

voice of reason. Again, like ALAN SIMPSON, he has been one who has been willing to work with people on the other side.

Senator NANCY KASSEBAUM is the same. I read the stories about her, as I did about all of my colleagues and their contributions. One of the contributions NANCY KASSEBAUM has made has been on the Subcommittee on Africa, in the Foreign Relations Committee. She chaired that for a while. NANCY KASSEBAUM did not get any votes back home in Kansas by chairing the Subcommittee on African Affairs, but made an immense contribution in the very same way that ALAN SIMPSON gets no votes in Wyoming by chairing the Subcommittee on Immigration.

One of the things that we have in this body are people of real ability who have a sense of public service. And we need more of that, and a little less, as I indicated, partisanship and power grabbing. But Senator KASSEBAUM is primarily thought of by her work on the Labor and Human Resources Committee in which the Presiding Officer serves. And she has done a superb job there over the years, part of it in these years as chairman where she has had to make some very difficult decisions as we passed a budget resolution that cuts back on some of the things that she favors. But the contributions that she has made over the years have been very significant.

I have been proud to serve with all three. The people of Wyoming, Oregon, and Kansas can be very proud of these three Senators—Senator SIMPSON, Senator HATFIELD, and Senator KASSEBAUM.

Mr. President, I do not see anyone seeking the floor, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INHOFE. Are we in morning business, Mr. President?

The PRESIDING OFFICER. Yes, we are.

#### SENDING UNITED STATES TROOPS TO BOSNIA

Mr. INHOFE. Mr. President, I, like many people, have been distressed over the weekend listening to a lot of the comments as to what is going on in Bosnia, and this seems to be—and it is portrayed by this administration that it is—a done deal. Many Republicans and many Democrats are also saying that it is a done deal; that the troops are going to go; the President has made up his mind. The President, back in February 1993, made a commitment of 25,000 American troops on the ground in Bosnia, and he has decided they are going to go. So I guess the easy thing

is to say, well, the President made the decision; I may not agree with it or I may agree with it but nonetheless the decision is made, and we want to support our troops that are over there.

I am really getting tired of the demagoging that is going on about supporting the troops that are over there, as if this thing is a done deal. I grant you, Mr. President, I agree that the President of the United States does have the constitutional right to deploy troops. I think it is wrong, and historically it has not been done. The Presidents have come to the American people and have come through Congress for resolutions of approval, and this President has chosen not to do this.

Of course, I will remind all America that the House of Representatives, the other body, has already on two occasions expressed itself in a very, very strong vote in opposition to the deployment of ground troops to Bosnia. So we turn on the talk radio shows and we look at the news accounts, and they say, well, it is already a done deal and Congress has no role; Congress is not relevant in this debate.

I just do not buy that. I think this is still America, and the American people can be heard, and the best way for the American people to be heard is through their elected representatives. I think we have just a few hours to stop this thing. I am talking now about the mass deployment.

Yes, the President has already sent several hundred troops into the area of Tuzla, which is the northeastern sector, in which I had occasion to spend quite a bit of time, and I see an environment which is the most hostile environment that perhaps we have ever had the occasion to deploy any American troop into in the history of this country. We talk about and can identify that there are more than 6 million mines of all shapes and sizes that are out there, and you cannot do anything about rendering those mines harmless because the ground is now frozen and they will not appear really until a heavy vehicle gets on top of them. Of course, we are talking about the deployment of 130 M1 tanks and several other armored vehicles, so it is a very frightening thing. It is a frightening thing to think it is not just a matter of three factions that do not like each other in the former Yugoslavia. It is not just the Serbs and the Croats and the Moslems, because in addition to that you have the Bosnian Serbs, you have the Bosnian Moslems, you have the Arkan Tigers, you have the Black Swans, you have the Afghanistans, you have the Iranians. You have all of these, what we call rogue factions over there. And yet they say it is a done deal.

I think it is too easy to say that. I hope that everyone in America will demand that their Senator get on record on this issue. Mr. President, we are going to give them the opportunity to get on record on this issue. Last week, I served notice that there is going to be

an up-or-down vote on the sending of troops into Bosnia.

