Mr. President, I

thank my colleague from Pennsylvania

for his thoughtful question. The intent

is the same, although we may have a

different understanding of what that

intent is. I will say that the operative

language here may be somewhat different

because the circumstances that

engendered the resolution of Congress

in 1991 are different than now. Then, we

had a specific act, which was the Iraq

invasion of Kuwait. Resolutions have

been passed by the U.N. so that there

was specifically reference in the authorizing

resolution that Senator WARNER

and I were privileged to cosponsor

in 1991.

Now we have a totality of circumstances,

including the repeated

violation of some of those same resolutions,

but others calling for inspections,

calling for the destruction of

weapons of mass destruction that Saddam

Hussein has. In fact, in the initial

suggestion of a resolution drafted by

the White House, there was an enumeration

of specific U.N. resolutions,

and Members of Congress negotiating—

I believe from the other body—preferred

to have the term that we have in

there now, giving the President the

power to use the Armed Forces to enforce

all relevant United Nations Security

Council resolutions.

In either case, I think what is involved

here is an understanding both in

the 1991 resolution and in this one that

Congress, using its authority under article

I of the Constitution to declare

war, authorize military action, does so

and sets the parameters, but that ultimately,

according to article II, it is the

President who is the Commander in

Chief of the Army, Navy, United States

militia of the several States, when

called into the actual service of the

United States. Implicit in that has to

be the understanding that the President

will use the force that he determines

to be necessary and appropriate.

As I said yesterday, with the authority

to give the President comes accountability.

So, bottom line: There

are two different circumstances that

engender slightly different resolutions.

In each case, Congress is fulfilling its

responsibility to authorize military action,

ultimately, within the parameters

set forth in both resolutions. You

have to give the President, as Commander

in Chief, the authority to make

decisions that he deems to be necessary

and appropriate in the defense of our

national security, and then be held accountable

for those decisions.

Mr. President, I

will try to do this within a minute and

perhaps give time for Senator SPECTER

to clarify this. The whereas clauses,

the preamble, speak for themselves. It

suggests a totality of circumstances

that lead the sponsors of the resolution

to want to authorize the President, if

all else fails, to take military action

against Iraq under Saddam Hussein.

Clearly—and what the President has

said and what the sponsors of the resolution

have said—the focus of our concern

is the weapons of mass destruction

and the means to deliver them. As

we said yesterday, this resolution is intended

to send a message to Saddam:

Disarm, as you promised to do 11 years

ago at the end of the gulf war, or we

will use force to disarm you with our

allies and the international community.

Nonetheless, the other conditions describing

the totality of Saddam’s brutality—

violation of international law,

invasion of his neighbors, et cetera—

are stated in the preamble and consistent

with what I said in response to

the earlier question.

The President, as Commander in

Chief, is given the authority, the responsibility,

and accountability to enforce

all relevant U.N. Security Council

resolutions regarding Iraq. I do not

think anyone expects the President to

take military action against Iraq if,

hopefully, and in some sense miraculously,

Saddam disarms, destroys his

ballistic missiles, unmanned aerial vehicles,

allows inspections without any

restrictions. Under those circumstances,

it is hard to imagine the

President would authorize military action,

for instance, in regard to some of

the lesser U.N. resolutions as generally

understood by this body.

Madam President,

I thank the Senator from Iowa for his

strong and thoughtful statement and

for his expression of intention to vote

for this resolution—all the more significant,

as he pointed out, because he

was one of two Republican Members of

the Senate to vote against the similar

resolution prior to the gulf war. And I

think his support—a respected and

solid Member of the Senate, as he is—

gives encouragement to those of us

who are the sponsors of this resolution

that when the final roll is called, we

will enjoy the broad bipartisan support

that I truly believe this resolution deserves

and the moment requires.

I thank my colleague and the Chair.

. President, I

thank my colleague from Florida for

the thoughtful statement he has made.

I agree with so much he has said, certainly

about the threats that are represented

by the terrorist groups cited

in his amendment, but I want to explain

why I have reluctance about the

amendment. It is for reasons that are

both procedural and substantive.

The resolution offered by Senator

MCCAIN, Senator WARNER, Senator

BAYH, myself, and others—including

the occupant of the Chair, the Senator

from Georgia—is the result of a detailed,

open, and sincere process of negotiation

between Members of both

Chambers, both parties, and the White

House.

