Mr. Speaker, the

senseless human tragedy caused by the

craven terrorist acts of September 11,

2001, weigh heavily on our minds and

will do so for many days, months, and

years to come.

Many have said our Nation will never

be the same. I agree. Our Nation is

stronger, more united, and prouder

than possibly at any time in our history.

The outpouring of grief and offers

of assistance, both here and abroad,

have been comforting. The terrorists

may have collapsed our buildings; but

in response, we are building a stronger

America.

Our thoughts are with those who

have lost loved ones and with those

whose loved ones are still missing. Our

thoughts are with those who have undertaken

the difficult, dangerous, and

heroic task of rescuing and treating

the wounded and recovering the bodies

of those who were killed.

As the gravity of the situation sinks

in, our thoughts have also turned to

those responsible for these atrocities.

Our Nation must take action against

those responsible, including those who

provide safe havens and financial support

for terrorists. U.S. actions to

exact justice must be deliberate, decisive,

and effective.

However, the United States must be

careful not to indiscriminately attack

civilian populations in other nations,

which will only further the cause of the

terrorists and perpetuate a cycle of violence.

Decisions on war and peace are the

most profound decisions Members of

Congress can ever be required to make.

This is the second time in my career I

have been confronted by such a decision,

something I hoped would never

come.

In our desire to show support for the

President, we must be careful not to

cede our constitutional duties now or

set a precedent for doing so in the future.

Article I section 8 of the Constitution

grants Congress the authority ‘‘to declare

war.’’ This right was recognized

by the earliest leaders of our Nation. In

1793, President Washington, when considering

how to protect inhabitants of

the American frontier, instructed his

administration that ‘‘no offensive expedition

of importance can be undertaken

until after Congress have deliberated

upon the subject, and authorized such a

measure.’’

In 1801, President Thomas Jefferson

sent a small squadron of frigates to the

Mediterranean to protect against possible

attacks by the Barbary pirates.

He told Congress that he was ‘‘unauthorized

by the Constitution, without

the sanction of Congress, to go beyond

the line of defense.’’ It further noted

that it was up to Congress to authorize

‘‘measures of offense also.’’

I believe maintaining this solemn

congressional prerogative to send our

young men and women into battle is

critical to protecting the delicate balance

of power between the legislative

and executive branches. This balance of

power was carefully crafted by our

founders in Philadelphia more than 2

centuries ago and has allowed the

United States to remain one of the

most stable and enduring democracies

in the world.

There was a time when such a power

was threatened. Congress enacted the

War Powers Resolution of 1973 in response

to the military activities of successive

Presidents while waging war in

Korea and Vietnam. The War Powers

Resolution reaffirmed the prerogative

of the legislative branch under the

Constitution to commit our Armed

Forces to hostilities and declare war.

I had strong reservations about earlier

drafts of the proposed resolution

that authorized the use of force in an

unprecedented, open-ended manner, far

beyond that necessary to respond to

the terrorist acts on our people, even

far beyond that ceded to FDR in World

War II. This is not a partisan issue for

me. I would have opposed similar resolution

language under a President of

my own party.

This is an institutional concern for

me. The earlier drafts ceded too much

authority to the executive branch. In

fact, one of the earlier drafts had provisions

nearly identical to the Gulf of

Tonkin Resolution, which had led to

the unaccountable use of U.S. military

forces in Vietnam.

But it is important to recognize that

President Bush already has the authority

to respond to the attacks.

The War Powers Resolution in section

2(c) recognizes the constitutional

power of the President as Commander

in Chief to introduce U.S. Armed

Forces into hostile situations under

certain circumstances.

Section 2(c) says the President can

introduce U.S. Armed Forces into hostile

situations pursuant to a declaration

of war, specific statutory obligations

or, in this case, a national emergency

created by an attack upon the

United States territories, possessions

or its Armed Forces. Two of those conditions

have been met.

The President has the authority he

needs to respond to the current crisis

without setting the precedent of ceding

additional war power authority.

Given his existing authority to respond

in the event of an attack upon

the United States or Armed Forces, we

must be careful in granting further or

ceding further constitutional powers.

The use of force resolution before us

today is not exactly as I would have

written it. However, for the most part,

it restates the authority I already believe

was granted to the President

under section 2(c)(3) of the War Powers

Resolution.

The reference in the resolution to

section 5(b) of the War Powers Resolution

I believe creates a little confusion,

but it is my reading of the resolution

that nothing in this act supersedes

congressional authority under the War

Powers Resolution and the President

will still be bound by the reporting and

consultation requirements. Congress

will reserve the right to review those

actions, as it should be under the Constitution.

Make no mistake, Congress will

stand united behind our young men and

women who may well be put soon in

harm’s way, and the President of the

United States as Commander in Chief.

We pray that he uses the awesome

power of the United States with great

deliberateness and with wisdom.