Madam President, there are many statements in the

resolution by the Senator from New Hampshire that are true. It is a

true statement that the President has the power to ``deploy troops and

direct military campaigns during wartime.'' But that presupposes that a

war has been properly authorized by Congress because that power exists

only in wartime, or in certain emergency circumstances. The President

does not, however, have the power under the Constitution to initiate a

war.

It is literally true that Congress has the power of the purse, and in

that capacity has the moral responsibility to adequately support the

troops in the field, once we are at war. This administration has failed

in that responsibility in not equipping our soldiers in Iraq with

adequate armor, in not having an adequate plan to stabilize Iraq after

the initial invasion, and in not caring for our soldiers properly when

they return home.

But this resolution is not balanced. It does not set forth a

statement about Congress's powers under the Constitution to authorize

the use of force under article I. Nor does it say anything about the

authority of Congress to change the mission of U.S. forces, once a war

has commenced. This silence about Congress's power might be interpreted

to suggest that the President's powers as Commander in Chief to

initiate war are unlimited, and that Congress's sole responsibility is

to fund a war that the President initiates. That is not what the

Constitution says, and I cannot vote for anything that might be so

read.

Because the Gregg resolution lacks balance, I cannot vote for it. I

will vote instead for the resolution by Senator Murray, which presents

a more complete statement about the allocation of powers under the

Constitution.

Mr. President, what I wish to do at this moment is address

one of the arguments I have heard many of my colleagues make over the

past 2 days of this debate. The argument I have heard when I was on the

floor yesterday, and again I have heard it today, is that the joint

resolution we are debating is an effort to micromanage the war by

focusing the mission of U.S. Armed Forces on training Iraqis, denying

terrorists a safe haven in Iraq, and force protection.

If you listen to my colleagues who oppose this, you hear them recount

that as if somehow that is exceeding the power of the people to speak,

through their Congress, as to what role American military forces are

permitted to play. Many of my colleagues on the other side go on to

argue we are somehow overstepping our constitutional boundaries in

defining the purpose for which U.S. forces can be used in Iraq.

Well, that argument, I respectfully suggest, is dead wrong. Defining

the overall mission of U.S. troops is entirely within the power of the

Congress under the U.S. Constitution. Indeed, not doing so would be an

abdication of our fundamental duty under the Constitution, which

clearly manifests war power in the hands of the Congress.

Now let me give you a few illustrations, if I may. In 2002, when we

voted to authorize the use of force against Iraq, we defined the

purpose. We defined the purpose for which the President was permitted

to use American forces against Iraq. It was to defend the national

security of the United States against the continuing threat posed by

Iraq, and, further, to enforce all relevant U.N. Security Council

resolutions regarding Iraq.

During the course of the negotiations on that resolution, in which I

was deeply involved, Congress made it clear, at least on this side--as

one of the several people speaking for the Democrats at the time in the

Senate--we specifically and clearly rejected the Bush administration's

initial proposal for using force in Iraq. President Bush sought what I

believe to be, and the majority of the Senate eventually did, an overly

broad authority to use force: to restore international peace and

security in the region.

I read that at the time as a grant of authority to the President that

far exceeded what arguably was necessary at all in Iraq. The function

of our military force was not to restore international peace and

security in the region. We struck that and said: The use

of force is to defend the national security of the United States

against a continuing threat from Iraq, not the region; not the region.

After the President's attempted overreach here, we narrowed the

geographic scope of the authority the Congress, under the Constitution,

was willing to grant the President, and we narrowed the purpose for

which he was allowed to use force. We did two things. We not only said,

Mr. President, this is not about the region. You can only use force, if

necessary, dealing with Iraq being a threat to the United States.

I remind everybody what we were being told at the time. We were being

told by the Vice President that Iraq had reconstituted its nuclear

program. Simply not true. It was not true when he stated it. Our

intelligence community not only said he did not reconstitute the

nuclear program, it said he had no nuclear program. That is not what we

were told.