This is not to say it is a perfect document,

but in responding to the threat

to our national security posed by Iraq

under the leadership of Saddam Hussein,

it represents our best effort to

find common ground to dispatch our

constitutional responsibility and to

provide an opportunity for the broadest

bipartisan group of Senators to come

together and express their support of

action to enforce the United Nations

resolutions that Saddam Hussein has

constantly violated, and in so doing endangered

his neighbors, his people and,

of course, the rest of the world, including

us. We have a well-worked-over and

finely calibrated document.

In his amendment, the Senator from

Florida has opened new territory, and I

am reluctant to see that added to this

resolution, all the more so since the

new territory he opens up was considered

in the immediate aftermath of the

attacks against us on September 11

when the initial resolution in which

the President sought to have authority

to take action against terrorists generally—

not just those who had planned,

authorized, committed, or aided terrorist

attacks that occurred on September

11 of last year—was rejected or

was opposed by a large number of Members

of the Senate, including particularly

those on the Democratic side, and

in that sense the amendment offered by

the Senator from Florida may well reopen

concerns expressed by many Senate

Democrats about granting too

much authority to the President at

this point.

Let me get to the essence of what is

said. Clearly, I agree with what the

Senator has said, and I agree wholeheartedly

with his description of the

terrorist groups he has cited, specifically

five in number, and the extent to

which they represent a threat to the

areas in which they operate, as well as

the American people.

I respectfully disagree with him that

the President of the United States

would not be authorized, without this

action, to take action against any of

these groups—the Abu Nidal organization,

Hamas, Hezbollah, Palestine Islamic

Jihad, Palestinian Liberation

Front—if the President, as Commander

in Chief, concluded that any one of

those groups or its members posed a

threat to the security of the American

people or any group of Americans. It

seems to me that is inherent in the authority

given to the President, as Commander

in Chief, under article II, section

2 of the Constitution, followed by

other descriptions of the authority

that the President has in that regard,

and not just the general constitutional

authority but the specific acts of this

Congress that have dealt with terrorism

and have established a

counterterrorism center at the Central

Intelligence Agency, counterterrorism

programs in the FBI, counterterrorism

activities in the Department of Defense

and the Department of State, all of

them funded by Congress.

Implicit in that is not that the

money was funded just to study or investigate

but that there is a presumption

that if all of those programs

produce evidence that any one of those

groups is seeking to do damage to any

one of the American people or group of

Americans, then the President is authorized

implicitly, inherently, in his

authority as Commander in Chief to

take action against them. In fact, as

has been testified to publicly, the Special

Operations Forces of our military,

an extraordinary group we are fortunate

to have in our service, has been

working on programs together with the

intelligence community and various

nations around the world to watch—

using the term ‘‘watch’’ in the broadest

sense of the term—and be prepared to

take specific action, not just court action.

After September 11, we have made a

transition to understanding that terrorists

are at war with the United

States so there are times when the best

defense we can give is not to build a

case in court but to take military action

to stop the terrorists from striking

before they ever do.

So while I appreciate and support the

concerns of the Senator from Florida,

my own conclusion is that they would

do some damage to the broad support

that otherwise will come together for

the resolution that we have introduced

that deals with the immediate problem

of Saddam Hussein, and that in the end

it is not necessary because the President,

as Commander in Chief, has the

inherent authority, under the Constitution

and the laws of the United

States, to take exactly the action that

the Senator’s amendment would specifically

authorize him to do.

I yield the floor.

From the text of

the resolution we have submitted in

section 4(b) after our authorization, we

require, as soon as feasible, but not

later than 48 hours after exercising

such authority—that is, directly deploying

forces of the United States—

that the President has to make available

to the Congress his determination

that—and there are two sections he has

to report. The material section is this:

The President has to declare to Congress

that pursuant to this resolution—

which is to say deploying forces for the

purpose of enforcing U.N. resolutions

against Iraq in protecting the national

security of the American people

against Iraq—is consistent with the

United States and other countries continuing

to take the necessary actions

against international terrorist and terrorist

organizations, including those

nations, organizations, or persons who

planned, authorized, committed, or

aided terrorists in the attacks that occurred

on September 11, 2001.

I stress that this is not limited to

those terrorists who acted against us

on September 11.

