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WASHINGTON, FRIDAY, MARCH 13, 1998

No. 27

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, March 16, 1998, at 2 p.m.

## Senate

FRIDAY, MARCH 13, 1998

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

*The Lord is my shepherd, I shall not want. . . . He restoreth my soul.*—Psalm 23:1-3.

Dear Shepherd of our souls, we need the rejuvenation and the renewal of our souls. You have created them as the ports of entry for Your Spirit, the places of Your residence within us, the power-sources for our consciences. From within our souls, You shape our characters, mold our personalities, and govern our values. Nothing is more important than the care and cure of our souls.

Through Moses, You have taught us that, "You shall love the Lord your God with all your heart and with all your soul and with all your strength."—Deut. 6:5.

And Jesus stirs our confession: "For what will it profit a man if he gains the whole world, and loses his own soul? Or what will a man give in exchange for his soul?"—Matthew 16:26.

Dear Lord, take Your rightful residence as the Sovereign of our souls. Then: Lead us in the paths of righteousness for Your Name's sake. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Kansas, is recognized.

### SCHEDULE

Mr. ROBERTS. On behalf of the majority leader, I announce that in a moment the Senate will begin a rollcall vote on S. Con. Res. 78, a resolution regarding Saddam Hussein. Following the vote, the Senate will be in a period of morning business with Senator BENNETT being recognized for 45 minutes.

As announced last night, the Senate may also begin consideration of S. 270, the Texas low-level radioactive waste legislation; S. 414, the international shipping bill; or H.R. 2646, the A+ education bill.

Finally, as a reminder, the majority leader stated that all Senators should anticipate one or two rollcall votes during Monday's session of the Senate. Those would begin at approximately 5:30 p.m.

I thank all Senators for their attention, and I yield the floor.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

### INDICTMENT AND PROSECUTION OF SADDAM HUSSEIN

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a vote on S. Con. Res. 78, as amended, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 78) relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

The Senate resumed consideration of the concurrent resolution.

Mr. ROBERTS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution, S. Con. Res. 78, as amended. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 93, nays 0, as follows:

[Rollcall Vote No. 32 Leg.]

### YEAS—93

Abraham	Breaux	Cochran
Akaka	Brownback	Collins
Allard	Bryan	Conrad
Ashcroft	Bumpers	Coverdell
Baucus	Burns	Craig
Bennett	Byrd	D'Amato
Biden	Campbell	Daschle
Bingaman	Chafee	DeWine
Bond	Cleland	Dodd
Boxer	Coats	Domenici

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S1907

Dorgan	Kempthorne	Reid
Durbin	Kennedy	Robb
Feingold	Kerrey	Roberts
Feinstein	Kerry	Rockefeller
Ford	Kohl	Roth
Frist	Landrieu	Santorum
Glenn	Lautenberg	Sarbanes
Gorton	Leahy	Sessions
Graham	Levin	Shelby
Graham	Lieberman	Smith (NH)
Gramm	Lott	Smith (OR)
Grassley	Lugar	Snowe
Gregg	Mack	Specter
Hagel	McConnell	Stevens
Harkin	Mikulski	Thomas
Hatch	Moseley-Braun	Thompson
Helms	Moynihan	Thurmond
Hollings	Murkowski	Torricelli
Hutchinson	Murray	Warner
Hutchison	Nickles	Wellstone
Johnson	Reed	Wyden

## NOT VOTING—7

Enzi	Inouye	McCain
Faircloth	Jeffords	
Inhofe	Kyl	

The concurrent resolution (S. Con. Res. 78), as amended, was agreed to.

## AMENDMENT NO. 1934 TO THE PREAMBLE

(Purpose: To provide substitute language)

The PRESIDING OFFICER. Under the previous order, amendment No. 1934, offered by the Senator from Pennsylvania, Mr. SPECTER, and the Senator from North Dakota, Mr. DORGAN, is agreed to.

The amendment (No. 1934) was agreed to as follows:

Strike out the preamble and insert the following:

Whereas the International Military Tribunal at Nuremberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which stated that "crimes against international law are committed by men, not be abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990, without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to Feb-

ruary 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international humanitarian law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraqi invasion of Kuwait";

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, adopted by the United Nations Security Council on October 29, 1990, the Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of over 700 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987-88 which resulted in the disappearance of more than 150,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas paragraph 8 of Resolution 687 of the United Nations Security Council, adopted on April 8, 1991, requires Iraq to "unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities;

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass de-

struction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international humanitarian law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international humanitarian law in Rwanda;

Whereas more than 70 individuals have been indicted by the International Criminal Tribunal for the former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than \$24 million for the International Criminal Tribunal for the Former Yugoslavia and more than \$20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and

Whereas a failure to try and punish leaders and other persons for crimes against international humanitarian law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

The preamble, as amended, was agreed to.