So we gave him authority, I remind everyone, to negotiate at the

United Nations, to keep the pressure of the world on Iraq, to bring

back the U.N. people, to determine what nuclear program or weapons of

mass destruction he had, to get the inspectors back in, and to

negotiate to do that, because at the time the argument taking place in

the world was, was the U.S. embargo, was the world embargo, were the

U.N. inspectors causing pain for innocent Iraqis?

Do you remember how many times we heard the argument that the reason

why there was not enough medicine, the reason why children were dying,

the reason why they did not have enough food, was because of this awful

thing the United States was leading, the embargo on Iraq, the Food for

Oil Program?

So to put this in context so everybody remembers, there were a lot of

us on the floor willing to give deference to the President, who we

thought was responsible in the exercise of power at the time, because

he appeared responsible immediately after 9/11; he proceeded correctly

relative to al-Qaida and the Taliban. He did not go off willy-nilly and

start bombing people. He built the case. He sent his envoys all over

the world. He made a compelling case for the right for us to invade

Afghanistan. He even went so far as to worry about whether the Arab

street would rise up if we attacked Muslims in Afghanistan. He engaged

in public diplomacy. He did a fine job.

That was the context in which we gave him this power. But even then,

as much as he had done well relative to Afghanistan at the time, we

quite frankly did not trust him or any President to have this broad

reach of authority which he asked for, which was to maintain peace,

international peace and security in the region.

So we cut back the authority we gave him to negotiate at the U.N.

Remember what he tried to do. He came and made the argument: There has

to be a demonstration that all of the Nation support him in that we

must keep pressure on Saddam. All Democrats and Republicans support

him. That was the argument made to us. He did not come up here and make

the argument to the Foreign Relations Committee, the Armed Services

Committee: We need to be able to attack. He argued we needed to be able

to give him the moral authority to go to the United Nations and keep

the pressure on, because the French were wavering, the Europeans were

wavering, some Arab countries were wavering. And then as time went on,

he built this argument about they reconstituted their nuclear weapons

and the like. But even then we did not give him the authority he asked

for.

Why am I dwelling on this? Well, we made a clear judgment as a Senate

and as a House, as a Congress, that he did not have the geographic

scope for the extended purpose he wanted. We said: Here is your writ,

Mr. President. Here is the region you are allowed to, if need be, use

force--in this constrained area called Iraq. Because you are telling

us, Mr. President, it is a threat to the United States of America, not

a threat to the region, it is a threat to the United States of America.

So you have the authority to deal with that, if necessary.

Secondly, even within Iraq, you can only use the force to enforce all

relevant U.N. Security Council resolutions regarding Iraq. If memory

serves me, there were 16, including resolutions relating to weapons of

mass destruction.

So that was the rationale. We severely limited the authority he

wanted because we thought it was an overreach. Now we know there were

no weapons of mass destruction. Now we know--I will speak and say what

I believe--hopefully the Intelligence Committee will show--not only did

we have bad intelligence, but the good intelligence we had was misused

by the administration, in my opinion. We will find out whether that

turns out to be true.

In 2002, when we offered the authorization to use force, we defined

the purpose. So I ask those who argue that we are now overstepping our

bounds with this resolution, did we overstep our bounds in 2002 when we

authorized the use of force against Iraq, when we limited what the

President wanted to do? If, in fact, we do not have the constitutional

authority today to limit what the President wants to do, how did we

have the authority to do it in 2002? As I said, what is the rationale

for the continued authority under the 2002 resolution? There are no

weapons of mass destruction. All the U.N. resolutions are in

compliance. And nobody argues the Iraqi Government is a threat to the

United States of America. Are they going to invade us?

