspection teams from entering designated sites for inspection.

In September 1997, an Iraqi officer attacked a UN inspector on board a UN helicopter while the inspector was attempting to take photographs of unauthorized movement of Iraqi vehicles inside a site designated for inspection.

Also in September, while seeking access to a site declared by Iraq to be "sensitive," UN inspectors witnessed and videotaped Iraqi guards moving files, burning documents, and dumping ash-filled waste cans into a nearby river.

Mr. Chairman, I have left out much and could go on—all the way to the departure of the UN inspection teams from Iraq in December 1998 because they could no longer do their job. And I could talk about Operation Desert Fox, the military action that resulted.

But I believe you get the point.

The Iraqi regime is infamous for its ploys, its stalling tactics, its demands on inspectors—sometimes at the point of a gun, and its general and consistent defiance of the mandate of the UN Security Council.

There is absolutely no reason at all to expect that Iraq has changed, that this latest effort to welcome inspectors without conditions is not another ploy.

Let's be clear about the reason for their announcement. The Iraqis did not suddenly see the error of their past ways. They were responding to the heat and pressure generated by the international community after President Bush's speech.

The United States has made it clear to our Security Council colleagues that we will not fall for this ploy. This is the time to apply more pressure, not to relent. We must not believe that inspectors going in on the same conditions that caused their withdrawal four years ago is in any way acceptable. These four years have been more than enough time for Iraq to procure, develop, and hide proscribed items well beyond the reach of the kinds of inspectors that were subject to Saddam's cheat and retreat approach from 1991 to 1998.

The United States has determined that Iraq's obstruction of UN Security Council resolutions and its gross violation of its obligations cannot continue. In his speech to the General Assembly, the President challenged the Security Council to live up to its responsibilities. The UN Secretary General, Kofi Annan, said the same thing. We, our closest allies, and our friends around the world are prepared to do our part to enforce Security Council resolutions and render harmless the Iraqi threat. We are discussing now the best way to proceed with the other members of the Security Council and with close friends. We are trying to find a solution.

If part of the solution involves an inspection regime, it must be a regime that goes in with the authority of a new resolution that removes the weaknesses of the present regime and which will not tolerate any Iraqi disobedience. It cannot be a resolution that will be negotiated with Iraq. The resolution must be strong enough and comprehensive enough that it produces disarmament, not just inspections.

Many UN members, including some on the Security Council, want to take Iraq at its word and send inspectors back in without any new resolution or new authority. This is a recipe for failure.

The debate we are having within the Council is on need for and the specific wording of a resolution. Our position is clear. We must face the facts and find Iraq in material breach. Then, we must specify the actions we demand of Iraq—which President Bush has already shown us. And we must determine what consequences will flow from Iraq's failure to take action.

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That is what makes this time different. This time, unlike any time over the previous 12 years of Iraqi defiance, there must be hard consequences. This time, Iraq must comply with the UN mandate or there will be decisive action to compel compliance.

In New York, we are listening to other points of view and trying to reach agreement within the Security Council. It is a difficult debate. We are also preserving the President's ability to defend our nation and our interests.

Some have suggested that there is a conflict in this approach, that U.S. interests should be our total concern.

But Mr. Chairman, both of these issues are important. We are a member of the UN Security Council. We are a member of the UN. It is a multilateral institution whose resolutions have been violated. But the United States, as a separate matter, believes that its interest is threatened. We are trying to solve this problem through the United Nations and in a multilateral way. The President took the case to the UN because it is the body that should deal with such matters as Iraq. It was created to deal with such matters. And President Bush is hoping that the UN will act and act in a decisive way.

But at the same time, if the UN is not able to act and, act decisively—and I think that would be a terrible indictment of the UN—then the United States will have to make its own decision as to whether the danger posed by Iraq is such that we have to act in order to defend our country and our interests.

And Mr. Chairman, our diplomatic efforts at the United Nations would be helped by a strong Congressional resolution authorizing President Bush to take action.

I ask for your immediate action on such a resolution to show the world that we are united in this effort.

Mr. Chairman, my colleagues in the intelligence community and in the Department of Defense are giving the Congress what it will need with respect to intelligence on Iraq and on military contingency planning. So I won't speak to those areas.

But let me say this about the Iraqi threat before I stop and allow the greater part of this time for your important questions.

We can have debates about the size and nature of the Iraqi stockpile of WMD and of midand long-range missiles. But no one can doubt the record of Iraqi violations of United Nations Security Council resolutions, one after another, and for twelve long years.

And no one can doubt that the Iraqi dictator's intentions have not changed. He wants weapons of mass destruction as clearly as he wants to remain in power.

Thank you and I'll stop there and take your questions.

The CHAIRMAN. I thank you. I thank you for that explanation. And it's something that I think, as your two predecessors early this morning said, warrants some legitimate discussion and debate internationally. And I know you too well. I know you don't want to set a precedent that allows India to say, "By the way, Pakistan has done the following. We reserve the right to preemptively act." So I understand that. I've had lengthy discussions with Dr. Rice on this. I think this is not so much a departure, although there are some who wish to make it sound like a gigantic departure. But we'll leave that for another day.

I just want to make sure that anything I vote for is not premised on the notion that this is a preemptive doctrine. This is premised on the notion that a bad guy invaded another country. He lost the war. He had to settle. Certain terms were agreed to with the world at the U.N. He's violated that. That's all we need. We're not invoking a new rationale to move against Iraq.

But let me suggest, and I have already: we should start the clock. I apologize. We'll stick to 7 minutes, if we can, because, obviously, there are many members here.

Anytime you need a little bit of a break, you just raise that pencil and we'll recess for a minute. We're probably going to have to recess at some point for a vote, at 3:45. That's Senate time. That could be 4, 5, 6, 7.

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But it's supposedly 3:45. And when we do break, because this is so important, I'm not going to do the usual practice of letting us continue. We'll break, everybody breaks, we go vote, and everybody comes back, because it's too important what the Secretary has to say.

Let me begin. And there are a lot of questions. My colleagues, I'm sure, will cover many that I want to speak to, as well.

Mr. Secretary, there is a sound rationale, in my view, to your statement on page six which says, "Mr. Chairman, our diplomatic efforts at the United Nations would be helped by a strong congressional resolution authorizing President Bush to take action." Part of our dilemma here is that, as I said at the outset, we're being asked to pass a resolution that is broad before the President has made a decision whether or not he is going to go to war. So we're going to give, in effect, under constitutional theory, the equivalent of a declaration of war before the President has decided to go to war. I don't know of any time in American history that's ever been done. That doesn't mean it shouldn't be done, but it is a bit unusual.

One of the things I raised earlier today, would not your purposes be met if we gave the President authority to use whatever force is necessary in conjunction with a Security Council resolution, if one is acquired; and if one is not acquired—or if one's acquired and we are, to use the vernacular, "stiffed" by Saddam Hussein, the President would be authorized to use force; and if one is not acquired, the President would be authorized to use force?

It would seem to me that gives you every tool, but it satisfies the skepticism on the part of many of my colleagues, notwithstanding their knowledge of your intense desire to make this a world problem, that it will not be short-circuited.

In the New York Times today—and, again, although I know it calls itself "the paper of record," I'm not suggesting everything in the paper is accurate. What I am suggesting is there is a reference that all we need from, quote, "unidentified administration officials"—all we need is a congressional declaration. We don't have to worry about anything else. That worries some people up here, because we do know—and I know you'll say, "No, I don't"—I understand, but I know for a fact there are serious people in your administration that didn't want to go to the United Nations, think it was a mistake to have gone to the U.N.—not the President—think it's a mistake to have gone to the United Nations, and are very disappointed we went to the United Nations.

And so my question is, why would it not make sense—I'm not asking you to rewrite the resolution—but why would it not make sense to have a resolution that says, "We authorize the President to conform with any U.N. resolution." If he doesn't get one that has a follow-through to it, we authorize him to follow through and use force? But it sequences them. It doesn't condition them. It sequences them. Doesn't that make sense? Doesn't that give you all the authority you need to make it clear to your colleagues we're for real?

Secretary POWELL. It's an interesting formulation, Mr. Chairman, and I'd like to see it in writing and discuss it with the President, because the way you have laid it out, he gets the authority

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with a U.N. Security Council resolution and he gets the authority without—or in the absence, I should say——

The CHAIRMAN. But it's sequenced.

Secretary POWELL [continuing]. Of a Security Council resolution. I'd have to see the language and then talk to the President.

The CHAIRMAN. I'm not asking you to commit to it, but——

Secretary POWELL. What we don't want to do, though, is to any way suggest that we are not united as a Nation behind our efforts to find a diplomatic solution.

The CHAIRMAN. Well, quite frankly, one of the reasons why I suggest we're going to have to have a different kind of resolution—and I've been discussing this with my good friend from Indiana, a different resolution—is that the last thing I think we need, as I said earlier this morning, is, "The board voted five to four for your speedy recovery." We want to be united here. We want whatever we do to get as many votes as possible. And I fear that the present resolution—and it's being negotiated—there's still good-faith negotiation going on—is pretty far from that point right now.

Let me move to a second question in the time that I have and probably the only other question I'll be able to ask you. You stated at the end of your statement, and you indicated in your formal statement, that—let me find the exact quote: "The U.S. will commit wholeheartedly to the reconstruction of Iraq as a democratic state within its territorial boundaries."

Now, if I can ask you the question this way. Scenario. We go in with or without the U.N. I'm confident we won't go in alone, because you'll get some folks to go with us, even if it's not the U.N.—maybe a Kosovo model. I have great faith in you, boss. We take down Saddam Hussein. We begin the commitment, which is, the United States commits wholeheartedly to the reconstruction of Iraq as a democratic state within its territorial boundaries. Whether or not we get others to help us, implicit is that for a while, some U.S. presence will be required, hopefully in conjunction with others, and some financial assistance will be required, hopefully with others. When do you, as Secretary of State, or the Secretary of Defense, in that circumstance, feel confident to be able to say to the President—not how long it will take, but at what point do we have to get before, consistent with this commitment, you're able to turn to the President and say, "Mr. President, we can now leave. We can now leave. We can now disengage"?

Is that at the point where there is a democratic government in place, or is it at a point prior to that?

In other words, what are we—what is the end game here? I'm not looking for an exit strategy in timing, but what is the end game? Because with some in the State Department, as it related to Afghanistan, there was, at the outset, a very different view of what our role in Afghanistan was going to be, more consistent with mine, which was we were going to have a greater presence. The International Security Force was going to be expanded beyond Kabul. The President sat with me and you and others and talked about a mini-Marshall Plan. And we're a long way from there.

So what I'm trying to get at is, what are we signing the folks on for? Not in terms of hours, days, or dollars. What is the point at which we can, in good faith, say, "We can now leave"? Is it when

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there is a democratic government, or what is it? That's my question.

Secretary POWELL. I'd just preface my response by saying, of course, the President has not made any decision with respect to military action and still is hopeful for a political/diplomatic solution, but that really is in the hands of Saddam Hussein, not us or the United Nations.

But should it become necessary to take unilateral action or action that we would hope would be multilateral, or if it's the Kosovo model with like-minded, willing nations, and we go in and remove the regime, I think we would have an obligation afterwards first to make sure that we remove all weapons of mass destruction, which is what started this all, and use all of our presence, plus intelligence assets. Plus, I suspect, a lot of people would be coming forward at that point in the absence of Saddam Hussein and his regime, to tell us what's been going on and make sure that this nation has been disarmed of those kinds of weapons or the capability to produce those weapons, and that the government that we would help put in place would be a representative government no longer committed to use its wealth—great wealth, I might add—for any such purposes. We would want to put in a government that would be representative of the people.

