Mr. President, the Senate is now engaged in a historic

debate about what the United States of America should do with respect

to the conflict in Iraq. We are scheduled to vote on three resolutions

at 3:45 this afternoon. I was advised early this morning, about 8 a.m.,

that we would have four resolutions to vote on and that there would be

a time agreement of some 6 hours, with votes to occur late this

afternoon. Two of the resolutions among the four were not in existence,

one of the resolutions has since been dropped, and the fourth

resolution was made available less than an hour ago. This kind of a

timetable, it seems to me, is not conducive to the kind of deliberation

and thought necessary to make intelligent decisions on the momentous

questions which we are facing.

We are asking the U.S. military to adopt a timetable to clear out of

Iraq no later than a year from now, and we have a tough time

establishing even a timetable as to what the Senate will do in the

course of a single day.

As I review the proceedings, it seems to me that the Congress is not

prepared to act on this subject on this state of the record. It may be

that the Congress is not competent to act on this kind of an issue.

There is a maxim that you can't manage effectively by committee, and

what this concurrent resolution seeks to do is to have management by

two committees--that is perhaps twice as bad as trying to manage by one

committee--a committee of 435 in the House of Representatives and a

committee of 100 here.

Yesterday, I spoke briefly about S. Res. 9, which has been

cosponsored by 41 Democrats, no Republicans. I think it is regrettable

that there appears to be a partisan divide on this subject. This matter

is too important to be determined by party loyalty. Perhaps a more

important aspect of noting that the resolution is supported by 41

Democrats is that it is not supported by 9 Democrats, with 50 Democrats

in this body. So perhaps it is significant that it is not supported by

9 Democrats.

I would be prepared to cross party lines, as I have done in the past

when I thought it warranted, if I agreed with the thrust of the

resolution. Seven of us joined with the Democrats in voting for cloture

several weeks ago to move ahead with the debate and try to come to a

resolution on the Iraqi issue, and I was one of the seven. I would not

hesitate to do so again if I agreed, but I cannot agree with the

proposal which would require that not later than 120 days after

enactment to have phased redeployment of U.S. forces, with the goal of

redeploying by March 31, 2008, all U.S. combat forces in Iraq except

for three conditions: to protect U.S. and coalition personnel, training

and equipping Iraqi forces, and conducting targeted counterterrorism

operations.

The thrust, however, is to leave Iraq in about 1 year, and that is to

ensure defeat. Setting a timetable simply enables our opponents to wait

us out.

I think beyond that, the idea of having the Congress of the United

States micromanage the war is simply not realistic, and perhaps it may

even be unlawful. As I noted yesterday, in the case of Fleming v. Page,

in 1850, the Supreme Court said:

That is a fairly forceful statement that it is not up to the Congress

to micromanage a war but that it is up to the Commander in Chief, the

President of the United States.

That is not to say that the Congress does not have authority in the

premises. Yesterday, I put into the Record a lengthy letter which I had

written calling for additional hearings by the Judiciary Committee on

the relative powers, authority of the Congress under the Constitution,

with our power of the purse and our power to maintain and direct

armies, contrasted with the President's power as Commander in Chief.

I believe, however, it is of questionable legal authority to

micromanage, and it is definitely impractical for us to seek to

micromanage if the consequences of giving an order to the President

would just enable the enemy to wait us out. That is not to say that at

some time in the future it may be necessary, and there may be a

considered joint judgment by the Congress, to use the extraordinary

power of the purse to implement our constitutional authority to

maintain armies to effectuate a withdrawal.

Yesterday, I commented on the Senate floor that it would be most

helpful to have an update from the Department of Defense and the

Department of State as to whether, since General Petraeus went to Iraq,

implementing a new strategy as he articulated it to many of us in the

Congress in meeting with him, whether there have been improvements, so

that there was some realistic prospect of victory, which is what we

want. The consequences of defeat are disastrous, but that does not mean

that we can be in Iraq forever.

The President, in his State of the Union speech, set two objectives

for the Iraqis. One was to end the sectarian violence and, secondly, to

secure Baghdad as indispensable prerequisites for maintaining U.S.

forces in Iraq. The Iraqis have shown neither the capacity nor the will

to carry out those objectives. In evaluating the strategy of General

Petraeus, it would be helpful to know if there have been any positive

signs or negative signs, giving us some clue as to the prospects of

victory.

Through staff, I made an inquiry of the Department of Defense for

some updated material, and none was available. Similarly, through

staff, I made an inquiry of the Department of State, asking if there

had been any results from the change in policy to negotiate

with Iran and Syria, at least on a multilateral basis. One part of the

resolution that is supported by 41 Democrats, calling for a

comprehensive diplomatic, political, and economic strategy, has been

implemented by the Department of State, at least in the incipient

stages. Even in the absence of any indication of any progress, it seems

to me unwise, on this state of the record, to set a timetable which

would just embolden and empower the enemy to win by waiting us out.

The power of the purse is the ultimate constitutional authority of

the Congress. Even there, as I noted yesterday in the case of United

States v. Lovett, in 1946, the Supreme Court held that Congress cannot

use its appropriations power indirectly to accomplish an

unconstitutional objective. That still leaves substantial parameters to

decide what to do.