It is not a matter of supporting our troops that are there. You bet we support them. I know something about being a troop. I used to be in a troop, and I wanted the support of the American people and got it. I think every Member of this Senate, every Member of the other body, is going to support our troops wherever they are.

That is not the issue. That is a cop-out. The issue is, should they be over there to begin with? I can remember so well when Michael Rose, who was the commanding general of the troops, the U.N. troops, in Bosnia said, if America sends troops over there, they will have more casualties than they had in the Persian Gulf. That was 390.

In the Senate Armed Services Committee, when I asked Secretary Perry and Secretary Christopher and General Shalikashvili—I said, “Is that mission to contain a civil war and to protect the integrity of NATO worth more than 400 American lives?” And Secretary Perry said yes; Secretary Christopher said yes; General Shalikashvili said yes. But I say no, because, you see, Mr. President, they were speaking on behalf of the President of the United States, the top people, the Secretary of Defense, the Secretary of State, and, of course, the Chairman of the Joint Chiefs of Staff.

So now we say it is a done deal and that Congress is not relevant. But I say we are going to have a vote on this, and people are going to have to be responsible for it.

I ask unanimous consent, Mr. President, that at this point an editorial be printed in the RECORD, a December 1 editorial by Abraham Sofaer.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### CLINTON NEEDS CONGRESS ON BOSNIA

(By Abraham D. Sofaer)

President Clinton has appealed to Congress and the American people to support his policy committing 20,000 ground troops to implement the peace agreement reached between Serbia, Croatia and Bosnia. It is a tribute to the American people that the president is accorded the greatest deference when he calls for the greatest sacrifice. Americans respond, at least initially, to such appeals from their President.

But Mr. Clinton is exploiting this quality. He has presented the agreement and the American role in its enforcement as an accomplished fact, though the documents have yet to be signed by the parties, and numerous preconditions to U.S. involvement have yet to be fulfilled. He is consulting with Congress, but he is already sending troops to the area without any form of legislative approval. Indeed, he claims that, while he would welcome Congress's approval, he plans to go ahead regardless.

Presidents often try to get what they want by leading aggressively. Congress nevertheless has a duty to study carefully the proposed operation and then express its view. The essential first step in that debate is to read the documents signed recently in Dayton. The complex agreement, with 12 annexes, calls for Bosnia to remain a single but divided nation, and all the warring factions

to withdraw to specific lines. The agreement covers virtually all aspects of future life in Bosnia, including the division of its governments, the contents of its constitution, the selection of its judges, and the manner in which its police force is to be chosen and trained. Of principal interest to Congress, though, are those aspects of the agreement that create obligations and expectations for the U.S. to fulfill.

#### OUR OBLIGATIONS

These obligations, when carefully examined in context, carry to the ultimate extreme the policy of forcing a settlement on the Bosnians, rather than attempting to create an internal situation that is militarily balanced. Most significantly, the agreement makes the U.S., through the "implementation force" (IFOR), the military guarantor of the overall arrangement.

The role of U.S. troops cannot be characterized as "peacekeeping." Even "implementation" understates our obligation. IFOR will be close to an occupying army, in a conflict that has merely been suspended. We are likely to have as many difficulties acting as occupiers without having won a victory as the U.N.'s war crimes tribunal is having in attempting to apply its decisions in Bosnia without the power to enforce them.

IFOR's principal responsibilities are set out in Annex I(a) of the agreement:

The parties agree to cease hostilities and to withdraw all forces to agreed lines in three phases. Detailed rules have been agreed upon, including special provisions regarding Sarajevo and Gorazde. But IFOR is responsible for marking the cease-fire lines and the "inter-entity boundary line and its zone of separation," which in effect will divide the Bosnian Muslims and Croats from the Bosnian Serbs. The parties agree that IFOR may use all necessary force to ensure their compliance with these disengagement rules.

The parties agree to "strictly avoid committing any reprisals, counterattacks, or any unilateral actions in response to violations of this annex by another party." The only response allowed to alleged violations is through the procedures provided in Article VIII of the Annex, which establishes a "joint military commission"—made up of all the parties—to consider military complaints, questions and problems. But the commission is only "a consultative body for the IFOR commander," an American general who is explicitly deemed "the final authority in theater regarding interpretation of this agreement. . . ." This enormous power—to prevent even acts of self defense—will carry proportionate responsibility for harm that any party may attribute to IFOR's lack of responsiveness or fairness.

