

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

Mr. LOTT. I would indicate that that vote will probably not occur until after the recess coming up at the end of this week.

I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Nebraska, Mr. HAGEL, is recognized to speak for up to 20 minutes.

The Senator is recognized.

Mr. HAGEL. I thank the Presiding Officer.

ESTABLISHING A CLEAR OBJECTIVE IN IRAQ

Mr. HAGEL. Mr. President, these are very serious times. The administration and America face a complicated and dangerous dilemma in Iraq. This dilemma must be approached from a framework of both our short-term and long-term foreign policy objectives.

As the administration weighs its short-term options, including the possibility of military action with regard to the situation in Iraq, I believe it is very important that we in the Senate keep a steady focus on the objective before we start playing out these other options.

We all know that any military action must have a clear objective. If our Nation decides to risk the lives of young American men and women, we must do so for a clear purpose, with a clear understanding of the possible intended and unintended consequences and a reasonable assurance of success.

Let us remember that the original objective in the Iraqi puzzle was the full compliance by Saddam Hussein with the 1991 resolutions that ended the Gulf war. Most important is Security Council Resolution 687, adopted on April 3, 1991, which clearly spelled out Iraq's obligations under the cease-fire agreement that ended the Gulf war. Those obligations have the force of international law and still stand today.

This has been the U.N.'s primary focus and objective. It was Saddam Hussein who created this current situation when he invaded Kuwait in 1990 and the world united against him. This is not the United States and Great Britain against Iraq. This has been the civilized world united against a pariah intent on developing and using weapons of mass destruction.

We have sympathy for the Iraqi people. The U.N., led by the United States, has provided millions of dollars in humanitarian aid for the Iraqi people. But we must remember that Hussein used chemical weapons against his own people and has starved his own people in his clandestine and relentless pursuit of these weapons.

Time after time he has directly challenged the terms of his surrender under the U.N. resolution. What he is now challenging is the resolve of the world community to stand up to him.

The members of the international coalition that condemned his actions in 1991 and fought against him must remember who is the guilty party here; who is the guilty party. The guilty party is Saddam Hussein.

Just as the world stood united in terms of his surrender, it should stand united and resolved in action against his defiance of those terms. If he refuses to comply with U.N. Resolution 687, he will pay a heavy price. And if Saddam Hussein offers his own people as sacrificial lambs, their blood surely will be on his hands.

Mr. President, there is a growing chorus which suggests that perhaps our short-term objective should be more than Saddam Hussein's full compliance with U.N. Resolution 687, that our immediate short-term objective should be to expel Saddam Hussein from Iraq, to sweep him from the world stage. This kind of talk is very dangerous and inhibits the administration's efforts as it seeks to reconstruct the 1991 coalition united against Saddam Hussein. Let us not be buffeted by the winds of quick fixes, bombing raids and shortsightedness. Saddam Hussein has cleverly framed this world debate as Iraq against the United States. We must not play into his manipulative hands. This is not the equation.

We all would like to eliminate the threat he poses to the civilized world and that should be our long-term goal. That should be our long-term goal. But for the moment we must not forget that from objectives come actions, and from actions come consequences. Every objective carries with it a different set of military options and will have very real consequences. Actions always produce consequences and not always the geopolitical consequences we expect. We must guard against the short-term objective turning into a long-term unexpected problem.

After our lightning success in Desert Storm, I fear that we, as Americans, may have been lulled into a false sense of believing that modern wars can be fought relatively quickly and painlessly, with high-tech weapons and very limited casualties. This is not the case, nor will it ever be the case in warfare.

Those who believe that this greater short-term objective could be accomplished without the use of a massive ground force are underestimating the task.

We need to be aware of the "law of unintended consequences." There are

always uncertainties in war. The consequences of any kind of military undertaking are far-reaching. With the current tensions in this region and the grim prospects for peace in the Middle East, this area of the world could erupt like a tinder box. Whatever military action might be taken against Saddam Hussein, it must be surgical, it must be precise, and it must be focused and, above all, well thought out. Other nations would undoubtedly seek to increase their spheres of influence in the Middle East if our immediate objective was to eliminate Saddam Hussein. If we were to escalate the level of our short-term objective, would we create consequences just as, if not more, dangerous to our national interests in the world than the situation we currently face?

As painfully slow as this process seems to be moving, events can unfold very quickly and uncontrollably. We cannot allow Saddam Hussein to stampede us into precipitous actions. Remember how the Six Day War began in 1967. Remember other events of this century that engulfed nations in wider, larger, and more deadly conflicts than anyone could have predicted.

I ask my colleagues in the Senate to keep this in mind when thinking about how to respond to the present situation in Iraq. What chain of events will we unleash with any action we take? Always the question must be asked, what then happens? What happens next? Are we prepared to not only answer this question but deal with the answer? Any short-term action must fit into a long-term foreign policy objective.