To those who have a problem with the mission we defined in this joint

resolution before the Senate, I also say, listen to Prime Minister Tony

Blair in announcing last month the redeployment of British forces from

Iraq. Last month the mission the British Government assigned to those

Brits who will remain in Iraq is precisely what we prescribed in our

resolution. The new mission of the British forces in Iraq is the

following: to transfer responsibility to the Iraqis; to train and

support Iraqi forces; to help secure the border and supply routes; and

to conduct operations against extremist groups, i.e., Al-Qaida. It is

not to fight in the Iraqi civil war. It is not to be in the lead role

in security operations in Basra, where they had authority, or in

Baghdad, where they did not. In short, with the exception of denying

terrorists sanctuary and training of Iraqis, the British forces are

moving from the driver's seat to the backseat. This resolution proposes

that very transition for our forces in Iraq.

So I ask again, rhetorically, does the Vice President think Prime

Minister Blair's announcement of a ``redeployment,'' as the Vice

President said, ``validates the al-Qaida strategy''? That is what he is

accusing the Congress of. That is what he accuses me and Carl Levin of

when we came up with this idea, that is now a leadership amendment; we

are validating al-Qaida's strategy.

Are the British validating al-Qaida's strategy? Is he saying Tony

Blair is validating Osama bin Laden? It is ridiculous. It is a

ridiculous argument. It flies in the face of the facts. It comes down

to this: Do we want American troops fighting an Iraqi civil war? Is

that what we want these troops for? Is that why we sent them? Do you

think, when we voted back in 2002, if we knew there were no weapons of

mass destruction, if Saddam were gone, if they were in compliance with

other U.N. resolutions, but if there were a raging civil war, do you

think we would have voted on the floor of this body to send 150,000,

160,000, 170,000, 180,000 American troops to Iraq to help them settle

their civil war? What do you think? I don't think so. We might have

sent troops to Jordan. We might have done what we are trying now in

Amman and the emirates. We might have beefed up Turkey. We might have

accepted to go after al-Qaida sites. But I doubt very much we would

vote now to get in the midst of a self-sustaining cycle of sectarian

violence, which is what it is. If you want American troops fighting a

civil war in Iraq, if you want that, then vote against this resolution,

do not vote for it. Do not vote for it.

You say that is not fair; we are not engaged in fighting in a civil

war. Has anybody asked themselves the rhetorical question: Why is it

that Sadr, who has been responsible for killing a lot of Americans, and

his Mahdi army, which has been responsible for killing a lot of

Americans, why is it that the Shia-led Mahdi army, particularly in Sadr

City, has taken off their uniforms, hidden their weapons, and as of

yesterday--I have not checked today--there were rumors that Sadr is no

longer in Iraq?

Maybe he is back now. We do not know for sure where he is. Why is it

that they took down the blockade? Is it because all of a sudden they

turned peace loving?

I respectfully suggest, because inadvertently the 17,500 troops we

are surging into the middle of Baghdad, we are surging them into 20-

some neighborhoods that are Sunni.

They are bad guys, these former Saddamists, these former Baathists--

this insurgency--who were referred to until recently by the Secretary

of Defense as ``a bunch of dead enders.'' I respectfully suggest the

reason all of a sudden the Shia in Sadr City are lying low is because

they are very happy the United States is doing their job for them,

killing their enemy, killing the bad guys who are Sunnis. Does anybody

think if we succeed in that mission that all of a sudden we are not

going to see all those weapons come out of hiding in Sadr City? Does

anybody think that all of a sudden it is going to be safe for Americans

in that region? Does anybody think the uniforms aren't going to come

back on and the roadblocks aren't going to go back up? These folks

aren't dumb. It is not our purpose, but the effect is, we are engaged

in this civil war.

The question is, What is the plan to responsibly end our

participation in this war without leaving behind chaos, without having

traded a dictator for chaos, without having left behind a cycle of

self-sustaining sectarian violence that metastasizes in the

fragmentation of Iraq and metastasizes in the region--Turkey, Iran,

Syria, Saudi Arabia? What is the answer?