IFOR is also given the responsibility to support various nonmilitary tasks, including creating conditions for free and fair elections; assisting humanitarian organizations; observing and preventing "interference with the movement of civilian populations, refugees, and displaced persons"; clearing the roads of mines; controlling all airspace (even for civilian air travel); and ensuring access to all areas unimpeded by checkpoints, roadblocks or other obstacles. Taken together, these duties essentially give IFOR control of the physical infrastructure of both parts of the Bosnian state. It seems doubtful that the 60,000-man force could meet these expectations.

Article IX of the agreement recognizes the "obligation of all parties to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law." This is an especially sensitive matter. Yet there is no mechanism in the accord for bringing to justice men who haven't been defeated in battle and who aren't in

custody. This means that IFOR is almost certain to come under pressure by victims and human rights advocates to capture and deliver up the principal villains. Will it do better than we did in fulfilling our promise to capture Mohammed Farah Aidid in Somalia?

The agreement makes vague promises about reversing "ethnic cleansing" by guaranteeing refugees the right to return to their homes. Since this is in practice impossible, the West will end up paying billions in compensation awards promised in the agreement.

The agreement contains numerous provisions regarding the manner in which Bosnia is to be governed, with checks and balances built in that are based on ethnic or geographic terms. But Americans traditionally have not believed in such divisions of political authority. We fought the Civil War to put into place an undivided nation based on the principle that all people are of equal worth, and all must live in accordance with the law. It took a Tito to keep the ethnically divided Yugoslavia together. Will IFOR now assume his role of enforcing a constitution based on principles abhorrent to Western values? Even if the basic structure of the government works, what role will IFOR have to play in resolving disputes over the numerous sensitive areas that the parties have seen fit to write into the accords? If the parties don't resolve some matters successfully, they are likely to blame IFOR for these failures.

Finally, the agreement draws a vague distinction between "military" and "civilian" matters. Ultimate authority over the latter is allocated to a U.N. high representative, who is to act through a "joint civilian commission" consisting of senior political representatives of the parties and the IFOR commander or his representative. The high representative is to exchange information and maintain liaison on a regular basis with IFOR, and shall attend or be represented at meetings of the joint military commission and offer advice "particularly on matters of a political-military nature." But it is also made clear that the high representative "shall have no authority over the IFOR and shall not in any way interfere in the conduct of military operations or the IFOR chain of command."

This may seem a reassuring confirmation of IFOR's power to avoid U.N. restrictions on the use of force. Ultimately, however, IFOR's role could be made untenable if it finds itself in a confrontation with the U.N.'s designated representative about the proper handling of a "political" matter. What would happen, for example, if the U.N. high representative determined that U.S. forces had gone too far in defending themselves under President Clinton's policy of effectively responding to attacks "and then some"?

#### EITHER/OR

Congress cannot redo the agreement reached by the parties. But there is no need for lawmakers to accept President Clinton's either/or approach—either support his plan to implement the agreement, or pull out entirely. If the agreement represents a genuine desire for peace among the warring parties, then presumably the accord is not so fragile as to depend on the oral commitment of U.S. troops made by the administration (and which isn't even part of the agreement). Congress can and should consider other options. The U.S., for example, could assist European forces in demarcating the boundary lines, and could enforce peace in the area through the threat of air strikes on important targets. Or the U.S. could offer greater monetary and diplomatic support for the agreement but not any ground troops.

Whatever happens with the troop commitment, Congress should insist that the agree-

ment's provisions allowing the training and arming of the Bosnian Muslims be rigorously adhered to. A balance of power among the hostile parties is ultimately the only basis for long-term stability in the region. And if American troops are sent to Bosnia, they will be unable to leave responsibly until such a balance has been developed. That would certainly take longer than the yearlong limit imposed by the administration.

Mr. INHOFE. This is a senior fellow at the Hoover Institution who took the time to read the some 12 annexes that we have to this agreement that has been initialed and all that was said.

