foreseeable future by the U.S. and other members of the international community that called for the removal of the elected government.

If the Bush administration and others inside and outside of Haiti had been at all concerned over the last 3 weeks about the fate of the Haitian people, perhaps the situation would not have deteriorated into near anarchy, nor would the obligation of the U.S. to clean up this mess now loom so large.

We are now reaping what we have sown. Three years of a hands-off policy left Haiti unstable, with a power vacuum that will be filled in one way or another. Will that vacuum be filled by individuals such as Guy Philippe, a former member of the disbanded Haitian Army, a notorious human rights abuser and drug trafficker, or is the administration prepared to take action against him and his followers, based upon a long record of criminal behavior?

It is rather amazing to this Senator that the administration has said little or nothing about its plans for cracking down on the armed thugs who have terrorized Haiti since February 5.

Only with careful attention by the United States and the international community does Haiti have a fighting chance to break from its tragic history. In the best of circumstances, it is never easy to build and nurture democratic institutions where they are weak and nonexistent. When ignorance, intolerance, and poverty are part of the very fabric of a nation, as is the case in Haiti, it is Herculean.

Given the mentality of the political elites in Haiti—one of winner take all—I, frankly, believe it is going to be extremely difficult to form a unity government that has any likelihood of being able to govern for any period of time without resorting to repressive measures against those who have been excluded from the process.

It brings me no pleasure to say at this juncture that Haiti is failing, if not a failed state. The United Nations Security Council has authorized the deployment of peacekeepers to Haiti to stabilize the situation. I would go a step further and urge the Haitian authorities to consider sharing authority with an international administration authorized by the United Nations in order to create the conditions necessary to give any future Government of Haiti a fighting chance at succeeding. The United States must lead in this multinational initiative, as Australia did, I might point out, in the case of East Timor; not as Secretary Defense Rumsfeld suggested yesterday: Wait for someone else to step up to the plate to take the lead. It will require substantial, sustained commitment of resources by the United States and the international community if we are to be successful.

The jury is out as to whether the Bush administration is prepared to remain engaged in Haiti. Only in the eleventh hour did Secretary of State Colin Powell focus his attention on Haiti as he personally organized the pressure which led to President Aristide's resignation on Sunday. Unless Secretary Powell is equally committed to remaining engaged in the rebuilding of that country, then I see little likelihood that anything is going to change for the Haitian people. The coming days and weeks will tell whether the Bush administration is as concerned about strengthening and supporting democracy in our own hemisphere as it claims to be in other more distant places around the globe. The people of this hemisphere are watching and waiting.

I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Arizona.

Mr. REID. Mr. President, will my friend yield for a question?

Mr. KYL. Yes.

Mr. REID. Mr. President, we have people on both sides trying to determine what their schedules will be tonight. It is my understanding the Senator from Arizona would like to speak for an extended period of time or have someone on his side speak. We certainly think that is appropriate. We would, however, like to see what we can do to determine how much time would be used on each side. I ask my distinguished friend from Arizona, through the Chair, if he believes they can do their speeches in 2 hours.

Mr. KYL. If I can answer the question of the Senator from Nevada this way, I know that we have 2 hours. I just asked the staff on the schedule they have if it goes beyond that. They are checking that right now. I say to my friend from Nevada, if there are no people beyond that time, then 2 hours, and then if there are, then whatever the Senator is willing to agree to we will be happy to enter an agreement on.

Mr. REID. Mr. President, I ask unanimous consent that during this period for morning business, that I be in control of 2½ hours and that the majority be in control of 2½ hours, with the time starting from the time Senator KYL starts his speech.

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

IRAQ

Mr. KYL. Mr. President, I rise today to discuss the subject of the removal of Saddam Hussein's regime in Iraq and to address some of the recent criticism regarding whether, given that large stockpiles of weapons of mass destruction have not been found, action by the United States was justified. When I have concluded, I know there are some colleagues who will want to address this same question from slightly different perspectives.

The tragic events of September 11, 2001, demonstrated with great clarity that we can no longer afford to wait for threats to fully emerge before we deal with them. We paid a heavy price that day for our previous half-measures against those who hate us and want to destroy us.

By definition, intelligence is imprecise, and no matter what reforms we implement in our intelligence community, the fact is, at least to some degree, it will always be uncertain. This is precisely why intelligence information is just part of a larger puzzle, as it was in the case of Iraq, that we used to determine the direction of U.S. policy.

So given the uncertainty about weapons of mass destruction stockpiles, were our actions in Iraq justified? The answer to that question is most certainly yes. There is no doubt that the United States, the Iraqi people, and the international community are far better off today without Saddam Hussein in power.

The inability to find weapons of mass destruction stockpiles now does not mean that Iraq did not have access to such weapons, and that under Saddam Hussein Iraq was not a grave and gathering danger. In fact, the overwhelming body of evidence, including most recently that from the Iraq Survey Group, indicates that his regime did, indeed, pose a threat, and that its removal will aid in our overall aid against terror.

Some of our colleagues have charged that the President led the American people to war under false pretenses; that the case for removing Saddam Hussein's regime was supposedly based on an imminent threat posed by that regime because of its arsenals of weapons of mass destruction which now cannot be found. This assertion is categorically false, and today I intend to explain why.

Let's briefly review how we arrived at the decision to authorize force against Iraq in October of 2002.

Contrary to what some would have us believe, the Bush administration did not fundamentally change U.S. policy with Iraq from that of the Clinton administration. Upon entering office in January 2001, President Bush inherited from the Clinton administration a policy of regime change. I repeat, the Bush administration pursued the same Iraqi policy as the Clinton administration. That policy was based on the 1998 Iraq Liberation Act which stated:

> It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power and to promote the emergence of a democratic government to replace that regime.

This policy was unanimously approved by this Senate. This legislation and, thus, the shift in U.S. policy from containment to regime change reflected an acknowledgment that diplomatic solutions for dealing with Saddam's intransigence were being exhausted.

Even before that shift, however, the Clinton administration was clear about the nature and capabilities of Saddam

Hussein's regime and, moreover, believed that if left unchecked, the regime would pose a serious threat in the future.

On February 17, 1998, as he prepared for war against Iraq, President Clinton stated the following:

> Now let's imagine the future. What if [Saddam Hussein] fails to comply and we fail to act or we take some ambiguous third route, which gives him yet more opportunities to develop this program of weapons of mass destruction and continue to press for the release of the sanctions and continue to ignore the solemn commitments that he made? Well, he will conclude that the international community has lost its will. He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you he will use that arsenal. . . . In the next century, the community of nations may see more and more of the very kind of threat Iraq poses now—a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists, drug traffickers, or organized criminals who travel the world among us unnoticed.

That quote was from President Clinton's remarks in 1998 as he prepared for war against Iraq. He pointed out that the arsenal which Iraq possessed—''a rogue state with weapons of mass destruction'' were his exact words—will pose a threat because he can provide them to terrorists, drug traffickers, or organized criminals who travel the world among us unnoticed.

Note that he talked about weapons of mass destruction which Saddam Hussein possessed.

I have noted no objections or caveats on these warnings by Democratic Members of the Senate.

Later that year, not 2 months after President Clinton signed the Iraqi Liberation Act into law, he delivered an address to the Nation explaining his decision to order air strikes against Iraqi military targets. He discussed the potential long-term threat posed by Saddam Hussein. Again, I quote President Clinton:

> The hard fact is that so long as Saddam Hussein remains in power he threatens the well-being of his people, the peace of his region, the security of the world. The best way to end that threat once and for all is with a new Iraqi government, a government ready to live in peace with its neighbors, a government that respects the right of its people.
>
> . . . Heavy as they are, the costs of inaction must be weighed against the price of inaction. If Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors; he will make war on his own people. Mark my words, he will develop weapons of mass destruction. He will deploy them, and he will use them.

Again, I note no dissent from Democratic Senators to these comments of President Clinton.

Consider the striking similarity between these statements by President Clinton and the statements Bush administration officials made about Iraq during the leadup to Operation Iraqi Freedom. In the first statement I cited from February of 1998, President Clinton discussed the consequences of inaction in the face of continued noncompliance by Saddam Hussein, noting that inaction would lead the dictator to conclude the international community had lost its will.

Consider the statements of President George W. Bush to the United Nations General Assembly in September 2002:

> The conduct of the Iraqi regime is a threat to the authority of the United Nations. Iraq has answered a decade of U.N. demands with a decade of defiance. . . . The United Nations [faces] a difficult and defining moment. Are Security Council resolutions to be honored and enforced, or cast aside without consequence? Will the United Nations serve the purpose of its founding, or will it be irrelevant?

I point out the focus of President Clinton's statements was on the totality of our knowledge about Saddam Hussein's history, his defiance of the United Nations, use of chemical weapons, aggression against his neighbors, savage treatment of his own people.

This is what we had to gauge his intentions by. This broad focus on Saddam's past actions and known capabilities, not any particular piece of intelligence, was also what prompted many Members of this body to authorize force against Iraq in October 2002. Consider some of the statements made in 2002 by my colleagues. First I quote Senator DASCHLE, majority and minority leader:

> Iraq's actions pose a serious and continued threat to international peace and security. It is a threat we must address. Saddam is a proven aggressor who has time and again turned his wrath on his neighbors and on his own people. Iraq is not the only nation in the world to possess weapons of mass destruction, but it is the only nation with a leader who has used them against his own people . . .

Note: 2002, Saddam Hussein possesses weapons of mass destruction, no qualifications except he is not the only country to do so. No expression of doubts or caveats. As minority leader or majority leader, Senator DASCHLE has access to all of the intelligence that is available to anybody in this body.

Now I quote Senator BIDEN, whose comments I quote not just because he is one of the more thoughtful Members of this body and ranking member of the Foreign Relations Committee, but also because they happen to be very close to the views I expressed on this issue. I quote Senator BIDEN in his colorful way of putting it:

> There is a guy named Saddam Hussein who, in the early 1990s broke international law, invaded another country, violating every rule of international law. The world, under the leadership of a President named Bush, united and expelled him from that country. Upon expulsion, he said a condition for your being able to remain in power, Saddam Hussein, is you sue for peace and you agree to the following terms of surrender . . . If the world decides it must use force for his failure to abide by the terms of surrender, then it is not preempting, it is enforcing. It is enforcing, it is finishing a war he reignited, because the only reason the war stopped is he sued for peace.

That is exactly true. That is precisely what happened.

Now let me quote another leader in the Senate, Senator KERRY, who said this:

> It would be naive, to the point of grave danger, not to believe that, left to his own devices, Saddam Hussein will provoke, misjudge, or stumble into a future, more dangerous confrontation with the civilized world. . . .

So this was the backdrop against which we all had voted to authorize the President to act and upon which he acted. I should not say we all voted to authorize the President because there were a few who did not, but the vast majority of the House of Representatives and the Senate voted to authorize the President to take appropriate action.

Some now are voicing second thoughts. Since our successful removal of Saddam Hussein from power, it emerges that some of the intelligence regarding the regime's weapons of mass destruction capabilities may have been wrong, because most notably large stockpiles of chemical and biological weapons have yet to be found.

I feel compelled to point out three obvious facts: One, an intelligence failure is not synonomous with a misuse of intelligence. Two, this intelligence issue does not fundamentally change the case against Saddam Hussein. Three, since Iraq itself had provided documentation to the United Nations on its production of chemical and biological agents, the question is not whether but what happened to the stockpiles.

Let's take the first, the misuse of intelligence. The fact remains the Bush administration relied largely on the same intelligence information used by the Clinton administration during the late 1990s, the same information that was available to Senators and about which they spoke on this floor, some of which I have quoted.