The concurrent resolution (S. Con. Res. 78), as amended, with its preamble, as amended, was agreed to, as follows:

## S. CON. RES. 78

Whereas the International Military Tribunal at Nuremberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which stated that "crimes against international law are committed by men, not be abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990, without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing "grave breaches" are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international humanitarian law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored "the loss of innocent life stemming from the Iraqi invasion of Kuwait";

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further "the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait";

Whereas, in Resolution 674, adopted by the United Nations Security Council on October 29, 1990, the Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of over 700 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found "compelling evidence" that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987-88 which resulted in the disappearance of more than 150,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obli-

gated to comply with these international agreements;

Whereas paragraph 8 of Resolution 687 of the United Nations Security Council, adopted on April 8, 1991, requires Iraq to "unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities;

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international humanitarian law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international humanitarian law in Rwanda;

Whereas more than 70 individuals have been indicted by the International Criminal Tribunal for the former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than \$24,000,000 for the International Criminal Tribunal for the Former Yugoslavia and more than \$20,000,000 for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and

Whereas a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That the President should—*

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and any other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(3) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which

the resolution, as amended, was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I want to commend Senator SPECTER for his leadership in championing the resolution passed overwhelmingly by the Senate a short time ago.

Our action has put the Senate on record in support of establishing an international commission and criminal tribunal for the purpose of investigating, prosecuting, and ultimately punishing Saddam Hussein and other Iraqi officials for genocide and crimes against humanity.

Through his genocidal campaigns against the Kurds and the Shi'a, the brutal treatment of Kuwaiti civilians, and the repeated use of chemical weapons, Saddam Hussein has earned his place as one of this century's most odious tyrants.

Perhaps the best documented case of Saddam's genocidal policies is the infamous Anfal campaign launched in February 1988 against Iraqi Kurdistan. The purpose of Anfal was to break the back of the Kurdish resistance using whatever means necessary. Large tracts of rural Kurdistan were declared off-limits and forcibly depopulated. Those who remained were branded "traitors" and "saboteurs" and were systematically liquidated during a ruthless six and a half month campaign. Human Rights Watch estimates that, in all, between 50,000 and 100,000 innocent civilians were killed during Anfal.

On March 16, 1988—nearly ten years ago to the day—Saddam unleashed a deadly cocktail of chemical weapons against the Kurdish town of Halabja. Wednesday's Washington Post piece by Christine Gosden is a poignant reminder of the suffering that the innocent men, women, and children of Halabja endure to this day as a result of that cowardly attack ten years ago. I ask unanimous consent that Dr. Gosden's account be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BIDEN. The weak international response that followed Halabja emboldened Saddam. In August 1988, he launched his final offensive against dozens of other villages, killing hundreds, and causing tens of thousands to flee to neighboring countries. A staff report prepared for the Senate Foreign Relations Committee, based on interviews with survivors, described the atrocities in vivid detail:

The bombs . . . did not produce a large explosion. Only a weak sound could be heard and then a yellowish cloud spread out from the center of the explosion. . . . Those who were very close to the bombs died almost instantly. Those who did not die instantly found it difficult to breathe and began to vomit. The gas stung the eyes, skin and lungs of the villagers exposed to it. Many suffered temporary blindness.

After the bombs exploded, many villagers ran and submerged themselves in nearby streams to escape the spreading gas. . . . Many of those who made it to streams survived. Those who could not run from the growing smell, mostly the very old and the very young, died. The survivors who saw the dead reported that blood could be seen trickling out of the mouths of some of the bodies. A yellowish fluid could also be seen oozing out of the noses and mouths of some of the dead. Some said the bodies appeared frozen. Many of the dead bodies turned blackish blue.

Saddam's outrageous act prompted only a muted response from the world community. One of the few sounds of protest came from this body, where Senators Pell and HELMS promptly introduced legislation to impose sanctions against Iraq.

The bill sailed through the Senate on a voice vote, a day after it was introduced. Unfortunately, the Reagan Administration, still under the delusion that it could deal with Saddam, denounced the bill as "premature," and later succeeded in blocking its enactment in the final days of the One Hundredth Congress.

