Mr. President, I have sought recognition to address the

amendment offered by Senator Cochran. The Senate finds itself in the

same position it was in just 2 weeks ago, when it considered an

amendment offered by the majority leader, Senator Reid. Senate

amendment No. 643, offered by the Senior Senator from Mississippi, who

is the ranking member on the Appropriations Committee, would strike the

language that is essentially that of S. J. Res. 9, which the Senate

rejected on March 15, 2007. I draw to the attention of my colleagues my

statement in the Record of March 15, 2007, at page 53166.

As I stated 2 weeks ago, 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 Senators of the minority joined

with the majority in voting for cloture several weeks ago to move ahead

with the debate and try to come to a resolution on the Iraqi issue. I

was one of the seven. I would not hesitate to do so again if I agreed,

but I cannot agree with the language requiring 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.

The thrust of the language in the bill, however, is to leave Iraq in

a year, something that will ensure defeat--as 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. I note 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. I continue to seek 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 impractical and of questionable legal

authority for us to seek to micromanage the war 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 sometime 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.

I had one additional thought to the substance of my floor statement

of March 15. We may find victory, unexpectedly, as Winston Churchill

said in a June 18, 1940 speech, when he was commenting on World War I:

Churchill's words suggest that if we maintain our determination we

can win although the path to victory, at the moment, is very uncertain.

Furthermore, the President has issued a veto threat should

legislation contain the provision Senator Cochran's amendment would

strike. Such an action would deprive funds vital to U.S. troops and the

operations of the Department of Defense.