And the term, really, "put in the government," isn't the right way to put it. The better way to put it is to "raise up a government," allow the Iraqi people to create a government, using those who are outside the country who have expressed an interest in coming back and helping with this, and who have been against this regime for a long time, the opposition, and also those from within the country. So there would be some effort at reconciliation and some commitment to a single state that is not going to be broken up into three pieces that will have a representative, democratic model as its political basis.

I won't sit before you today and say it's going to look like the House of Representatives and the U.S. Senate in the Jeffersonian model—we're a long way from there—but something that will be seen by the international community as a representative government that will keep this state together, that will foreswear the use of any weapons of mass destruction or the development of them, and that we will put in place a system that the great wealth of Iraq—roughly $20 billion a year is available to the people of this country—will be used to develop the country, to develop the infrastructure, help people in need in a more equitable distribution of the treasure of that nation for the benefit of the people of that nation.

I think it will take time, and I can't tell you how many years.

The CHAIRMAN. I'm not asking for time.

Secretary POWELL. You didn't ask. But it will take strong American presence. That presence will be political presence, and it'll probably be military presence, and we shouldn't deceive ourselves. And we are not. In our conversations on this subject, we recognize that we are on the cusp of a very, very demanding and long-term commitment if we have to go down this road. But there are certain opportunities that come with this commitment, the opportunity to create this kind of a government in a part of the world where it's

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almost unknown. And it could be a model for other nations in the region, an opportunity, not to take a basket-case country like Afghanistan, but a country with an educated population, although there are disparities between the three different groups, and with this wealth that can be used for legitimate purpose.

You made a comparison to Afghanistan. This morning I kicked off a session at the World Bank of the Afghan Reconstruction Support Group. Sixty nations came again to talk about the rebuilding of Afghanistan. We made an additional pledge to that effort, $33 million out of the recent supplemental. Other nations are making their pledge. And we have accomplished a great deal in Afghanistan. There's a lot more to be done, and one can argue whether ISAF should be expanded or not. But I think the security situation is not as bad as some say, but it certainly isn't as good as we want it to be. But we're working these issues, and we should be very proud of what we've accomplished over the last 9 months.

The CHAIRMAN. Well, one thing is clear. When we succeed militarily, if we decide we have to go, it will not be like the gulf war when Johnnie comes marching home within 3 to 5 days or several weeks or months. Some Johnnies are going to stay there.

Secretary POWELL. We understand that.

The CHAIRMAN. OK. I just——

Secretary POWELL. We have to make sure.

The CHAIRMAN. I'm not opposing that. I just want to make sure we understand.

Secretary POWELL. Ambassador Holbrooke made a point yesterday that I just might touch on in this regard. The gulf war was fought for the singular purpose of ejecting the Iraqi army from Kuwait, restoring a legitimate government, and stabilizing the region and bringing Iraq down to conventional size. It was our hope that Hussein would not survive it. He did. But nevertheless, the decision to do that was a wise decision and one those of us who were there——

The CHAIRMAN. I'm not second-guessing.

Secretary POWELL [continuing]. Never regretted. And it wasn't a decision made at the end of the war. It was made before the war. That's how we got that coalition together.

The CHAIRMAN. This is a different deal, though.

Secretary POWELL. It is a different deal.

The CHAIRMAN. Senator Helms.

Senator HELMS. Mr. Secretary, it's kind of refreshing to hear everybody singing from the same songbook on this. There are a few voices, but they're out in the bushes somewhere and they're not identifying themselves to the people.

Condoleezza Rice said the other day that the United States will be completely devoted to the reconstruction of Iraq as a unified democratic state in the event of a military strike that topples Saddam Hussein. Now, this was said this morning. This was essentially said by you this afternoon.

Now, one question that comes to mind, given the enormous financial stakes of countries like France and Russia and Germany, how will their views, do you think, figure into a post-Saddam economy and all the rest of it?

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Secretary POWELL. We would certainly take their views into account. The Russians, for example, have a commercial interest in Iraq, and Iraq has quite a debt to Russia. All of the other nations will have, I think, an economic interest in Iraq, and I think they will also have a desire to participate in the rebuilding.

We have been in conversation with our friends in the Security Council on this, and Secretary General Kofi Annan and I have talked about this in hypothetical terms, and I know that if it ever came to this, the international community would be most willing to play a role. And I think it'll be not just a role of how do we get in there first and make the most money we can, I think it'll be a role to establish commercial contracts and see, you know, what we can do to make proper investments. But I think it'll be also for the purpose of rebuilding a nation and trying to put in place the kind of nation we'd all like to see in that part of the world. So I think it is quite possible, under those circumstances, to harness the international community in a most positive and effective way.

Senator HELMS. Every once in awhile the Devil makes me do things, and this morning was one of them. I wanted to get these two former Secretaries, who are a little bit at odds with each other, to talk to us in terms of specific questions. And the outcome was interesting. For example, Madeleine Albright argued that Saddam Hussein is "in a box," quote/unquote, and that continuing a policy of combining sanctions with containment will suffice. But then Henry Kissinger got in there, and that didn't—he had some different views. But it was interesting to hear these people who served as Secretaries several years back.

Now, Secretary Albright also suggested this morning that all of this attention to Iraq is distracting from the war on terrorism around the world. Secretary of State Kissinger countered that to wait for the end of our fight against global terrorism before acting is to guarantee that the stockpiles of weapons of mass destruction will multiply. And I wonder if you agree or disagree with Henry Kissinger.

Secretary POWELL. On both points. With respect to containment, keeping him in a box, but he continues to bounce against the walls of that box, and one of these days he'll have a box cutter and then he'll be out, and we don't want to wait and see that day. We think we have been at this long enough, and it's time to deal with the contents of the box.

With respect to the second point on distracting, I'm not sure what evidence Secretary Albright put forward to the fact that we are distracted from the war against terrorism. Almost every day now we see another set of arrests somewhere in the world as we work with our partners in the international community. We see al-Qaeda cells being broken up here. We're working with the Yemenis. We see things happening in Spain, in Portugal, in Germany. And so we're hard at work, our law-enforcement activities, our financial task forces that are chasing down al-Qaeda finances. We continue to work in Afghanistan to rebuild that country. That's what I was doing this morning before coming over here. So the campaign against terrorism is going well.

And all of these actions, I might say, could be characterized as preemptive actions: going after their finances, going after where

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they might be next, ripping up the cells, all of this before they have a chance to act.

So the campaign against terrorism is going in full swing, and I don't see why there is a suggestion that somehow if we had to undertake this mission, it would be at the expense of the campaign against terrorism. Would it require a surge? Yes. Would it require a lot of our energy? Yes. But the suggestion that we weren't going to be able to continue the campaign against terrorism if we moved in this direction I don't think is an accurate assessment.

Senator HELMS. I wonder of your reaction to anti-American rhetoric of the Schroeder campaign for Chancellor of Germany. I was terribly offended by that. Now, the guy won. No question about that. But it was a very small margin of victory. So what do you think will be the long-term impact on U.S.-German relations if this anti-American election rhetoric continues?

Secretary POWELL. We were deeply disturbed and offended by how the Iraqi issue played into the recent German election, and we were very disappointed. We made that disappointment known to Chancellor Schroeder and to many other German officials, and we were particularly horrified by the comments of the Minister of Justice and her comparison of President Bush and some of his actions to those of Hitler. And we expressed our outrage over that.

But I have to stand back and take a look at some other things to put this in context and perspective. Germany has been very helpful in a number of areas over the past year. They've been very supportive of our efforts in Afghanistan. They've been very supportive of our campaign against terrorism. What we saw in this recent election I don't think was so much anti-American as it was anti a particular American policy.

Joschka Fischer, my Foreign Minister colleague, gives some of the most powerful pro-American speeches you can hear. When we needed a place to hold a conference to create the new Afghan authority last year, it was Germany that stepped forward and volunteered, and we held the conference in Bonn. And when we had the loya jirga recently and needed somebody to sponsor that, the Germans did it. And when we needed somebody to help train the new Afghan police, military, and border forces, Germany stepped forward. And Germany has indicated the desire now to take over the ISAF.

So we have been good friends with Germany for many years. We will remain good friends in the years to come. But a serious breach occurred in recent weeks as a result of the matter in which this issue inserted itself into the German election campaign, and we were disappointed, disturbed, and we expressed our concerns to our German colleagues.

Senator HELMS. Mr. Secretary, it's always good to see you, and thank you for coming.

The CHAIRMAN. Mr. Secretary, before I yield to the Senator from Maryland, it's been pointed out by one of my colleagues—you'll never guess who, and I won't name them—but when I said "Johnnie comes marching home," I should have said "Johnnie and Jill come marching home."

Secretary POWELL. Absolutely.

The CHAIRMAN. And I apologize for that, because there are——

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Secretary POWELL. I knew that's what you meant, Mr. Chairman.
The CHAIRMAN. Thank you very much for the help.
Senator Sarbanes.
Senator SARBANES. Thank you, Mr. Chairman.
Mr. Secretary, I'm looking at pages two and three of your statement. Is the United States prepared to go to war against Iraq if it engages in illicit trade outside the oil-for-food program that's been established by the U.N.?
Secretary POWELL. The principal concern that we have are weapons of mass destruction, and the principal focus of the U.N. resolutions are on weapons of mass destruction, and that's what the inspection regime was trying to uncover and destroy. At the same time, however, Iraq is in violation——
Senator SARBANES. I understand that, but I'm looking——
Secretary POWELL [continuing]. Of many other provisions and——
Senator SARBANES [continuing]. I'm looking at your statement, and you say "what Iraq must do repair this breach."
Secretary POWELL. Right.
Senator SARBANES. And I'm trying to section this out. You list 5 things. The first, of course, is the removal of all weapons of mass destruction. But I want to go to the others. Are we prepared to go to war to make sure they comply with U.N. resolutions on illicit trade outside the oil-for-food program? You've got it listed here.
Secretary POWELL. I've got it listed as one of a number of issues that they are in material breach of. I don't think I linked going to war to any one of them or any combination of them.
Senator SARBANES. Well, you say "what they must do."
Secretary POWELL. Right.
Senator SARBANES. So they must do that or otherwise we're prepared to move against them?
Secretary POWELL. I don't think I said that, Senator.
Senator SARBANES. OK, well, what about——
Secretary POWELL. I'm saying——
Senator SARBANES. What about——
Secretary POWELL. I'm identifying—if I may, I'm identifying the specific U.N. resolutions that they're in violation of. And under U.N. resolutions they are supposed to comply with those resolutions. They have the force of international law.
Senator SARBANES. Well, you say, "If these demands on Iraq sound like 'regime change,' then so be it." Will we take military action or go to war in order to make them release or account for all gulf war personnel whose fate is still unknown? Would we do that?
Secretary POWELL. I think the operating clause in that that is of the greatest concern is the one having to do with weapons of mass destruction. It is unlikely that any of the others individually would lead to that kind of consequence.
Senator SARBANES. So if they did that, that's the one toward which war is directed.
Secretary POWELL. I think what we have to do—no, I don't want to make that connection, Senator. I think what we have to do is look at their total response to these resolutions. And the resolution of greatest concern, the issue of greatest concern are the weapons of mass destruction, which is why, in 1998, both the U.S. Congress

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and the previous administration made that the policy of the U.S. Government.

Senator SARBANES. Why are you listing all these things if the weapons is the thing? Shouldn't we—do you want authority to use military force against Iraq, from the Congress, in order to make them comply with U.N. resolutions on illicit trade outside the oil-for-food program? Do you want that authority?

Secretary POWELL. The principal reason for the authority is for the President to do what he needs to do to focus on the principal offense that he has been presenting to the Nation, and that is weapons of mass destruction. The rest of those elements——

Senator SARBANES. All right, I want to take you through the rest of them. Do you want authority to go to war in order to accomplish——

Secretary POWELL. The President hasn't asked for any authority——

Senator SARBANES [continuing]. Compliance with those resolutions?