So far, I don't hear a plan. Notice, by the way, now the surge is

really getting bumped up, as some of us predicted on this floor when he

announced the surge and predicted in our committee, 17,000 people to

22,500, whatever the actual number was initially. Now they are saying

they are going to need 30,000 people for the surge. Why? Because it is

like squeezing a water balloon. The bad guys have left this area in

part, and they have now gone to the province directly outside of

Baghdad.

General Keane is a very bright fellow, an honest guy, a former four-

star general, who testified before our committee. He came up with the

original plan about surging. He said: In order for this to work, you

are going to have to surge well beyond Baghdad. You are going to have

to go into Anbar Province and beyond. He predicted what would happen.

They said: No, we are only talking about 22,500 troops.

What is the purpose of the surge? The purpose of the surge, we are

told--in a humanitarian sense, it makes a lot of sense, except for the

humanitarian interest of our troops--is to bring order to Baghdad, stop

the killing and the chaos. Why? Because when that happens and they

have--I think the phrase used is ``breathing room''--when they have

that breathing room, what is going to happen? Then they can negotiate.

Then they will sit down and negotiate an agreement among themselves.

Has anybody asked the question, What will be the basis of that

negotiation? What is the idea? What is the element? What is the

political solution?

The President continues to insist on a well-intended but

fundamentally flawed strategy. The flawed strategy is, it is possible

to have a strong central democratic government. Before we went to war,

I believed, and so stated, that there is not going to be a democracy

there in any of our lifetimes, including the Presiding Officer, who is

considerably younger than most of us. It is not going to happen. It is

possible that we could leave behind a country secure within its

borders, loosely federated, not a threat to its neighbor and not a

haven for terror, but that is as good as it is going to get.

At least one and probably both of my colleagues in the Chamber were

here during the Balkan crisis in Bosnia. What does history teach us and

what does recent experience teach us? Wherever there is a cycle of

self-sustaining genocide, self-sustaining sectarian violence, when in

modern history has it ended other than any one of four ways:

One, a victor. They wipe out the other two sides or three sides or

one side, and one of the ethnic groups prevails militarily on the

battlefield.

Two, occupation by an outside force--the Ottoman Empire, the Persian

Empire, the British Empire.

We can't afford the first to happen because that would have a

devastating impact on the region because everybody knows the Sunni

states will get more involved. If it goes the other way, the Shia

states will be involved in Iran beyond what they are now. That is not a

real option. We are not an occupying force. It is not in our DNA. We

are not an empire.

The third option historically is a dictator, a strongman. Wouldn't

that be the ultimate irony--us going to Iraq to take down Saddam and

restoring a strong man, which, I respectfully suggest, we should

consider might happen because eventually we are going to leave and the

dysfunctional circumstances in Iraq are as likely to produce a strong

military leader to take over as anything else, although there is no

individual in sight right now. That is not an option available to us.

What is the fourth historical option? Federation, a federal system, a

weak central government within the defined borders of a country that,

in fact, gives the warring sectarian parties some control over the

fabric of their daily lives, their local police force for their public

safety, rules relating to marriage, education. That is the only other

option which has ever worked. It doesn't work perfectly.

What does recent history tell us? Like many here, I was deeply

involved in our Balkan policy. As my friend from Kansas may remember,

I, to use the vernacular, beat President Clinton up and about the head

to use force in the Balkans. I argued, after encountering Milosevic 2

years before he acted in his office--when he asked me what I thought of

him, I said: I think you are a damn war criminal, and I am going to

spend my career seeing you tried as one. I came back and wrote report

after report, after close to a dozen visits. I saw what was happening

in Brcko, in Tuzla, in Sarajevo, in Srebenica, more sectarian violence

in the Balkans from Vlad the Impaler to Milosevic than ever occurred in

what is now called Iraq.

