Madam President, I wish to take this opportunity to

explain why I will vote against S. Res. 107.

First, I must applaud Senator Murray for what I believe was the

overall premise of her amendment, to show the entire Congress's resolve

in supporting our troops.

I fully agree with the portion of the amendment that reaffirms the

Senate's commitment to providing the ``necessary funds for training,

equipment, and other support for troops in the field, as such actions

will ensure their safety and effectiveness in preparing for and

carrying out their assigned duties.''

This is a policy to which I have dedicated my entire Senate career.

However, as a lawyer, I believe that it is also my duty to evaluate

and work toward ensuring that all legislation which the Senate passes

is strictly within the limits of our constitutional powers. As the

preamble states, ``Under the Constitution, the President and Congress

have shared responsibilities for decisions on the use of the Armed

Forces of the United States, including their mission, and for

supporting the Armed Forces, especially during wartime.''

Unfortunately, S. Res. 107 does not meet that test. While at first

glance the passage I just cited may seem innocuous, the phrase ``shared

responsibilities'' raises important separation of powers questions.

As we all know, the Constitution does not speak of shared powers, it

speaks of the different branches of government having separate and

distinct powers--a point which is at the core of the debate on our

nation's policies toward Iraq.

Under article II, section 2 of the Constitution, the President is the

``Commander-in-Chief of the Army and Navy of the United States.''

However, Congress's role is limited in article I, section 8 which, in

part, reads ``. . . The Congress shall have power to . . . provide for

the common defense and general welfare of the United States. . . To

declare war . . . to raise and support armies . . . to provide and

maintain a navy . . . to make rules for the government and regulation

of the land and naval forces; . . . to provide for calling forth the

militia to execute the laws of the union, suppress insurrections and

repel invasions . . . to provide for organizing, arming, and

disciplining, the militia, and for governing such part of them as may

be employed in the service of the United States . . .''

These are very different powers; they are not shared. The

Constitution provides for only one Commander in Chief. Our troops are

facing enough challenges in the weeks and months ahead--they do not

need to worry if there will be 435 commanders in chief.

It is important that we remember this point now more then ever. And

so, it is my analysis that the ``shared powers'' reference in S. Res.

107 clearly raises constitutional concerns, and that is why I voted

against S. Res. 107.

Madam President, I yield the floor.