Any short-term action that America takes must fit into a long-term foreign policy objective. What is the administration's long-term objective in Iraq? Do we have one? Or are we crafting a long-term policy to justify short-term actions?

In the long term, I believe we need to be more creative in reviewing our options against Saddam Hussein. We must not allow ourselves to get caught up in the trap of doing something—anything—just because we said we would and the world expects us to. Our options should be based on what's right, what's achievable commensurate with the risk we are willing to take with American lives and what will truly have an impact in resolving the problem. And the problem is Saddam Hussein.

Mr. President, I am a little disturbed about reports over the weekend quoting high-ranking administration officials and congressional leaders saying such things as: We may have to face the reality that we will not get U.N. inspection teams back into Iraq; any military action would be to just slow Saddam Hussein down and we would have to keep going back to bomb him again and again every so many months and years; and our allies' support of us in Iraq may be tied to our future commitment to NATO.

These are disconcerting remarks. We owe it to our country and the men and

women in uniform who will be called upon to fight a war, if that decision is made, to do better than just bomb Saddam Hussein. First of all, the military option alone will not work if we truly want a final resolution of this problem. Some form of immediate military action may well be required as part of an overall long-term solution but only a part, only a part of a long-term solution.

Former Assistant Secretary of Defense in the Reagan administration, Richard Perle, in a Washington Post op-ed piece yesterday, listed a series of political actions that could be taken along with any military actions in Iraq. I believe Secretary Perle's analysis and general recommendations should be taken seriously and I ask unanimous consent that his article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. HAGEL. I find that I am asking myself the unescapable question—are we preparing to send our young men and women to war because we just all expect that this is the thing to do because we don't know what else to do?

That is not good enough. There is something very surreal about all the war talk, and war preparation being played out in this matter of fact tone on international TV with every talk show panelist in the world presenting his or her theories and options on war in Iraq—when most all of them have never been to war, prepared for war or understand the first thing about the horrors of war.

Our national defense is the guarantor of our foreign policy. I don't know if we have a long term policy on Iraq other than maintaining the U.N. sanctions and enforcing the resolutions, but that's not a foreign policy. If we are to commit America to war, it should be to enforce our foreign policy—just going to war alone is not enough. We must have an overall long term policy to enforce. The reason for war must be connected to more than just short-term sanctions enforcement.

It is my opinion that if we exercise any military option it must be accompanied by and attached to creative geopolitical elements of a comprehensive policy toward Iraq—geopolitical elements such as Secretary Perle listed yesterday. In the long run, how do we realistically get rid of Saddam Hussein? That's the policy question we should have been focused on over the last seven years. Sending America to war with one ally is no policy. We can do better. We must do better.

Nations lead from their strength of purpose, self confidence, and character. As President Teddy Roosevelt once said, "The one indispensable, requisite for both an individual and a nation is character." Allies will follow us if they trust our word and our policy. Bullying allies into submission for agreement is not leadership.

With regard to the immediate situation in Iraq we need to remain focused on the original objective—the full compliance by Saddam Hussein with U.N. Resolution 687. We should not act out of frustration or impatience. We have to stay focused on the objective and not overstate—not overstate expectations to the American people or the world.

For the mothers and fathers, sons and daughters, and loved ones of our men and women in the Gulf—we must proceed with clear eyed realism, not with emotionalism, not with revenge.

There are no good options. Saddam Hussein is intent on building the most vile weapons in the history of man, weapons outlawed by nearly all the countries of the world, and is openly defying the will of the global community. He cannot go unchallenged.

Should diplomatic efforts fail, we will be forced to take additional action to force Saddam Hussein to comply with the unanimous mandate of the U.N. Security Council. As long as this action meets a clear immediate objective, and the level of force is commensurate with that objective, the American people will come together and be unified behind the action taken.

In the future, the American people and the Congress must have a more solid basis for our support. We cannot continue to ricochet from crisis to crisis and call that foreign policy. Our nation must develop a long term, coherent policy not only toward Iraq and Saddam Hussein, but toward the entire Middle East. How are we prepared to deal with Iran? How do we plan to help make meaningful and lasting progress in the Middle East peace process? What are our foreign policy objectives with regard to North Korea, China, Bosnia, Europe, Russia, Asia, and other areas of the world? These policies must be clearly stated and clearly understood by both our allies and our adversaries.

As I said in the beginning, these are serious times. These are difficult times. There are no easy answers, only tough challenges and tough questions. They require serious solutions to serious questions from serious people. America is up to the task.

I yield the floor.