So how did we end it? We ended it after they killed several hundred

thousand people, mostly women and children. We ended it after we

gathered all the neighbors, including Russia, a pro-Serbian force,

France, all the nations in the region. We gathered in a room. We

brought in the parties who were warring, including Milosevic, Tudjman,

Croats, and other leaders representing the Bosniaks. What did we do? We

then called the Dayton Peace Accords. What did we do there? We gave

much more autonomy to each of those groups than ever was envisioned by

what I am proposing.

We set up a thing called the Republic of Serbia in Bosnia with its

own President. We had a Bosnian President and we had a Croatian

President. For over 10 years, as my friend from Oklahoma can attest,

who knows more about force structure than most of us know, there have

been over 20,000 on average NATO forces there. To the best of my

knowledge, none has been killed in anger with a shot fired.

What is going on in Bosnia today? Was everyone who was ethnically

cleansed able to come back to their neighborhoods? No. A lot have. Is

there still injustice? Yes. Is genocide continuing? No. What are they

doing now? They are debating amending their Constitution to become part

of Europe so they can join the EU down the road. We don't have to go

very far for an example.

Let me ask the rhetorical question again: Can anybody name me a time,

without empire, dictator or expiring, that self-sustaining sectarian

violence within the borders of a country has resulted in a central

federal control that is democratic? With all due respect to the

President, arguably his dream at the outset made sense. That is why I

called 3 years ago for 60,000 to 100,000 additional American forces.

That is why I called for the need for at least 5,000 to 6,000

paramilitary police to be sent, because I believed--and I wrote at the

time--if the genie ever gets out of the bottle, if we don't establish

order quickly, there is no possibility of stopping a vicious civil war.

Senator Hagel and I got smuggled across the Turkish border before the

war began, and went up to Arbil and met with the Brazani and Talabani

clans to discuss with them whether

they would actually be with us if force was used. They had us each

speak before the Kurdish Parliament, and they had already written a

constitution that was the minimum they would, in fact, insist upon

which allowed for significant Kurdish autonomy. They wanted a federal

system.

A year ago January, my distinguished colleague from South Carolina

and I went to Iraq for what was my sixth time. I have been there since.

I don't know how many times it was. We went around and proudly put our

fingers in the ink well, demonstrating that this was a free election.

We came back and spoke to the President. We were debriefed by the

President and his war cabinet. The President said it was a great

democratic effort. I presumed to suggest it wasn't a democratic effort,

it was a free election. It was a sectarian election. It turns out 92

percent of the vote cast was a sectarian vote. Kurds voted for Kurds.

Shia voted for Shia. Sunni voted for Sunni. That is not democracy.

Elections do not a democracy make. They are a necessary and ultimate

condition to democracy. Democracy is about giving up things, about

compromise.

I will never forget what Senator Graham, who has a great facility for

words, said as I was trying to explain to the President about the

militias--not that he did not know there were militias. After we got

finished, the President turned to Senator Graham and Senator Graham

said, with a bit of humor: Mr. President, it is kind of like when the

recount was taking place in Florida, if the Republicans had their own

army and the Democrats had their own army. That is the better analogy.

The genie was out of the bottle, and the genie came roaring out of

the bottle when that shrine in the Shia area was devastated and ripped

off the Earth.

Let me conclude by saying, it comes down to a simple proposition: Why

do we want our troops in Iraq? Is it to fight a civil war or is it to

provide a circumstance whereby we do the only thing that can help our

interest, to prevent al-Qaida from occupying territory, to train the

Iraqi forces, and to protect our troops. To do that we need a lot fewer

troops.

Do we want to end this war responsibly? If we do, I respectfully

suggest we vote for this resolution. If you prefer the President's

plan, which offers no end in sight, I respectfully suggest you should

vote against it. But, ultimately, there are a lot of proposals put

forward, including the President's, and you have to ask yourself the

rhetorical question, I believe: After it is implemented, then what?

Then what?

I thank the Chair and yield the floor.