President Clinton's CIA Director was retained by President Bush. By and large, the intelligence information was also the same as that of the other allied intelligence services, with a primary source being the two U.N. inspection bodies UNSCOM and UNMOVIC, the initials of which are U-N-S-C-O-M and U-N-M-O-V-I-C, which were led by non-Americans, such as Rolf Ekeus and Richard Butler. That Saddam had weapons of mass destruction capabilities was widely accepted, even by those who vehemently opposed the war. As French President Jacques Chirac commented during an interview with ''Time'' Magazine in February of 2004:

> There is a problem—The probable possession of weapons of mass destruction by an uncontrollable country, Iraq. The international community is right to be disturbed by this situation, and it's right in having decided Iraq should be disarmed.

I would note, if he does not have any weapons of mass destruction, there is no point in talking about disarming him. The entire world community believed he possessed these weapons, among other things because he himself had said he did.

So given the information the international community had at the time, the conclusions about Iraq's capabilities seemed clear. As former head of the Iraqi Survey Group David Kay recently stated in his testimony to the Senate Armed Services Committee:

. . . All I can say is if you read the total body of intelligence in the last 12 to 15 years that flowed on Iraq, I quite frankly think it would be hard to come to a conclusion other than Iraq was a gathering, serious threat to the world with regard to WMD.

I might add, that is exactly what President Bush said. That is obviously a big-picture view.

It seems opponents of the President, in charging the administration misled the American people, preferred to point to specific intelligence. So let's take a closer look at a couple of those examples. First, that the President's reference in his State of the Union Address regarding Iraq's attempts to purchase uranium and, second, that the administration presented intelligence community information on Iraq's WMD capabilities as though it were an undeniable fact rather than qualifying it properly with caveats.

First, there were the following 16 words in the President's State of the Union Address:

The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

Major newspapers, the Democratic National Committee, and some policymakers claim this is one of the top examples of the Bush administration knowingly misleading the American people and presenting false intelligence information. As the DNC chairman Terry McAuliffe stated:

This may be the first time in recent history that a President knowingly misled the American people during a State of the Union Address. . . . this was not a mistake. It was no oversight and it was no error.

That is a grave charge. Charges that the administration purposely included false information in the President's speech I deem despicable, an attempt to create a scandal where one does not exist. The President had every reason to believe the information in his speech was true. It had been vetted by the CIA Director and it was consistent with the judgment of the intelligence community in October 2002. The National Intelligence Estimate at that time said Iraq was ''vigorously trying to procure uranium ore'' from several African countries.

The British government, which the President cited, included a judgment in its dossier similar to that of the intelligence community's majority judgment on this point.

In retrospect, Director Tenet stated this phrase, though factually correct and approved in the interagency process, should not have been included in the President's speech because it was not central to the intelligence community's judgment that Iraq was reconstituting its nuclear weapons program. In other words, it was just a piece of evidence, not important enough to include in a speech like the State of the Union speech, and certainly not what we relied upon for our conclusion Iraq was trying to reconstitute its nuclear weapons program. In any event, it does not suggest in any way that the President was at fault for including the information, or that he had any intention of misleading the American people. The President believed the text was sound. It was not in error. If there was an error, it was simply including a piece of information which really wasn't central to making the case, but not misleading the American people.

Second, the President's critics argue he failed to mention caveats in the intelligence community's assessment of Iraqi capability. This criticism is highly misleading. According to the 2002 National Intelligence Estimate, and I have an unclassified copy of it here, the intelligence community had ''high confidence'' in the following statements:

Iraq is continuing, and in some areas expanding, its chemical, biological, nuclear, and missile programs contrary to U.N. Resolutions.

Iraq possesses proscribed chemical and biological weapons and missiles.

Iraq could make a nuclear weapon in months to a year once it acquires sufficient weapons-grade material.

So the National Intelligence Estimate, prepared by the entire intelligence community, led by the CIA Director George Tenet, had high confidence, among other things, in the fact that Iraq possessed proscribed biological and chemical weapons and missiles. After the fact we found some of the missiles. We found the programs to make chemical and biological weapons. But we don't find the big stockpile of those weapons. It turns out the intelligence community's high confidence in this statement was either misplaced or we simply haven't found the material yet, or it went somewhere else. We don't know the answers to those questions.

As to this, the only dissent came from the State Department. But even in its alternate view it said Saddam continues to want nuclear weapons and available evidence suggests Baghdad is pursuing a limited effort to maintain and acquire nuclear weapons capabilities.

Moreover, it appears the State Department did not have significant objections to the key judgments related to chemical, biological, and missile programs.

So it is clear, it is fair to say, we had a general opinion of Saddam's capabilities, that that is what the President addressed.

I want to also make it clear the President and the administration never claimed Iraq posed an imminent threat, as some have said. To the contrary, administration officials said the United States and the international community needed to act before it became imminent. Indeed, President Bush challenged those who wanted to wait until the threat was imminent in his 2003 State of the Union Address, saying the following:

Some have said that we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions, politely putting us on notice before they strike? If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late. Trusting in the sanity and restraint of Saddam Hussein is not a strategy, and it is not an option.

So said President Bush.

Administration officials did use words like ''immediate'' and ''urgent'' but more to convey the importance of dealing with the threat they judged to be growing; that they did not imply or state was imminent, in other words, that the attack was about to occur. They did not say that.

Indeed, that the threat was not yet imminent was well understood on both sides of the aisle. As Senator DASCHLE, whom I quoted earlier, stated in explaining his support for the resolution authorizing the use of force against Iraq:

The threat posed by Saddam Hussein may not be imminent, but it is real, it is growing, and it cannot be ignored.

I submit he was correct. One can argue, and indeed some of my colleagues have argued, administration officials were at times too certain in the way they said it, too certain in their statements using phrases like ''we know.'' But given all the information we had about Saddam's history of using and producing weapons of mass destruction, his aggressive intentions, and the intelligence community's high confidence in the key areas of assessment, it is difficult to imagine how the administration could have determined Iraq was not a threat that needed to be dealt with immediately.

So, no, there may have been mistakes in intelligence. We have yet to find that out. But there was not a misleading—an attempt to mislead by the administration.

The second point is the larger point, that whatever deficiencies there may have been about the stockpiles of weapons of mass destruction, it doesn't change the basic case against Saddam Hussein. Some of what I have quoted earlier makes that point. While it is troubling our intelligence cannot tell us where these stockpiles are, the larger case remains. The Bush administration, supported by a large coalition, pursued a responsible policy, given all of the pieces of the puzzle it had. As I said, there was Saddam's previously known missile capabilities and chemical and biological weapons programs; his desire to acquire a nuclear weapon; his continuing flagrant violation of numerous Security Council resolutions; his history of aggression including, I might add, shooting at American airplanes constantly in the no-fly zone while we were trying to enforce that, if you will recall; and even an attempt to assassinate former President Bush. Add to this the regime's vast human rights

abuses which really only came to light after we were able to liberate Iraq.

In other words, absent any statement or specific piece of intelligence, the case against Saddam Hussein was already made by Saddam Hussein himself and this was before, as I said, we found the mass graves of hundreds of thousands of Iraqis.

Our colleague Senator KERRY summed it up well at the time. He said this:

> I believe the record of Saddam Hussein's ruthless, reckless breach of international values and standards of behavior is cause enough for the world community to hold him accountable by the use of force, if necessary.

I want to quote that again:

> I believe the record of Saddam Hussein's ruthless, reckless breach of international values and standards of behavior is cause enough for the world community to hold him accountable by use of force, if necessary.

There is no suggestion here we had to find weapons of mass destruction, or even necessarily that we had to believe those weapons existed at the time, even though, as I said, we all did, based upon the intelligence at the time, but that this gross violation of human rights was, in and of itself, a sufficient casus belli.

Given the same causes and information, what then accounts for the differences between the actions of the Bush and Clinton administrations? Very simply, the Bush administration made a decision that, post 9/11, it was too dangerous to allow American security to rest in the hands of an international organization that, after 12 years, had failed to enforce its own resolutions demanding Iraqi compliance with the 1991 Gulf war cease-fire. It was too dangerous to allow a regime to stay in place which had demonstrated a clear intent to develop weapons of mass destruction, had ongoing ties to terrorist organizations, and whose leader made it abundantly and routinely clear the United States was his enemy.

We needed to begin the process of changing the facts on ground in the Middle East.

In fact, it was, in part, the very uncertainty that made dealing with Saddam Hussein an urgent matter.

As Senator KERRY explained before his vote in favor of the authorization to use force:

> In the wake of September 11, who among us can say, with any certainty, to anybody, that those weapons might not be used against our troops or against allies in the region? Who can say that this master of miscalculation will not develop a weapon of mass destruction even greater—a nuclear weapon—then reinvade Kuwait, push the Kurds out, attack Israel, any number of scenarios to try to further his ambition to be the pan-Arab leader or simply to confront in the region, once again miscalculate the response, to believe he is stronger than those weapons?
>
> And while the administration has failed to provide any direct link between Iraq and September 11, can we afford to ignore the possibility that Saddam might accidentally, as well as purposely, allow those weapons to slide off to one group or other in a region where weapons are the currency of trade? How do we leave that to chance?

While we have not and may not find these weapons stockpiles, the case against Saddam Hussein is not diminished. His was a threat that needed to be dealt with.

The third and final point, the jury is still out as to what happened to Iraq's weapons of mass destruction and when. It is an intelligence failure—a lack of knowledge, not an attempt to mislead people—that we don't know the answer to that question. Presumably, some day we will find out or at least come closer to the resolution of the issue. Perhaps some day we will find some of the weapons, or maybe we will find evidence they were destroyed or removed before the war. There is no way now to know.

But one fact is certain. What we know is that at one time Saddam Hussein had chemical and biological weapons. Saddam Hussein admitted it and the entire world believed it. What is more, that Saddam used those weapons against Iran and against the Iraqi Kurds will remain forever etched in our minds.

I point to simply one picture among many which we can present to remind us of the fact that Saddam Hussein had weapons of mass destruction and used them—in this case, against his own people. Who will forget the picture of this Kurdish mother with arms wrapped around baby, both dead, as a result of Saddam Hussein's perfidy—the use of his chemical weapons.

Mr. MCCONNELL. Mr. President, will the Senator yield for a question?

Mr. KYL. I am happy to yield for a question.

Mr. MCCONNELL. Is it not correct that was one issue upon which everyone was in agreement prior to the Iraq war, the French, the Germans, the Russians, the British, ourselves, the United Nations, the world in its entirety? The one thing they agreed on prior to the Iraq war was the point the Senator from Arizona was just making.

Mr. KYL. Mr. President, if we didn't agree on anything else—and there were some issues we agreed on—all of the countries mentioned, all of the intelligence services mentioned by the Senator from Kentucky, in fact agreed on that point.

Among other things, they agreed because they read the documentation provided to the United Nations by Saddam Hussein in which he admitted he had biological and chemical weapons stockpiles. We knew he had used them. He said he had them. The question now is, What happened to them between sometime in the late 1990s, maybe right up to a week or two before the Iraqi war, and the time we were able to go in after the Iraqi war in search of them since we haven't yet found large stockpiles? We found some things. We certainly found missiles. We have found the programs to reconstitute the chemical weapons program and the biological weapons program. But what we thought we were going to find was a lot of artillery shells filled with chemical munitions and some mortars and things of that sort. We thought they were going to be used against our troops. That we haven't yet found. That is a mystery. You can say it is an intelligence failure, but as the Senator from Kentucky pointed out, nobody disagreed with the proposition that at one time he had those weapons. There is a lot of evidence to that fact.

Mr. MCCONNELL. So if there were any effort to mislead the public, an awful lot of countries were complicit in this effort, were they not?