The Kurds are not the only victims of Saddam's atrocities. The "Marsh Arabs" of Southern Iraq have seen hundreds of their villages destroyed. They have been subjected to arbitrary killings and forcibly relocated. The mainstay of their ancient culture—the marshes of Southern Iraq—have been drained so that military operations can be carried out against them and other rebels with greater ease.

In addition to terrorizing his own citizens, Saddam Hussein has unleashed his wrath against Iraq's neighbors on numerous occasions. He used chemical weapons repeatedly during the Iran-Iraq War in clear violation of the 1925 Geneva Convention. His troops raped and murdered with impunity during the occupation of Kuwait. And he has rained scud missiles on the civilian populations of Bahrain, Saudi Arabia, Iran, and Israel.

It is high time that the international community stop looking the other way when presented with these blatant crimes against humanity. It is time to systematically compile the evidence of Saddam Hussein's atrocities and undertake criminal proceedings to deliver the punishment that he so richly deserves.

Our action in passing this resolution presents a challenge to the international community to join the United States in putting the wheels of justice into motion.

We should not underestimate the difficulty of physically delivering Saddam Hussein to a tribunal, but it would be unconscionable to abandon the quest for justice. Silence and inaction would be a grave injustice to the hundreds upon thousands of his victims.

[From the Washington Post, Mar. 11, 1998]

WHY I WENT, WHAT I SAW

(By Christine Gosden)

We have all talked so long and so reflexively about "weapons of mass destruction"

that the phrase has lost much of its immediacy and meaning. It has become, like "nuclear devastation" and "chemical and biological warfare," an abstract term of governmental memos, punditry and political debate. For many it calls forth neither visual imagery nor visceral revulsion.

Two Sundays ago, the TV program "60 Minutes" got a good start on changing that when it broadcast the story of the Iraqi city of Halabja 10 years after its civilian population had been the target of a chemical attack by Saddam Hussein. That population is mainly Kurdish and had sympathized with Iran during the Iran-Iraq war. The gassing of its people was in retaliation for that sympathizing.

"60 Minutes" has given us permission to make still pictures from the film, which was originally shot, both in 1988 and 1998, by the British film maker, Gwynne Roberts. The "60 Minutes" staff also helped us to get in touch with the remarkable Dr. Christine Gosden, a British medical specialist, whose efforts to help the people of Halabja is documented. Dr. Gosden, who went out to Halabja 10 years after the bombing, agreed to write a piece for us, expanding on what she saw in Iraq. People around the world have seen the evidence of deformity and mutation following from the nuclear bombing of Hiroshima and Nagasaki. It shaped their attitude toward the use of atomic weapons. Maybe if more evidence of the unimaginable, real-life effects of chemical warfare becomes available, a comparable attitude toward those weapons will develop.

On the 16th of March 1988, an Iraqi military strike subjected Halabja, a Kurdish town of 45,000 in northern Iraq, to bombardment with the greatest attack of chemical weapons ever used against a civilian population. The chemical agents used were a "cocktail" of mustard gas (which affects skin, eyes and the membranes of the nose, throat and lungs), and the nerve agents sarin, tabun and VX. The chemicals to which the people were exposed drenched their skin and clothes, affected their respiratory tracts and eyes and contaminated their water and food.

Many people simply fell dead where they were, immediate casualties of the attack estimates put these deaths at about 5,000. A few were given brief and immediate treatment, which involved taking them to the United States, Europe and Iran. The majority of them returned to Halabja. Since then, no medical team, either from Iraq, Europe or America or from any international agency has monitored either the short- or long-term consequences of this chemical attack. Gwynne Roberts, a film director, made the award-winning film "The Winds of Death" about the attack in 1988. I saw this film, and it had a tremendous effect on me. Gwynne revisited Halabja in 1997 and was concerned that many of the survivors seemed very ill. He could not understand why no one had tried to find out what was happening to them. He convinced me that this was something I had to do.

Why would a female professor of medical genetics want to make a trip like this? I went to learn and to help. This was the first time that a terrible mixture of chemical weapons had been used against a large civilian population. I wanted to see the nature and scale of the problems these people faced, and was concerned that in the 10 years since the attack no one, including the major aid agencies, had visited Halabja to determine exactly what the effects of these weapons had been.