I see in this further support for the

end goal, which the Senator from Florida

has, which is to make sure the war

against Iraq does not deter our war

against terrorism and not just against

al-Qaida but against any terrorist

group that threatens the people of the

United States, including the five the

Senator from Florida enumerated.

I yield the floor.

The Senator

makes a good series of points about the

pending amendment introduced by the

Senator from West Virginia.

We have language in our resolution

that authorizes the President to take

action to protect the national security

of the United States against the continuing

threat from Iraq. I must say

that in my opinion, and I ask the Senator

for his reaction, the terms that

the Senator from West Virginia has

stated are literally being met now for

this reason: As my friend from Arizona

well knows, the Armed Forces of the

United States are under direct attack

from Iraq as they fly along with their

British colleagues to enforce the no-fly

zone.

Approximately 7,500 American men

and women in uniform are dispatched

there, costing the American taxpayer a

billion or more dollars a year. This

year alone, there have been more than

400 occasions on which Iraqi forces

have fired at the Armed Forces of the

United States.

Of course, I am opposed to this

amendment, but I ask the Senator

from Arizona if he would agree with me

that there is a direct attack by Iraq

going on right now, not on the United

States or its possessions or territories

but on the Armed Forces of our country?

I thank my friend

from Michigan.

Let me ask this question. The Senator’s

amendment provides the Senate

not adjourn this year and return to session

at any time before the next Congress

convenes to consider promptly

proposals relative to Iraq if, in the

judgment of the President, the United

Nations Security Council fails to adopt

or enforce the resolution described in

paragraph 2.

My question to the Senator from

Michigan is whether he has decided

under those circumstances whether he

would support a resolution authorizing

the President to use force and the

Armed Forces of the United States to

enforce the United Nations resolutions.

I thank the Senator.

My friend from Michigan knows one

of the reasons I cosponsored the resolution

underlying it is I believe the best

way for us to get the United Nations to

act to enforce its own resolutions is if

we make clear we are prepared to do so

ourselves, although that is not our

preference.

Here is my question: In section 3(3) of

the Senator’s amendment, you do affirm

under international law the U.S.

has at all times the inherent right to

use military force itself. You argued

tonight that is an indication that those

who have said your amendment gives a

veto to U.N. over U.S. actions are not

correct. But isn’t it true the section

just below, section 4(a) of your amendment,

says the President is authorized

to use the Armed Forces of the U.S. to

destroy, remove, or render harmless

Iraq’s weapons of mass destruction, nuclear

weapons material, ballistic missiles,

et cetera, only pursuant to a resolution

of the United Nations Security

Council as described above?

So while you recognize the inherent

right of the U.S. to defend itself, to

take military action in self-defense,

isn’t it true your amendment does give

the United Nations a veto over the authority

of the United States to take action

to enforce the resolutions of the

United Nations?

The Senator from

Michigan is quite correct. The difference,

I want to respectfully suggest,

is in the context—in the historical context.

There was an invasion by Iraq of

Kuwait. There had already been a

United Nations Security Council resolution.

That is why the authority was

as described.

Here, this resolution by Senators

WARNER, MCCAIN, BAYH, and I have introduced

is based on a record now of 11

years in which everything else has been

tried to get Iraq to comply with those

resolutions, and they haven’t.

I think the difference here—I ask the

Senator if he would react—is that the

Senator has acknowledged the obvious

inherent right of the United States to

act in self-defense. That is a higher

standard than the question of acting to

enforce United Nations Security Council

resolutions. In other words, it may

be I might argue that is not in self-defense

because I believe if we do not disarm

Saddam Hussein, he will eventually

strike us and our allies. But, in

any case, in affirming a right of selfdefense,

the Senator has set a standard

that is not carried out in a later section

which makes our ability to enforce

those resolutions pursuant to

United Nations authorization.

So to that extent, your amendment

would give the United Nations a veto

over whether the President of the

United States could take action

against Iraq to enforce outstanding

U.N. resolutions.

First, I want to

say I agree with the Senator totally

concerning his comments about Afghanistan,

and I hope if the time

comes, as I hope and pray it will, that

there is a post-Saddam Iraq, we will

learn from the mistakes that were

made in post-Taliban Afghanistan and

devote ourselves to broad peacekeeping

which will be necessary in the economic

and political redevelopment of

the country internationally. But my

question——