

STATEMENT OF JAMES SCHLESINGER
BEFORE THE
COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

September 25, 2002

Mr. Chairman, Members of the Committee:

I thank the Committee for its invitation to appear before you today to discuss the question of United States policy towards Iraq. The issue before you is more than a test of the United Nations, it is equally a test of the unity and resolve of the American government. The greater the degree to which the President and the Congress are united in purpose with respect to Iraq, the greater is the likelihood that the United Nations will take a firm and appropriate stand towards Iraq.

Mr. Chairman, as the President has stated, this is a test of whether the United Nations—in the face of perennial defiance by Saddam Hussein of its resolutions and, indeed, of his own promises—will, like the League of Nations over half a century ago, turn out to be simply another institution given only to talk. For more than eleven years, since the end of the Gulf War, the record is replete with U.N. resolutions condemning Iraq for “serious violations,” “continued violations,” and “flagrant violations.” For that entire period, Saddam Hussein has regularly and successfully played that game of defiance. In 1998, the Congress adopted a strong resolution approving the use of force to bring Saddam Hussein into compliance. Shortly thereafter, the Secretary General reached agreement with Saddam Hussein in a Memorandum of Understanding that promised “immediate, unconditional, and unrestricted access.” Failure to do so would result in “severest consequences.” Some months later, Saddam Hussein excluded

American inspectors, and by October had ceased cooperation with U.N. inspectors entirely.

In September of 2002, recognizing the growing pressure stemming from the United States, Saddam Hussein has once again informed the United Nations that he is willing to “allow unconditional return” of the inspectors. His intention, quite obviously, is again to repeat that all too familiar cycle. I think it is clear, Mr. Chairman, in light of our previous experience that we should observe that old adage, “once burned, twice shy”!

Will the United Nations prove as feckless as the League of Nations? Mr. Chairman, in 1935, Mussolini invaded Abyssinia. The League of Nations took note of this challenge to the international order. Day after day, week after week, the League deliberated what to do. These sessions went on endlessly. After each session, there was a press conference. After some weeks, one of the reporters present summarized the situation as follows: “On the surface, very little is happening—but beneath the surface, nothing is happening.”

Today the United Nations faces a test whether or not it can act more effectively than did the League. The League failed because its key members wanted it to fail—endless talk at the League was safe, while action under the League’s auspices might have been dangerous. There are some members of the U.N. who have the same idea today, that talk is safer than action. If there is to be a difference, it will arise from a conviction that the U.S. President—and Congress—are determined that action will take place: either action by Saddam Hussein to disarm, or action under U.N. auspices to disarm him, or, if necessary, action outside the U.N. framework

Mr. Chairman, discussion of this need for action has been muddied up by the issue of “pre-emption.” To be sure, the President at West Point used the word, pre-emption, in connection with the longer-term design of U.S. policy. Other officials have, from time to time, used the phrase in connection with Iraq. Nonetheless, whatever the merits or the demerits of a policy of pre-emption in the longer run, it has little to do with Iraq. Pre-emption implies a surprise attack or preventive war. Surely in the speculations about Iraq, the word surprise cannot be employed when one continuously reads about our supposed war plans in the daily newspapers. In the case of Iraq, pre-emption is limited to the obvious, and rather circumscribed, meaning that, if we are to deal with Iraq, we should do so before Saddam Hussein acquires nuclear weapons in number.

Iraq is a Special Case. We have been engaged in an on-going conflict with Iraq since 1990. Vigorous action in the course of an on-going conflict hardly constitutes preventive war. At this time, U.S. (and British) aircraft are overflying the Northern No-fly zone, and the Southern No-fly zone. They are overflying some 60 percent of the country. Iraq has been firing anti-aircraft artillery and surface-to-air missiles at our aircraft. Our aircraft have attacked Iraqi air defense and other targets. Indeed in recent months, Saddam’s air defense forces have shot down three of our Predator aircraft. Moreover, the United States has established a virtual protectorate for the Kurds who live in Northern Iraq. Surely we can acknowledge that in these conditions of on-going and continued conflict, the word pre-emption does not really apply. Iraq, whatever the merits or demerits of pre-emption for long-run policy, remains a Special Case.

In an on-going conflict, the issue of pre-emption appears close to meaningless. Indeed, historically, we have regarded pre-emption as permissible even in the far more

difficult case of the formally neutral. In July 1940, less than a month after the fall of France, Winston Churchill had the British Fleet attack the French (Britain's former ally) at the Naval Base of Mers-el-Kebir, killing 1300 French sailors and sinking a number of ships. Others escaped to British harbors (to join the "Free French") or to Toulon. More significantly, in November 1942, American troops landed in and occupied French North Africa, then under the control of Vichy France. To be sure, after our troops had entered French North Africa, we did receive an invitation to come in. Thus, the record suggests that in time of war restrictions on pre-emption are loosened.

I have gone into this issue at some length, Mr. Chairman. For I fear that it has generated more heat than light—and needlessly so. We must not allow conceptual disputes to obscure the underlying reality. The United States has been for a decade, and is now, deeply engaged in a conflict with Iraq. We should like the support of other nations, as we approach the decisive moment. Strong backing of the President by the Congress will likely elicit stronger support from other nations in the U.N.

Thank you, Mr. Chairman. I am happy to answer any questions that you or other members of the Committee may have.