My medical specialty was particularly apt. My principal field of research is directed toward trying to understand the major causes of human congenital malformations, infertility and cancers including breast, ovarian,

prostate and colon cancers. I am carrying out studies on a group of about 15 genes called tumor suppressor genes, which include breast/ovarian cancer genes BRCA 1 and BRCA 2 colon cancer genes and the Retinoblastoma and Wilm's tumor genes associated with childhood cancers. When these genes are disrupted or mutate, they have a number of effects. Alterations lead to congenital abnormalities or pregnancy loss. Their role after birth is to try to prevent cancers from forming. Later in life, loss or mutation may lead to infertility and cancers.

I was particularly concerned about the effects on the women and children. Most of the previous reported exposures to chemical weapons and mustard gas had involved men involved in military service; chemical weapons had never been used on this scale on a civilian population before. I was worried about possible effects on congenital malformations, fertility and cancers, not just in women and children but in the whole population. I also feared that there might be other major long-term effects, such as blindness and neurological damage, for which there is no known treatment.

What I found was far worse than anything I had suspected, devastating problems occurring 10 years after the attack. These chemicals seriously affected people's eyes and respiratory and neurological systems. Many became blind. Skin disorders which involve severe scarring are frequent, and many progress to skin cancer. Working in conjunction with the doctors in the area, I compared the frequency of these conditions such as infertility, congenital malformations and cancers (including skin, head, neck, respiratory system, gastrointestinal tract, breast and childhood cancers) in those who were in Halabja at the time with an unexposed population from a city in the same region. We found the frequencies in Halabja are at least three to four times greater, even 10 years after the attack. An increasing number of children are dying each year of leukemias and lymphomas. The cancers tend to occur in much younger people in Halabja than elsewhere, and many people have aggressive tumors, so that mortality rates are high. No chemotherapy or radiotherapy is available in this region.

I found that there was also a total lack of access to pediatric surgery to repair the major heart defects, hare lip and cleft palate or other major malformations in the children. This meant that children in Halabja are dying of heart failure when children with the same heart defects could have had surgery and would probably have survived in Britain or the United States. It was agonizing for me to see beautiful children whose faces were disfigured by hare lip and cleft palate when I know that skilled and gifted surgeons correct these defects every day in North America and Europe.

The neuropsychiatric consequences are seen as human tragedy on every street, in almost every house and every ward of the hospital. People weep and are in great distress because of their severe depression, and suicidal tendencies are alarmingly evident. The surgeons often have to remove bullets from people who have failed in their suicide attempts. In collecting data from the Martyrs Hospital in Halabja, the doctors said that they are not able to see patients with psychiatric and neurological conditions because there is a lack of resources and there is no effective treatment. Many people have neurological impairment or long-term neuromuscular effects. Most people cannot afford even the cheapest treatment or drugs and so are reluctant to come to the hospital. At present, even for those with life-threatening conditions, there is no effective therapy for any of these conditions in Halabja.

On the first day of my visit to the labor and gynecological ward in the hospital, there were no women in normal labor and no one had recently delivered a normal baby. Three women had just miscarried. The staff in the labor ward told of the very large proportion of pregnancies in which there were major malformations. In addition to fetal losses and perinatal deaths, there is also a very large number of infant deaths. The frequencies of these in the Halabjan women is more than four times greater than that in the neighboring city of Soulemany. The findings of serious congenital malformations with genetic causes occurring in children born years after the chemical attack suggest that the effects from these chemical warfare agents are transmitted to succeeding generations.

Miscarriage, infant deaths and infertility mean that life isn't being replenished in this community, as one would expect if these weapons had no long-term effects. The people hoped that after the attack they could rebuild the families and communities that had been destroyed. The inability to do so has led to increasing despair. Their lives and hopes have been shattered. One survivor described being in a cellar with about a hundred other people, all of whom died during the attack. Not only do those who survived have to cope with memories of their relatives suddenly dying in their arms, they have to try to come to terms with their own painful diseases and those of their surviving friends and relatives.

For instance, many people have more than one major condition, including respiratory problems, eye conditions, neurological disorders, skin problems, cancers and children with congenital malformations and childhood handicaps such as mental handicap, cerebral palsy and Down's syndrome. The occurrences of genetic mutations and carcinogenesis in this population appear comparable with those who were one to two kilometers from the hypocenter of the Hiroshima and Nagasaki atomic bombs and show that the chemicals used in this attack, particularly mustard gas, have a general effect on the body similar to that of ionizing radiation.

Ten years after the attack, people are suffering a wide spectrum of effects, all of which are attributable to long-term damage to DNA. A radio broadcast was made the day before our arrival to ask people who were ill to come to the hospital to record their problems. On the first day, 700 people came; 495 of them had two or more major problems. The cases we encountered were extremely sad.