Secretary POWELL. The President has not linked authority to go to war to any of those elements. The President has asked for——

Senator SARBANES. It's right in the resolution. You have all these Whereas's where you enumerate these resolutions, and then you say, "The President is authorized to use all means that he determines to be appropriate, including force, in order to enforce the United Nations Security Council resolutions referenced above." And the ones that are referenced above are all of them. And all of them encompass illicit trade outside the oil for food—accounting for the missing, et cetera, et cetera.

So you want the authority to use force to carry out those resolutions. Is that correct?

Secretary POWELL. Yes, he wants the authority to use force to carry out those resolutions where he believes force is the appropriate way to get implementation of those resolutions. I think it unlikely that the President would use force if he complied with the weapons of mass destruction conditions. It seems very unlikely, then, that he would be using force to comply with any of the other resolutions.

Senator SARBANES. But you want the authority to use the force even if he complies with the weapons of mass destruction resolution. You want the authority to go beyond that to all the other resolutions. Is that correct?

Secretary POWELL. The President was putting the case forward that all of these resolutions produce a pattern of misbehavior and material breach that he wanted the authority to deal with in a way that he thought appropriate.

Senator SARBANES. So if they comply with the weapons of mass destruction, but not the others, you want the authority to be able to use force to compel compliance with the others. Is that correct?

Secretary POWELL. That's the way the resolution is currently worded, but we all know, I think, that the major problem, the offense, what the President is focused on and the danger to us and to the world are the weapons of mass destruction.

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Senator SARBANES. Why did you word it this way? I mean, you worded this resolution. We're trying to examine it, and we see a broad reach of authority here.

Which leads me to my next point. I want to ask, who prepared the preemptive doctrine here in this National Security Strategy? Who's the author of this document?

Secretary POWELL. It's an administration document, and we all participated in it.

Senator SARBANES. Well, I know, but someone must be the responsible person for——

Secretary POWELL. The actual pulling it together was done in the National Security Council, but we all participated in it. I had authors working on it. Others had authors working on it.

Senator SARBANES. So, I mean, this is your document.

Secretary POWELL. It is the President's document.

Senator SARBANES. And this notion of a preemptive strike, you don't regard that as a departure from past American—I know you spoke earlier, "Well, you know, we've done preemption under certain circumstances." I think the example you used was a strike against a chemical plant.

Secretary POWELL. There are many others I could use.

Senator SARBANES. Yes. But when have we ever launched a war against another country on this basis?

Secretary POWELL. Where does that document say we're going to launch a war against a country? What it says is that there is a new threat that is different from the threats we have engaged in the past. Deterrence and containment, as strategies, has not gone away. Preemption has always been a tool available to a President, not just in this administration, but throughout military history.

I would say that when we launched an attack against Panama the 20th of December, 1989, it was a form of preemption, because we were afraid that Noriega would be killing more American citizens, other than the ones that he killed. And the specific context of preemption there is that when you're dealing with terrorist threats—it is written almost exclusively around terrorist threats—when dealing with terrorist threats of the kind we saw on the 20th, or excuse me, on 9/11, threats of that nature, preemption rises higher in our hierarchy of options because they tend not to be—terrorists tend not to be deterred or contained in the way that states are deterred and contained.

The chapter also concludes with some discussion about the fact that this is not to be entered into lightly and one should look for other alternatives, and it should be done with the most serious consideration.

Senator SARBANES. Well, Mr. Chairman, my time's up. I'd just close with this observation. Every article about it, about the doctrine you've put out, has language such as this: "Bush Details Preemptive Strike Policy Under New Security Plan," "U.S. Will Attack Nations, Groups That Pose Threats," "Will Act Alone If Necessary," and that's just out of one newspaper. They're all saying the same thing.

Now, you sort of addressed it to and tried to put it in a different context, but a lot of people are either misinterpreting you or perceiving it as it is, and I'm not sure which is the case yet. But it

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would seem to me to be of some concern if you don't mean to do this, to leave this impression, that that's how it's being read.

Secretary POWELL. I didn't put it in a different context. I put it in the context in which it was written. And I would encourage everyone to read that one very short section of the National Security Strategy, and you will find that it talks about the traditional tools of national security and military forces, and then it shifts and talks about the new threat we are facing from terrorists and why preemption is something that should rise in our hierarchy of available options.

The CHAIRMAN. I suggest that we ought to be able to work out what the operative resolutions are. I don't think anybody wants to go to war over liberating Kuwaiti prisoners, including the President. So maybe we can get—it is in the resolution. That's my point. I can't imagine the President not being willing to take it out. But at any rate——

Senator SARBANES. Why did he put it in?

The CHAIRMAN. Well, I don't know why he put it in, but—he didn't call me first.

I am very close—matter of fact.

Senator WELLSTONE. Senator Biden, I know we're going to vote, but could some of us say to the Secretary we really apologize. We have a caucus meeting after the vote, and we have questions, and I'm very sorry we didn't get a chance to put some of them to you. Thank you for being here.

The CHAIRMAN. I'm very sorry—quite frankly, I shouldn't say this. I'm very sorry our leadership set the caucus for this time. I think it was inappropriate for them to do it this way. I told them not to. We should stay here and listen to you instead of go to the caucus, in my view.

We will adjourn until we vote. We're going to come right back.

[Recess.]

The CHAIRMAN. The hearing will come to order.

Senator Lugar is recognized.

Senator LUGAR. Thank you very much, Mr. Chairman.

Secretary Powell, at the last hearing in this committee room, I made a plea to you in behalf of the President and yourself and the administration for a language in the Appropriations bill for Armed Services and authorization for Armed Services to give the President the ability to waive previous congressional stipulations so that our Nation could start destroying chemical weapons in Russia under the Nunn-Lugar program in particular, and so that the general provisions of the Nunn-Lugar act might prevail.

And this is pertinent to the Moscow Treaty, at least in my judgment. The Nunn-Lugar program is destroying dangerous missiles as we speak and this will continue unless we stop them. I appreciate your great efforts and I wanted to take this moment simply to thank you for your intervention, for your timely calls to members of the House conference committees. And I'm hopeful the President will get that authority so that our Nation might be able to destroy weapons of mass destruction in large quantities, even as we are discussing the very terrible circumstances in Iraq.

Second, I want to just comment, the chairman mentioned earlier in the meeting, and this has brought some fresh questions during

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the interval, that he and I have been working on some language with regard to the resolution that we thought might have a broader support, listening to our colleagues around the table. I raised, yesterday, the hope that our committee might, in fact, have jurisdiction with regard to the resolution for at least a week so that we at least fulfill our role. Whether that will happen or not, I do not know, but it is true that the chairman and I have been trying to work through this.

Now, from the press over in front of the Senate I had the question, "Well, what do you think of the latest administration draft?" And so I said, well, I have not seen any such draft. I'm unaware that there is such a draft. And they said, "There is." Now, if the chairman is aware of this, he hasn't told me. I am not aware of it.

And I would just simply say again, we are trying very hard to obtain substantial support for the President. It is very difficult to do this when we are working constructively and simply discover inadvertently that somebody in the press is already informing us that there is a new draft. I will say no more. But please register that thought if you will.

The third thing, I appreciated very much your outlining this afternoon what a new Iraq Government might look like. Granted we do not know that there will be military action. And, as Secretary Kissinger pointed out today, there could be a coup in Iraq: the military might dispatch Saddam, and they deal with us, and that's a different picture.

But in response to all the contingencies that you were asked—that is, if a regime change occurred—you pointed out that it would have to be a regime that would help us find and destroy the weapons of mass destruction. That will take some doing, as you pointed out: scientists, intelligence sources, everybody. But at least that's a formation of a plan. It indicates some sound thinking about this area, which we asked for.

With regard to a new Iraqi Government, you said we'd try to raise up a government representative of the people with the democratic model as the basis, keeping the state together. Oil resources would be focused on financing humanitarian projects for the people. A strong American presence will be required, both political and military, probably for some time and preferably the presence of a lot of our allies and friends in the area.

Now, that is important, and I suspect that it comes not only from your own supposition, but from the planning efforts on the part of the administration. In other words, there are people actually at work on this. The chairman and I have been asking for this in the hearings, evidence that, even in our important discussion about war and peace, we are thinking about the consequences. And there are consequences, obviously, coming.

And we would hope, perhaps, as a part of the resolution to be adopted by the Congress, some formal structure for regular consultation between the administration and the Congress as we identify the resources and authority that will be needed. The American people must understand how this will evolve as opposed to the Gulf of Tonkin situation in which we go to war, Vietnam goes on and on, there is no really formal way of telling what was going to happen. So all of this, I just simply wanted to say at the outset.

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Now, having said this, an interesting piece the 23rd of September in the Wall Street Journal by David Price Jones, the senior editor of National Review. He points out the origin of Iraq, at least in his formulation, came because the British when they put together a state after World War I. They put together several clashing groups. His claim is that it took a dictator then, a king that was imposed, and it's taken one ever since to hold this country together. Maybe true, maybe not.

Evolution in Iraq—and we all need to learn much more about that—may permit this coalition, this representative government that speaks for all the people. There are other voices who say there could be a bloodbath of Shiites mopping up on Sunnis because of all the slights in the past, or the Iranians intervening, quite apart from the Kurds and Turkey in the north.

So it's still a stretch for many, historically, to try to think in terms of this representative democracy. On the other hand, it is important that the Iraqis know, that the world knows, that the American people know that that is our goal, that that's the formulation, a different government in a difficult neighborhood implying a great deal of American resources—human, military, and civilian and money and time. And it seems to me if that is the formulation you and the President are able to present, the case is much more powerful. It represents, really, as you say, an opportunity, as opposed to a situation of chaos and gloom in comparison to Afghanistan or what have you.

Do you have any comment about any of the above?

Secretary POWELL. Well, just, first, thank you for your comments about the waiver authority we requested. And with respect to the latest, quote, "administration draft," I will check on that when I get back to the office and make the point to the White House that you have made to me.

On reconstruction, I'm sure that the President would want to consult regularly, and if that sort of guidance was contained in a resolution, I don't know that he would find anything objectionable about it.

And with respect to the Wall Street Journal comment and article, quite true. The British created this in 1921, and it is something of an odd creation, and that's the way they did it and disengaged, and there is no democratic tradition. But we've seen a lot of states in recent times with not much of a democratic tradition, but when exposed to the possibility of moving in that direction, they have done so with dispatch. That doesn't mean it can't be done, but it will be a difficult and challenging task for all of us, and we very much recognize this. And we also know the kind of commitment that'll be required from us and from others to bring it about. But if we do bring it about, it will be an historic change in that part of the region, and there is an opportunity there.

We have to be mindful, as came out in the questioning earlier, about the fact that there will still be a campaign against terrorism going on in other parts of the world. Afghanistan will still be going on. And we'll be stressed. We will truly be stressed. But I think it is possible to manage it all.

Senator LUGAR. Thank you.

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The CHAIRMAN. Thank you for your candor. And I hope the State Department, which is very good at coming up with phrases, comes up with a new word for nation-building, because that's what we're going to be doing.

The Senator from Wisconsin.

Senator HAGEL. Mr. Chairman, if I might add, I don't think the concern about nation-building comes out of the State Department.

The CHAIRMAN. No, it doesn't. No, no. But maybe they can be helpful with the White House to come up with—I wasn't implying—you had a——

Secretary POWELL. I know you weren't.

The CHAIRMAN. We may need a word, though.

Senator FEINGOLD. Thank you, Mr. Chairman.

I'd like to thank you, Mr. Secretary, for being here today to discuss United States policy toward Iraq, and I welcome the opportunity.

For months, the administration has continued to rachet up the rhetoric on Iraq, and, as we've already talked about, last week sent proposed language authorizing the use of force to the Congress. It is high time that this committee had the opportunity to hear a bit about just what is being proposed and what the implications are for our national security and foreign policy priorities.

