Well, thank you very much, Madam Chairman, for

calling for this very timely hearing. And before I begin the opening

remarks, let me just say on a personal note that on behalf of the

committee, thank you very much, Deputy Secretary Steinberg, for

your exemplary service to the country. We are going to miss you.

I enjoyed on so many different issues working with you.

My own personal feeling is that former Deputy Secretary Lew is

not as prickly as Felix and that you are not, perhaps, as combative

and argumentative, as Oscar. You are also not as sloppy. And you

have to read the Secretary’s release before you know what I am

talking about here.

But anyway, I do wish you the best of luck at Syracuse University,

and we will miss you.

President Obama’s decision to take military action in response to

the humanitarian crises in Libya may provoke questions that are

not fully answerable at this time, but I believe it was the right policy

because the alternative, acquiescence in the face of mass murder,

was untenable. And I believe it was done in the right way,

namely with the cooperation of the international community.

President Obama’s policy has unquestionably saved many lives,

probably tens of thousands of them. And it has weakened a brutal

dictator and an egregious sponsor of terrorism. It will also, I hope,

cause other dictatorial regimes to think twice before they use unbridled

violence against peaceful protestors.

We have been prudent in focusing on civilian protection and

doing so in a way that spreads the burden among our allies, including

some Arab countries. The President has clearly stated that the

United States’ military goals are limited, in line with the relevant

U.N. Security Council resolutions. Together with our allies, America’s

military mission has been: First, to implement a no fly zone

to stop the regime’s attacks from the air, and; secondly, to take

other measures which are necessary to protect the Libyan people.

America’s involvement in Libya directly supports the United

States’ national interest.

First, the United States plays a unique role as an anchor of global

security and advocate for human freedom. In Libya we embraced

this important role head on by preventing a madman from slaughtering

his own people.

Secondly, Libya’s neighbors, Tunisia and Egypt, have just gone

through revolutions which are changing the nature of the region,

hopefully, for the better. If Libya were to spin out of control and

instability were to pour over its borders, the entire region would

suffer. This outcome would certainly not be in the national interest

of the United States or our allies.

But we have to acknowledge another fact. This operation will not

be a success unless it ends with the demise of the Ghadafi regime.

The reason is clear: The mandate for this operation is that it protect

Libyan civilians, yet we all know there can be no enduring protection

for the Libyan people as long as Ghadafi remains in power.

But we also must acknowledge something else: That we do not

know exactly how Ghadafi will be brought down.

The President has placed limits on the operation, with which I

agree. We do not want American boots on the ground. We do not

want the operation to be too costly, and we do not want it to divert

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resources from Afghanistan and Iraq. At the end of the day, however,

we have put our leadership prestige on the line. Whether voluntarily,

by the hand of his own people, or as a result of coalition

action, it is essential that Ghadafi go.

Mr. Secretary, I hope you will be able to enlighten us about how

our current strategy of sanctions and international isolation combined

with military pressure will hasten the removal of Ghadafi

from power, as much as can be discussed in this unclassified setting.

I think we all understand, however, that there is no easy recipe.

We are all aware of the reports yesterday and this morning

about CIA operatives allegedly in Libya with the rebels. Again, this

is an unclassified setting and I would not expect you to comment

on those reports, but can you tell us if the administration has now

made a decision to provide direct military support to the rebels?

We would also like to know what the implications are of the

hand over of the operation to NATO. Will the transition be seamless?

Will the operation look essentially the same as it has over the

past 2 weeks? Will other NATO member states pickup the operations

that we are ceasing to perform? Will NATO be able to maintain

the tempo of the operation once the U.S. assumes a supporting

role?

Further, I would like to hear some of your thinking on the post-

Ghadafi era. It may seem premature, but we must be prepared if

the regime rapidly crumbles under the weight of coalition strategy.

In thinking about a post-Ghadafi era, we would be interested in

your thoughts about the National Transitional Council; its composition,

its viability, its goals and its level of support among the Libyan

people. Are there any other contenders for power in a post-

Ghadafi Libya? If we think the Council is the likely heir to power,

what is our hesitation in recognizing it as the French and the

Qataris have done? And would not our recognition help to increase

the Ghadafi regime’s sense of isolation and deepen the international

community’s sense that his departure is inevitable? Does

the Council include elements that should cause us concern? And

how are we going to make certain that a successor regime does not

resort to the same thuggish tactics that have been Ghadafi’s hallmark?