The people of Halabja need immediate help. There is a need for specialists (such as pediatric surgeons), equipment and drugs. Even more basic than this, though, is the need for heat, clean water and careful efforts to safeguard them against further attacks. We have to realize that there is very little medical or scientific knowledge about how to treat the victims of a chemical weapons attack like this effectively. We need to listen, think and evaluate with skill, since many of these people have had exposures to strange combinations of toxic gases. They have conditions that have not been seen or reported before. We may severely disadvantage a large group of vulnerable people and deny them effective diagnosis and treatment if we are intellectually arrogant and fail to admit that we have virtually no knowledge about how to treat the problems resulting from these terrible weapons, which have been used to more powerful and inhumane effect than ever before.

The pictures beamed around the world after the attack in 1988 in newspapers and on TV were horrifying. One picture was of a father who died trying to shield his twin sons from the attack. The statue in the road at

the entrance to Halabja is based on that picture. This is not a traditional statue of someone standing proud and erect, captured in stone or bronze to represent man triumphant and successful, but of a man prostrate and agonized dying in the act of trying to protect his children. A deep and lasting chill went through me when I entered the town and saw the statue, and it settled like a toxic psychological cloud over me. This proved hard to dispel; it intensified as I met the people, heard their stories and saw the extent of the long-term illnesses caused by the attack. The terrible images of the people of Halabja and their situation persist and recur in my nightmares and disturb my waking thoughts. Perhaps these thoughts persist so vividly as a reminder to me that the major task is now to try and get help for these people.

Mr. THOMPSON. Mr. President, today's vote for prosecuting Saddam Hussein as a war criminal is important for at least two reasons. First, it highlights again the outrageous and murderous actions Saddam Hussein has taken over the past seven years. Second, it injects new thinking into the U.S. approach toward Iraq—something that has been sorely lacking.

Much commentary has been offered among the general public—and in this body—about the wisdom of the latest deal between U.N. Secretary General Kofi Annan and Saddam Hussein. Much of this commentary has focused on whether or not that agreement is a "good" one—one that will really curb Saddam. In my view, this question is misdirected. Almost certainly, the latest deal will do little but buy time. As long as Saddam possesses weapons of mass destruction, there's going to be another showdown somewhere down the road. So the real question becomes what we are going to do in the meantime to develop a comprehensive, long-term policy to protect our interests even as Saddam uses the time to further build up his arsenal and weaken international resolve. Trying Saddam for war crimes could be a step in that direction.

There is little doubt in most American's minds that Saddam Hussein negotiated the latest agreement to his own advantage. His standard M-O is to agree to some set of conditions, set himself up in the court of world opinion as some sort of victim, and then violate the agreements when it's advantageous for him to do so. He weakens the international coalition arrayed against him by creating, and then expanding, gray areas in the interpretation of international agreements in an effort to keep his most coveted weapons, while wiggling out of the economic sanctions imposed against his country—a strategy which, I am sorry to say, has worked pretty well for him so far.

So far, Saddam Hussein has been in control of the situation. He decides what disputes arise and when they come about. And because the United States has developed no creative alternatives to direct conflict, and because we have few international supporters, Saddam forces the U.S. to deploy large

amounts of military forces to the Gulf—each time further eroding international cohesion, costing American taxpayers billions of dollars, and weakening our ability to defend other interests. Then, at the last moment, Saddam promises to behave within certain parameters which he negotiates. Later, at a time of his choosing, he tests those parameters and another round of military buildup and feverish hand-wringing among the world's diplomats begins.

Mr. President, Saddam is pretty much calling the shots. This is far too serious a business for us to settle for such little administration planning as we have seen. Iraqi weapons of mass destruction are quite real, and quite deadly, but our posture against this threat is almost entirely reactive. We engage in a loose strategy of containment, running pretty much on autopilot, until Saddam decides to challenge the status quo. Then we hear a lot of hot rhetoric about "a modern Hitler" and "grave consequences" accompanied by military deployments. But after a flurry of diplomatic activity, Americans are told there can be "peace in our time." Mr. President, I am reminded of the boy who cried wolf, and I would remind the Administration that they can only go to the well so many times before the American people—and the rest of the world—ceases to take them seriously on this matter.

Our credibility is one of our first lines of defense. We don't make idle threats or rattle sabers—or rather, we shouldn't make such threats. Otherwise, this roller coaster of international gamesmanship ends up putting dents in our credibility, and that's destructive to our security. And rather than advancing America's security and our interests in the Middle East, this cycle of military build-up and appeasement plays right into Saddam's hands.