And I think this is especially true because, I've got to say, that because months into this debate I think we still lack clarity on a number of points. I think we're hearing shifting justifications for taking military action in Iraq now. Part of this was illustrated by Senator Sarbanes' listing of the different possible justifications, vis-a-vis Security Council resolutions, some of which I'm quite certain this country would not invade Iraq in order to enforce.

The same thing goes for the sort of intermittent popping up of the claim that Iraq and al-Qaeda were in league on 9/11. Yesterday, the Secretary of Defense basically asserted that. When someone asked the press secretary of the President whether or not that was the case, he said, "Well, they could get together." So the trouble is, Mr. Secretary, it's unsettling to get this feeling that there are really shifting justifications for what is being contemplated here.

We still know very little about precisely what mission is being proposed and what kind of commitments the American people are being asked to make. And so I, for one, given where we're at at this point, am very reluctant to support any resolution without clarity on these critical issues.

As you know, I have tremendous respect for you, though, Secretary Powell, and I take your views very seriously, and that's why I'm very pleased that we have the chance to talk to you today.

Mr. Secretary, the administration has asked for the authority to use force in Iraq. Actually, the administration has asked for authority to use force throughout the region, but we are talking about Iraq today. What is the mission being proposed? Is it disarmament? Are we proposing to do that? Or is it regime change? How does regime change relate to the problems of weapons of mass destruction? Or is it enforcement of U.N. resolutions? Which mission is it?

Secretary POWELL. The President hopes that it will be possible to solve this problem and deal with this crisis with military force

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as the last resort. If it is necessary to use military force because Iraq does not come into compliance with the resolutions, particularly—and especially, really—the focus is on weapons of mass destruction resolutions. The others might be considered a lesser included offense within a principal offense of weapons of mass destruction.

If the President finds it necessary or the international community finds it necessary to use military force to enforce those resolutions, at that point, I would not prejudge what the international community would say or what the President might say, but it seems to me clear that we're using military force because the regime intends not to come into compliance, and, therefore, the regime has to be changed.

Senator FEINGOLD. Is it possible that it would involve disarmament without regime change?

Secretary POWELL. It would seem to me if the Iraqis——

Senator FEINGOLD. The military action.

Secretary POWELL. If the Iraqis do not cooperate and do not allow inspectors in under a new inspection regime to do the work that has to be done, then there is no point in continuing to deal with this regime in any way, shape, fashion, or form.

And I think what comes into play at that point is what came into play back in 1998 when President Clinton looked at this problem and when the Congress looked at this problem. Both President Clinton and the Congress—and, in the case of this administration, we continue their policy of regime change because we had doubts about the willingness of this regime to come into compliance with these resolutions, especially those resolutions dealing with disarmament, getting rid of weapons of mass destruction.

Senator FEINGOLD. Under that formulation then, the mission is disarmament, and the regime is an impediment to that mission. It is not the mission——

Secretary POWELL. That's right.

Senator FEINGOLD [continuing]. To change the regime.

Secretary POWELL. The mission from 1991 to 1998 was to get the inspectors in to make sure that they had disarmed. In 1998, when the inspectors could no longer do their work, the administration at that time and the Congress at that time said that the only way to get disarmament was for regime change, and regime change became American policy because the regime would not disarm.

Senator FEINGOLD. I understand. Now, let me follow on that.

Secretary POWELL. Yes.

Senator FEINGOLD. If that's the case, are you aware of any significant planning for securing WMD sites in Iraq in the event of a military invasion? If the government were to be toppled and some degree of chaos were to reign for some period, isn't there a very real risk that weapons of mass destruction and the means to make them will be taken out of the country or sold off to exactly the kind of non-state actors that the United States is worried about? Do we know enough about where WMD sites are to be confident in our ability to secure them? And it seems that it would take a pretty large force to secure these throughout the country, and that if we don't succeed in all of this, then we've not actually succeeded in

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what I think you and I agreed was really the core idea of what the mission here is.

Secretary POWELL. I think there's a danger that we might not be able to get to every site that contains weapons of mass destruction or the capacity to develop weapons of mass destruction. The intelligence is not that perfect. But you can be sure—and here I don't want to get into military planning or options, and it's really the role of Secretary Rumsfeld and General Myers. But I'm quite sure, in any contingency planning that's going on in the Pentagon, the securing of those sites and disarmament is a major element of military planning.

Senator FEINGOLD. Finally, the Iraqi people have suffered terribly from years of deprivation, and they've been consistently and, I think, falsely told that it is American support for sanctions that is responsible for their plight. If widespread civil conflict breaks out in the wake of military action, a significant military presence obviously might be required for some time, particularly, again, given the existence of weapons of mass destruction in the country.

What do you think is the kind of reaction we can expect from the Iraqi people if the United States moves to invade and then, for some period, has to actually occupy their country?

Secretary POWELL. This is a very important question on which there are many points of view. Some suggest that the Iraqi people will be delighted to see the end of this regime. This regime has suppressed its minorities, violated the human rights of its citizens, and not made good use of the resources that it has to better the lives of its people, but instead has used those resources for war and development of weapons of mass destruction.

I think a good argument can be made that the removal of this regime would be greeted warmly by the people as long as they felt a better life was awaiting them and that a different kind of government would be coming in that would take care of their needs and not the needs of a dictator intent on the kind of aggression that Saddam Hussein has been intent upon.

Others argue that the very fact that it would be non-Arabs or Americans coming in to take control for awhile of an Arab country might be a difficult problem for the population. I think——

Senator FEINGOLD. But, Mr. Secretary, what's your view?

Secretary POWELL. I think that if the operation was done with dispatch, was done quickly, and the Nation was clearly put on a path of the kind that I described earlier—getting rid of the weapons of mass destruction, putting in place a representative government, making it clear, as history demonstrates, the United States does not come to stay. The United States comes to help, it comes to build, and then leaves. We have no territorial ambitions or any motives of aggrandizement—then I think this probably would be received with pleasure by the people of Iraq.

Senator FEINGOLD. Thank you very much, Mr. Secretary.

The CHAIRMAN. Senator Hagel.

Senator HAGEL. Mr. Chairman, thank you.

Mr. Secretary, thank you for coming today. I want to first thank you also for your steady leadership through this process. This has not been a simple challenge, and I don't believe it gets any easier, and you understand that. But I think I speak for this country, and

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I think I can speak for the world, we are glad you are where you are and we appreciate it, and the team that you have backing you up, your ambassadors and all, who are part of your operation. So thank you.

Secretary POWELL. Thank you, Senator.

Senator HAGEL. I also want to say that I was very pleased to learn that it appears now that Assistant Secretary Kelly is going to North Korea. I know that is hourly and that could yet change. But, as you know, we have had some discussion about "axis of evil" and the countries, and I think the direction that we appear to be headed here is the responsible direction.

I had an opportunity to be briefed by the Japanese Ambassador here the last couple of days as I know you have, and the President has by the Japanese Prime Minister about this. And Iraq obviously seeps into everyone's conversation regardless what the issue is.

I want to take the time I have to frame up a general question for you, Mr. Secretary, one that some of us have been concerned about; it's been dismissed by some. And that is maybe that the general area of the possibility of a ripple effect in the Middle East, South Asia, Central Asia, focusing on, a bit on the Israeli situation, the Israeli-Palestinian problem, what kind of an effect this could have, short-term, long-term, if, in fact we invade Iraq with a coalition. And followup questions that we have discussed here, how long the United States would have to stay in Iraq.

I know they are all subjective. You cannot calibrate it precisely. But I think this committee, certainly this Senator, would be very interested in having you address that. You obviously have had to think through this a little bit as to some of the "what ifs." What if we get into a little more than we thought? What if Saddam Hussein throws some Scuds with biological/chemical-tipped warheads and all these things that you've had to think through—not just the Defense Department, but you've had to think through them. You went through that once.

And also in connection with that, maybe you could go a little deeper in your response to Senator Sarbanes as he quoted you back about the United States wholeheartedly committed to reconstruction.

A plan. How far are we along the way with a plan? I know what you've said, and I hear it from the administration, "We want a democracy and democratic institutions." You said today that it most likely won't be a U.S. model in the first year. We accept that. But is there any plan? Who's working on something? Identify for me who is out there as to who we can go to to help us on the ground.

I know I've thrown a lot at you, but take it in any sequence you like.

Thank you.

Secretary POWELL. With respect to the Middle East peace situation that you touched on, I think that it is important that during this period of tension and buildup we do everything we can to keep the Middle East peace process on track. We're working very hard on this, Senator Hagel. We had good meetings in New York last week with Arab leaders with the quartet. And for the first time in a long time in the presence of the quartet, we brought in representatives of the Israeli Government and the Palestine Authority. We

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had a rather energized debate, let me put it that way. And we have seen some progress with respect to transformation within the Palestinian Authority and some other things happening. Some slow progress, but I was encouraged by that progress.

Unfortunately, as so often happens in that part of the world, the events of the last week and the situation at the Muqatta once again, with the Israeli ringing of it, has been a very unhelpful development, and we're working hard to see if we can break this siege once again and get back on a positive track and not constantly be sliding back down the hill.

It is important for us to do everything we can to stabilize that part of the world and show progress, regardless of what else is going on, but especially in light of what might be going on in Iraq.

There is also no doubt—there is no love lost for Saddam Hussein in any of the countries in the region. They recognize that he is one of the biggest destabilizing elements in the whole region and that a different kind of regime in Iraq would be quite welcome. They are not unmindful of the fact that the two invasions he's conducted in the last 20 years have been against neighbors. And they would like to see that kind of a change, but they are uneasy about how that change comes about and whether it will be in a way that further destabilizes the region. So it'll be a time of great tension.

But I think if such an operation becomes necessary, that if it is done with dispatch, with efficiency, and with a clear sense of purpose and determination to bring this to an end, it will generate support and we can deal the other issues of uncertainty, such as the Middle East peace plan and concerns that might exist in the Arab street.

With respect to Scuds and how they may be used against neighboring countries, it is an issue I've faced before for real. We went into the Desert Storm conflict quite confident they would use chemical weapons. They did not. We were expecting it. And we knew they had radiological capability and biological capability, and we prepared ourselves for that. And they did fire Scuds at neighbors, and we dealt with that. And we are thinking through the consequences of potential responses from neighbors, and all that is part of our calculus.

And on your last point, the plan for reconstruction, there are task forces at work. There's a task force in my department. We're working with the Defense Department, National Security Council, and others. And as that work progresses, I think there will be opportunities to share that work with the Congress. As you can appreciate, it's quite sensitive and compartmentalized at the moment.

Senator HAGEL. I've got the little yellow timing light here.

It was referenced recently by a member of your administration that one of the areas that we could count on if we invaded Iraq was to use Jordanian areas. Can you talk about that? It was my understanding that that was still pretty iffy.

Secretary POWELL. I think I would rather yield to my colleagues in the Defense Department who might be having more direct conversations of this nature, and I would not want to speak for the Jordanian Government in this——

Senator HAGEL. Has King Abdullah's position shifted publicly on this? The last I knew——

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Secretary POWELL. From what to what, Senator?

Senator HAGEL. From what he—last I knew, what he said publicly was that he wasn't prepared yet to commit to any invasion or use of Jordan for an invasion of Iraq.

Secretary POWELL. I think that remains his public position, and I don't think we have asked him for permission to do anything yet. So the question is not before us at the moment.

Senator HAGEL. Thank you.

The CHAIRMAN. Senator Kerry.

Senator KERRY. Thank you, Mr. Chairman. How much time are we operating on?

The CHAIRMAN. Seven minutes.

Senator KERRY. Thank you.

Mr. Secretary, welcome, and thank you so much for your superb efforts at the United Nations. We do appreciate it.

Let me begin by saying that I completely support what you have said in your testimony, and hope the United Nations will understand there's a broad base of support for that here in the Congress, that the regime of an inspection regime must, in your words, have the authority of a new resolution, it must remove the weaknesses of the present regime and cannot tolerate Iraqi resistance and games and so forth. We can't go back to where we've been. And I think everybody of common sense, hopefully, would support that notion.