EXHIBIT 1

FEBRUARY 9, 1998

THIS TIME, HELP IRAQIS TO GET RID OF SADDAM'S REGIME

(By Richard Perle; The Washington Post)

The immediate provocation is Saddam Hussein's defiant attachment to weapons of mass destruction and his interference with UN inspectors charged with finding and eliminating them. Given the prospect of chemical and biological weapons in his murderous hands, military action is long overdue.

But the more fundamental threat is Saddam Hussein himself. As long as he remains in power, it is idle to believe that this threat can be contained.

That is why even a massive bombing campaign will fail—unless it is part of an overall strategy to destroy his regime by helping the nascent democratic opposition to transform itself into Iraq's new government.

America, alone if necessary, should encourage, recognize, help finance, arm and protect with airpower a provisional government broadly representative of all the people of Iraq.

Such a program would not be easy. But it has a better chance and is a worthier contender than yet another failed effort to organize an anti-Saddam Hussein conspiracy among retired Iraqi generals, or another round of inconclusive air strikes.

There is no repeat, no—chance that even a carefully conceived and well-executed bombing campaign would eliminate the arsenal of chemical and biological weapons (and the capacity to make more of them) that Saddam has hidden away.

There is a real danger that an inadequate bombing campaign, especially if it appeared decisive, would be quickly followed by calls from other nations to lift the UN sanctions on the grounds that the danger was over. This would be the ultimate example of winning the battle and losing the war.

A serious Western policy toward Iraq would be aimed at the destruction of Saddam's regime through a combination of military and political measures—with the political measures every bit as important as the military ones.

Chief among these would be open support for the Iraqi National Congress, an umbrella opposition group in which all elements of Iraqi society are represented.

To be effective, support for the Iraqi opposition should be comprehensive: support given them in the past has been hopelessly inadequate. In fact, help for the Iraqi opposition, administered in an inept, halfhearted and ineffective way by the CIA, has been the political equivalent of the insubstantial, pinprick air strikes conducted against targets in Iraq in recent years.

A serious political program would entail five elements:

Washington should, first, recognize the democratic opposition as the legitimate, provisional government and support its claim to Iraq's seat at the United Nations.

It should begin to disburse to the provisional government some of the billions of Iraq assets frozen after the Kuwait invasion.

It should lift the sanctions on the territory (now principally in the north but likely to spread) not under Saddam Hussein's control. This would catapult these areas into significant economic growth and attract defectors from within Iraq. Much of Iraq's oil lies in areas that Saddam cannot now control or over which he would quickly lose control if an opposition government were established there.

It should assist the opposition in taking its message to the Iraqi people by making radio and television transmitters available to them.

It must be prepared to give logistical support and military equipment to the opposition and to use airpower to defend it in the territory it controls.

This is what should have been done in August 1996 when Saddam's troops and secret police moved into northern Iraq and murdered hundreds of supporters of the opposition Iraqi National Congress. Shamefully, America stood by while people it had supported were lined up and summarily executed.

Skeptics will argue that the Iraqi National Congress is too frail a reed on which to base a strategy for eliminating Saddam. It is indeed a small corps (of perhaps a few thousand); it would need to rally significant popular support. But it has been steadfast in its principled opposition to Saddam, consistent in its democratic ambitions, and, when given the chance, able to establish itself in a significant area of Iraqi territory.

It has earned American support by the sacrifices of its members. And with American backing it has a chance.

It would be neither wise nor necessary to send ground forces into Iraqi when patriotic Iraqis are willing to fight to liberate their own country.

I would not want to be in Saddam's tanks in the narrow defiles of northern Iraq, or in parts of the south, when U.S. airpower commands the skies.

This strategy aims at eliciting a full-blown insurrection, taking off from territory Saddam does not control and spreading as his opponents find security and opportunity in joining with others who wish to liberate Iraq.

There can be no guarantee that it will work. But what is guaranteed not to work is a quick-fix air campaign that leaves him in power.

Mr. KYL. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business.

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

Mr. KYL. Mr. President, I want to begin by thanking my colleague from Nebraska for the eloquent remarks that he just made, to say that I totally agree with his analysis of the situation. He is a student of this, both because of his committee assignments and the way in which he has dedicated himself to study these issues. I think he has contributed significantly to the debate that we in Congress are going to have to have on this subject. I commend him for devoting that time this morning to this important subject.

I would like to speak to a different subject today.

THE SPECIAL COUNSEL

Mr. KYL. Mr. President, I think it is time for some of us in the Congress, particularly some of us who have spent a lifetime in the judicial process, to comment upon what has been occurring in the last few days with respect to the special counsel investigating the matter of the President and various affairs in which the President may or may not have been involved.