Our foreign policy needs to be made firmly and unequivocally by the President with the discrete counsel of Congress. Instead of forceful leadership in this matter, we have seen the administration attempt to insulate itself from the consequences that might come from a conflict with Iraq by staging public relations opportunities. The fiasco at Ohio State University marked a new low. Mr. President, this nation's foreign policy should not be set on the basis of pep rallies. When Americans are sent to war, it must be done on the basis of sober and rational decisions. Sadly, it appears that for this administration, we've reached the point where stagecraft has replaced statecraft.

Americans are uneasy with the lack of a comprehensive plan for Iraq. Untended sanctions, followed by military build-ups, followed by a return to sanctions, do not constitute a serious foreign policy. The President needs to take action, and he needs to make the case for that action confidently and truthfully to the American people, and then he needs to carry out exactly what he says he'll do.

Mr. President, Saddam Hussein is a brutal authoritarian who oppresses the Iraqi people, menaces his neighbors, and threatens the international community by developing weapons of mass destruction and potentially interrupting oil trade. Sadly, the United States currently has only two options for confronting him, both of them poor choices: (1) maintaining sanctions and continuing diplomacy in an environment of eroding international support, and; (2) launching military strikes, which Saddam has thus far been able to withstand.

Obviously, Americans are always glad when loss of life can be avoided, and there's no question that military strikes would have cost lives. But if by putting off a confrontation with Saddam we have enabled him to grow stronger and perhaps emboldened him to use chemical or biological weapons somewhere in the world, then delaying strikes will have been short-sighted with tragic consequences for many, many innocent people. Given the lack of a comprehensive strategy for dealing with Iraq, however, the result of strikes would have been a collapse of any remaining international cooperation on Iraq, the end of weapons inspections, a politically strengthened Saddam Hussein, and the continuation of Iraq's WMD program. At least the current agreement buys time. It's now up to the Administration to use this window of opportunity to develop better options for the next time Saddam becomes belligerent.

Building an international record of war crimes against Iraqi leaders could be one way to expand options for dealing with Iraq. Members of this body have also suggested other ideas like supporting an Iraqi opposition; developing, in cooperation with our Middle Eastern allies, better chemical and biological defenses; working more closely with allies to develop sustainable sanctions targeted against the Iraqi Government and its WMD program; and, working to convince other Gulf countries that, if we strike, they will not be left to confront a wounded but still-in-power Saddam who will grow even stronger. These may provide kernels of alternative policies. But Mr. President, every plan that works begins with leadership, accountability, and a seriousness of purpose. So far, these qualities have largely been lacking in the Administration's Iraq policy. I hope they take to heart the ideas offered today by the Senate.

Whatever we do, the U.S. must have more options than sanctions and military strikes the next time Saddam flouts his agreements. If the Administration does not develop new alternatives, we will soon repeat the well-worn cycle of military build-up and stand-down, and the next time we're at these crossroads with Iraq, our options will be even fewer and support both at home and abroad will be even more scarce. Mr. President, we cannot afford to leave American interests open to

that kind of risk. And we will have no excuse for our position if the administration comes to these crossroads again in six months or a year no better equipped—and with no better planning—than we have just seen.

We must stand up to Saddam with confidence, clear goals, and resolute purpose. And we have to do it soon, or the time bought by the latest agreement will be solely to Saddam's advantage.

Mr. KERRY. Mr. President, I congratulate the Senator from Pennsylvania for introducing this resolution, which I supported when it was considered by the Committee on Foreign Relations and again supported on the vote just taken.

Our world has come a long way since the dawn of civilization. As human beings have evolved biologically and eventually socially, we have come to realize that we can safely and happily live together on this globe only if we abide by certain rules of behavior. The course of civilization is, in large measure, the history of humankind's increasing and increasingly sophisticated efforts to define acceptable and unacceptable behavior—for individuals, groups, and nations, and our successes and failures to abide by those definitions and the consequences of those successes and failures.

Other Senators, Mr. President, particularly the resolution's principal sponsor and a key cosponsor, the Senator from North Dakota [Mr. DORGAN], have set forth in considerable detail the bill of particulars against the dictator of Iraq. Those include documented chemical weapons attacks against Iranian troops and civilians in the Iran-Iraq War. They include chemical weapons attacks against Kurds in Iraq—Iraqi citizens, keep in mind—leaving behind the most revolting human injuries imaginable. Men, women, children, infants—no one was spared. Many died immediately. Many who managed to survive wished they had died. Some of them died later with no interruption in their agony—blindness, peeling skin, gaping sores, asphyxiation. And others, even if they did not evince the same signs of injury, have transmitted the horror of those attacks across time and even generations. Terrible birth defects have afflicted the offspring of many who survived Saddam Hussein's attacks. The rate of miscarriages and stillbirths has soared for those survivors.