We realize the responsibility that we have in the United States for this so-called peacekeeping effort. But stop and think. This is not peacekeeping; this is peace implementation. There is a little thing called mission creep. We saw it in Vietnam. We saw it in Somalia. It is a thing where you go in and tell the American people, "We are just keeping peace. There is no war on over there."

Mr. President, I was in the northeast sector of Bosnia. There is a war going on over there. The firing did not stop. The firepower is going on right now. You can hear it. You are walking around with a shrapnel jacket and helmet. You are not doing that to keep warm even though you are doing anything you can to keep warm in that area. There was a blizzard 3 weeks ago when I was there.

Nonetheless, when this scholar read the accords, not only are we responsible for implementing, that is, making peace; but we also are responsible for rebuilding the infrastructure. This \$2 billion they bandy around is not even a drop in the bucket of what we are going to have to spend if the President has his way and has a mass deployment into Bosnia.

I had a telephone conversation not more than just 10 minutes ago with a retired captain, Jim Smith, who lost his leg in Vietnam and lost his son in Somalia. His son was one of those soldiers, one of those 18 Rangers that were sent over there originally for some type of a humanitarian mission that was supposed to open up the roads so we could send humanitarian goods in to some of the Somalian people.

Yes, that seemed to be a good idea. It was a 45-day mission to start with. Then President Clinton was elected. I was serving in the other body at the time, and every month we sent a resolution that said, "Mr. President, bring our troops home from Somalia. We do not have anything at stake there in terms of our Nation's security." He did not do it and did not do it and did not do it until finally 18 of our Rangers were murdered in cold blood, their corpses were mutilated and dragged through the streets of Mogadishu. And one of those corpses was Cpl. Jim Smith, the son of Capt. Jim Smith.

I talked to Capt. Jim Smith, who spent a career in the military and knows a lot more about it than I do. Captain Smith said there are so many parallels between what happened to his -

son and what is going to happen to many son and what is going to happen to many other sons and daughters if we allow the mass deployment of troops into Bosnia.

He said one of the things that stuck in his mind was the last letter that he got from his son, Cpl. Jim Smith, who said, "Dad, the biggest problem we have is we don't know who the good guys and the bad guys are." This was in Somalia. This was one of the last letters, maybe the last letter, written by Cpl. Jim Smith before his body was dragged through the streets of Mogadishu. He said, "We don't know who the good guys and the bad guys are."

That is exactly what happened 2½ years ago when President Clinton made the first decision for airdrops. I asked the person—and I cannot use his name in this public forum because it was a restricted meeting—I said, "How do you know when we drop the stuff whether it's going to get to the good guys or the bad guys?" He scratched his head and said, "You know, I don't think we know that. Come to think of it, I'm not sure we know who the good guys and the bad guys are."

That is because if you take a snapshot of any time in the history of Bosnia or the former Yugoslavia, you will find that at one time the Croats are the bad guys and the Serbs are the good guys; another time the Moslems have just finished butchering several thousand people, they are the bad guys, the Croats are the good guys. Most recently we assume the Serbs are the bad guys, so we, under the direction of President Clinton, chose sides in that civil war. At that time, many of us said, as soon as they do airdrops, then there will be airstrikes, and then they will want to send troops in. And that is exactly what has happened.

So this not over. It is not a done deal. I know the President right now is on a wave. His numbers look good. Mr. President, I can understand that, because you are an excellent politician. You just came back from Europe. You were talking about how everyone was cheering you over there. No wonder they are cheering over in Europe. You are saying we are committing 70 percent of the cost for this, and we are committing 30 percent of our troops to fight with your other troops, to fight your battles for you.

That is not our battle over there. That is relative to the security interests of Western Europe and Eastern Europe, not the United States.

I saw the accounts on television when President Clinton was talking to the troops over there. I can remember when I was a troop, so I know how a troop thinks. When I was over there talking to those same troops just a few days before the President was there, they had one question. They said, "What is our mission? Why are we going to this hostile area? Why is the President obsessed in sending us into Bosnia?"

