Madam President, I

am pleased to cosponsor S.J. Res 41. As

the resolution makes clear, the time is

ripe for an open debate on our plans for

Iraq.

Some are concerned that an open debate

on our policy toward Iraq could

expose sensitive intelligence information

or that such a debate would tip

our hand too much. Others fear that a

meaningful debate could back the administration

into a corner, and in so

doing encourage the administration to

adopt a tougher military response.

Ultimately, all of these arguments

against an open and honest debate on

Iraq could be made with respect to

nearly any military decision, and if

taken to their extreme, these arguments

would challenge the balance of

powers in the Constitution by excluding

Congress from future war-making

decisions. Moreover, to answer some of

these concerns more directly, I would

also note that the almost daily leaks

from the administration on our Iraq

policy have tipped our hand even more

than responsible congressional hearings

and debate would. It is hardly a

secret that the United States is considering

a range of policy options, including

military operations, when it comes

to Iraq. And the argument that an open

discussion of military action could, in

effect, become self-fulfilling is too circular

to be credible.

I am concerned with the dangers

posed by Saddam Hussein, as well as

with the humanitarian situation in

Iraq. But I am also very concerned

about the constitutional issues at

stake here. This may well be one of our

last opportunities to preserve the constitutionally

mandated role of Congress

in making decisions about war

and peace.

On April 17, 2002, I chaired a hearing

before the Constitution Subcommittee

on the application of the War Powers

Resolution to our current

antiterrorism operations. The focus of

that hearing was to explore the limits

of the use of force authorization that

Congress passed in response to the attacks

of September 11. At the hearing,

leading constitutional scholars concluded

that the use of force resolution

for September 11 would not authorize a

future military strike against Iraq, unless

some additional evidence linking

Saddam Hussein directly to the attacks

of Sept. 11 came to light. Many

of the experts also questioned the dubious

assertion that congressional authorization

from more than 10 years

ago for Desert Storm could somehow

lend ongoing authority for a new strike

on Iraq.

On June 10, I delivered a speech on

the floor of the Senate in which I outlined

my findings from the April hearing.

As I said then, I have concluded

that the Constitution requires the

President to seek additional authorization

before he can embark on a major

new military undertaking in Iraq. I am

pleased that S.J. Resolution 41 makes

that point in forceful legislative terms.

So this is indeed an appropriate time

to consider our policy toward Iraq in

more detail. I look forward to hearings

that Senator BIDEN will chair before

the Foreign Relations Committee. I

also look forward to additional debate

and discussion on the floor of the Senate,

and, when appropriate, in secure

settings, where the administration can

make its case for a given policy response,

and the Congress can ask questions,

probe assumptions, and generally

exercise the oversight that the

American people expect of us.

Through these hearings and debates,

it will be important to assess the level

of the threat that exists, along with

the relative dangers that would be

posed by a massive assault on Iraq—

dangers that include risks to American

soldiers and to our relations with some

of our strongest allies in our current

anti-terror campaign. And it will be

crucially important to think through

the aftermath of any military strike.

We don’t have to divulge secret information

to begin to weigh the risks and

opportunities that confront us. But the

American people must understand the

general nature of the threats, and they

must ultimately support any risks that

we decide to take to secure a more

peaceful future. I don’t think the

American public has an adequate sense

yet of the threats, dangers or options

that exist in Iraq. I don’t think Congress

has an adequate grasp of the

issues either. And that is why additional

hearings and debates are so necessary.

Finally, I have always said that another

military campaign against Iraq

may eventually become unavoidable.

As a result, I am pleased that S.J. Res

41 is neutral on the need for a military

response, while recognizing the intrinsic

value of open and honest debate.

Following a vigorous debate, if we decide

that America’s interests require a

direct military response to confront

Iraqi aggression, such a response would

be taken from a constitutionally unified,

and inherently stronger, political

position. We must also remember that

constitutional unity on this question

presents a stronger international

image of the United States to our

friends and foes, and, at the same time,

a more comforting image of U.S. power

to many of our close allies in the campaign

against terrorism.

I am pleased to cosponsor S.J. Res.

41, and I look forward to a vigorous debate

on this issue.