We do not know why Saddam Hussein chose not to use these weapons against the Coalition troops in the Gulf War that resulted from his invasion and occupation of Kuwait. We do know that he had them in his inventory, and the means of delivering them. We do know that his chemical, biological, and nuclear weapons development programs were proceeding with his active support.

We have evidence, collected by the United Nations's inspectors during those inspections that Saddam Hussein

has permitted them to make, that despite his pledges at the conclusion of the war that no further work would be done in these weapons of mass destruction programs, and that all prior work and weapons that resulted from it would be destroyed, this work has continued illegally and covertly.

And, Mr. President, we have every reason to believe that Saddam Hussein will continue to do everything in his power to further develop weapons of mass destruction and the ability to deliver those weapons, and that he will use those weapons without concern or pangs of conscience if ever and whenever his own calculations persuade him it is in his interests to do so.

Saddam Hussein has not limited his unspeakable actions to use of weapons of mass destruction. He and his loyalists have proven themselves quite comfortable with old fashioned instruments and techniques of torture—both physical and psychological. During the Iraqi invasion of Kuwait, Kuwaiti women were systematically raped and otherwise assaulted. The accounts of the torture chambers in his permanent and makeshift prisons and detention facilities are gruesome by any measure.

Mr. President, Saddam Hussein's actions in terrorizing his own people and in using horrible weapons and means of torture against those who oppose him, be they his own countrymen and women or citizens of other nations, collectively comprise the definition of crimes against humanity.

I have spoken before this chamber on several occasions to state my belief that the United States must take every feasible step to lead the world to remove this unacceptable threat. He must be deprived of the ability to injure his own citizens without regard to internationally-recognized standards of behavior and law. He must be deprived of his ability to invade neighboring nations. He must be deprived of his ability to visit destruction on other nations in the Middle East region or beyond. If he does not live up fully to the new commitments that U.N. Secretary-General Annan recently obtained in order to end the weapons inspection standoff—and I will say clearly that I cannot conceive that he will not violate those commitments at some point—we must act decisively to end the threats that Saddam Hussein poses.

But the vote this morning was about a different albeit related matter today. It was about initiating a process of bringing the world's opprobrium to bear on this reprehensible criminal—to officially designate Saddam Hussein as that which we know him to be.

We are realists, Mr. President. Even if this process leads as we believe it will to the conviction of Saddam Hussein under international law, our ability to carry out any resulting sentence may be constrained as long as he remains in power in Baghdad. But Saddam Hussein will not remain in power in Baghdad forever. Eventually, if we



persist out of dedication to the cause that we must never permit anyone one who treats other human beings the way he has treated tens of thousands of human beings to escape justice, we will bring Saddam Hussein to justice. And in the meantime, his conviction on these charges may prove of benefit to our efforts to isolate him and his government, and to rally the support of other nations around the world to the effort to remove him from power.

I am pleased, Mr. President, that this resolution was agreed to unanimously, and hopeful that soon the machinery of international law will be applied as it was designed to label Saddam Hussein as the horrific murderer and torturer he is, recognition he richly deserves.

Mr. McCAIN. Mr. President, I express my strong support of Senate Concurrent Resolution 78, which would call on the President of the United States to work toward the establishment of the legal mechanisms, under the aegis of the United Nations, necessary for the prosecution of Iraqi dictator Saddam Hussein for crimes against humanity, including the infliction upon the people of Kuwait and his own Kurdish population of genocidal policies. The resolution further encourages that the President seek the funding required to support this effort.

Senator SPECTER is to be commended for taking the lead in this morally and legally essential exercise in holding Saddam Hussein accountable for a long history of brutality that places him squarely among the worst human rights offenders of the post-World War II era. While none of us are under any illusions about the nature of this individual, I nevertheless urge my colleagues to read the text of this resolution carefully. It is a concise, comprehensive list of human rights abuses and war crimes committed by the Iraqi leader against the neighboring country of Kuwait, which he invaded and upon which imposed a brutal occupation, and against the Kurdish occupation of northern Iraq. It reiterates the degree to which Saddam Hussein has willfully and repeatedly failed to comply with United Nations and other legal mandates pertaining to his treatment of those who have suffered the misfortune of falling under his grip and to the international inspection regimes to which he is subject.