Mr. KYL. If there was an effort to mislead, there would have been a lot of countries complicit and a lot of Senators complicit. I don't believe for a minute that, in fact, any of us attempted to mislead; that Jacques Chirac attempted to mislead, that the United Nations, or President Bush attempted to mislead. We were all going forth with the same intelligence. We all reached the same conclusion.

Maybe we don't know yet, but at some point in the last few months or years Saddam Hussein buried, sent to Syria, blew up, or otherwise got rid of those weapons. We just do not know. But about their existence at one time, there can be no doubt.

Mr. MCCONNELL. I thank my friend from Arizona.

Mr. KYL. I thank the Senator very much. The Senator made the last point I wanted to make in this regard, and then I will conclude my remarks.

We were briefed every day of the war at 9 o'clock in an area here in which we can receive classified briefings by the general in charge of the operation at the Pentagon and representatives of the CIA, the Defense Department, State Department, and others. Every morning they checked several boxes to remind us of the status of the open relationship.

Before the operation started, they told us about their belief that Saddam Hussein would lob artillery shells with chemical munitions at our troops. They pointed out that they were going to make efforts to try to prevent this from happening. They called it the ''red line'' around Baghdad. When we got that close, then there would be this threat of chemical weapons fired against our troops—maybe biological.

So before the war, they began the bombardment on the command and control systems that would send the orders out to the generals in the field. They bombed artillery sites hoping to destroy their artillery weapons. They bombed the warehouses where they thought the munitions might be stored. They dropped millions of leaflets warning that if any officer carried out an order to use these weapons against the allied forces we would hold them accountable as war crime criminals.

As our troops got closer to that red line, they had to don the equipment

that would protect them against these munitions. It was not easy to fight under those conditions, but we believed this attack could very well occur.

We got to the Baghdad Airport. By that briefing, the generals were scratching their heads saying: We are not sure why, but we haven't been attacked with these artillery shells. Yet maybe it is because we destroyed the artillery units that would have fired them. Maybe they just got scared because of our leaflets or they couldn't issue the orders. We are not sure. But for some reason they didn't fire them. For several days, they continued to wonder about that.

My point is this: At the highest levels, our troops and our leaders at the Department of Defense all believed this was a threat that could well materialize against our troops. They went to great lengths to try to protect against it. This was not a matter of somebody misleading the American people. We believed it, our troops believed it, the generals believed it, and the Defense Department believed it. And, yes, the President believed it. Nobody was trying to mislead anyone. We based a lot of our actions on this belief.

Let me conclude my remarks by saying this: Much has been made of David Kay's acknowledgment that all of the intelligence agencies apparently were wrong about the weapons stockpiles. But listen to what David Kay said as he reflected on the decision to go to war:

> I think at the end of the inspection process we'll paint a picture of Iraq that was far more dangerous than even we thought it was before the war. It was a system collapsing. It was a country that had the capability in weapons of mass destruction areas and in which terrorists, likes ants to honey, were going after it.

Kay stated on numerous occasions that Saddam Hussein was in clear material breach of Security Council Resolution 1441. The Iraq Survey Group, of which he was head, discovered hundreds of cases of activities that were prohibited under the original United Nations cease-fire resolution and that should have been but were not reported under Resolution 1441.

The group found a prison laboratory complex which may have been used in human testing of biological agents. It found ''reference strains'' of biological organisms which can be used to produce biological weapons. It found new research on agents applicable to biological weapons, including the Congo-Crimean hemorrhagic fever. It found continuing research on ricin and aflatoxin. It also found plants and advanced design work on new missiles with ranges well beyond what was permitted.

Not just the words of Resolution 1441 but the entire credibility of the U.N. was at stake. The years of Iraqi violations had to come to an end. Now that awful and bloody regime has come to an end.

In the final analysis, whatever the inaccuracies of specific pieces of intelligence, that Saddam Hussein continued to harbor intentions for the development and use of WMD remains true. The observations of David Kay, once again, showed this. He reported earlier this year that Iraq ''was in the early stages of renovating the nuclear program, building new buildings.'' This is the regime that, as I said, David Kay called ''far more dangerous than even we thought. To wait any longer to remove it would have been a gamble not worth taking.''

I yield to the Senator from Kentucky.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Kentucky.

Mr. MCCONNELL. I thank the Senator from Arizona and appreciate so much his contribution to this important discussion about the war in Iraq and how we got into it and what people understood at the time.

It has occurred to me there is a criminal analogy that summarizes the debate we seem to be having. So let's pose a hypothetical question to all of our fellow Senators. Say the FBI has received a credible tip that a domestic terrorist group is planning to bomb the Capitol. This group is responsible for previous deadly terrorist attacks, we know that, but has been able so far to avoid capture. When the FBI breaks down the door to the group's rural compound, they find all sorts of prohibited weapons—machine guns, sawed-off shotguns, and grenade launchers. They also find detailed plans to gun down lawmakers, diagrams of the Capitol, and information on how to construct a large bomb capable of destroying the Capitol Building. But they do not find the bomb itself or any grenades or the grenade launchers. They found all of the other things, but they did not find the bombs themselves or the grenade launchers.

Should the FBI apologize to the terrorists and offer to replace their door, even though they just caused the apprehension of the terrorists? Since they had yet to construct the bomb, should the terrorists go free? Should we fret that we acted before the bomb was ready, even though the terrorists' intent to attack the Capitol was absolutely clear?

The answer is obviously and definitely no; we should not wait until terrorists roam our streets before responding. We should not wait until the planes have been hijacked or until the bombs have been assembled. We should not have waited until Hussein's army once again stood ready at the border. We should not have waited until the threat he posed to the United States and its allies was imminent. We should not have waited for the French to say it was OK to act to defend the free world.

Some seem to suggest that even though we know Saddam Hussein continued to develop ballistic missiles prohibited by the U.N., our military effort was illegitimate because we have not yet found WMD warheads or the missiles. I can confidently state that Saddam's ballistic missiles were not for the Iraqi space program.

On another note, I am fairly confident that the Iraqi people do not believe for a minute that their liberation is any less legitimate because we have yet to find stockpiles of WMD. I raise this simple analogy because the fundamental questions about our policy in Iraq are fairly basic. The crux of the matter is that Saddam Hussein posed a growing threat to the United States, to our allies, and to his own people. There is no doubt that Iraqis and Americans alike are better off now that Saddam Hussein is in prison and his evil sons have met their end.

Now it occurs to me, we have also lost sight of the moral dimension that accompanied our liberation of Iraq. I represent in my State Fort Campbell, KY, the home of the 101st Airborne. I followed their efforts in that country very closely. This is the unit whose brave soldiers brought to justice Usay and Quday Hussein. The 101st Airborne got them. My colleagues are surely not unaware of how vile these two murderers were and how deserving they were of the tow missiles that ended their brutish lives.

In case we have forgotten that, let me recount a little bit of their evil legacy. According to many reports, Usay Hussein routinely ordered his bodyguards to snatch young women off the streets so that he could rape them. He also ordered political prisoners to be dropped into tubs of acid to punish them. Usay was also in charge of Iraq's olympic committee where he oversaw the training of that country's professional athletes. Usay's training regimen included torturing and jailing athletes for poor performance. Usay would sometimes force Iraq's track stars to crawl along a strip of newly poured asphalt, and once required soccer kickers to kick a concrete ball until their feet were broken after they failed to reach the 1994 World Cup finals. This was Usay Hussein.

Although it is difficult to think of an individual more brutal and evil than Usay Hussein, his brother, Quday, who was known by many Iraqis as ''the snake'' for his blood thirsty manner, surely comes close. Quday was responsible for the massacre of tens of thousands of Shiite Muslims in the wake of the first gulf war. Maybe some of our colleagues have forgotten about the marsh Arabs who live in southern Iraq. These Iraqis used to live in the Iraqi wetlands that covered nearly 3,200 square miles. They had lived in these marshes for hundreds and perhaps thousands of years until Quday ordered them drained in a massive ethnic cleansing operation. Quday was also responsible for horrible cleansings of Hussein's prisons.

When Hussein's prisons became overcrowded, the regime did not build more jails or let prisoners go. Instead, Quday ordered mass executions in order to reduce overcrowding. A London-based

human rights group reports that these unlucky prisoners were sometimes put feet first into massive shredders at Quday's request.

We do not hear much about these awful crimes anymore, so maybe some of our colleagues have forgotten, if they ever knew, about the extent of the Hussein family's brutality. I highlight their brutality in order to ask a serious question about the reality of the international system in the absence of American action. Does anybody seriously believe that had the 101st Airborne not banged down their door, Usay and Quday would have been brought to justice? Of course they would not have. Without the 101st Airborne going after them, they would not have been brought to justice. Absent U.S. leadership, I cannot imagine a situation in which the U.N. would have been able to arrange for the apprehension and trial of the Hussein family.

Had the United States not acted in Iraq, who could say with any confidence that Usay and Quday would not this very day be raping young Iraqi girls and torturing Iraqi dissidents. Of course they would still be doing that. That is what they did.

Had the United States not acted in Iraq, could anyone say with any confidence that Saddam would not be plotting our doom, that his sons would not be torturing the Iraqi people, and that his regime would not be preparing to rebuild the WMD infrastructure we all have agreed Hussein once had?

In conclusion, Madam President, it is more than enough to justify the war in Iraq and the liberation of the Iraqi people.

I yield the floor.

Mr. KYL. Madam President, I know the majority leader wishes to speak next; and then I know the distinguished chairman of the Judiciary Committee is here as well. I now yield to Majority Leader FRIST.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Madam President, I just want to share with my colleagues some recent experiences I had in meeting with Kurdish physicians not too long ago in my office, not too far from here, because it relates so dramatically to the debate and to the unfolding of many of the questions that seem to be raised today.

I should really begin by saying in my home State of Tennessee there are a number of Kurdish residents who live, who reside particularly in the area of Nashville where I am from. I have had the opportunity to meet with them and to listen to their concerns and have had the opportunity to support a project called the Health Partnerships With Northern Iraq, which is a project that is sponsored by the Meridian International Center here in the District, with the support of the State Department. It is a fantastic program, it is a great program, the purpose of which is to train Kurdish doctors in northern Iraq to do primary care; that is, basic care. It is probably 90 percent of health care in terms of responding to individual needs of families and individuals.

What is interesting is these doctors, for a period of time, spent a few weeks, and then months, of their training in this country in primary care, and part of that time was spent in Tennessee at East Tennessee State University.

Last January, I met with this group of Kurdish doctors in my office, just down the hall. They came to me as a physician, as a doctor, and also as majority leader, but they came to me with very specific concerns. They shared with me that they knew the war to topple Saddam Hussein was near, and they were concerned—these are Iraqi physicians—that they would be attacked with chemical and biological weapons. Their concern, as I will share with my colleagues shortly, was based on practical experience, experiences they have firsthand knowledge of, in terms of being with people who had suffered from attacks.

But at the time when they were in my office, they came to me because they said: We are simply unprepared to be practicing primary care in our homeland in northern Iraq. They were in a region of about 6 million individuals, which had 240 primary care centers, but they had very few supplies. They had only the very most rudimentary needs in terms of treatment. They had no personal protective equipment in terms of biological contaminants or chemical weapons. They had no ability to contain or even treat victims of a chemical or biological attack. They had little time for the intensive training they knew they would need in order to respond to such a biological or chemical attack. Yet they came to my office very specifically asking for help.

Dr. Ali Sindi, the delegation leader, asked for basic supplies. He asked for medical supplies and some help with acquiring medical supplies, coming to the majority leader, but also coming to a physician. He asked for hydrogen peroxide. He asked for bleach. Hydrogen peroxide and bleach, as most people know today, are used to decontaminate affected areas from biological or chemical weapons. He asked for gas masks. He asked for chemical suits. He asked for antibiotics in the event there was a biological attack.

