

Bob Dole



NEWS

U.S. SENATOR FOR KANSAS

FROM:

SENATE MAJORITY LEADER

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S. 5 : THE PEACE POWERS ACT OF 1995
TESTIMONY OF SENATE MAJORITY LEADER BOB DOLE
SENATE COMMITTEE ON FOREIGN RELATIONS

I appreciate the opportunity to testify before you today on S. 5, The Peace Powers Act of 1995. This Committee has worked long and hard on peacekeeping issues. Thanks to the bipartisan cooperation of Senator Helms, Senator Kerry and others, many provisions of last year's Peace Powers Act were incorporated in the State Department Authorization Bill (Public Law 103-236). As the Committee is aware, there are some similarities between S. 5 and H.R. 7, the House-passed National Security Revitalization Act. There are also many differences.

Repeal of War Powers Resolution of 1973

Perhaps the most important difference is that S. 5 proposes the repeal of the War Powers Resolution of 1973. I have not always opposed the War Powers Resolution. In 1970, I co-sponsored an early version of the legislation with Senator Javits. In 1973, I voted for the Senate version, for the conference report, and I voted to override President Nixon's veto. As Chairman of the Republican National Committee, I did not vote to override a lot of vetoes. But, in the aftermath of the nation's most bitter and divisive war, I thought we needed to reassert the legitimate role of Congress in decisions of war and peace. On the Senate floor in October 1973, I said "the War Powers Resolution is a responsible and necessary attempt to serve the national interests by harmonizing the roles of the legislative and executive branches in the exercise of the war power."

Unfortunately, 22 years later it is apparent the War Powers Resolution has failed. We were not wrong to try two decades ago but we selected the wrong tool. As Senator Biden stated on the floor of the Senate last week, "The War Powers Resolution has failed to fulfill its intent, and has been..ineffective." The time clocks and automatic trigger in War Powers sent all the wrong signals to our allies and to our adversaries: namely that American staying power was limited and could be affected at any time by congressional action, or even inaction. We spent hours in debates over the meaning of "imminent hostilities" and often missed the larger strategic picture. I would also note that Chairman Helms was one of the few senators to oppose war powers in all the votes - along with Senator Stevens and Senator Thurmond.

Some may argue that War Powers should not be repealed until follow on legislation can be developed. In my view, however, we do not need to keep bad laws on the books while searching for a way to resolve the ongoing executive-legislative tension over the powers of war and peace.

Untie President's Hands to Defend U.S. Interests

S. 5 repeals legislation designed to limit the President's flexibility to use force to defend American interests. Apparently, some proponents of war powers oppose repeal, and oppose limits on U.N. peacekeeping. It seems they only trust a president to use force if it is through the United Nations. In my view, it makes sense to untie a President's hands in the use of force to defend our interests. But we need to rein in the blank check for U.N. peacekeeping.

New Limitations on U.N. Peacekeeping Command & Funding

S. 5 includes new limitations on command and funding arrangements for United Nations peacekeeping activities. There has been a lot of sound and fury about congressional Republican efforts to enact limits on misguided reliance on U.N. peacekeeping operations, to include veto threats and accusations of isolationism. Let me just say that I don't think Henry Kissinger, Howard Baker or Jeane Kirkpatrick take charges of isolationism very

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urging a review by inspector generals of State, Defense and CIA, and requesting that intelligence sharing be suspended until we know what went wrong, and how to fix the current, and obviously inadequate, procedures. I expect to address this issue when S. 5 is on the Senate floor.

S.5 - Not A Threat to Coalition Diplomacy

S. 5 will not solve all the problems of using force in the post cold war world -- no legislation can. S. 5 does not force a choice between doing it alone or doing nothing. That is a false choice. Coalition diplomacy -- recruiting and leading allies to face a common threat -- would be unaffected by S.5. Kim Il Sung in North Korea and Saddam Hussein in Iraq can testify to the strength of that approach. The fiascos of Bosnia, Somalia and others testify to the weaknesses of the U.N.-led approach. I hope the Committee rejects any argument that asserts America can only lead behind the blue flag of the United Nations.

I thank the Committee members for their patience. Your remaining witnesses will add to the debate over S. 5. Charles Maynes, editor of Foreign Policy may not always agree with me, but he does publish my material. My predecessor as Majority Leader, Senator Baker, is a veteran of war powers debates. Ambassador Kirkpatrick has no rival in understanding the United Nations, and how to make it support American interests. And Lieutenant Colonel Robin Higgins better than anyone can address the dangers of putting American forces under U.N. command. It was the experience and advice of Colonel Higgins which led to the inclusion of language last year on application of Geneva Convention standards to U.N. forces. I know these experts will add to the Committee's understanding of the issues addressed by Peace Powers Act of 1995.

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