The second resolution is the one submitted by Senator Gregg, and

Senator Gregg articulates a resolution that all of us agree with:

That would be unthinkable. No one disagrees with that. Then the Gregg

resolution goes on to say:

That phrase could be interpreted to mean that Congress does not have

the authority to stipulate an elimination or reduction of funds for

troops in the field so that we couldn't say to the President to reduce

the troops by a certain date. Or perhaps it should be read in

conjunction with taking no action to endanger to say you have to be

down to a certain number by a certain date, as Congress did in

legislation in 1974, saying that when the war in Vietnam was winding

down, there could be no more than 4,000 troops in the field in 6 months

and no more than 3,000 troops in the field in a year. That

congressional legislation was signed by President Ford, although he

expressed some reservations. So perhaps the Gregg resolution does not

purport to totally eliminate the authority of Congress to act by

cutting off funding if it can be done in a way which does not endanger

the troops in the field. Certainly the thrust, the gravamen of the

Gregg resolution is one where there would be no disagreement, we simply

could not endanger the troops in the field or take any action which

would endanger them.

Then the third resolution--which was filed less than an hour ago by

Senator Murray--sounds very much like the Gregg resolution. It is

intended, I think, to provide an alternative to the Gregg resolution,

but it is very close. The Murray resolution provides:

We all agree with that. Then it goes on to say:

No one could disagree with that. It is a reference to what has

happened at Walter Reed. Then the third clause in the resolution.

We can't disagree with that. And then:

That also is apple pie, motherhood, and milk. There is a little

implication, on ``review, assess and adjust,'' perhaps a change in

policy, but it does not say anything definitive.

There was supposed to have been a fourth resolution offered by

Senator Warner, who had an earlier resolution which was not taken up by

the Senate. Senator Warner is to be commended for his service to the

country, heading the Armed Services Committee, 28 years in this body,

Secretary of the Navy, served in World War II. He was searching for

some alternative. But in the absence of any resolution having been

filed, the inference arises that the search continues. That is where I

think we are on this issue.

The electorate spoke last November in disagreeing with United States

policy in Iraq. The House of Representatives has spoken, disagreeing

with United States policy in Iraq. The Senate is about to speak, but it

is highly doubtful--virtually impossible that a forced withdrawal

within a year will be approved by 60 Members of this body. The

resolutions by Senator Gregg and Senator Murray are not twins, but they

are first cousins. But we are still groping for what to do.

My own sense of the situation is we need to pursue some preliminary

reports that things are improving and find out if in fact that is true.

As I look at Iraq--and I used the metaphor yesterday--it is a tunnel

and we can't see the end of the tunnel. Certainly there is no

indication that there is a light in the end of the tunnel. I don't like

being in the tunnel, but I don't know where else to go at the moment.

I am not going to go with a resolution to leave Iraq, micromanage the

war, tell the President what to do when we frankly don't know what to

do. But we are groping. Just as we are unprepared to deal with these

resolutions in a limited time, by 3:45, we are unprepared to tell the

military what to do in a year. So I think we need to go back to the

drawing boards and I think we need to find out more facts. It may be

General Shinseki was right in 2003, that job required a lot more

personnel, into the hundreds of thousands, under the Colin Powell

doctrine of overwhelming force. Maybe that was the course which should

have been followed. Certainly we don't want to deploy more troops now,

in those quantities. For General Shinseki's brilliance, he got himself

fired, ridiculed and fired. We are trying to find out what to do.

I had an opportunity to visit the Mideast and talk to President Assad

of Syria last December. President Assad advanced the idea of having an

international conference before the idea was advanced by Secretary of

State Condoleezza Rice. I carried that message back and conveyed

Assad's suggestion to Condoleezza Rice. Whether that had any impact on

her idea, I don't know. But I do believe--and I said this in a lengthy

speech on the Senate floor last June, and in an article which appears

in the current issue of the Washington Quarterly--that dialog should be

undertaken with Iran and Syria. We have seen the multilateral dialog

with North Korea, supplemented by direct contracts, bilateral

negotiations, produce what appears to be an answer to diffusing North

Korea's possession of nuclear weapons. We don't know for sure because

that is a very tentative basis, but we made a lot of progress and we

appear to have an answer.

I think there is cause for hope that the multilateral talks with Iran

and Syria, and perhaps bilateral talks, will produce something there.

So I am going to oppose S. Res. 9 and I am going to support the first

cousins, the Gregg resolution and the Murray resolution. They say

something which is obvious. We are not going to take any action to

endanger the American troops. But that does not mean we are without

power in the future to use the appropriations power, the power of the

purse, to put Congress's imprimatur and decision on what is going on.

The President said for a long time he was the decider. I think he has

wisely receded a little from that assertion. It is a joint, shared

responsibility between Congress and the President. There has been a lot

of talk. I think the American people ought to know there has been a lot

of--it is more than talk; there has been a lot of very serious thought

which has been undertaken by the Members of the Congress, both the

Senate and the House, trying to find a way to have a victory in Iraq.

Our statements of disagreement with the President do not mean we ought

to tell him what to do when in fact we do not know what to do.

For myself, I think we need to find out more about what is happening

now, both militarily and diplomatically; going back to the drawing

board and seeing if we can come up with a better answer than the one we

are facing at the present time.

I thank the distinguished Senator from Oklahoma, who is managing the

bill.

I yield the floor.