

# BUSINESS MEETING

*Thursday, February 16, 2012*

U.S. SENATE  
COMMITTEE ON FOREIGN RELATIONS  
WASHINGTON, D.C.

1           The committee met, pursuant to notice, at 9:37 a.m. in Room SD-419, Dirksen  
2 Senate Office Building, Hon. John Kerry [chairman] presiding.

3           Present: Senators Kerry [presiding], Boxer, Cardin, Casey, Webb, Shaheen,  
4 Durbin, Udall, Lugar, Corker, Rubio, DeMint, Isakson, Barrasso, and Lee.

## **OPENING STATEMENT OF HON. JOHN KERRY, U.S. SENATOR FROM MASSACHUSETTS**

5           THE CHAIRMAN. The committee will come to order. I want to thank everybody  
6 for their tremendous cooperation in the last 24 hours, and particularly for getting here  
7 early to help us get a quorum and be able to do our business under different than  
8 normal circumstances. But these are different than normal circumstances, so I think  
9 we've responded effectively and I am very appreciative to everybody for that effort.

10           I'm not going to review the whole bidding. As everybody knows, we convened  
11 Tuesday and there was appropriate concern expressed about how far the resolution  
12 might be going and the need to really have a hearing; at the same time, a very powerful  
13 feeling of the committee that there was a need to express the committee's views  
14 regarding what is happening.

15           I want to thank Senator Casey and Senator Rubio again for their leadership in  
16 helping to press that point. So we went back to the drawing board and I think we now  
17 have a resolution that, frankly, is strong, appropriately condemns the violence,  
18 expresses our disappointment with the governments of Russia and China for not having

1 joined efforts. It encourages members of the United Nations to continue to pursue a  
2 resolution in support of a political resolution. It commends the Arab League efforts,  
3 which have been significant, and expresses our regret that the Arab League was not able  
4 to complete the full monitoring. Finally, it urges the international community to review  
5 the legal processes available to hold officials of the government of Syria accountable for  
6 crimes against humanity and gross violations of human rights.

7 This is a powerful first step expression by the committee. We will have the  
8 hearing that Senator Lugar has called our attention to the importance of, as soon as we  
9 return, and then we can deliberate what, if any, further steps this committee might  
10 deem reasonable with respect to the events in Syria.

11 I would just say that in my conversations—I was briefed yesterday by our  
12 Director of the CIA and also have had conversations with leaders in the Middle East,  
13 and there is a very strong consensus building that what might have once been possible  
14 with respect to how Assad might have resolved this crisis is now really just  
15 evaporating, if not fully evaporated; and that I don't know anyone who is now talking  
16 about a government with Assad some time in the future.

17 However, everybody understands that this is potentially complicated, long,  
18 bloody, difficult, absent some change of heart or change of view, and that's what we are  
19 going to have to talk about very carefully in this committee when we do reconvene.

20 So, that said, we have pressures of another hearing coming up and Senator Udall  
21 needs to go open the Senate itself. So I want to try to see if we can expedite this so that  
22 we could have a vote as soon as possible.

23 Senator Lugar, do you or Senator Corker have any comment?

24 SENATOR LUGAR. No.

1 THE CHAIRMAN. Senator Corker.

2 SENATOR CORKER. First of all, Mr. Chairman, I want to thank you for working  
3 with us. I want to say to Senator Webb, I know we've had some conversations this  
4 morning. There was a section 7 in this resolution that in my opinion authorized —  
5 basically, was something that could be utilized to go to war with Syria, and I want to  
6 thank the chairman for changing that just in the last few minutes in a way that doesn't  
7 allow that to occur.

8 Let me express what I was trying to express last week a little bit more artfully.  
9 During the Libyan debate, I did not think going to Libya was in our national interest. A  
10 lot of people did and that's irrelevant. I've also said that, in fairness, if we were going to  
11 go to Libya, I thought the way the administration handled it was very good. I've said  
12 that publicly over and over and over.

13 What happened during that debate, though, was a non-debate. There were  
14 discussions about the War Powers Act, which I think many people in this room think is  
15 real. Some people think it's unconstitutional. And I know we're going to have a  
16 discussion about that later this year, and I thank the chairman for that also.

17 But here's what happened during the Libyan debate. In wrap-up session one  
18 night on March the 1st, a resolution passed on the Senate floor not unlike this one, by  
19 unanimous consent. There was no debate. Let me say that one more time: In wrap-up  
20 on March the 1st, as Senate was going out of session, a resolution regarding Libya  
21 passed by unanimous consent, which made it appear that everybody in the United  
22 States Senate agreed with that resolution.

23 When we began to question Mr. Koh, who's a very bright person, about their  
24 authorization, if you will, to go to war, he clearly stated on March the 22nd that the

1 Senate had spoken, that the Senate had by virtue of passing by unanimous consent a  
2 resolution, not an authorization, that the Senate had spoken and therefore supported  
3 their efforts.