We have had a long and difficult history with Ghadafi, he has

the blood of many Americans on his hands. For a brief period we

were willing, tentatively, to open a new chapter with him after he

agreed to give up his weapons of mass destruction and related materials

7 years ago. But when we saw him firing on his people, we

had no choice but to act for as we know all too well from our own

bitter experience about his cynical disregard for human life and his

almost casual willingness to commit murder and inflict torture just

to stay in power.

Mr. Secretary, before closing I would like to raise specific humanitarian

issues of differing levels of urgency.

First, Ghadafi’s forces have created a humanitarian disaster in

Misratah. Why have we not, at the least, established a humanitarian

sea corridor to Misratah in order to relieve the terrible suffering?

Second, I understand there are some 1,700 Libyan students in

the United States who cannot get access to their monthly stipends

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because of our appropriate decision to freeze Libyan funds. Is that

accurate? And if so, what are we doing to rectify this situation?

And finally, on a different note, I would like to say how important

it is that we keep our eye on the Iranian nuclear ball at all

times. I was pleased to see that the administration imposed sanctions

earlier this week against Belarus Russian energy company

called Belorusneft. I would be less than candid if I did not express

some disappointment, however, that we have once again imposed

sanctions on a company that does not do any business in the

United States, so the sanction has no more than symbolic impact.

That was also the case when we opposed sanctions a few months

ago on the Swiss-based, but Iranian owned, energy company NICO.

When we do that, I am afraid we are sending Iran a signal more

of weakness than of strength and we are having no impact on their

economy. Such impact is the very point of sanctions.

With that, Madam Chairman, I will yield back my 9 seconds.

Well, actually, it has gone the other way.

Well thank you very much, Madam Chairman.

Just because so many members raised this whole issue of constitutional

authority, War Powers authority, I want to take just a

little bit of my time to at least throw out my perspective on all this.

This is not the first time this issue is in front of us. And I am

sure Congressman Rohrabacher, who was working for the Reagan

administration at the time, remembers Lebanon, remembers Grenada,

remembers Panama and I could cite 20 other instances

where U.S. forces entered conflict without any vote of Congress.

And in the early ’70s Congress intended to come to grips with that

by passing and by overriding a President’s veto, the War Powers

Act. There is a tension here because no President has ever accepted

the constitutionality of the War Powers Act, but what Congress did

when they passed that was to recognize there will be situations,

and this was a classic case of one, where action had to be taken

before Congress could authorize that action. And do not think there

was plenty of time given the position that the administration had,

and I think rightfully so, that they were not going to unilaterally

impose a no fly zone. This was going to be either a coalition effort

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or it was not going to be, and it was going to be sanctioned by the

Security Council or it was not going to be.

So, so far the President has complied not in his words ‘‘pursuant

to the War Powers Act,’’ but consistent to the War Powers Act with

what he is supposed to do with Congress. The test will really come

60 days from the date this started, the conflict started when if

there was no authorization for the use of force, in this particular

conflict. And what the President does then, I do not know because

once again, no President has accepted the constraints imposed by

the War Powers Act and there has never been an ability to litigate

it because no court will give standing to this battle between two

different, the congressional branch of Government and the executive.

So, let us put this is a historical context when we start leveling

charges about what the administration did and the role of Congress.

By passing the War Powers Act we accepted the premise

there were going to be situations where this would happen. And

under the provisions of Section 5 of that Act, the time will come

and on any given day the Speaker of the House, the leaders of the

Senate could schedule for a vote, an authorization or a denial of authorization

for this if they chose to do so.

So, let us look inward before we level too many charges outward.

Now, in my last minute let me ask you: (1) Given the position

of the present world leaders that Ghadafi must go, should we not

recognize the Transitional National Council, as the French have

done, to help create the facts on the ground that Ghadafi is no

longer Libya’s leader? Would that not be consistent with our statements

and encourage other nations to do so as well further isolating

Ghadafi and sending a message to his supporters or those

sitting on the fence that they should abandon him?

And finally, if you have a chance in that minute you will have

left, the Misrata issue that I raised in my opening statement?

And the answer is I am happy to join you in that

request. I think that is the committee’s responsibility and this information

is critical to being able to perform our function.