Would you say to Americans that we are in a stronger position with respect to the prosecution of a war and our relations in the world if we have the support of the United Nations?

Secretary POWELL. Yes.

Senator KERRY. And given that fact, would you also say that it is important to proceed now to try to give time to the U.N. to try to—and I'm not saying how much, and I certainly am not suggesting that our rights ought to be subjugated—but to give them sufficient time to be able to lend us that support so we are operating from a position of strength?

Secretary POWELL. Yes, and that's what we're doing now, Senator. We are in the most intense consultations. And earlier I mentioned that the United States and the United Kingdom have come together on a proposed resolution which I've sent my Under Secretary for Political Affairs, Marc Grossman, off this afternoon to visit Paris and Moscow and present our ideas to the French and the Russians. And I've discussed those ideas with my Chinese colleague earlier this morning on the phone and presented it to one of his Foreign Minister associates who is visiting here in Washington. So we are working to try to bring the Security Council together on a resolution.

Senator KERRY. And if the United Nations were to pass a resolution that, indeed, changed the regime and provided for genuinely airtight, comprehensive, unfettered, unconditional access, which I think is the only standard that can exist here, is it your judgment that if that were not complied with and they didn't provide authority for force commensurate with that, that they would then have no choice but to provide authority for use of force? I mean, I assume that they would be completely rendering themselves useless

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and meaningless and have held themselves up to the highest level of contempt if they didn't.

Secretary POWELL. It's certainly the case that I am making and the President is making to our colleagues in the Security Council, don't go down this road unless you are prepared to take action if there is continued violation of the kind we have seen in the past with respect to a new resolution.

Now, the debate really is, should we come back to the Security Council again for new authority, or should the authority be imbedded in one resolution?

Senator KERRY. I understand. But what I'm asking you really is, isn't the new authority an inevitability if they, in fact, give you this regime?

Secretary POWELL. If they give—well, I believe it should be inevitable, either under the framework of the United Nations or if, for one reason or another, the United Nations does not wish to take that action.

Senator KERRY. Well, that brings me——

Secretary POWELL. But the President reserves the right to take the action with like-minded nations, just as was done in Kosovo.

Senator KERRY. Fair enough. And I would accept where we are up until this point.

Now, the purpose of the resolution that the President has submitted to us, and, indeed, the purpose of your going to the United Nations, is to seek the strength of a U.N. resolution, really to enforce the U.N.'s purpose in all its prior resolutions, correct?

Secretary POWELL. Yes, sir.

Senator KERRY. And what you are seeking from us in the resolution you have submitted to us is, in fact, enforcement of the U.N. resolutions. I mean, that's—there's a list of U.N. resolutions, correct?

Secretary POWELL. Yes.

Senator KERRY. And so you're seeking, from the U.S. Congress, the right to use force to enforce those. Now, let me ask you——

Secretary POWELL. Either—if I just—just to make sure we have a common understanding—to act as part of a multilateral effort, but also, in the event that the President sees that the U.N. will not be able to act and——

Senator KERRY. Well, I understand.

Secretary POWELL [continuing]. Decides that it is in our interest to act with like-minded nations. And we believe there would be like-minded nations at that time.

Senator KERRY. But the action, this is what I'm trying to get at. What we're seeking now, what you have acknowledged is the United States would be stronger if we had the United Nations. The United Nations has already expressed itself in a series of resolutions. All of those resolutions were listed in the President's speech. They are now listed in the resolution before us. What we are effectively being asked is to provide the capacity for the enforcement of these resolutions, the most important of which, you have acknowledged, is weapons inspection.

Secretary POWELL. Right. Weapons disarmament. Disarmament.

Senator KERRY. Weapons destruction——

Secretary POWELL. Right.

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Senator KERRY [continuing]. Not inspection. Now, none of those resolutions mention or seek regime change.

Secretary POWELL. That's correct.

Senator KERRY. So the United States is, in effect, sort of moving unilaterally to decide there is another goal here outside of the United Nations. They don't mention regime change except to the degree that enforcement of the inspection and destructions may ultimately require a regime change.

Secretary POWELL. Yes. That's the basis for U.S. Government policy, as expressed both by two Presidents in a row and the Congress since 1998.

Senator KERRY. So, therefore, I would ask you, Mr. Secretary, and, through you, the President, based on some of the questions Senator Sarbanes asked earlier—I mean, I would assume, based on your experience and, I mean, just knowing you as I do, I can't believe you would recommend to the President that he should go to war simply to enforce, what, the proper sale of oil. I would assume the President is not going to go to war simply—where is the listing here——

Senator SARBANES. Page three.

Senator KERRY [continuing]. The release of the gulf war personnel. Let me sort of come to my question. I mean, if—if—and I know it's a huge if; but if Iraq were pushed to a point that they had to comply, and did comply fully with an unfettered, unconditional spot inspection satisfactory to the new regime which you are seeking from the United Nations, and it was met, would you go to war?

Secretary POWELL. If Iraq was disarmed as a result of an inspection regime that gave us and the Security Council confidence that it had been disarmed——

Senator KERRY. Correct.

Secretary POWELL [continuing]. I think it unlikely that we would find a causus belli.

Senator KERRY. Then don't we have to give that its opportunity to work? Don't you have to exhaust that possibility?

Secretary POWELL. That's exactly the challenge that the President presented to the United Nations.

Senator KERRY. Then why are we being asked——

Secretary POWELL. Because we believe——

Senator KERRY [continuing]. For a very broad resolution where we would give the authority to the President to go to war for so much more than that, prior to that even happening? I mean, you're asking the Congress of the United States to give a blanket permission to go to war for a broad set of things that aren't even encompassed in the resolutions, none of which rise, in your own testimony now, to the level of going to war?

Secretary POWELL. Which broad set of things that——

Senator KERRY. Well, I mean, are you telling me we're going to go to war because they haven't returned all the stolen property and accepted losses from the war?

Secretary POWELL. I think the President has made it clear in all of his conversations with Members of Congress, in his presentations to the American people, and his presentation to the United Nations that Iraq has to be disarmed. That——

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Senator KERRY. I agree.

Secretary POWELL [continuing]. Is the major problem.

Senator KERRY. I agree completely.

Secretary POWELL. But there are also, as you talked about, the various resolutions, the 16 resolutions, the almost 30 conditions contained within all those resolutions, there are a lot of other things that Iraq is in violation of.

Senator KERRY. I completely agree.

Secretary POWELL. But there is no question that light that is glowing at us is the one that has to do with weapons of mass destruction. And the whole inspection regime went after that one. There was no inspection regime on Kuwaiti prisoners or the oil-for-food program. There are other ways to deal with that.

And so what the President is asking for the authority to do is to take appropriate action either with the U.N. or, if the U.N. does not act, for him to work with other like-minded nations to disarm Iraq.

And the whole purpose of a regime-change policy that came in in 1998 was because the regime, the Iraqi regime at that time, was acting in a way that suggested the only way you could get satisfaction of that disarmament requirement was through a change in the regime.

Senator KERRY. Well, if I could just say, Mr. Secretary, the reason—and I'll close. My time is up, and I don't want to abuse it. But may I say to you, sir—and I don't want any misinterpretation about my position. I really want none whatsoever. The issue, to me, is not whether Saddam Hussein should be held accountable. Of course he should. The issue is not whether or not these weapons are a threat. Yes, they are. The issue is, how do we go about this?

And the question remains why, if the gravamen of threat to the United States, according to most rational people's judgment, is the weapons of mass destruction, the capacity of Saddam Hussein to miscalculate, the capacity of those weapons to slide off to a surrogate terrorist group—all of those threats are real—but if you could satisfy that threat without a drop of blood spilled because the United Nations succeeds in putting in place an unfettered, unconditional spot inspection that results in destruction—I have no confidence, incidentally, that that will happen automatically. But it seems to me that's what builds you the legitimacy of the casus belli and the consent of the American people to finally make that commitment, and it just baffles me why the resolution doesn't reflect that, rather than this extraordinary broad overreach.

The CHAIRMAN. Because it was written by the White House Counsel and not the Secretary of State.

Secretary POWELL. May I make one final point?

The CHAIRMAN. Yes.

Secretary POWELL. Thank you, Senator. And I understand your point. If I can, just before shifting, come back to Senator Hagel briefly, yes, Assistant Secretary Kelly will be traveling to Pyongyang on the 3rd of October as a Presidential envoy.

Senator SARBANES. Was the resolution written—I heard from someone the State Department wrote it. But I now understand from what Senator Biden said that that's not the case and that the

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resolution was written by the White House Counsel. It came up here under the White House Counsel's name.

Secretary POWELL. I think it came up from the White House. We all saw the resolution in the process of it being drafted. I saw it before it was submitted.

Senator SARBANES. Where was the locus for writing it, at the State Department?

Secretary POWELL. I can't tell you, Senator, whether my lawyers were involved in it or not, but I think the principal focus of writing and authorship was in the White House.

The CHAIRMAN. Well, on a different subject of some interest, since you mentioned it at the front end of your testimony, we just passed the State Department Authorization bill. The House has passed it. The President will get it soon. If he signs it, which I hope he will, you'll have $80 million to take care of your last payment——

Secretary POWELL. Whew.

The CHAIRMAN [continuing]. And a lot of other things, so I just thought that might give you a little good news in all the fun you're having here today.

Secretary POWELL. The money was going to expire Monday, so thank you.

Senator KERRY. Mr. Secretary, I just want to thank you.

Secretary POWELL. Thank you, Senator.

Senator KERRY. Thank you very much, sir.

The CHAIRMAN. Senator Chafee.

Senator CHAFEE. Thank you, Mr. Chairman, and thank you, Mr. Secretary, for being here.

At the earlier session, I asked the former Secretaries a question relative to what President Mubarak said several weeks ago, and that was, "If you strike Iraq, not one Arab leader will be able to control the angry outbursts of the masses."

Now, as we go forward and you listen to someone who's been in the country since the early 1980s, probably longer than anybody else in the region, what do you think? Is this hyperbole? And if we're going to listen to these respected leaders in the world—and I'll also quote General Musharraf, "An attack on Iraq will have very negative repercussions around the Islamic world"—how do we, absent the overwhelming proof that constraints on Saddam Hussein are not working, how do we listen to these leaders and risk what they're saying?

Secretary POWELL. There will be a period of heightened tension if we have to undertake military operations against Iraq. Many of them have also said to us that if it becomes necessary, it would be better if it was done under the provisions of a U.N. mandate, U.N. resolution. That would assist them enormously in dealing with the problems that might exist within their countries.

There's no question there will be tension. But, at the same time, every one of these leaders also tells us that there is no question in their minds that Saddam Hussein is in violation, there's no question in their minds that he's a threat to regional stability and peace, there's no question in their minds that he is a threat to the region and has demonstrated previously his willingness to use weapons of mass destruction, and there is no doubt in their minds

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that he continues to have the intent to develop these weapons of mass destruction. And so if it was done in a way that was decisive and that was swift and with the promise of a better life for the Iraqis afterwards, I think the spill-out—spill-off problems that might exist in the region for some period of time could be managed.

Senator CHAFEE. In light of that, what's the difference between your experience in 1991 in forming an international coalition and the trouble, obviously, that we're having this year? You talked about these leaders knowing Saddam Hussein is a threat. Back in 1991 they gladly signed up to an international coalition, save Jordan, but this time, obviously, the dynamics are so different. It's 11 years later, and they're expressing grave, grave reservations. Does that tell us something?