4 Again, whether you agree or disagree with that, to me what that meant was a  
5 precedent had been set. The language that was in the resolution last week I think  
6 clearly, clearly—or earlier this week—clearly allowed the administration to go to war in  
7 Syria. There's no question about it.

8 And the resolution that was before us 10 minutes ago allowed us to go to war  
9 with Syria, and I know numbers of us had questions about that, and I thank the  
10 chairman for what he's done to keep that from being the case. I think we're going to do  
11 that, but I have a real debate about that, and if we want to authorize war let's authorize  
12 war. But let's don't do it in a backhanded way.

13 I thank Johnny Isakson for bringing some clarity to this. I thank Senator Boxer  
14 for joining him in saying that. And I want to thank the chairman for putting us where I  
15 think is the right place. And all I'm saying is these are serious matters I we shouldn't in  
16 a back-door way by non-effort allow an administration of either side of the aisle to go to  
17 war with a country without us having a debate and actually authorizing that.

18 THE CHAIRMAN. Thank you, Senator Corker.

19 Let me just assure every member as well as the public that this chairman would  
20 never allow or seek some kind of back-door way to go into war. I don't—in my  
21 interpretation, the previous language didn't do that.

22 But if there's ambiguity—and clearly in at least one or two Senators' minds there  
23 might have been—I'm for clarifying it, and I think we've done it. So there's no back-

1 door agenda here, and I appreciate the Senator calling our attention to it. I think the  
2 language was not as artfully drawn as it could have been and I think it's better now.

3 SENATOR BOXER. Mr. Chairman.

4 THE CHAIRMAN. Senator Boxer.

5 SENATOR BOXER. As someone who fully supported the original Casey-Rubio  
6 resolution, I did not believe it did in any way say we were going to go to war. But that  
7 aside—it's okay. Everyone has a right to an opinion. But when we do a unanimous  
8 consent on the floor and you don't agree with it, then you have the ability to stop it. But  
9 I just make that point, make that point.

10 Let me say, however, in 30 seconds or less, I applaud this committee for coming  
11 back here. The reason I do is not some process argument. But I'll close with this. This  
12 is what Ban Ki Moon said. This is not a man known for hyperbole. He said: "We see  
13 neighborhoods"—this is in Syria—"We see neighborhoods shelled indiscriminately,  
14 hospitals used as torture centers, hospitals used as torture centers, children as young as  
15 10 years old killed and abused. We see almost certain crimes against humanity."

16 So therefore I'm proud of this committee. I'm very pleased that Senator Corker's  
17 on board with us because I do think what we do here matters, and I'm very proud of  
18 Senators Casey and Rubio for bringing this to our attention.

19 THE CHAIRMAN. Senator Casey.

20 SENATOR CASEY. Just one minute or two, Mr. Chairman. Thank you for working  
21 on this with members of the committee. I obviously am disappointed we don't have  
22 more, and I certainly disagree with Senator Corker's assessment, but I respect him and I  
23 know the integrity with which he analyzed this.

1           We've got to do more, and I'm looking forward to the hearing on this. But I think  
2 probably the most important thing we can say is, much as there's a lot of anger and  
3 frustration here, frustration at a process and anger at the slaughter, but let me just read  
4 one line from what we're going to do today which I think brings us all together:  
5 "Expresses solidarity with the people of Syria, who have exhibited remarkable courage  
6 and determination in the face of unspeakable violence to rid themselves of a brutal  
7 dictatorship," unquote.

8           If the world hears nothing else today but that, this will have been an exercise  
9 which is worthy of the United States Senate. But we've got a lot more work to do on  
10 this, because the killing goes on unabated every single day, and I know that a lot of  
11 people share that concern.

12           THE CHAIRMAN. Thank you, Senator Casey.

13           Senator Shaheen.

14           SENATOR SHAHEEN. I'd like to be added as a cosponsor, Mr. Chairman.

15           THE CHAIRMAN. Absolutely. Without objection, you will be.

16           Senator Lugar.

17           SENATOR LUGAR. Mr. Chairman, I would just like to quote General Dempsey in  
18 his testimony the other day, in which he said: "Syria is an issue of a Sunni majority  
19 rebelling against an oppressive Alawite Shia regime, and all the players in the region it  
20 seems have a stake in this." He also pointed out that: "It is a much different situation  
21 than we saw collectively in Libya. We don't have as clear an understanding of the  
22 nature of the opposition. We're working in the intelligence community to develop it.  
23 Finally, there is a chemical and biological warfare threat, a very significant integrated  
24 air defense system, a very credible military, huge regional implications, big players and

1 actors who have vested interests there, and this is one where we have to not only  
2 understand what is happening on the ground, but also look at the regional context in  
3 which we're dealing."

4 This is the reason why I just felt it was imperative to have a hearing in which we  
5 finally bring these issues to the fore. This is being considered almost entirely in a  
6 humanitarian context and that is important, but we're also talking about a situation in  
7 which there are ties there, religious-wise, sectarian, and the outcome at least of even the  
8 displacement of Assad is hardly foreseeable.