The text of the resolution is self-explanatory, but even that omits mention of the incalculable acts of wanton cruelty Saddam Hussein, and his sons, has committed against the Iraqi people, in addition to actions against the country's Kurdish population. Such a discussion is beyond the purview of a resolution oriented towards holding Saddam accountable for war crimes. I mention this only to ensure that the fate of the Iraqi people is not forgotten. The purpose of S. Con. Res. 78 is to establish the legal framework for further isolating Saddam Hussein diplomatically and for working toward his removal from power. This is a resolu-

tion that may seem obvious and elementary in some respects, yet which reflects my colleague from Pennsylvania's astute grasp of the legal imperatives involved in pursuing far-ranging policies designed to bring down a ruthless and belligerent dictator.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

Under the previous order, the Senator from Utah, Mr. BENNETT, is recognized to speak for up to 45 minutes.

#### ORDER OF PROCEDURE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator from Montana, Mr. BURNS, the Senator from California, Mrs. BOXER, and the Senator from Pennsylvania, Mr. SPECTER, each be recognized for up to 3 minutes apiece, and that the time not count against my 45 minutes; that following the presentations of each of these three Senators, I be allowed to proceed with the 45 minutes as called for in the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I note the Senator from California is on the floor, and I suggest she be recognized first.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Senator from Utah for his kindness and ask unanimous consent that I have 4 minutes.

Mr. BENNETT. I have no objection.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mrs. BOXER. Thank you very much.

#### NOMINATION OF JAMES C. HORMEL

Mrs. BOXER. Mr. President, I rise today to urge the majority leader to schedule a vote on the nomination of James C. Hormel to be U.S. Ambassador to Luxembourg. He has my strong support as well as the strong support of Senator FEINSTEIN, who has made an eloquent statement on the Senate floor on his behalf.

James Hormel is a successful businessman, a loving father, and a loving grandfather.

On October 29, 1997 before the Foreign Relations Committee, I introduced James Hormel for the position of Ambassador to Luxembourg. At that hearing, I spoke of his sharp mind, distinguished career and extensive knowledge of diplomacy, international relations and the business world. Like many of my colleagues, I believe that James Hormel was, and still is, clearly qualified for this position.

Almost five months later, this nomination still has not come to the Senate

floor for a vote. The full Senate has not even had the opportunity to debate the merits of Mr. Hormel's nomination. This is because a hold has been placed on the nomination by certain Senators—apparently because of James Hormel's sexual orientation.

I say, "apparently" because the arguments some have used to oppose Mr. Hormel do not ring true.

The main argument is that Mr. Hormel, through his generous history of giving, has donated funds to certain projects—a library collection and an educational video—that contain controversial content. These are not valid arguments.

First, it is my understanding that many of the books in question, which are found in the San Francisco Public Library, are also in the Library of Congress. Neither Congress nor James Hormel should be responsible for screening the subjects of books found in their libraries.

And, second, James Hormel had absolutely no input into the content of the educational video. If the content of this video is a valid reason for the Senate to place a hold on this nominee, it sets a dangerous precedent.

For instance, what if the next nominee that comes before the Senate has given money to his or her child's high school newspaper. And, what if that newspaper ran a controversial article about a particular Senator. Would the Senate then place a hold on that nomination? I don't think so. The holds are in place because James Hormel is gay.

Mr. President, I believe that the Senate should consider nominees based on their qualifications. If the Senate agrees with me, there should be no controversy over James Hormel's nomination.

James Hormel, of San Francisco, California, graduated from Swarthmore College and shortly thereafter earned his Juris Doctorate at the University of Chicago Law School. Mr. Hormel served for several years as the Dean of Students and Assistant Dean at the University of Chicago Law School. Since 1984, he has presided as Chairman of EQUIDEX, Inc., an investment firm based in San Francisco.

For the past 30 years, Mr. Hormel has been a dedicated philanthropist, generously working to support a wide range of worthy causes. For his unselfish acts of giving, he has received several awards and honors. In 1996, he was named Philanthropist of the Year by the Golden Gate Chapter of the National Society of Fundraising Executives. Other honors include the Golden Gate Business Association's Outstanding Leadership Award, the Silver Spur Award from the San Francisco Planning and Urban Research Association, the Public Service Citation from the University of Chicago Alumni Association, and many, many others.

On the local level, Mr. Hormel is an active member of the San Francisco community working with several important civic organizations. His current projects include the San Francisco