Secretary POWELL. Well, there are many differences. In 1990, it was a invasion of a fellow Arab nation. I mean, Iraq left its borders to invade another nation and take it over and eject a ruling family. It was on the verge, perhaps, of invading another neighbor, Saudi Arabia. And so there was no doubt about the threat. It was clear, it was present. And the response that the international community made to that aggression was that we would reverse that aggression, and we would do it in a way that did not invade an Arab country in the process of doing it. We weren't going to Baghdad. We weren't invading Iraq. We were ejecting Iraq from Kuwait. And that gave us the wherewithal to put together this international coalition that consisted of Arab armies cooperating with us and fighting alongside of us. The Syrian army, the Egyptian army, the gulf military forces, and other Muslim nations participated in it. And it was for that reason that we had a limited mission, which was to eject the Iraqi army and not move on Baghdad.

This is different. We have now seen, 11 years later, that this individual still remains a threat, still tries to develop weapons of mass destruction, and it is a different context. And it's also a different context with respect to the situation between the Israelis and the Palestinians. It's a much more heated environment. But keep in mind, it was heated then. People were worried then. And as the results of our success in the gulf war, we found that we were able to manage this heat that existed in the region and even use our success in the gulf war to get the Madrid process underway, the Madrid meetings that took place in the fall of 1991 which, in due course, led to other progress in trying to solve the Middle East crisis. Unfortunately, that did not solve the Middle East crisis and it's still with us, and it's in a much more difficult situation than it was then.

Senator CHAFEE. So to get right down to it, the threat is different.

Secretary POWELL. The threat is different, the environment is different, and the only way to deal with the threat right now if we do not get compliance on the part of the Iraqi regime, Saddam Hussein—if we don't get compliance this time, then it is a different kind of military mission that must be undertaken, must be to go in and remove the regime.

Senator CHAFEE. Would it be fair to say the threat is lesser?

Secretary POWELL. The threat—if you're talking about the capacity of the Iraqi military, its conventional capacity is nowhere near

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where it was 12 years ago. I would guess it's about perhaps 30 percent of its—30 to 40 percent of its size and certainly of its effectiveness. Its weapons of mass destruction, we destroyed a lot. The inspectors did great work.

Sometimes people talk down to the inspectors about the wonderful work they did for a period of 7 years. They helped with intelligence and helped with defectors who gave them information, but then they were thrown out and we don't know what's been reconstituted over the last 3 to 4 years. So there is still the threat of weapons of mass destruction being used in any new conflict.

Senator CHAFEE. It seems to me then that if the threat is lesser, we're having to horsewhip our allies into a coalition, the Arab friends and neighbors in the region——

Secretary POWELL. Yes.

Senator CHAFEE [continuing]. Are all saying, "Don't do it."

Secretary POWELL. The coalition just——

Senator CHAFEE. Madeleine Albright said, "This is a mistake." And all you have to do is run your hand over the black granite at the Vietnam Memorial to see what mistakes do.

Secretary POWELL. The coalition just didn't snap together on the first day of the conflict back in 1990. It took a lot of hard work. It took a lot of discussion and a lot of hard work on the part of Secretary Baker, then-Secretary of Defense Cheney, yours truly, as chairman of the Joint Chiefs of Staff, and, above all, President Bush and the other members of the Cabinet, to bring that coalition into being. And we are working in that same vein now. That's why President Bush took it to the United Nations on the 12th of September. He didn't go to the United Nations on the 12th of September to issue a declaration of war. It was a declaration of purpose, "We've got to do something about this."

And, yes, there are these dangers in the region that Secretary Albright spoke of, but we believe one of the greatest dangers in the region right now is the danger of this individual being able to thumb his nose once again at the United Nations, and the United Nations doing nothing about it, and his intent, unchanged, to continued to develop weapons of mass destruction. And we may not be able to keep him in his box forever. We might not be able to contain him forever. We can't continue to take the risk of him coming out of that box or him showing up one day with the capability that threatens his neighbors or threatens our interests or threatens us directly, or his working with terrorist organizations which threaten us directly.

Senator CHAFEE. Before my time runs out, I know Senator Kerry talked about it. Isn't that all the more reason to have more time on debate on this and——

Secretary POWELL. Well, I think——

Senator CHAFEE [continuing]. Giving the time for the——

Secretary POWELL. I think we are having that debate now, both here in the United States and in the United Nations. We're—I mean, I haven't spent—I've been doing nothing for the last 2 weeks since the President's speech but working this—yes, I have been doing other things, let me not sell myself short, others will do that for me.

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But this certainly has been a priority for me for the last several weeks.

Senator CHAFEE. You're terrific. Thank you.

The CHAIRMAN. Mr. Secretary, do you need a break?

Secretary POWELL. No, I'm fine.

The CHAIRMAN. OK. And if you'd like a cup of coffee or something——

Secretary POWELL. I'm great.

The CHAIRMAN. Mr. Secretary, you know better than I do that when—I guess it was, I don't know—Senator Lugar or Senator Hagel were talking about the, sort of the artificial construct of this country named Iraq after 1921. This country, and I know you know this, but make sure I get it right—is divided Arab, Indo-European—that is, Kurds—and the rest of the population is Arab. Arab population is split Sunni and Shia. Kurds, non-Arabs, are Sunnis. Sixty percent of the population is essentially in the southeastern part between the Tigris and the Euphrates, generally.

The Shia, there are 600,000 to 700,000, based on, I think, your Department's estimates, Shia in Iran right now as displaced refugees. Do we have any sense—I'm not suggesting you should know, but do we have any sense whether or not if Saddam were gone, they'd come back? Do we have the problem and opportunity of 600,000-700,000 people moving back across the border, and all that that entails, good and bad? And do we have any sense of whether or not they'll come back looking to settle scores with the roughly 20 percent of the Arab Sunni population, which is the Ba'ath, the essence of the Ba'ath Party?

In my discussions, and we've all had them over the years, with the Iraqi National Congress, there are real deep disagreements. Do we have any sense of what this diaspora of Shia in Iran, particularly, are likely to—anything about their attitudes, about democracy, or their attitudes about a united Iraq. Can you talk to us about that?

Secretary POWELL. I don't know, Senator. I haven't seen any data on attitudes or whether we have done any analysis of that or polling of that population. I'll have to look at that. If we have, I'll provide it for the record.

The CHAIRMAN. Now, you may not be able to answer the question in public, but we all know from our individual interfacing with foreign leaders that the Turks are very concerned about the Kurds. We also know that the Kurds, some Kurds, kind of like it just the way it is. This is as close to an autonomous republic that they have had since 1921. And we know that not all Kurds, but a number of Kurds, still harbor a desire for a Kurdistan, which, I know you know this, the map is very small—but which goes well into Turkey and into Iran. Are we going to have to make any commitments to the Turks that the Kurds aren't going to know about? Or are we going to have to make any commitments or lay down the law to the Kurds before we enlist the Turks?

In other words, everybody we've spoken to, military, non-military, says this operation—and you are one of the most well-known military men; you don't think that way anymore, but you are—everybody tells us that without Turkey's participation or accommoda-

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tion militarily, this is a very difficult undertaking for us. So how are you all playing this Kurd-Turk deal?

Secretary POWELL. We've made it clear that in any future Iraq, we are interested in retaining the country as it currently exists, within those borders, and would not be supporting an independent Kurdistan.

The CHAIRMAN. And the Kurds know that?

Secretary POWELL. It's been our declared policy.

The CHAIRMAN. Yes. Do you have a sense—how great is your concern? I'm not suggesting it's not manageable, but how great is your concern that Saddam lashes out against Israel to try to make this a larger war? What is your sense of his capacity to do that?

Secretary POWELL. He does have some capacity to do that. We believe he still holds some Scud missiles that the inspectors did not destroy during their period of activity inside Iraq, and we have to assume he has that capability. But it is far less than he did in 1990. But it is, nevertheless, something we are concerned about.

The CHAIRMAN. Now, have you—I'm sure you have—have you calculated what the response or reaction will be in Jordan, Egypt, Saudi Arabia, Syria, Iran, the gulf states, if Israel were to respond in kind or beyond what they were—what came their way?

Because it seems to me—and, again, this is just, you know, a student of the region—part of Sharon's doctrine—I'm making it up; there's no Sharon doctrine—but part of Sharon's doctrine is the absolute demonstration that Israel is prepared to respond to anything, and respond beyond what was delivered to them. Assume that were to occur. Do you, have you factored in what happens in the Arab states from the gulf to Jordan and Egypt?

Secretary POWELL. We have factored both alternatives into our thinking, and we will stay in the closest consultation with our Israeli friends as to the nature of any threat they might be facing.

The CHAIRMAN. Since we only have a few left, I'm going to yield now, but before I let you go, with your permission, I want to ask you about one other aspect of the resolution, but my time's up.

Senator Lugar.

Senator LUGAR. Thank you very much, Mr. Chairman.

Mr. Secretary, on the front page of the Wall Street Journal this morning, there is an analysis of administration foreign policy which suggests, among other things, that it's been very assertive, very bold, successful, at least in pushing the envelope in many ways. It suggests that one repercussion of this, successful or not, is resentment on the part of many countries that we are pushing ahead in these ways.

Certainly without getting into any thesis the Wall Street Journal has, it's been evident as we've discussed the previous war with Afghanistan with NATO allies, that many feel that they invoked Article V and that we did not take them seriously. We have responded—we, in a broad sense—that we were attacked, we had lift capacity, and, except for the British, they did not, that the specific tactics of that war were unique there, perhaps, the success there.

But, at the same time, there has come to be an argument over the relevance of NATO. And this is a very important alliance, a very important group of countries for success.

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I'm wondering, how can we constructively rebuild the kind of esprit de corps that we need. Lord Robertson and others suggested from the beginning that NATO might take over the responsibility in Afghanistan of assigning roles, rather than sort of a pickup game every 3 months or whoever volunteered, and we might really enlist more people to help us in this particular situation.

I know you've thought about this a great deal, and so this is not a comment of criticism; it's just a comment of observation that we need these countries. Specifically, I know Secretary Rumsfeld is over there, maybe as we speak, visiting about the creation of a response force of 20,000 soldiers. Such a force might relieve the need for NATO countries to cover every responsibility. Can you make an overall comment about where and how our allies contribute to success in a post-Iraq scenario, whatever it may be?

Secretary POWELL. I'm a great supporter of NATO. I started my career in NATO as a young second lieutenant and ended my field career in NATO as a corps commander. And I have been astonished to see the growth of NATO in the years following the end of the cold war. That wasn't supposed to happen. But guess what? They all want to join. And we're about to see a significant expansion of NATO. So it is as relevant as it has ever been, but just in new ways. And it can take on new missions and new challenges. Integrating all of these new members into an alliance that is resting on the pillars of democracy and the free enterprise system and the individual rights of men and women, in and of itself, is a significant achievement for the alliance.

NATO stepped up to that the very first day after 9/11 when they invoked Article V. Now, there were those that suggested, well, then the whole alliance is coming. But what we didn't really need was the whole Alliance to show up as NATO. What we got, though, were Alliance members who contributed to Operation Enduring Freedom and to ISAF. So NATO is in Afghanistan—its techniques. All the training we do is in alliances in Afghanistan, our command and control ability, our ability to work with nations, different nations with different languages and different force structures, but they're all unified by their membership in NATO. And I've seen this happen time and again over the years.

So NATO, even if it isn't there as a formal structure, is there, in terms of the capacity that it has, and I think it will be there in any future operation we have, because that's where you go to to pull this capability from.

My colleague, Don Rumsfeld, made a case the day before yesterday for a rapid reaction force that has new capabilities that is transformed for these new kinds of challenges that are coming along. And I think his presentation was warmly received, and we'll see how the Alliance responds to this.

So NATO does have an important role to play in the future, and I'm glad that we're going to be on an expansion run with them in November in Prague.

You also gave me a softball there, Senator, to talk about our foreign policy. Even though there are those who occasionally resent us, they tend not to show too much resentment when they come to my office and when they go to see the President. Individual nation leaders go to see the President in the Oval Office. They are thank-

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ful for our willingness to stand up for what we believe in. They are appreciative of our efforts to break down trading barriers and to expand the circle of economic liberalization and to talk about human rights.