He noted—and, again, it was a group of Kurdish physicians—he told me the Kurdish water systems are generally open to the air and, a lot of times, sitting on the rooftops of the villages there. So he, concerned about chemical and biological attacks, said: And in addition, what I need is some kind of protection for these rooftop water systems.

Their fear—these doctors' fear, the doctors from Iraq—was not based on intelligence briefings. Their fear was based on experience. Their fear was based on reality. Their fear was based on what they had seen, and their fear was based on what they had actually treated; that is, chemical weapons, weapons of mass destruction.

As the Senator from Arizona knows, the Kurds had been attacked by chemical weapons before, most notably in the city of Halabja. There, thousands of innocent Kurds were killed with weapons of mass destruction, these chemical weapons. These doctors from that region had come to see me. They had treated victims of that particular attack. They know from that direct experience what chemical weapons, weapons of mass destruction, can do. These doctors believed, obviously, the Kurds were going to be attacked with chemical weapons once again. They asked from me and from our Government, through me, for that help to be prepared.

At this juncture, I ask the Senator from Arizona, in light of these doctors' past, direct experience with weapons of mass destruction—these chemical weapons—does the Senator agree the Kurds were acting reasonably when they, with this direct experience, believed Saddam Hussein possessed and intended to use weapons of mass destruction; namely, the chemical weapons they had seen and had experience with being used before?

Mr. KYL. Madam President, I would answer the question this way: It is easy for us, in this sort of antiseptic environment of the Senate, to talk about these matters. But I was moved by the story of these Kurdish doctors, who saw it with their own eyes. I cannot imagine how they would not believe, and why we should not think it reasonable they would believe, Saddam Hussein would do this again, that he had every intention to, every capability of doing it again.

When I look at this picture, I think of the words of Secretary Powell when he visited Halabja and saw what occurred there and basically vowed the United States would never, ever again allow something like that to happen if he could do anything about it. It made me proud. It made me recommitted to the proposition that when we know something like that is going on, or we believe it to be the case, like these Kurdish doctors did, we have a duty to do something about it.

I absolutely agree with the Senator.

Mr. FRIST. I thank the Senator from Arizona.

Again, these physicians who came to see me from Iraq had seen with their own eyes these chemical weapons having been used before. They had come—and this is just last January—to me to say: We need help to protect ourselves and our communities from the use of these biological and chemical weapons.

Is the Senator aware many of the critics of the war to topple Saddam Hussein seem to suggest there was never cause to be concerned with Saddam Hussein? In fact, if you listen closely to the critics, they go so far as to imply there was never a threat at all.

Is the Senator from Arizona familiar with the details of one of the most horrendous examples of Saddam's brutality, the 1988 massacre of Kurdish civilians in the village of Halabja? Indeed, at the time, 50,000 Kurds lived in the village of Halabja, a city that is very close to the Iranian border. They had already suffered immeasurably from the 8 years of conventional war between Iraq and Iran. But for Saddam Hussein, that was not enough.

On March 16, 1988, the Iraqi regime launched an artillery attack against Halabja, driving the residents of the city there underground. They went to these underground shelters and to the basements for protection from this overhead attack. But that is when the real, true terror began. Iraqi helicopters then came in with planes, and they came back once again, but this time with chemical weapons. The chemical weapons were all carefully documented—nerve gas, VX, mustard gas—all weapons of mass destruction, which were aimed at these buildings, these cellars, all of a sudden turning these cellars in which the Kurds were hiding into gas chambers. They fled, of course, gathering their families, exposed, running for their lives.

Graphic evidence showed the results of Saddam's use of weapons of mass destruction. The Senator from Arizona just showed that picture with the question: No weapons of mass destruction?

It reminds me so dramatically of what one survivor relayed at the scene:

> People were dying all around. When a child could not go on, the parents, becoming hysterical with fear, abandoned him. Many children were left on the ground by the side of the road. Old people as well. They were running. Then they would stop breathing and die.

Experts agree over 5,000 innocent citizens died as a result of the chemical weapons attack. These were weapons of mass destruction used on Halabja. Again, those physicians in my office told me these stories. Other survivors had scarring of the lungs, something called fibrosis of the lung, where the lung becomes nothing but a fibrous scar. Others were blinded permanently. The consequences of this cruelty continue to this day, and indeed these physicians continue to treat the residual effects of people in that Kurdish community. Chemicals contaminated the food and water supply. The chemicals caused cancer. The chemicals caused those respiratory diseases like fibrosis. They caused infertility and high levels of severe abnormalities in Halabja's children.

Christine Gosden, a British professor of medical genetics, traveled to northern Iraq in 1998 to study the effects on the Kurdish population of the poison gas unleashed on them. She founded the Halabja Medical Institute and discovered the consequences of the chemical weapons attack were even more damaging than she expected. She wrote in the Washington Post:

> 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. An increasing number of children are dying each year of leukemias and lymphomas.

The Halabja Medical Institute, in its research on the attacks, discovered something even more vicious. Its conclusions noted:

> While these weapons had many terrible direct effects, such as immediate death, or skin and eye burns, Iraqi government documents indicate they were used deliberately for known long-term effects, including cancers, birth defects, neurological problems, and infertility. Inexpensive in terms of death per unit cost, there is evidence that these weapons were used in different combinations by Baath forces attempting to discern their effectiveness as weapons of terror and war.

Yes, Saddam's regime conducted experiments using chemical weapons on innocent Kurdish civilians. These are Kurdish civilians in his own country. Experimenting. The Kurdish physicians told me—it is to vivid in my mind—that in buildings like hotels with different wings, single floors, people would be herded and placed into these rooms; one wing would be to test VX gas on humans, killing them, and another wing would be mustard gas, and there would be another gas in a third wing, to see which was more effective.

Iraqi soldiers even went so far as to return to the town after that attack in Halabja to study how efficient, how effective those chemicals weapons were, using the number of people who died as a measure of success.

I want to ask the Senator from Arizona another question. Does the Senator from Arizona have any doubt in his mind that Saddam would continue to develop and use such weapons at the first possible opportunity?

Mr. KYL. Madam President, I will answer in a couple of different ways. First of all, I served on the Intelligence Committee for 8 years, and I was convinced, based upon the intelligence estimates provided to us over that period of time, these weapons were possessed, they had been used, and they would likely be used again if he had the opportunity to do so, and that there were weapons programs ongoing within the country of Iraq. So I don't have any doubt, as the Senator has so eloquently pointed out here, that the Kurds, who he referred to and spoke with, were absolutely right that these kinds of attacks would occur again.

I wondered whether I was alone in this and, of course, in looking, I found that I was not. Let me note two or three things colleagues have said. Then I will turn to Senator HATCH. But I note that in 1998, long before President Bush came to town, President Clinton had come to the same conclusion, based upon the intelligence that had been provided to him by the intelligence agencies. A couple things struck me and then I will move on. He said:

> Other countries possess weapons of mass destruction and ballistic missiles. With Saddam, there is one big difference: he has used them, not once but repeatedly.

That is the point the leader made.

> Unleashing chemical weapons against Iranian troops . . . against civilians, firing Scud missiles at the citizens of Israel, Saudi Arabia, Bahrain, and Iran . . . even against his own people, gassing Kurdish civilians in Northern Iraq.

I also found it interesting that in December of 1998, in an Oval Office address, President Clinton said this, and I take just one sentence:

> I have no doubt today that, left unchecked, Saddam Hussein will use these terrible weapons again.

That was the President of the United States responding to the intelligence he was given. I know some colleagues have said the current administration hasn't qualified the intelligence enough. They have not said we think or we judge. They said we are pretty sure. Here is President Clinton staying, ''I have no doubt today.'' That is not caveated or qualified.

Then several members of his cabinet—I looked at what they had to say. Madeleine Albright, the distinguished Secretary of State, said:

> I think the record will show that Saddam Hussein has produced weapons of mass destruction, which he's clearly not collecting for his own personal pleasure, but in order to use. Therefore, he is qualitatively and quantitatively different from every brutal dictator that has appeared recently.

That is her judgment.

Secretary of Defense William Cohen talked about Secretary Albright, indicating Saddam Hussein has ''developed an arsenal of deadly chemical and biological weapons. He has used these weapons repeatedly against his own people as well as Iran.''

We are talking about an arsenal of weapons here. Here is the former Secretary of Defense in the Clinton administration talking about that. He went on to say in this particular interview, which occurred at Ohio State University:

> I have a picture which I believe CNN can show on its cameras, but here's a picture taken of an Iraqi mother and child killed by Iraqi nerve gas. This is what I would call Madonna and child Saddam Hussein-style.

That is the picture Secretary Cohen at that time displayed on the screen. He said:

> Now, the United Nations believes that he still has very large quantities of VX.

VX is the nerve agent which is so deadly. As Dr. FRIST knows, a single drop can kill you within a couple of minutes.

Here is Secretary Cohen and Secretary Albright referring to the United Nations believing that he still has a large quantity of this product, the point being that everybody thought he had it.

The United Nations thought he had it, Secretary Cohen thought he had it, Secretary Albright thought he had it, and President Clinton thought he had it.

I found it interesting that Senator LEAHY, the distinguished ranking member on the Judiciary Committee, said in 1988—and he is right on target:

If Saddam Hussein had nothing to hide, why would he have gone to great lengths to prevent U.N. inspectors from doing their job?

That is a question we all asked.

There is no doubt that since 1991, Saddam Hussein has squandered his country's resources to maintain his capacity to produce and stockpile chemical and biological weapons.

The point is, a lot of our colleagues had no doubt and they said they had no doubt.

Senator KERRY—I will make this the last quotation—in 1998 said:

We do know that he had them—

Referring to WMD—

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.

The bottom line is the distinguished majority leader is absolutely correct. But not only do we have reason, not only did those Kurdish physicians have reason to believe he had these horrible weapons and would use them again, so did the leaders of our country, including the leaders of the United Nations all throughout this period of time of 1996, 1998, right on up forward.

Unless the distinguished majority leader has anything else, I yield at this point to the distinguished chairman of the Senate Judiciary Committee.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I ask my colleagues on the floor just to think this through. I have been watching this debate about the threat of Iraq, frankly, since the early 1990s. I have been privileged to serve in this body since 1977, which means I have been here long enough to see the evolving trends in terrorism, from the Iranian revolution to the perversion of the Islamic faith and advent of fundamentalism. I also have been here through all the stages of relations with Iraq since the rise of Saddam Hussein.

I recall the debate prior to the first gulf war. While certainly not absolutely partisan, that debate in 1990 was the last time we had a very partisan debate on foreign policy. Through the 1990s, while I had many disputes with the Clinton administration over various aspects of foreign policy, I seemed to recall that partisanship on the question of Iraq had diminished. In fact, the Iraq Liberation Act of 1998 was passed in this body unanimously and in the House overwhelmingly and was signed into law by President Clinton.

I think my colleagues would have to agree with this. I would like to ask my colleagues if they agree with the following assessment: Since the fall of 2002, the debate over Iraq policy has become more and more partisan and more and more bitter. While the authorization to use force was passed by a large majority—I believe it was 77 to 23—and with the support of many of my Democratic colleagues, including some not present today, the debate since then has been troubling to me.

You would think that Congress could maintain our proper role of oversight without descending into partisan attacks. You would think that with our military in the midst of a historic mission and over 500 American families grieving because their loved ones paid the ultimate sacrifice, that legitimate criticism could be expressed without partisan rancor or misleading rhetoric. You would think so.

One of the most troubling aspects of the criticism of our President and his policy was the suggestion, deceivingly made, that the threat of Saddam Hussein was not imminent. I believe these criticisms beginning last year deliberately tried to confuse the American public. The threat was not imminent, the critics said, implying the response to go to war was not required.