9 So I will vote with the committee for this and I appreciate everybody working on  
10 it. But I think we have a lot of work to do before this committee makes commitments,  
11 statements, that are likely to lead either to conflict or to some ambiguity with regard to  
12 our administration.

13 THE CHAIRMAN. Well, Senator Lugar, you're absolutely correct, and I think I'd  
14 say to all the members of the committee that one of the things I will also do is schedule  
15 a classified briefing for the moment we get back. And I think it's important that all the  
16 members come.

17 Last night I was with Director Petraeus and we were talking about this question  
18 of the weapons, and really we need to do that in a classified place. But it is an issue and  
19 it's something we're focused on.

20 The other thing I'd say to everybody is, this is not—this is very different from  
21 Libya for a lot of different reasons. There's a 300,000-plus person army there, which is  
22 still loyal to Assad. There is the sort of business community class that is still loyal to  
23 Assad. There is Hezbollah now lurking both there and in its neighborhood. And you  
24 have Iran playing in this very significantly with advisors and with other players on the

1 ground. And you do have a Sunni majority and you are caught up in these major  
2 sectarian divisions and politics of the region.

3 So this is—has the portent of being bloody, long, complicated, difficult, and I  
4 think everybody has to be very thoughtful about it. But I think everybody on the  
5 committee is already approaching it that way. I think that's been reflected in the  
6 comments about the initial resolution, and I think we've arrived at a really good place  
7 personally, which is the way things ought to work. So I again celebrate that.

8 Senator Webb.

9 SENATOR WEBB. Thank you, Mr. Chairman. Just 60 seconds here. I'd like to  
10 commend Senator Corker for having made the statements that he did the other day. I  
11 was presiding. By the time I was finished presiding, the discussion had ended up on  
12 the committee.

13 But I have similar concerns with statements that come out or are capable of  
14 coming out of these kinds of resolutions, that seem to be conclusive, but that aren't  
15 necessarily complete in the detail, when we're addressing the complicated issues that  
16 are involved, just as you have mentioned, just as Senator Lugar has mentioned.

17 We had General Dempsey in front of the Armed Services Committee just the  
18 other day. I appreciate your putting a summary, a part of his statement when I asked  
19 him the question about Syria, into this resolution. I also asked him about reports that  
20 Al-Qaeda had been involved. This is not a clear issue of a domestic uprising against a  
21 harsh regime. I think we all agree that those concerns and expressions of concerns  
22 about that issue are legitimate. It's an evolving situation, which is why I believe that we  
23 need to have a more thorough hearing. We need to watch this as it evolves over time.



1 Right now we've got the Director of National Intelligence up in front of the  
2 Armed Services Committee. I'm going to go back up there after this meeting is  
3 concluded.

4 But I would like to say, I appreciate the refinement of this language. I view this  
5 as sort of an interim statement rather than where we are going to end up going. And I  
6 also appreciate putting in—your agreeing, the committee agreeing, to put in the  
7 language about China in terms of the Security Council vote. I think it's important for us  
8 to be laying out all the difficulties that we're facing in this region with respect to foreign  
9 policy and not simply being selective and looking at Russia.

10 Thank you, Mr. Chairman.

11 THE CHAIRMAN. Thank you, Senator Webb. I appreciate those comments.

12 If there's no further discussion, I would propose, based on the conversations with  
13 Senator Corker and the work we just did, I would offer the following amendment as a  
14 substitute to section 7, paragraph 7, of the resolved. The resolved amendment now  
15 reads: "Urges the international community to review legal processes available to hold  
16 officials of the government of Syria accountable for crimes against humanity and gross  
17 violations of human rights."

18 That is the amendment. Is there a second?

19 SENATOR BOXER. Second.

20 THE CHAIRMAN. Second. All those in favor say aye.

21 [Chorus of ayes.]

22 THE CHAIRMAN. Opposed, nay.

23 [No response.]

24 THE CHAIRMAN. The ayes have it. That will be the substitute amendment.

1           We now would come to the full resolution. Is there any further debate on the full  
2 resolution?

3           [No response.]

4           THE CHAIRMAN. If not, all those—there's no call for a roll call. All those in favor  
5 say aye.

6           [Chorus of ayes.]

7           THE CHAIRMAN. Opposed, nay.

8           [No response.]

9           THE CHAIRMAN. Let the record reflect that it was a unanimous vote by a quorum  
10 present and voting, and the resolution is adopted, and we'll try to get that to the floor  
11 and hopefully get it done today. I thank every member for their cooperation.

12           Senator Isakson, I want to thank you. I want to thank Senator Isakson  
13 particularly for his sort of last-minute intervention that helped to move us in the right  
14 direction. Appreciate it very much.

15           I think there's going to be a hearing here momentarily in about 5 minutes, but we  
16 stand in recess until that time. Actually, we stand adjourned, because the subcommittee  
17 will be reconvening.

18           Senator Inhofe wants to be recorded aye by proxy. Senator Cardin, also recorded  
19 aye.

**[Whereupon, at 9:53 a.m., the meeting was adjourned.]**