We spend a great deal of time saying, well, we haven't made enough progress in the Middle East, or, we have this Iraq problem, but we don't spend enough time talking about rapprochement and the strong relationship we've built with Russia, strong relationship we're building with China, our successes with respect to free trade agreements and how the President's going to trade promotion authority. We don't talk enough about the President's leadership with respect to HIV/AIDS and other infectious diseases. We don't talk enough about the African Growth and Opportunity Act expanded.

And so we have got a lot of good things going on. We don't talk enough about how we got a Treaty of Moscow and we put the ABM Treaty in the past, and we're still going to cut ballistic missiles pointed at each other by some 60 or 70 percent, all without destroying the strategic framework. Yet everybody last year resented the United States even thinking in these terms. Well, we pulled it off and we got a good agreement with the Russians, which I trust this body will ratify in the not-too-distant future.

And so we've got a lot of good things going on that occasionally don't get talked about because we're focusing on the crisis of the moment, which is the way it is and the way things tend to be looked at. But we have had a number of foreign policy successes. There are a number of initiatives underway. And if you occupy the position of leadership that the United States does, you must assert it. You must lead. That's what President Bush is doing. And I think we will be showing to the world that success comes from such assertive, responsible behavior working with our friends and allies.

Senator LUGAR. Mr. Chairman, I think that the NATO nations that listen to what the Secretary just said will be heartened by that. I appreciate your being that explicit and comprehensive.

Mr. Chairman, I just want to offer a word of congratulations—and maybe I'm historically inaccurate, so you may check the record. But I think there has not been an authorization bill for the State Department that passed both houses and was conferred upon and signed by the President since 1986.

Secretary POWELL. See, another foreign policy success that I wasn't even going to take credit for.

Senator BIDEN. But whose is it?

Senator LUGAR. But congratulations.

The CHAIRMAN. I'm sure the President is responsible for that.

Secretary POWELL. Thank you, Mr. Chairman, seriously. Mr. Chairman, that bill cleans up a lot of things and gives us a lot to work with, and we really are appreciative.

The CHAIRMAN. We had a lot of help.

Senator Sarbanes. Oh, I'm sorry. Senator Nelson. I beg your pardon.

Senator SARBANES. I don't think you had a turn, did you?

Senator NELSON. Not yet.

The CHAIRMAN. I beg your pardon. Sorry.

Senator NELSON. Mr. Secretary, we have a downed American pilot from the gulf war. You and I have talked about this. Since I

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have spoken to you, I have spoken to every leader that I can get my hands on from the gulf region asking them to task their intelligence apparatus to see if they can get any information. Indeed, Captain Scott Speicher's status has been changed by the Department of Defense from killed in action to missing in action. And there is some consideration right now of perhaps changing his status to missing-captured, because there was a credible live sighting of Captain Speicher alive being driven to the hospital by a defector who was deemed credible.

So I would just encourage you—Senator Pat Roberts of Kansas and I and Senator Bob Smith of New Hampshire are the ones that have been involved, mainly. Captain Speicher is from Jacksonville. His family is there. There's a wife and children and you can imagine the agony they're going through. So as we are getting ready to do an inspection regime on weapons of mass destruction in Iraq, I would encourage you to press the issue of the missing American pilot, as well.

Secretary POWELL. Senator, you should have no doubt about that. I think I mentioned it in my prepared testimony. I'm in close touch with Secretary Rumsfeld and Deputy Secretary Wolfowitz, who has a personal interest in this and monitors it, and there were some developments earlier this week that I spent time on and, through intermediaries, was in touch with the family, so we take it very, very seriously and we watch it very closely and it will never be far from our mind. He went down when I was chairman, and I'll never forget it.

Senator NELSON. Thank you.

Could you help me understand how what is being trumpeted as a preemptive doctrine is any different from how we've always operated, that the President clearly has the authority, as Commander in Chief, to act if it's in the interest of the United States, to protect the United States?

Secretary POWELL. Well, I agree with you, Senator, and I had a chance to talk about this a little bit earlier, but I would like to say another word about it. In the National Security Strategy, what we attempted to convey with that language was that traditional means of deterrence and containment that worked against state actors—the Soviet Union, China, others—when you look at what happened to us on 9/11, we were struck by a terrorist group, not by a state actor, by a terrorist group that didn't come out to fight us in the field of battle, but sent in suicide bombers.

And so it is a different kind of threat. And as we look at the tools available to us to deal with this threat, one of the tools that we have to be able to use are preemption tools. When if we see this kind of attack coming at us, then the act of preemption or taking preemptive action should be something we consider and perhaps consider it more readily than we might have in the past.

I have reread that chapter a number of times since seeing all the press speculation and all the editorials being written on how it represents a revolutionary new doctrine, and I, frankly, don't find it revolutionary. I find it sensible.

The reason it's focused on so heavily in that particular section of the National Security Strategy, it was an effort on the President's part and the author's part to explain to people why this new threat

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has now been elevated in our thinking and how preemption, therefore, also has to be elevated in our thinking. But it is a tool that we have always had and we have used in the past and we're using today as we try to preempt their financial systems and we try to preempt their movements, we try to preempt their activities around the world. All of the arrests that are taking place now are good, solid preemptive actions.

Preemption may well rise to be a military action at some point. But the purpose of that section was not to be as revolutionary as it has been portrayed, but to elevate the concept of preemption in our thinking and in our strategic discussions.

Senator NELSON. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Hagel.

Senator HAGEL. Mr. Chairman, thank you.

Mr. Secretary, you have, I'm sure, noted over the last couple of months and may well have had personal contact with your friends and former colleagues, General Zinni, Schwartzkopf, Clark, Joe Hoar, Shalikashvili, others, about their reservations about going to war in Iraq. You obviously have high regard for their judgment. You served with them. Some have testified before this committee. Some have testified before the Armed Services Committee. All have spoken out publicly on their concerns and reservations. Would you care to address those concerns in any way you like?

Secretary POWELL. These are old friends and colleagues of mine, and we all served together in one capacity or another, and I would expect them to put forward concerns and reservations.

This would be a daunting military operation. I don't accept the premise that it's going to be a "cakewalk." No sensible military officer would go into any operation thinking it's going to be a "cakewalk." And so I think it was useful of them to put down their perspective.

And you can be sure that my colleagues in the Pentagon and those who took over for me when I retired and left the uniform understand what will be required if asked to do this. But I don't think one of them would say that it is an impossible mission or that difficult, really, if you put your mind to it and you put the resources to it.

We have to be mindful of the day-after scenario that we've been talking about, and it will probably require a fairly significant commitment of troops to manage and occupy Iraq until such time as you can turn it over. That, I think, is a daunting problem, as well. And you can be sure that their concerns, their reservations, and their points of view are being considered. And I have respect for their points of view.

Senator HAGEL. Thank you.

Can you tell this committee what kind of progress we have made, our country, in enlisting Arab country support in our efforts here if, in fact, the option is a military option?

Secretary POWELL. The Arab countries have had reservations, and they have made public statements, and they've also made private statements. I'd rather not get into the specifics of each country, but let me make this overall observation. A lot has changed since the President's speech on the 12th of September. A lot has changed once the President put the case out publicly and we

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stopped all the dueling op-ed pieces and the dueling leaks and all the other things that were happening in August. Once the President put the case down clearly and asked the U.N. for action, that changed a number of attitudes among our Arab friends.

Senator HAGEL. Back to the issue on opposition forces, wherever, however they be and what role they may play. I noted here in the paper we are now engaged or soon will be engaged in training some form of opposition force. I think some of the terms used is "scouts" and other descriptions. What do you know about that? Where are they coming from? Is this a Northern Alliance kind of an effort? Are they there? Where are they? Why didn't we know about them before?

Secretary POWELL. Senator, no decisions have been made yet, but there is certainly a great deal of planning underway as referenced in newspapers. But I would really prefer to yield to my colleagues in the Pentagon in a closed session to get into the details of this.

Senator HAGEL. OK.

Back to the issue of the resolution questions that were asked—and maybe you said this and I didn't hear it—the current back and forth and negotiation, if that's what's going on—most of us are not aware of it—are you involved in that? Do you have a representative involved in that day to day negotiation with the language——

Secretary POWELL. I haven't been involved in the day to day discussions that may be taking place between the administration and Members of Congress on the resolution. We all were involved in the preparation of the resolution or—although it came out the White House signed out by the President's Counsel, Mr. Gonzalez, I believe. I'm quite confident that as Congress decides what changes it believes are appropriate to the resolution and the President considers those changes, that we will have a chance to weigh in as to the impact that those changes would have on anything we're doing diplomatically.

I would just reinforce, however, that I believe it's important that action be taken on a resolution quickly as a way of showing unity of purpose within the U.S. Government. That would be helpful to me in my diplomatic efforts with the U.N.

Senator HAGEL. Well, obviously, my implication there, and you, I'm sure, follow it—and I have nothing against lawyers. I've got one in the family, actually, one of my brothers.

Secretary POWELL. Me too.

Senator HAGEL. And you do, too. But one per family should be sufficient. And I apologize to Sarbanes and Biden on this point, but I don't think framing up the verbiage in an intent of going to war should be left to the President's Counsel's office, and I am concerned—maybe only I am concerned about that. It's important that the people who are going to have to implement this and carry out whatever it is the lawyers decide is the right way to do it be part of that, as well as you.

And the other thing that concerns me about the resolution is this, I think, is the same office who had counseled the President that he doesn't need any involvement by the Congress to go to war in Iraq. And so if you'd care to comment on that, I'm sure we would welcome any thoughts you have.

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Secretary POWELL. The resolution that the President sent up, we all saw, had an opportunity to comment on—I did—and reflected our input, but it came out of the White House, which is where I would have expected it to come out of. As modifications are made, as changes are made, and I think as we get closer to what the will of the Congress might be, I'm quite confident that the President will share it with the rest of us and we'll have a chance to give our input.

Senator HAGEL. Well, thank you. I've got a little more time here, and I've got one additional question.

In the Washington Post today there's a headline, "Bush Asserts That Al Qaeda Has Links To Iraq's Hussein." And I know you generally responded to that over here, but there's a quote in here from Secretary Rumsfeld—I know you don't speak for him: "A few hours before Bush's remarks, Defense Secretary Donald Rumsfeld was asked by reporters traveling with him in Warsaw if there are any linkages between al-Qaeda and Iraq." After, there's now been some generalization that there might be new evidence here on training and there was past training and so on. And this is the quote, if this is correct, from Secretary Rumsfeld in response to that question, "I have no desire to go beyond saying the answer is yes."

Well, I find that interesting. I know it's not your quote. I'm not saying you answer for anyone other than yourself on this, but there is a thing that is rumbling around, I think, in the country and the world, Mr. Secretary, and that's the credibility of the argument here. And if the credibility of the argument continues to be stretched and pulled, and one week it's this and this week it's this, and much of the evidence of what I'm talking about, too, came out today in the hearings, as you know, trying to define a number of the questions that were asked what is the objective.

I know you know this, but I don't think we can ever overstate the importance of the credibility of our senior members of our government. And to say, yes, I know there is evidence there, but I don't want to tell you any more about it, that does not encourage any of us, nor does it give the American public a heck of a lot of faith that, in fact, what anyone is saying is true. We've been through one of those experiences before.

Secretary POWELL. I think Director Tenet has spoken to this in his classified testimony, and I would encourage you to take a look at what George said.

To summarize what I can say in open testimony, there is evidence of linkage between al-Qaeda and Iraq. Second, there is no linkage to 9/11 that we are aware of, but I can't dismiss that possibility. And, third, perhaps part of the confusion on this issue is that we're learning more over time as we get access to more and more people who have been detained or captured and as we have other defectors coming forward and as we really focus our intelligence assets on this question. And so there is no doubt that there are linkages, that there have been al-Qaeda members in Baghdad, and there have been contacts that have occurred over the years.