Yet I have reviewed most of the President's rhetoric, and I have concluded that he made numerous honest statements that declared that after the historic attacks of September 11, we would not be defining our response by outdated measures of imminence. I went back and read a key quote from the President's State of the Union Address in 2003 in which he declared to us, the American people, and to the world:

Some have said we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions politely, putting us on notice before they strike? If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late.

That is what he said, and it was right then, and it is right today. So will my colleagues recall this extremely clear statement? Do they think his words were casually stated? Give me a break.

I have given a lot of thought to the concept of imminence since September 11, and as we debated our response to Iraq, I recognized that the definition of ''imminence'' is necessary to support a doctrine of preemption. I wonder what our various Senators' views about this are since the definition of ''imminence'' is different in the 21st century than it was in the 19th or the 20th centuries.

During the debate over authorization of the use of force last year, I made the following points:

Osama bin Laden launched an attack that changed the way America sees the world. We had to recognize that the concept of imminence was not an abstract idea as we contemplated preemptive use of force. Preemption is not a new concept in international law, despite what many of the President's critics suggest. It is as old as Grotius, the founder of modern international law.

Contrary to critics' misinformed assertions, the U.S. has never foresworn the use of preemption, not since the U.N. charter and not under either Democratic or Republican administrations.

Preemption has always been conditioned on the idea of imminent threat. In the prenuclear era, we could see conventional armies amassing on a border and base imminence on that measure. But in the nuclear era, the idea of imminence grew quite a bit murkier.

Was it the fueling of an enemy ICBM? Was it the glare on the rocket as it left the launch pad? Was it the warheads' return through the atmosphere? Because we raised these questions, by the way, was the reason the U.S. rejected a ''no first use'' policy during the era of strategic competition with the Soviet Union. Was that the reason we did that? You bet your life.

Imminence becomes even murkier in an era of terrorism and weapons of mass destruction. When did the threat of al-Qaida become imminent? I know when it became manifest. Not, by the way, on September 11. Osama bin Laden had struck many times before then. On September 11, the threat became catastrophic. It was well beyond manifest. It was well beyond imminent.

Today, most people agree the threat of Bin Laden should have been considered imminent well back into the 1990s. I first started speaking of this threat in 1996, but I now believe this threat could have been considered imminent even before that.

Do my colleagues agree we had to reconsider the definition of ''imminence'' after September 11, that the threat of terrorism forces us to redefine threats to our national security, that it would have been irresponsible for any administration entrusted with national security to avoid doing so? Does anybody disagree with that?

Would my colleagues allow me just a few more questions which I would like to ask everybody in this body, please? I wonder if my colleagues would agree with this assessment about the threat that Iraq poses.

I had to make, for my own conscience and to present to my constituents, my own assessment of the threat posed by Iraq. The threats Saddam Hussein posed to his own people were clear. Free Iraqis today will be undertaking the grim task of exhuming mass graves for a long time. Saddam's threat to his neighbors and our friends in the gulf and Middle East are also well established. But all of us had to determine what threat was posed to the United States.

I feared a nexus between weapons of mass destruction and a terrorism-sponsoring state, and we feared they had weapons of mass destruction. The U.N. confirmed they had had weapons of mass destruction. They used weapons of mass destruction against their own people and threatened the use of them against others. They used them against others, as well, in the Iranian war.

On weapons of mass destruction, we know that we have not discovered any weapons of mass destruction so far. This debate has been joined on a number of levels. I fully support the chairman of the Senate Select Committee

on Intelligence in his determined efforts to learn about the failures of our intelligence, if there were, in fact, failures.

We still have not even looked at the vast majority of sites in Iraq where weapons of mass destruction may still lie. I know that every intelligence community professional agrees with our need to learn from many errors because all of us know the value of accurate intelligence, while all of us recognize the limits to perfectibility.

On another level, both in the Intelligence Committee and in the public arena, the debate has become more partisan, acrimonious and, once again, deceptive.

Will my colleagues agree with me that the cost of making intelligence oversight partisan is not worth the devaluation of a tool that we need more than at any other time in our history?

I would like to know if my colleagues would agree with the following conclusion about Saddam Hussein's weapons of mass destruction. We faced a weapons of mass destruction gap.

This gap was the difference between the chemical and biological stockpiles we had confirmed existed until the late 1990s and the lack of evidence regarding their status or destruction in 2002—their status, their destruction, or their removal someplace else. The gap was significant. No other Western government or intelligence government could explain it, nor could the United States verify that the gap had been closed by the cooperation of the Iraqi regime in proving the destruction of these weapons.

This was a requirement, by the way, under international law, made to the international community, a requirement that was the result of the cessation of hostilities at the end of the first gulf war; a requirement that unmet left that war unresolved, unconcluded, and therefore without a promise of peace.

The attempts at denial and deception by the Iraqi regime were blatant. The refusal to cooperate with the international community was obstinate. The potential threat posed by a regime violently hostile to the United States was grave. I hope my colleagues will agree that it would have been irresponsible for any administration entrusted with the national security to avoid reaching similar conclusions.

There was the threat of terrorism. For well over a decade, Iraq was on our list of state sponsors of terrorism. Every Member in this body had ample opportunities to review the evidence supporting this claim—this verified knowledge, by the way.

To my knowledge, no Member on either side of the aisle questioned the President's determination, or this determination.

Now, of course, we have not proven a link to September 11, and ultimately there will likely not be a causal link. Perhaps Saddam was directly involved. Perhaps we will learn more.

Association is not causation, as every logic professor would say. Caution in leaping to conclusions is in order. Associating with terrorist groups, as we know Saddam Hussein has done and had done, training them, giving them moral and financial support, is different than directing them. Nevertheless, his links to terrorism had been evident for a long time.

The President has made it clear, since his first speech before the Congress days after September 11, that associating with terrorist groups would no longer be responded to with apathy. The previous administration did so, there is no question about that, and America's security was gravely compromised.

Do my colleagues remember the President's speech to the Congress after September 11, 2001? Do they recall, as I do, the public's overwhelming support for what the President said that day?

Certainly the evidence of Al-Zurqawi whose documents were captured and released a few weeks ago, as well as the reports in the press suggesting links with the Ansar-al-Islam indicated a troubling link between Iraq and al-Qaida.

I am waiting for some of the administration's critics to suggest that these two terrorist elements were caused by our intervention in Afghanistan and that had we supported the status quo there we would not be facing the terrorists of the jihadists and Ansar-al-Islam. That would have been another very specious analysis.

It is true that Al-Zarqawi and Ansar became more active as a result of our intervention in Afghanistan, when we deposed the Taliban and al-Qaida and fled from that country to hide in Pakistan or to get safe passage from Iran to travel to Iraq. In my estimation, if Saddam Hussein was not involved in September 11, his regime certainly became more dangerous to us as a result of our attack on the Taliban in Afghanistan.

I hope my colleagues can imagine that this President or any President would not have had to respond similarly to the way President Bush responded to the Taliban's protection of al-Qaida after September 11, 2001. That is, of course, unless a President had judged the threat of al-Qaida imminent before that fateful day.

Finally, I would like my colleagues to allow me a question or two on the responses we have heard from David Kay's testimonies. The response to the Kay testimonies has also been very troubling to me because the testimonies of an honest and substantive man have been subject to partisan rancor over the President's difficult decision to go to war.

Listening to some commentators, one would think Kay's honest assessment that weapons of mass destruction will not be found, an assessment that I believe may still be premature, could be interpreted into a challenge to the sincerity of the administration's estimate of the Iraqi threat.

As I have said, I believe we need to investigate any flaws in our intelligence that David Kay or any other serious professional exposes. Yet this is what David Kay told us. In an interview earlier this month, he said: I certainly believe that Iraq was a gathering threat. In fact, in many ways, it will probably turn out that Saddam and that regime were more dangerous than we anticipated because, in fact, it was falling apart into unbelievable depravity and corruption.

Where is that quote among all of our liberal commentators in this country today? Where is that quote? That was one of the most important quotes he made.

The week before, Kay told the public, in responding to a question of whether the decision to go to war was prudent: I think it was absolutely prudent. He said: I think it was absolutely prudent. In fact, I think at the end of the inspection process we will paint a picture of Iraq that was far more dangerous than even we thought it was before the war. It was of a system collapsing. It was a country that had the capability and weapons of mass destruction areas and in which terrorists, like ants to honey, were going after it.

The fact is, it took guts for the President to do what he did. He was right, and history will prove him to be right.

When I hear these testimonies of David Kay, I become concerned of yet another intelligence failure: We did not adequately assess the political degradation of the Saddam Hussein regime, the political degradation of a regime that killed 300,000-plus of its own citizens, men, women, and children, and buried them in mass graves, and helped to kill a million others in its war with Iran. We did not adequately assess the political depravity and degradation of Saddam Hussein's regime. Iraq had become a gangster state.

It was, according to David Kay, and all the reports we are now getting from free Iraq, more dangerous than we thought. Yet some criticize the President's decision? Give me a break. They ought to be criticized. The critics know these facts as well as I do, and ignoring them is a terrible thing.

I would just like to ask my colleagues whether the assessment by David Kay should not support the President's brave decision to address the threat of the Hussein regime by implementing a policy of regime change—a policy that had been nearly unanimously supported in our Government for 4 years?

Was Iraq a grave and gathering threat, as the President said? I ask my colleagues, especially those who have been so critical of the President, would it have been responsible for any administration entrusted with the national security to avoid reaching similar conclusions? I think Senator KERRY was right when he said this:

> I believe the record of Saddam Hussein's ruthless, reckless breach of international

values and standards of behavior, which is at the core of the cease-fire agreement, with no reach, no stretch, is cause enough for the world community to hold him accountable by use of force, if necessary.

The ranking member of the Senate Intelligence Committee said, back in 2002:

There is unmistakable evidence that Saddam Hussein is working aggressively to develop nuclear weapons and will likely have nuclear weapons within the next 5 years. We also should remember we have always underestimated the progress Saddam has made in the development of weapons of mass destruction.

That was said in the CONGRESSIONAL RECORD. Why the difference today? Let's go back to my friend, Senator KERRY, the Senator from Massachusetts, again. Back in 1990 he said:

Today, we are confronted by a regional power, Iraq, which has attacked a weaker State, Kuwait. . . . The crisis is even more threatening by virtue of the fact that Iraq has developed a chemical weapons capability, and is pursuing a nuclear weapons development program. And Saddam Hussein has demonstrated a willingness to use such weapons of mass destruction in the past, whether in his war against Iran or against his own Kurdish population.

My gosh, that was said in the CONGRESSIONAL RECORD on October 2, 1990.

On November 9, 1990, the distinguished Senator from Massachusetts said this:

[Saddam Hussein] cannot be permitted to go unobserved and unimpeded towards his horrific objective of amassing a stockpile of weapons of mass destruction. This is not a matter about which there should be any debate whatsoever in the Security Council, or, certainly, in this Nation.

All I can say is why did he say that then, and why, as a candidate, is he saying the things he is saying today?

The distinguished Senator from Massachusetts said:

[W]hile we should always seek to take significant international actions on a multilateral rather than a unilateral basis whenever that is possible, if in the final analysis we face what we truly believe to be a grave threat to the well-being of our Nation or the entire world and it cannot be removed peacefully, we must have the courage to do what we believe is right and wise.

That is in the CONGRESSIONAL RECORD on November 9, 1997.

I think the distinguished Senator from Massachusetts deserves credit for those statements. He was warning America during the Clinton years of how terrible the Saddam Hussein regime really was. He deserves credit for that.