This is a most serious matter and I think the time has come for people who believe in the judicial process, who believe in the rule of law, and who believe ultimately in our justice system in this country, to speak out against those who are deliberately attempting to undermine that process. We have something going on today which runs counter to the entire history of the United States of America, a country which is based upon the rule of law, which has established a three-branch Government in which each branch respects the other and in which we support each other because we understand that an attack on one of these branches is, in effect, an attack on the entire Government.

We have established certain processes for attempting to deal with wrongdoing in our country. One of them is the process of investigating potential crimes in high places through the independent counsel statute, a

statute that has not been without controversy in the past but which has been used to probe potential conflicts of interest and criminal behavior in each of the last administrations, many times resulting in indictments or prosecution.

I will get back to the point in a moment, but some of us have tried to improve the way that statute works. But the way to do that is to do it in the legislative process with calm and deliberate debate, to ensure that justice in the end is always done.

What we have today, instead of an effort to look at the independent counsel statute to see where it might need to be modified to operate more appropriately, we have the same kind of tactic being employed by the highest levels of the White House that is employed in typical murder or rape or assault cases where the person charged attempts to defend himself by attacking the prosecution, by attacking the corrupt police, or by attacking the victim's credibility and reputation. That is what is happening today by key defenders of the President, including the President's lawyer.

Rather than coming out with the President's version of the facts—and he alone knows what the facts are in their entirety, with respect to the matters that have been recently carried in the press, the administration—rather, his lawyers, have chosen to tell him to keep quiet while they attack the judicial process that is underway to try to determine the facts and to bring to justice whoever needs to be brought to justice. The most recent deliberate attempt here is to specifically attack the reputation and credibility and actions of the Special Counsel, Judge Kenneth Starr. Judge Starr cannot defend himself because he is under orders not to talk about what he is doing. The very thing that the President's lawyers accuse him of doing, of talking too much, he cannot, and he is not. Someone has to stand up and say the process, the judicial process, and the people who are doing their best to make that process work, need to be defended.

I rise today to say it is time to stop attacking Judge Starr publicly and in the media. If you have a beef with him, go to his supervisor, in this case Attorney General Reno, or to the judges who can determine whether or not there is any improper activity within his office. But don't use as a defense in the case an attack broadly upon the prosecutor and his individual reputation and credibility. Because he cannot defend himself.

I said I had a background in law. I practiced law for 20 years, including practice in the United States Supreme Court. One of my law partners was a former Solicitor General of the United States, someone who, as a matter of fact, was well acquainted with Judge Kenneth Starr, who also was a Solicitor General of the United States. That is the highest position that a lawyer can achieve in this country with the

exception of being appointed to the bench or being the Attorney General of the United States. He is the Government's lawyer in the Supreme Court. That is what Kenneth Starr was. Then he himself was elevated to the bench.

He has had a solid reputation all his life as a moderate, intelligent, capable and fair person. But now, because he is investigating the President, the President's own lawyer and his attack dogs in the media programs have decided to go after the reputation of this man who, as I said, can't defend himself. Those of us who have spent our careers in the law understand that you cannot undermine the law repeatedly and expect to end up having justice in this country. That is why lawyers are taught to respect the judiciary and not to attack it directly. If you have a complaint, as I said, you go into court and try to prove your case. If you can, fine. But if you can't, then you should not be talking about it in public.

What has been happening recently? The President's lawyer, David Kendall, and people like Paul Begala, connected to the administration, have accused Independent Counsel Judge Starr of leaks. One of the things that was done recently is the filing of a letter by David Kendall, released to the public on Friday, which makes several bold allegations. Let me repeat what some of them are. He says the leaking of the past few weeks is "intolerably unfair." He continues, "These leaks make a mockery of the traditional rules of grand jury secrecy." And who does he attribute the leaks to? He says Mr. Starr's office is "out of control. . . . The leaking by [Mr. Starr's office] has reached an intolerable point."

These are unfair and unfounded accusations and somebody needs to respond to them. As I said, Kenneth Starr is very limited in what he can say publicly. He did respond in a letter to attorney Kendall and what he said in that letter, essentially is as follows. He said, first, and I am quoting from his letter to Mr. Kendall:

First, you elevate mere suspicion to specific accusation without any facts other than the press's often misleading attribution of sources.

I would make the point that is precisely what administration spokesmen are asking us to be careful about doing, and why personally I have absolutely refrained from responding to press inquiries about whether I believe these charges or do not believe them or what might have happened. Because I don't know. All we have is what has been reported in the media and I cannot judge whether that is true or not, and I should not express it publicly before the process is complete. The administration has been urging us to withhold our opinions until we do know. Well, I have been abiding by their admonishment, but they have not been doing it with respect to Ken Starr. As he says, they have "elevated mere suspicion to specific accusation without any facts," other than what has been reported in the media.