There's no smoking gun linkage to 9/11, but it cannot totally be ruled out. And one of the reasons for the development of this story over the recent days and weeks is that we're learning more. And I think George Tenet, in his prepared classified testimony, talks to

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this in a way that I think will answer your question and reassure Congress that we're doing the best we can not to strain our credibility. That is not in our interest and that is not our intention.

Senator HAGEL. Thank you.

The CHAIRMAN. I was at such a briefing. I can't comment on it except just for the record to show I dissent from the characterization of the Secretary of Defense.

Senator Sarbanes.

Senator SARBANES. Mr. Secretary, I wasn't clear earlier whether you were suggesting that the Congress had adopted a decision supporting the use of military force to achieve regime change.

Secretary POWELL. No, I was saying that in—I don't have the public law in front of me, but the Congress did adopt a position with respect to a regime change.

Senator SARBANES. For the use of military force?

Secretary POWELL. I don't have the law in front of me, so I don't want to say what was contained within that public law.

Senator SARBANES. Well, that's the Iraq Liberation Act——

Secretary POWELL. Yes.

Senator SARBANES [continuing]. Of 1998, I presume, and that was an effort to try to give a boost to the Iraqi opposition and is stated as a policy to remove the regime. But that law, at the very end of it—do you have it there—oh, I thought you were looking——

Secretary POWELL. No, I don't think so.

Senator SARBANES. Well, at the very end of it, it says, "Nothing in this Act shall be construed to authorize or otherwise speak to the use of United States Armed Forces, except as provided in Section 4(a)(2) in carrying out this Act." And 4(a)(2), the section—the exception section—dealt with providing military draw-downs to provide aid to this Iraqi opposition. But there's not been, to my knowledge, at least, any authorization by the Congress for the President to use force to achieve regime change.

Secretary POWELL. I would have to review my own transcript of earlier this afternoon. I don't recall that I said that. What I said was that the Congress and the Clinton administration and then the Bush administration, over a period from 1998 on, have established that it is the policy of the U.S. Government, as it says here in Section III, "should be the policy of the United States, to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government," the Iraqi Liberation Act.

Senator SARBANES. Right.

Secretary POWELL. Imbedded in that was the intent to support opposition forces to this end.

Senator SARBANES. Yes.

Secretary POWELL. But it became the policy of the U.S. Government, as expressed in this act, and I think—I don't know if it's in other acts or not—and it became, it was a policy that was enunciated by President Clinton.

Senator SARBANES. But also imbedded in that act is the section I read to you——

Secretary POWELL. Yes, it is.

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Senator SARBANES [continuing]. Which is right at the end of it which says, "Nothing shall be construed to authorize or otherwise speak to the use of United States Armed Forces."

Secretary POWELL. Nor do I think that I asserted that it did authorize the use of United States Armed Forces.

Senator SARBANES. Well, I just want to be clear on that point.

Secretary POWELL. Yes.

Senator SARBANES. Now, on this National Security Strategy, I have this question and one other. David Broder says in a column this week, and I'm going to quote him, "The restatement of the United States' fundamental defense doctrine issued by the Bush administration last week substituting preemption of potential threats for containment of aggression is probably the most dramatic and far-reaching change in national security policy in a half a century." And then he discusses this.

And then later he talks about the evolution of our policy through the isolationism between the two world wars to the bipartisan containment policy and so forth. He says, "A common characteristic of the whole 20th century was a readiness of the United States to respond to threats to its security and its reluctance to initiate conflict or issue ultimatums to anyone. When aggressors pushed forward, we pushed back, but we did not start fights ourselves. Now with the doctrine of preemption justified by the all-too-real threat of terrorism, Bush is proposing to scrap that distinction. Instead, he has searched the right of the United States, as the only superpower, to judge the degree of potential danger itself and to take whatever action it deems necessary to eliminate that threat."

Now, you, today, have spent some time sort of saying, well, this isn't a big change and it's not a large thing, although it's being interpreted by all commentators as a large thing. And earlier, in response to Senator Nelson, you focused on preempting terrorism, but the document also has preemption of states, as well, not just of terrorist organizations. So it extends to states, which is a radical change in the heretofore approach to dealing with states.

If this document does not state a new preemptive doctrine of significance, and, therefore, it's been widely misinterpreted or misrepresented in the press, why hasn't the administration taken steps to correct that misunderstanding or misinterpretation?

Secretary POWELL. Because I believe the document speaks for itself.

Senator SARBANES. It's not speaking the way—everyone else thinks it speaks differently than the way you——

Secretary POWELL. Every time a new national security document comes out, which is on some regular basis, there is always something in it that draws attention. And in the light of the situation in Iraq and in light of 9/11, that particular section has been focused on rather extensively.

I don't think—I don't have it in front of me, but I don't think it says that the doctrine of preemption substitutes or eliminates containment or deterrence. We still have forces in our structure, military structure, and we still have tools available to us diplomatically that go well beyond preemption and, frankly, go back to our tried and true doctrines of containment and doctrines of deterrence. It highlights the way it's written.

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It highlights the fact that terrorism of the kind we saw practiced in 9/11 presents a new threat to us and we have to consider the doctrine or the idea or the concept of preemption as a way of dealing with these. And it also puts it in a context that says it should not be done lightly, it should not be done without understanding of the consequences, and it should not be done in a way that people would think that we are just simply running around looking for wars. I think that is an overstatement of what the document says.

Senator SARBANES. Well, I think it's safe to say that it redefines "imminent threat."

I'd just end on a sort of a—perhaps a lighter note. I enjoyed this cartoon by Tom Toles in the Post. It says, "A new policy. The U.S. has the right to do whatever we want, whenever we want, wherever we want, to whomever we want regardless of what anyone else in the world thinks about it." And then he says, "Did I leave anything out?" The fellow says, "Well, with rights, don't there also come responsibilities?" He thinks about that and then he says, "It is the responsibility of the rest of the world to help us pay for it."

So I just commend that to you for your attention.

Secretary POWELL. What I would commend to you, Senator, is the United States should have the right to defend itself——

Senator SARBANES. Absolutely.

Secretary POWELL [continuing]. Against terrorist threats that are coming our way.

Senator SARBANES. But you've been——

Secretary POWELL. And if a terrorist threat is coming our way or if there is a nation out there that we know is planning to conduct action against us that we could preemptively stop, then I see no reason why the President should not do that.

Senator SARBANES. Now, Secretary Kissinger this morning mentioned those potential candidates for that approach because of the presence of al-Qaeda terrorism—Somalia, Yemen, Iran, and Indonesia—in his testimony. What's your view of that?

Secretary POWELL. I'm not putting anybody on a candidate list. It depends on what the threat is, the reality of that threat, the proximity of that threat, the danger of that threat, and whether or not a President of the United States should take action to preempt or prevent such a threat.

And if he has sufficient information that this threat is coming against the United States and he can take action to prevent it or preempt it, however—whichever word you prefer—I see no reason why we should deny a President of the United States the option to do that, or we should find that to be objectionable or somehow distasteful or somehow inconsistent——

Senator SARBANES. Is that to suggest that——

Secretary POWELL [continuing]. With our policies of long duration.

Senator SARBANES. Is that to suggest there are other potential candidates lined up behind Iraq?

Secretary POWELL. We're not looking at candidates. We're looking at national security strategy, at a strategy of dealing with threats that might be coming at the United States of America, and I believe it would be irresponsible for us not to consider the doctrine of preemption or prevention or concept, if you wish to call it that.

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When we see a real and present danger that is coming our way and we can do something about it, then why should not the President do something about it to protect the American people?

Senator SARBANES. Unilaterally——

Secretary POWELL. I think the American people understand that.

Senator SARBANES. Unilaterally do something about it?

Secretary POWELL. Sir?

Senator SARBANES. Unilaterally do something about it?

Secretary POWELL. Maybe it's unilaterally, maybe——

Senator SARBANES. Do other——

Secretary POWELL [continuing]. It's not unilaterally.

Senator SARBANES [continuing]. Do other nations——

The CHAIRMAN. Senator?

Senator SARBANES [continuing]. Can other——

The CHAIRMAN. Senator?

Senator SARBANES [continuing]. Do other nations have recourse to the same line of thinking?

Secretary POWELL. There is no nation that should not have recourse to a line of thinking when a threat is coming its way. It's inherent in the sovereignty of a nation to protect itself.

The CHAIRMAN. One of the problems——

Secretary POWELL. If we saw—if we were able to spot—well I don't want to get into anecdotal stuff, the Japanese fleet sailing on Pearl Harbor and knew what was going to happen and knew what was coming our way, preemption would have been a very sound policy, in my judgment, if the President had enough information and if he could present to the world, before or after the fact, why he did it and make the case for it. It seems to me that's the kind of thing you would have done.

Senator SARBANES. I don't find that analogy really on all fours.

The CHAIRMAN. Mr. Secretary——

Secretary POWELL. Yes?

The CHAIRMAN. One of the problems of having a powerful chairman of another committee on your committee is he thinks he's chairman of that committee, too.

And the only prerogative of being the chairman is you get to ask the last question, at least I thought it used to be. At any rate——

Senator SARBANES. I yield to the chairman.

The CHAIRMAN. I thank you. After 20 minutes, he yields to me. But I love him, and he has good questions.

But let me ask you a concluding question here, because we only have a few minutes left on this vote and I'm sure you will not miss being able to leave.

I'm not looking for percentages, but can you tell us what the next stages in your negotiations are, in your attempt to get a resolution through the Security Council that has teeth in it on a different regime of inspection? And ancillary to that, are you unalterably opposed, is the President unalterably opposed, to a two-step process? Or need it be one-step?

Secretary POWELL. On the first question, within the last 24 hours we came into agreement with the United Kingdom on what we thought a good resolution looked like and should contain. And, as I mentioned earlier, we are now—both the United States and the United Kingdom have begun consultations with the other perma-

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nent members of the Security Council on our idea. And we expect that there will be agreement on a number of elements and there will be disagreement on a number of elements. That's what a negotiation is all about.

The press likes to portray this as being in disarray, but most negotiations are in disarray until you have an agreement, and we're working on that.

With respect to one resolution or two resolutions and the distinction being that the second resolution has the trigger, we believe one resolution is a better solution, a better outcome, but we're mindful that our colleagues in the Security Council have other ideas. And so we have sent our representatives out to hear those other ideas and to begin a discussion, and I would not prejudge what the President might do after he has received the result of that consultation.

The CHAIRMAN. I thank you very much, Mr. Secretary. I wish you luck in the effort, and we are adjourned.

[Whereupon, at 5:45 p.m., the committee adjourned, to reconvene subject to the call of the Chair.]

RESPONSE TO ADDITIONAL QUESTION FOR THE RECORD

RESPONSE OF HON. COLIN L. POWELL, SECRETARY OF STATE, TO ADDITIONAL QUESTION FOR THE RECORD SUBMITTED BY SENATOR JOSEPH R. BIDEN, JR.

ATTITUDES OF IRAQI SHIA TOWARDS DEMOCRACY.

Question. What are the attitudes of the Shia diaspora in Iran about democracy or about a united Iraq?

Answer. The State Department regularly meets with a variety of Iraqi Shia opposition groups, including the Tehran-based Supreme Council for the Islamic Revolution in Iraq. All of the predominantly Shia groups that we meet with consistently express their support for a future democratic Iraq that has maintained its territorial integrity. Additionally, we recently received a letter signed by 121 prominent Shia independents, which highlights the historical commitment of Iraqi Shia to a unified Iraqi state, and details the signatories commitment to a democratic Iraq.

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NEXT STEPS IN IRAQ

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

SEPTEMBER 25 AND 26, 2002

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