On November 9, 1997, the distinguished Senator from Massachusetts was right again. He said:

It is not possible to overstate the ominous implications for the Middle East if Saddam were to develop and successfully develop and deploy potent biological weapons. We can all imagine the consequences. Extremely small quantities of several known biological weapons have the capability to exterminate the entire populations of cities the size of Tel Aviv or Jerusalem. These could be delivered by ballistic missile, but they also could be delivered by much more pedestrian means; aerosol applicators on commercial trucks easily could suffice. If Saddam were to develop and then deploy usable atomic weapons, the same holds true.

He was warning the nation and he deserves credit for having done so then.

On February 23, 1998, the distinguished Senator from Massachusetts said this:

There are a set of principles here that are very large, larger in some measure than I think has been adequately conveyed, both internationally and certainly to the American people. Saddam Hussein has already used these weapons and has made it clear that he has intent to continue to try, by virtue of his duplicity and secrecy, to continue to do so. That is a threat to the stability of the Middle East. It is a threat with respect to the potential of terrorist activities on a global basis. It is a threat even to regions near but not exactly in the Middle East.

I am hooked. Incredible. I am proud of the distinguished Senator from Massachusetts for having said that during the Clinton years. I just wish he would acknowledge that he said that during the Bush years.

There are other distinguished Senators who knew of this threat and who made statements on what we should do back during the Clinton years, and even during the Bush years.

It bothers me that this President has been so viciously attacked by people who know the facts and who knew them back during the Clinton years and spoke out about them during the Clinton years, who are so willing to demean this President during the years of George W. Bush as President. It never ceases to amaze me how out of tune we become when Presidential years come along. I think it happens to both sides. I really believe that. I believe there are partisans on both sides. But I have never seen it like it is today.

It used to be that we supported whoever was President in foreign matters. We stand together. I guess this partisanship really began during the Vietnam war. But it has reached a pitch today that is unseemly.

Mr. KYL. Mr. President, I yield to the other Senator from Utah, Mr. BENNETT.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Utah.

Mr. BENNETT. Mr. President, I thank my colleague from Arizona for the time and for the opportunity to address this issue. Let me make one statement at the beginning that I think needs to be made on the political rhetoric that is surrounding this issue. I am not questioning the patriotism of those who are complaining about, disagreeing with, or even attacking the President. I question their accuracy. I question their wisdom. But I am not questioning their patriotism. I think that needs to be made clear because in the debate over this war, there has been rhetoric that, in my opinion, has gone over the top.

The former Vice President with the blood rushing to his face and the veins standing out on his neck screeched before a crowd which has been repeated on the television that the President has betrayed this country. You can disagree with George W. Bush. That is legitimate and proper and in an election year expected. But you should not accuse him of being a traitor. You should not accuse him of treason.

I want to make it clear again that as I disagree with those who are attacking the President, I am not attacking their patriotism or their love of this country. But I do disagree with their wisdom and with their accuracy.

In the speeches that have just been given, we have had a lot of conversation about what I would consider past history. I am not going to get into that; that is, what did we know about weapons of mass destruction? What did the inspectors know? What should we have done here? What should we have interpreted there? I will leave that to the historians themselves to sort out. A debate on those issues becomes an attempt simply to bash the President and avoid the fundamental issue.

The fundamental issue that we have to face as Senators, as policymakers, is what do we do now? We are in Iraq whether you voted for the resolution, as Senator KERRY and Senator EDWARDS did and as I did, or whether you voted against it, as Senator DURBIN did. Debating the wisdom of that at this point is merely an exercise in avoiding the reality of the situation with which we find ourselves faced now. What do we do now?

The large majority of this body along with a large majority of the Members of the House of Representatives, and the unanimous vote in the Security Council of the United Nations took us to war. What do we do now?

That is the fundamental question that we should be addressing and that we should be facing.

Oh, say some, no, no. The fundamental question is whether or not there were weapons of mass destruction. And, since there were not, the real question is, Did the President lie?

Well, let us look at the situation we are facing now with respect to weapons of mass destruction. The question is not are there weapons of mass destruction in Iraq and did the President lie? The question is, What happened to the weapons that everybody knew were in Iraq, and has the President taken proper steps to protect us from them?

When I say the weapons that everybody knew were in Iraq, whom do I include in that? The first person to convince me there were weapons of mass destruction in Iraq was Madeleine Albright, Secretary of State to President Clinton. She met with us here in the secure room of the Capitol; the room where we get top secret briefings from the highest possible level. It was in that room that Madeleine Albright sat down with the Members of the Senate and laid out the irrefutable evidence that Saddam Hussein had weapons of mass destruction and justified to

us the Clinton administration's determination that they would go to war, and they did.

Bombing another country is an act of war, and the Clinton administration, in 1998, in response to the irrefutable evidence that Saddam Hussein had weapons of mass destruction, took the United States to war. We did not invade Iraq with troops, but certainly dropping bombs in the quantity and regularity with which we dropped them in 1998 is an act of war. We did it unilaterally. We did it without consulting the United Nations. We did it without talking to the French or the Germans in the way that some of the President's critics say we must. We did it because we knew Saddam Hussein had weapons of mass destruction.

David Kay and his inspectors have been to Iraq, and they say they cannot find warehouses full of weapons of mass destruction, which raises the fundamental question that most people are not addressing. What happened to them? Where are they? We know he had them. We went to war to deal with them. What happened to them?

I think there are four possible answers to that question.

First, one that has been raised by President Clinton himself, we got them all in the bombing. President Clinton said we didn't know how many we got. We could have gotten all of them. We could have gotten none. But we did our best to try to destroy them.

One answer to the question of why David Kay was unable to find weapons of mass destruction when he got into Iraq with his inspectors is the possibility that we got them all in the bombing and had no way of knowing that.

No. 2, the second possibility raised by David Kay and others is that they were trucked out of the country. They went off the border to Syria or someplace else. They are still in existence. They just aren't still in Iraq. We don't know the answer to that. But that is a possibility.

Possibility No. 3, they were destroyed by Saddam Hussein himself. Someone would ask why would he want to do that. Look at the man. Look at what he did. Look at his record. He believed that the United States would, in fact, not invade. We had bombed in the first gulf war. We had bombed in 1998. He believed we would bomb again but that we would not invade, or, if we did invade, we would not topple him. After all, we didn't topple him last time.

Pressure from the French, pressure from the Germans, said don't go ahead with this. He could very well have believed that the international community would put enough pressure on President Bush that the United States ultimately would stop short of removing him, particularly if inspectors from the U.N. got into Iraq and discovered there were no weapons of mass destruction. Therefore, he could have destroyed them himself on the assumption that he would stay in power and then, as soon as the inspectors were gone, he could reconstruct his weapons program, reestablish weapons of mass destruction, and be right back where he was before we took the action in 1998. That is the third possibility.

The fourth possibility is that they are still there. There is the possibility that we haven't been able to find them but they are still there. That is a very serious question, one that is being ignored by everybody who is debating the question of whether Bush went to the United Nations the right way, or whether he said the right things, or whether he read the right intelligence. Those questions are minor compared to the consequences of answering this question.

Let me pose it again and go through the four possibilities and give you my answer.

What happened to the weapons of mass destruction that everybody in the world knew he had? We destroyed them in the bombing, or they were taken over the border to someplace else, or Saddam Hussein himself destroyed them in order to fool the inspectors, or they are still there.

My answer is I believe all four. I believe we destroyed some in the bombing. I believe some got over the border. I believe he dismantled some of his programs, and I believe there are some still to be found.

That means, if I am right, there is work to be done to help make the world safer that is not being done while we are being distracted by an irrelevant debate that is best left to historians.

There is possibly still a threat out there that we are not addressing because we are paying so much attention to the questions of what kind of intelligence did he read and did he have the right 16 words in the State of the Union Message. We waste our time on that when we are facing this far more serious and obvious question.

What happened to the weapons that we knew he had? We should not rest easy until we have an answer to that question.

Which of the four or combination of the four possibilities really applies? The real question we are facing as we look ahead to November—and make no mistake, this debate is all about looking ahead to November—is what will the United States do after the Presidential election is over?

How will we proceed in Iraq once the determination has been made as to who will control our foreign policy for the next 4 years? That is the fundamental question the American voters need to be debating. That is the question they need to pay attention to as they make up their minds as to whom they will support in this election.

The choice is fairly clear. We can only guess about the future, but the best indication of the future lies in the actions of the past. President Bush has made it pretty clear what the future would be with respect to Iraq if he prevails in November. President Bush has made it clear if he prevails in November, we will stay the course in Iraq. We will stay in Iraq until we have succeeded in our goal, which is to plant in Iraq a self-governing, westward-looking, open society where private property rights are respected, where the rights of individuals to vote and control their destiny are preserved, and where free market principles will prevail; an Iraq that will stand as an example to the rest of the Middle East that freedom, democracy and capitalism can indeed thrive there. President Bush is an optimist who believes those things are so fundamental in the human spirit that they can survive in an Islamic background.

There are pessimists around who say no, the Muslims can never live in democracy. The Muslims can never live in freedom. President Bush is an optimist who says, I don't believe that—without trying to change their religion or attack their culture. I believe they will respond to freedom and the Americans will stay there until we have achieved the goal of planting freedom there.

That is the answer to the question of what will happen in Iraq if George W. Bush wins this election. That is an easy answer to give because his past resolve and his past determination have been very clear.

The second question, of course, is what will happen in Iraq if President Bush loses the election and we get a new steward in charge of our foreign affairs. That question is a little harder to answer because we do not have as clear a track record. On the assumption that the junior Senator from Massachusetts will become the President if President Bush loses the election, we do have the signposts indicating what he would do if he inherited the situation we now have. He said on ''Face the Nation,'' the first thing he would do is go to the United Nations and apologize. I am not quite sure for what he would apologize, but he has indicated the first thing he would do is to go to the United Nations and apologize.

If I may quote the columnist for the New York Times, Tom Friedman, who spoke to a group in Europe. They turned to him after the weapons of mass destruction question arose and asked, Are you now prepared to apologize for your defense of Bush and your support for this war? He said something like this: Well, let me see. We have removed Saddam Hussein, one of the most brutal dictators of the world, found in the process that he had slaughtered at least 300,000 of his own people whom he had buried in mass graves. We know he is responsible for a million more deaths in the two wars he started with his neighbors over the last 12 years. We know he supported terrorism, down to the detail of paying $25,000 to anyone who would wrap himself in dynamite and blow himself up just so long as he could take another human being with him, and that he

kept his people in absolute degradation and subjugation for 38 years. Now he is gone with his torture chambers and his secret police and his brutality, and I am supposed to apologize for that?

I am not quite sure what Senator KERRY might say to the U.N. when he goes to apologize, but apparently what he will say, as I try to gather from the speeches he has given, is the United States should no longer act unilaterally, that we should get international support before we go forward in an event like this, and presumably he would then say to the U.N. we are where we are, the responsibility now of building the kind of Iraq George W. Bush envisioned—I give Senator KERRY the credit of assuming he is in favor of that kind of Iraq—the responsibility for building that kind of Iraq now lies with you, United Nations. We in America are going to show a little humility—that is another word he used—show a little humility on this issue and turn it over to you and let you take over the responsibility of producing the results we all want in Iraq.

If that is, indeed, his program—and I assume we will find that out as the election goes forward—I make these observations. Number one, the United Nations has no force with which it can provide security to the Iraqis. There is no United Nations army. There is no United Nations police force. There are no United Nations federal marshals or any other kind of enforcement facility you might think of. The only force the United Nations can ever use is the force that would be provided to it by its member states. The United Nations can pass resolutions, the United Nations can threaten people, but the threats carry no force unless the member states of the United Nations respond to the U.N. resolutions and can go forward.