I only say this today. I know we are out of time, Mr. President. I just want

to say this and I want to say it yet all over the place. I want to emphasize there will be no free rides. There is going to be a vote. Most likely it will be Wednesday, not the vote that the leader has that is going to be a watered-down version of conciliatory remarks about what has gone on over there and about protecting our troops. We all know we are going to support our troops.

But this is going to be a vote on, Are we going to have a mass deployment of troops into Bosnia? Yes or no. And every Senator on this floor is going to have to make a record and stand up and say how he feels so that the people at home will know.

I do not know, Mr. President, how your calls are coming in in your office back in Tennessee. But I can tell you what mine are in Oklahoma. They are about 100 to 1 against it. That is because there is an infinite wisdom of the people of this country once left alone to make up their mind and make that judgment. It is not a beltway decision. It is not a Washington, DC, decision. It is not the kind of wisdom you get in the White House or within the beltway. It is back in real America where real people, real fathers and mothers are, sons and daughters who are going to be over there, shipped over to this endless war in Bosnia.

It is not going to be 12 months, Mr. President. When we were up in the area of Tuzla where our troops are going to be deployed, I said something about 12 months, and they all laughed. They said, "You mean 12 years." This is the time for it to be stopped. If Somalia had been stopped before the murder of the 18 Rangers over there and their mutilated bodies were dragged through the streets of Mogadishu, that would not have happened. This is the time to stop this before the mutilated bodies of Americans are dragged through the streets of Tuzla.

I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

#### BOSNIA AND HAITI

Mr. DEWINE. Mr. President, we are now debating in this country the question of deployment of United States troops to Bosnia. As we engage in that discussion this week, I think it would be appropriate if we take a moment to go back and talk about the last major U.S. deployment of troops in a trouble spot situation. Of course, I am talking about Haiti.

Today, Mr. President, there are approximately 2,500 United States troops in Haiti, down from a much higher figure previously. These troops, Mr. President, were deployed in the interest of the future of peace and democracy in Haiti. It is vitally important to Haitian democracy that there be an orderly transfer of power in Haiti in the coming weeks.

On December 17 of this year—in just a few days—elections are scheduled to take place. These elections on December 17 are to be followed, on February

mass deployment of troops into Bosnia—President of Haiti. Mr. President, all over the world the orderly transition of power is considered the true hallmark of democracy.

This orderly, routine transfer of power is what separates true democracy from pseudodemocracy. It is what separates the democratic countries in the world from other countries. And there is no truer test of a democracy than its ability routinely to carry out this awesome transfer of power.

Mr. President, in the past, President Aristide has indicated that he understands this and that he understands the importance of this. In fact, on May 29 of this year, Senator SPECTER and I met with President Aristide at the White House in Haiti. We asked him at that time in a fairly lengthy conversation if he can envision any circumstances under which he would retain power. His answer was an unequivocal no. Senator SPECTER asked him again, could he envision any circumstances that he would retain power, stay in office. His answer, no.

Then I asked President Aristide, "Mr. President, many of your supporters may urge you to stay on, they may appeal to your patriotism, they may tell you that you are the only one who can carry out the duties of the Presidency, that your country needs you. How will you be able to resist those comments? How will you be able to resist those pleas?"

President Aristide's answer was very simple. He said, "Senator, I have no choice. The Constitution takes precedence over the wishes of my supporters."

Over the last couple of weeks, there has been some confusion about whether President Aristide will leave office. There has been some indication that he might not step down as scheduled. His views on this matter appear to be a moving target. The most recent accounts over the weekend, last Friday specifically, are that he said that he will step down after all and that he was really misunderstood in the comments that he made a few days prior to that.

Mr. President, it is vitally important that President Aristide does, in fact, step down, that he follows his Constitution, the Constitution of Haiti.

I cannot emphasize enough the vital importance of President Aristide's routine departure from office. Last year, the United States went to the brink of a full-scale invasion in support of constitutional democracy in Haiti. We want and the Haitian people want a strong and stable democracy in Haiti. To achieve that, there has to be an orderly transfer of power. The Haitian people deserve it.

Earlier in this century, William Faulkner described Haiti as "homeless and desperate on the lonely ocean, a little lost island" that had suffered "200 years of oppression and exploitation."