

human being. I know she was over there all the time, giving solace, support, comfort. It is typical of these two, who served in the Senate with us for so many years and did such a great job, to continue to do a great job in our home State. That family really deserves a lot of credit. Not only the immediate family but the extended family exercised their faith and prayers on behalf of this young woman.

I hope everything is OK with her. It is certainly OK compared to what she has gone through. I hope everybody who knows her and knows that family will lend support and solace and comfort to help them to reunite in every way and help this young woman to overcome the terrible experience she has had over the last 9 months.

AMERICA'S COMMITMENT TO INTERNATIONAL LAW

Mr. BINGAMAN. Mr. President, when future generations reflect on the fallout from the terrorist attack of 9/11/2001, I fear they will see our own commitment to international law as a casualty of that event. I do.

For some time now, there has been a contest within the U.S. foreign policy establishment between those who believe our greater security lies with the strengthening of international institutions and agreements, on the one hand, and, on the other, those who believe our security is enhanced if we demonstrate the will and capacity to prevail; that is, to dominate the new world and shape it to our liking.

The election of President Bush and the attack of 9/11 have moved U.S. policy to endorse this second vision—that of U.S. dominance of a world that meets our standards of acceptable conduct.

The result of this shift in U.S. foreign policy is now evident in the statements and actions of the President regarding Iraq. Unless I misread those statements by the President and his foreign policy team, sometime within the next few days, the United States, and possibly British, troops will begin an invasion of Iraq. The mission, according to the President, will be to disarm Saddam Hussein, to capture and destroy his weapons of mass destruction, to liberate the people of Iraq from his despotic rule, to install a new and democratic government, and to hold up Iraq as a model for freedom and democracy that can be emulated by other Middle Eastern countries.

These are noble objectives. My concern is not with the objectives but with the apparent decision the President has made to proceed with an invasion now while many Americans and many of our traditional allies believe that alternatives to war still exist.

In his State of the Union Address, the President spoke about a circumstance where “war is forced upon us.” After the President spoke, I came to the Senate floor to make what I considered an obvious point; that is, that war had not

been forced upon us. It is still my view today that war with Iraq has not been forced upon us. Our allies who are urging that the U.N. weapons inspectors be given more time to do their work agree with that view.

In the report to the Security Council last Friday, Hans Blix and Mohamed ElBaradai, the heads of the U.N. inspection teams, reported progress toward the goal of ensuring that Iraq has been disarmed. They pointed out that more cooperation by Iraq is needed, but they acknowledged that cooperation has increased.

President Bush and Secretary of State Powell have correctly pointed out that Iraq's increased level of cooperation does not constitute full compliance with Security Council Resolution 1441, in that Iraq has not fully, completely, and immediately disarmed.

The question is whether this failure to fully comply with the U.N. resolution justifies an armed invasion of Iraq at this time. Many Security Council members believe it does not, and, in my view, it does not.

Our Government's position appears to be that we will enforce the U.N. Security Council resolution even though the Security Council itself does not support that action at this time. In other words, we will act in coordination with the views of the world community of nations as long as those views agree with our own. When those views differ from our own, we will use our great military capability to impose our will by force.

I, for one, can support a policy of imposing our will by force, notwithstanding the views of our allies, if there is an imminent threat to our own security and if all options, other than war, have been exhausted. But neither of those circumstances prevails today.

A decision to wage war at this time, absent the support of our traditional allies, contradicts the foreign policy on which this Nation has been grounded for many decades. It undermines the international institution that previous U.S. administrations worked to establish as an instrument for world peace. It clearly signals that even absent an imminent threat to our security, we consider ourselves the ultimate arbiter of acceptable behavior by other governments and that we will act to “change regimes” when we determine the actions of other governments to be unacceptable.

Madam President, this is an unwise and dangerous precedent for us to establish. Stripped of its niceties, it is essentially a foreign policy premised on the belief that “might makes right.” At this point in world history, we have the might and, therefore, accommodating the views of others seems a low priority. But the day will surely come when others also have the might, and then we may wish we had shown restraint so that we can argue that others should as well.

There is a famous scene from “A Man For All Seasons,” the magnificent play

Robert Bolt wrote, about the conflict between Sir Thomas More, a man of conscience and the law, and his sovereign, Henry VIII.

More and Roper, his son-in-law, are arguing about the law at this point in the play. Their conversation is instructive. Roper, the son-in-law, exclaims: “So now you'd give the Devil benefit of law!” More replies: “Yes. What would you do? Cut a great road through the law to get after the Devil?” Roper says: “I'd cut down every law in England to do that,” to which More responds: “. . . And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast . . . and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then?” “Yes, I'd give the Devil benefit of law, for my own safety's sake.”

I submit that if the United States determines to circumvent the U.N. in this case, the Devil may well turn round on us, and we could reap the whirlwind for years to come.

I yield the floor.

HOUSTON, WE HAVE A PROBLEM

Mr. LEAHY. Mr. President, after years of shortchanging our nation's crime labs, the Administration has unveiled a proposal to spend more than \$1 billion over five years on forensic DNA programs. This proposal is overdue, but it is welcome, and it will make a difference.

For two years I have repeatedly urged the Administration and House Republicans to fully fund existing programs aimed at eliminating the DNA backlog crisis and, in particular, the inexcusable backlog of untested rape kits. Until now, the Justice Department has simply refused to make this a high priority. In the meantime, untested critical evidence has been piling up while rapists and killers remain at large, while victims continue to anguish, and while statutes of limitation expire.

I am pleased that the Administration's new commitment to funding DNA programs includes \$5 million a year for post-conviction DNA tests that can be used by inmates to prove their innocence. Post-conviction DNA testing has already been used to exonerate more than 120 prisoners nationwide, including 12 awaiting execution. Last year the Justice Department cancelled plans to spend \$750,000 on a post-conviction DNA testing initiative, and diverted the money to another program. It is heartening that the Department at last has recognized the importance of ensuring that the power of modern science, in the form of DNA testing, is available to help prosecutors and defendants alike establish the truth about guilt and innocence.

Clearly, DNA testing is critical to the effective administration of justice