That is the point President Bush made when he spoke to the United Nations and said to them, if you won't enforce your resolutions, we will. I don't think we need to apologize to the United Nations for enforcing their resolution 1441 that passed by a unanimous vote in the Security Council and which David Kay has now said Saddam Hussein was in complete violation of. That is something we should remember as we have this debate.

The history is not all that comforting to me. Koffi Annan sent a group of U.N. folk into Iraq to help with the nation building and here is the series of events that occurred. The head of the U.N. mission showed up and took possession of a building where he was going to operate. The Americans showed up and put their armored vehicles around the building. He came out and said, No, that is too militaristic. You Americans are too quick to show force. We are the United Nations. We come in peace. Get rid of the armored vehicles.

The American commander, after arguing with this fellow, said all right, and he got rid of the armored vehicles, but he spread concertina wire through the courtyard, and the U.N. head of the group came out and said, get rid of that. You are too militaristic. We are the United Nations. We are not the United States. We are not here to show military force. We are here to help build the country.

Finally, the Americans took away the concertina wire and the next day a truck bomb drove across the courtyard, blew up the building and killed the man who had said, I don't need this kind of protection. After this, Koffi Annan said, get them out of there. We can't provide their security. We can't keep them safe.

I welcome the United Nations involvement. I hope we get the United Nations involvement, but I don't think that track record speaks very well for the idea that the first thing we should do about dealing with the problem in Iraq is to go to the United Nations and show some humility and apologize. The number one civil right which all of us desire more than anything else and that is most essential in Iraq is the right to walk down the street without being shot, the right to walk out in public without being beaten over the head. To establish security is the first responsibility of civilization. Security in Iraq is being provided by the American military and its allies in the Iraqi forces.

George W. Bush, for all of the mistakes that have been made, and all of the difficulties that have been encountered, has demonstrated America's resolve to provide this civil right to Iraqis. The United Nations has fallen short in this category.

This is the fundamental question all of us should look at: Instead of debating whether the President looked at the right piece of intelligence, whether the committees had the right information, whether this or that or the other was looked at and was not, the real question is, where do we go from here. We are where we are, regardless of how we got here. Where do we go from here—the question the American people will decide in November.

I close with this anecdote or comment from Bernard Lewis. Bernard Lewis probably knows more about this region than any other academic in America. He has spent more time studying it, and has written books on it. He spoke to a group of us, and he was an optimist. He agreed with President Bush that democracy could be planted in the region and we should stay the course until we do it. He made this comment. He said: Listen to the jokes. In the Middle East, the only form of expression that is not censored is the jokes. And this is the joke that is going around in Iran, right next to Iraq. Two Iranians are talking. The first Iranian is complaining about how bad the government is, how bad things are. The second Iranian says: Yeah. They go back and forth, saying: What are we going to do? Where are we going to turn? Finally, the second Iranian says: I know. What we need is an Osama bin Laden. The first Iranian says: Are you crazy? That would make things that much worse, and the second Iranian says: Nope. If we had an Osama bin Laden, then the Americans would come and save us.

There are hundreds of thousands, if not millions, of people in the Middle East who are watching what we are doing in Iraq in the hope that, in the words of the joke, the Americans will ''come and save us.''

We have set our hand to the plow to that particular assignment. We should not turn back now. We should back our President and his resolve to see this through until freedom, prosperity, and self-determination are established in Iraq, from which it will then spread, change the Middle East, and ultimately transform the world.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from Utah for an incredibly fine speech. I appreciate the remarks he gave tonight very much, and I am sure the President does, as well.

At this time, I yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I thank the Senator from Arizona for yielding, as well as for his leadership on this issue. He has provided strong and forceful leadership in support of the war on terrorism. It is vitally important that all of us, not just as Members of the Senate, but as Americans, support this administration and support our troops in making sure we win this war on terrorism.

I would like to start by saying I have spent the last 3 years working on intelligence issues, first in the House and now in the Senate Intelligence Committees, and have learned some things that are very relevant to this discussion.

First, many across the aisle supported massive cuts to the intelligence community budget throughout the 1990s. Between 1992 and 1998, in fact, the Central Intelligence Agency closed one-third of its overseas field stations, lost one-quarter of its clandestine service case officers, lost 40 percent of its recruited spies, and CIA intelligence reports declined by nearly one-half.

The Clinton administration, supported by many Democrats in this Chamber today, decided from the outset that the end of the cold war meant we no longer needed intelligence on national security threats. The end of the cold war divide in actual fact made the world a much more complex place, with a host of new, unconventional, and asymmetric threats to our security we were not well prepared to address. Instead of dismantling our intelligence apparatus in the 1990s, recent history has proved beyond a shadow of doubt we should have been expanding and enhancing the quality of those capabilities so we could better understand and

counter the new nature of the threat. The record will show many on our side of the aisle were making this very point throughout the 1990s.

It is absurd to argue, as some in the other party appear to have suggested over the years, that by emasculating the CIA and our other intelligence agencies, our Nation's security would not be affected, or even would be enhanced.

I would just add that penetrating terrorist groups and rogue states, so-called hard targets, is a difficult and dangerous business. It requires a robust overseas intelligence presence, adequate and sustained resources, a wide-ranging stable of recruited and vetted spies, strong bipartisan support from Congress and the White House, and a willingness to take calculated risks. I submit the facts of the 1990s strongly suggest we had none of these.

In addition, it is apparent to me the intelligence community during the 1990s was skewed far too heavily in favor of technical collection of intelligence over what is the cornerstone of the business: human intelligence gathering or HUMINT, i.e., using spies to acquire information on the plans and intentions of our adversaries.

When my House Intelligence Subcommittee on Terrorism and Homeland Security took a hard look at the erosion of our intelligence capabilities in the 1990s, right after 9/11, it became clear to me our human spies were almost considered to be obsolete by the Clinton administration and its appointed intelligence community leadership.

When David Kay spoke about his experiences searching for WMD in Iraq on the ''Jim Lehrer News Hour'' last month, he said:

> We are not very good as a nation in our intelligence capability at reading the most fundamental secrets of a society, what are its capabilities, what are its intentions? We can't photograph those. You need Americans on the ground penetrating those societies and people who are speaking their languages.

I fully agree with Dr. Kay, and would just note it takes a long time and a great deal of effort to build such human espionage capabilities. Yet our colleagues across the aisle proved in the 1990s that such capabilities, however imperfect, could be torn down quickly and with ease.

In July of 1997, Congresswoman MAXINE WATERS, over in the House, said:

> I think the day for the CIA has come and gone.

I cite the CONGRESSIONAL RECORD, dated July 9, 1997. In that same debate, then-Congressman David Bonior commented:

> [W]e are spending, according to the New York Times, over $30 billion on intelligence, and the cold war is what? Nine years, seven years, eight years over with?

I cite again the CONGRESSIONAL RECORD, dated July 9, 1997. That same year, here in the Senate, the junior Senator from Massachusetts questioned: ''Why is it that our vast intelligence apparatus continues to grow . . .'' now that the cold war struggle is over?

I cite the CONGRESSIONAL RECORD, dated May 1, 1997. Two years before that, the same Senator proposed we cut the intelligence budget by $1.5 billion, not for specific programs but across the board. In 1994, that same Senator wanted to cut the intelligence budget by $1 billion and to freeze intelligence spending. That is the record.

Now, it is going to be awfully hard for certain individuals in the other party to justify their actions on national security matters during the near decade-long period of neglect and erosion of our intelligence capabilities of which they were directly complicit. It is stunning—although not surprising—that such individuals are now seeking to rewrite their own history.

I add that the junior Senator from Massachusetts in 1995 proposed to cut $1.5 billion from the intelligence community. That bill he introduced would have exacted cuts of $300 million in each of the fiscal years 1996, 1997, 1998, 1999, and again in the year 2000. The proposal was so out of line with reality that there were no cosponsors on the bill and, thank goodness, it never made it to the floor.

I ask the question, Why is it that an atmosphere of extreme risk aversion pervaded the intelligence community during the 1990s and lasts even to the present day in some respects?

There are two particular events that bother me. First, when I chaired the House Intelligence Subcommittee on Terrorism and Homeland Security in 2001 and 2002, I was particularly struck by the internal CIA guidelines promulgated in 1995 by then-Director of CIA, John Deutch, that severely limited the ability of CIA case officers to meet with, develop, and recruit foreign nationals who may have been involved in dubious activities or have blood on their hands.

We found, through extensive oversight work and dialog with CIA field officers, that these so-called Deutch guidelines had a significant chilling effect on our ability to operate against terrorist and rogue state ''hard targets.'' After all, how can one penetrate a terrorist organization or Saddam's brutal regime, for that matter, without dealing with unsavory people?

The guidelines were, in my view, a primary cause of the risk aversion to which I refer in my question, and they actually stayed in effect through July of 2002, when we finally succeeded after many efforts to compel the DCI to repeal them.

The second event concerns Mr. Deutch's decision during his mercifully short tenure as DCI to conduct a CIA-wide ''asset scrub,'' which applied an inflexible reporting standard to all CIA spies that, if not met, resulted in their automatic firing.

The fact is, the spying business is a lot different than a simple calculation of profit and loss. Spies are human beings who put their lives on the line to spy for us. We have a special responsibility to them and their families. Just because a spy's access may have dried up for a time, that doesn't mean they won't prove useful later on on other issues. Moreover, since we have had many gaps in our clandestine coverage of key issues at the time of the scrub, termination of spies was done without regard to how we might otherwise cover a subject by other means. Thus, our gaps were further exacerbated.

In my opinion, the Deutch guidelines and Deutch asset scrub are two of the major driving forces behind the risk aversion to which I referred in my question.

Mr. President, that is a direct byproduct of those years of neglect and resource starvation during the previous administration.

I want to first make it clear that it has been my experience that the stifling problem of risk aversion went from Washington to the field, and not vice versa. I know that the young, often idealistic, aggressive CIA case officers out on the front lines are not the problem.

Risk aversion starts when elected officials, on whose support CIA depends in the face of failure as well as success, abandons the discipline. The ''end of the cold war'' and ''peace dividend'' type arguments of those in the other party during the 1990s clearly manifested themselves in the form of political abandonment of our intelligence community.

During those years of Democratic control of Congress, Hill support for the intelligence mission was also questionable. I refer back to my previous remarks about what the junior Senator from Massachusetts and others tried to do to further reduce the intelligence community during the 1990s as a case in point.

Moreover, the record will clearly show that during the periods of Republican control of the House and Senate, significant efforts were made to increase the top line of President Clinton's annual intelligence budget requests. Some of these Republican efforts were successful; others were not. But for the most part, we brought the previous administration along kicking and screaming.

It should not be surprising that when the politicians turn their back on the intelligence community, politically appointed intelligence seniors start to become more reluctant to approve operations that might result in some sort of political flap because they know they won't be supported.

When such intelligence seniors start to become overly conservative, the managers below them follow suit. After a while, bureaucratic obstacles, and other hoops through which field officers must jump before getting operations approved, start to appear. That is where you get the Deutch guidelines and the Deutch asset scrub.

Now we have to figure out how to undo the bureaucratic risk averse mindset that has taken a decade to spread across the intelligence community like a cancer and, like a cancer, radical treatment with often painful side effects may very well be required.

That is what happens when national security becomes relegated to the bottom of our Nation's priorities. Fortunately, we have a President now who is anything but risk averse and who puts the long-term security interests and safety of all Americans at the top of his list of priorities.

On the issue of terrorism and homeland security, Americans deserve strong leadership, not political games. Our President is providing the positive leadership that will ensure the safety of our citizens.

I yield back to the Senator from Arizona.

Mr. KYL. Mr. President, I very much appreciate those remarks coming from a member of the Select Committee on Intelligence.

I now will yield to the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Arizona for his leadership on this important matter. I feel very strongly that our country is not fully aware—at least the public debate on the television and so forth have not shown a full awareness of the leadership that President Bush has given this country to help us deal with the challenges facing us.

I thank Senator CHAMBLISS for his comments about the intelligence-gathering functions. I wish to share some of my insights into where we are and where we can expect to be going.

After 9/11, the President of the United States was a challenged leader. He faced difficult times. We lost 3,000 people. Some decisions had to be made. He decided that business as usual would not continue and the United States was going to have to take a leadership role against terrorism.

About that time, former Secretary of Defense and former Secretary of Energy, James Schlesinger, who served in President Carter's Cabinet, testified before our Armed Services Committee, of which the Chair is a member. Mr. Schlesinger talked about the U.N. and its inability to make decisions and take action. He referred, quoting another writer, to the UN as being ''an institution given only to talk.''

Well, in the last decade, before President Bush took office, during the 8 years under President Clinton's leadership, we did a lot of talking about the problems facing the world. We did a lot of talking about Iraq. We passed a resolution in this body that declared it to be the policy of the United States to effect a regime change in Iraq. President Clinton signed it but we didn't do anything. We talked but we didn't do anything.

We now have a President who decided that we need to show some courage and leadership, and he did that. One of the first things he did, and I ask the American people to recall, was that he confronted a great country, Pakistan. Pakistan's intelligence agencies, Senator KYL knows as a senior member of the Intelligence Committee, were collaborating with the Taliban government in Afghanistan. Everybody knew that and that there was a lot of partnership there. We now know they were participating in the proliferation of nuclear weapons. President Bush challenged them and he said: President Musharraf, you have to choose. This is very serious. Are you going to allow Pakistan to be a country associated with the Taliban and terrorism, or are you going to stand your country in the future against that kind of activity?

To his credit, President Musharraf made a decision. It was not academic. It was not talk. It was: Mr. Musharraf, you must make a decision.

Since that time, he has been helpful to us in many ways, at risk of his own life. His opponents have attempted to assassinate him. Would anybody suggest that had our President been weak and waffling and vacillating, that the President of Pakistan would have made that decision, would he have put his very life on the line against terrorism?

Then he made the same challenge to Mullah Omar in Afghanistan where, as you remember, Bin Laden was training his terrorist soldiers. He said: You must reject that; you must turn against the al-Qaida; you must turn to your country; and you must choose. Mullah Omar chose. He chose to remain friends with Bin Laden and al-Qaida terrorist groups. He chose not to side with the nations who turned against terrorism.

Mullah Omar, I suppose, is hiding in some cave somewhere in Afghanistan. His government is completely gone. Yes, Bin Laden, who was in his country, attacked and damaged our Pentagon, and killed our soldiers right out here at the Pentagon. But his pentagon no longer exists. It is rubble. And there is a new government with a new constitution in the works to preside over a new Afghanistan where women have a chance to have freedom and prosperity; when I was there I saw that the people are re-building all over that country. Houses that had been destroyed are being refurbished, and people seemed to be making real progress there. That is such a tremendous step forward for the world.

Then the challenge was placed before Saddam Hussein. We had the U.N. try to find these weapons. We know he used these kinds of weapons. We know he was not complying with the U.N. resolutions. The U.N. found him in violation of those resolutions and voted in 1441 that he was in violation of the resolutions. We gave him every chance to renounce weapons of mass destruction, and to demonstrate that he had complied with multiple U.N resolutions. Because he lost the first gulf war he made a commitment to eliminate these kinds of weapons and to comply with U.N. resolutions, but he refused to do so. And President Bush acted.

Saddam Hussein was dug out of a hole in the ground and is now in the Bastille where he used to put his people and kill them. But he is not going to be killed. He will be given a fair trial.

The people of Iraq are forming a new government. Production is up. Electricity production is up. I know the chief of police there, and there are 70,000 new police officers, some of them being killed this day, but they are standing firmly for freedom in a new Iraq.

Lo and behold, after we dug Saddam Hussein out of the ground, Muammar Qadhafi of Libya, known as one of the world's most significant terrorists in the past, renounced his terrorism and called for the United States and Great Britain—he did not talk to the U.N., but he wanted us to be involved in his renunciation of terrorism and he has allowed inspections.

During the former administration—and I am not criticizing, but I was frustrated—when President Clinton was in office, we talked all the time about nuclear proliferation but accomplished little. But only recently, we had Abdul Khan, the chief nuclear scientist in Pakistan come forward. What did he say? He said he was proliferating weapons from Pakistan to North Korea to Iraq to Libya and to Iraq. That had been going on but it is not going on now because he has renounced it and told all that he had done to the world.

Iran is now allowing the United Nations to come in and inspect their nuclear program. The nations in the East—China, Japan, and South Korea—are confronting North Korea. We are not going to keep rewarding North Korea for bad activity, as has been done in the past. We are going to insist they step up like these other nations and assume a place among the decent nations in the world, or they are not going to get any benefits from us. We are going to keep the pressure on, and that is exactly the right thing for us to do.

These events have occurred for one reason and one reason only: We have a President of the United States who loves this country, who believes in our values. He believes in freedom. He believes in democracy. He wants to see the world be a better place. He does not want to just preside over the office of President. He wants to do something good for this world, and he is doing it.

As a direct result of his leadership, we made extraordinary progress in just 2 years, progress not seen in decades.

It has been tough. Our soldiers are at risk, and they are putting their lives at risk every day to effect a policy that those of us in this Senate voted for by an overwhelming vote. Some of them voted for it and then turned around and voted not to support our troops. But most of the Senators here, Republicans and Democrats, have stayed. Yes, we have had complaints, but when has there ever been a war when everything has gone perfectly smoothly?

I urge the Members of this body, my Senate colleagues, to look at what has occurred, to recognize that we are seeing the benefits of extraordinary and courageous leadership. When they do so, we shall hear less carping, less complaining, less whining, and less second-guessing than we have heard. We are making progress. We are going to continue to make progress. We are going to make this world a better place and safer place for the people of the United States.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. TALENT). The Senator from Arizona.

Mr. KYL. Mr. President, let me summarize what I think has been established during the last couple of hours. The reason we took to the floor is because there has been a lot of criticism of the President of the United States and the administration for its actions in finally deciding that enough was enough with Saddam Hussein, that his continual violation of the U.N. resolutions had to be enforced by someone, and that before there was an imminent threat posed by his dangerous regime, it was important for the United States and a coalition of other countries to take action to remove him.

The criticism has come both from potential Democratic nominees for President, Members of this body, news organizations, and others outside the body, but we sought to try to put into perspective some of these criticisms and to point out that at the end of the day, there should be no question that President Bush did the right thing.

The three key points were, first, that an intelligence failure is not the same thing as intelligence misuse or misleading, and if there was a failure because the intelligence agencies were wrong about the stockpiles of weapons of mass destruction that they thought existed and which we have not been able to find, it is not the same thing as saying that the President misled anyone or that anyone else with access to intelligence misled anyone.

The second point was that whatever the state of intelligence, the case for removing Saddam Hussein is still very strong, a point which several of our colleagues have made repeatedly on both sides of the aisle, as well as President Clinton and other members of his administration prior to the Bush administration.

And, third, that the question regarding the weapons of mass destruction, the stockpiles of biological and chemical weapons is not a matter of whether they existed but what happened to them; that everyone who had access to the intelligence was convinced they existed.

In fact, we know they existed at least one time because they were used against the Kurds and against the Iranians. Saddam Hussein himself, in submitting documents to the United Nations, admitted they existed. This was, I believe, either 1996 or 1998 and then again in the year 2002. So we had his admission that they existed. As Senator BENNETT said a while ago, nobody knows whether they were destroyed, shipped someplace else, or whether we destroyed them, but eventually we will find out the answers to those questions.

The fact we cannot find those weapons of mass destruction stockpiles—primarily artillery shells with chemical munitions—does not detract at all from the case against Saddam Hussein or make the case that somehow or another the American people were somehow misled by the President.

In closing, I will quote from the chairman of the Senate Intelligence Committee and the ranking member of the Senate Intelligence Committee. What the current ranking member of the Senate Intelligence Committee had to say is: As the attacks of September 11 demonstrated, the immense destructiveness of modern technology means we can no longer afford to wait around for a smoking gun. I do believe that Iraq poses an imminent threat, but I also believe after September 11 that question is increasingly outdated. It is in the nature of these weapons and the way they are targeted against civilian populations that documented capability and demonstrated intent may be the only warning we get. To insist on further evidence would put some of our fellow Americans at risk. Can we afford to take that chance? We cannot.

The ranking member of the Senate Intelligence Committee is the junior Senator from West Virginia, Mr. ROCKEFELLER. These were his comments on October 10, 2002. Yet today we find some saying the President contended there was an imminent threat, when he did not, and that we should not have acted unless, in fact, there was an imminent threat.

I think Senator ROCKEFELLER was correct, and I know he has access to all of the intelligence because, of course, he is the ranking member of the Intelligence Committee.

Now I will read from the chairman of the Intelligence Committee: I have seen enough evidence. I do not know if I have seen all the evidence, but I have seen enough to be satisfied that there has been a continuing effort by Saddam Hussein, since the end of the gulf war, particularly since 1998, to reestablish and enhance Iraq's capacity of weapons of mass destruction, chemical, biological, and nuclear.

That was the immediate past chairman of the Senate Intelligence Committee, the senior Senator from Florida, Mr. GRAHAM. He, too, had access to all of the intelligence.

My point in quoting my two colleagues is that in the Senate, those of us on the Intelligence Committee had access to the same intelligence the President did, at least similar intelligence to what other countries in the world had, and all of us, including the United States, believed these things. We had the same intelligence that was given to the President.

We were not misleading anyone. The President obviously was not misleading anyone. The fact that it turns out some of the intelligence turned out not to be totally correct is not the same thing as saying somebody misused the intelligence. I hope my colleagues on the other side do not cross that line of accusing the President of intentionally misleading the American people because to do so, in effect, would be also to accuse our own colleagues of that very same thing. I do not believe, based upon what I know of my colleagues, that that could be said of any one of them. So I hope we can get over this notion that just because not all the intelligence was correct, therefore, it must mean somebody was misleading someone else. I think we have established that is not true and that it would be very wrong to try to pursue that line of attack against President Bush simply because we happen to be in an election year.

We will have more to say on this subject in the future, but I want my colleagues to understand that if there are charges made against the President or against this administration relating to the use of intelligence with respect to the war in Iraq, those charges will be rebutted. I appreciate very much the attention of my colleagues to this matter this evening.

THAI POLICY TOWARD BURMA: PRINCIPLED OR FOR PROFIT?

Mr. MCCONNELL. Mr. President, as my colleagues know, freedom in Burma has long been under siege by a military junta calling itself the State Peace and Department Council (SPDC). In response to last year's brutal assault against the supporters of the National League for Democracy NLD, and its leader Daw Aung San Suu Kyi, Congress quickly passed—and the President signed into law—the Burmese Freedom and Democracy Act of 2003.

This was an appropriate response to an act of Terrorism orchestrated and carried out buy the SPDC and its affiliated organizations.

Last week, the State Department issued its annual human rights report, and the section on Burma evidences egregious and systematic human rights abuses. Let me read one excerpt from that report:

> [the SPDC's] extremely poor human rights record worsened, and it continued to commit numerous serious abuses. Citizens still did not have the right to change their government. Security forces continued to commit extrajudical killings and rape, forcibly relocate persons, use forced labor, conscript child soldiers, and reestablished forced conscription of the civilian population into militia units.

Murder, rape, forced labor, child soldiers . . . this is a sobering reminder of how egregious and extreme human rights violations are in Burma.

While many in Burma's neighborhood raised concerns with the situation in that country, including Malaysia and