I thank the

President pro tempore for the recognition,

and I thank the Senator from

West Virginia, who just delivered a

very insightful statement of why the

Constitution must be protected and not

shredded, why the Constitution must

be adhered to in a protection of the

carefully constructed separation of

powers which gives us the checks and

balances that have allowed this Government

to endure for well over two

centuries, to be the strong Government

it is because, as a great British statesman

once said: Power corrupts, and absolute

power corrupts absolutely.

In the 1780s, when those political

geniuses gathered to construct a document

upon which this new Nation

could be based and the delicate checks

and balances were entered, as well as

the spirit of compromise in that Constitutional

Convention, they set off one

branch of Government from the other.

Thus, as we come to this very serious

determination of what to do in Iraq, we

have to be mindful of the Constitution

and its separation of powers. Clearly,

the Constitution gives that awesome

and very weighty responsibility of declaring

war to the legislative branch of

Government. There was a reason for

that: So that no Executive would go off

on a whim or on ill advice and start

war but, rather, that the representatives

of the people in this body and the

body at the other end of the U.S. Capitol

would be involved in that decisionmaking

and, in fact, would make that

decision and then reflect the will of the

people.

I thank the Senator from West Virginia

for a very cogent and timely

statement.

There is trouble in the Middle East

and central Asia. I have been to Afghanistan

twice since the first of the

year. I have been to Pakistan twice. I

have been to India. I have been in the

middle of that situation, urging the

leaders of India and Pakistan to reduce

the tensions on the Kashmir border because

the last thing the world needs is

an exchange of nuclear weapons. Particularly,

that would hurt us because

both of those countries are helping us

in our war against terrorism.

I have been to the Middle East, and

that is a troubled part of the world. As

we approach this most momentous and

solemn occasion about whether or not,

in effect, to declare war by giving the

President of the United States the authority

for the expenditure of funds to

conduct such a war, we must be mindful,

and the questions must be answered:

What will a war in Iraq do to our war

against terrorism? Will it be hurt? Will

it be helped? Will our war against terrorism

be set aside? Will our attempt

to cut off the head of the snake that

operates the al-Qaida machine be deterred

in any way?

What will happen to the flow of oil

out of that region of the world to the

industrialized world?

What is the number of troops that is

going to be required?

How likely are the casualties, and

how many American lives can we expect

to lose.

How many troops are we going to

have to hold in reserve? Fighting door

to door in downtown Baghdad is going

to be a different kind of war, and I do

not think we can go into Iraq assuming

that the opposition is suddenly going

to melt away and that the army is

going to step forth and suddenly lay

down its arms.

I personally believe that Saddam

Hussein has chemical and biological

weapons, and I personally think he is

trying to develop nuclear weapons. If

he, in fact, has chemical and biological

weapons, will our troops be prepared if

those weapons of mass destruction are

utilized against our troops or utilized

against any of the neighbors in the region?

Are we going to be able to approach

a war in Iraq with our allies solidly behind

us? There is an election going on

right now in Germany, and that certainly

does not seem to be the political

talk in Germany. Germany is one of

our closest allies.

There is also an election going on

right now in Turkey, our very substantial

ally. That election is in November.

With the talk of war, with the imminent

possibility of war, how much of a

possibility is there that the election

would throw to a religious party the

opportunity to govern Turkey instead

of the secular government that has

given such stability, particularly military

stability, in that part of the

world?

Then the question arises, which I had

the opportunity to ask the Secretary of

Defense yesterday in the Armed Services

Committee, what about after there

has been the regime change? Is it going

to be a regime that would be friendly

to the United States? Would Iraq be

kept intact, or would it be ripped asunder?—

I might say, to the chagrin of our

ally Turkey. What is the plan for the

United States to be involved for the

long term in Iraq, militarily and economically?

We saw that in the phenomenal

military success we had in Afghanistan—

mostly success; some not

so successful, such as Tora Bora. We

saw that in the midst of all of that success,

in a much different situation, the

hard reality, after the fact, that the

United States is going to need to be a

military and economic presence in Afghanistan

for a very long time.

Otherwise, if we leave, it will be like

when we left in the late 1980s. After the

Soviets got whipped, they tucked their

tail between their legs and left, and we,

assisting the victors, also left; it created

a vacuum, and that vacuum was

filled by the terrorists.

So in any post-Saddam Hussein Iraq,

it is going to take a lot of effort and

time and resources by the United

States, and I want to see the administration

spell that out clearly, as the

Secretary of Defense started to do yesterday

in response to my question.

There is a lot of detail to be filled in.

It brings us to another question. We

have in front of the Senate this question

of homeland defense, and there is

not one of us in this Chamber who does

not want to have a reorganization of

the Government so one hand knows

better what the other hand is doing, so

one hand knows better how we can coordinate,

and a reorganization of the

Government can achieve that. In the

process, let’s not overdo ourselves

where we take away worker protections,

where we strip apart agencies

such as the Coast Guard, which is a

necessary part of the homeland defense.

The Coast Guard has a lot of

other duties to perform. Particularly,

if one comes from a State such as mine

that has such tremendous coastline,

the Coast Guard performs innumerable

functions not only of search and rescue

but of drug interdiction, and of course

their duties have been heightened so

much now on port security.

So, as we approach homeland defense,

we have a great number of decisions to

make about which we had better be

cautious. Otherwise, going back to my

initial comments of commendation for

the Senator from West Virginia and his

comments about Iraq and concern

about the Constitution being shredded

with regard to an invasion of Iraq, so,

too, we have concerns about the Constitution

not being obeyed by the Congress

performing its appropriate legislative

role as a check and a balance, as

an overseer, as an appropriator of the

funds, for this new Department that is

to be created.

I offer these comments today, and I

thank the Senator from West Virginia

for his very insightful comments. It is

always a pleasure to listen and to learn

from the Senator from West Virginia.

I yield the floor, and I suggest the absence

of a quorum.

Mr. President,

I ask unanimous consent that the

order for the quorum call be rescinded.

Mr. President,

I have had the pleasure of describing

some of my concerns with regard

to the possible invasion of Iraq

and also the knitting together of the

most massive reorganization of the

Federal Government over the last half

century and the creation of a new Department

of Homeland Defense. This is

a massive undertaking. It involves

some 170,000 people. It involves scores

of agencies, with an annual $38 billion

budget.

Implied in my remarks is the urging

of caution as we approach the creation

of this agency. One of the items to be

discussed in the Senate at a future

time will be an amendment offered by

the Senator from West Virginia to take

a cautious and deliberative approach in

knitting together this massive agency.

The directorates would be set up under

the legislation right away, but their

implementation would occur over the

course of 13 months. It would be done

on a phased-in basis, in which the Congress

would be consulted as it is phased

in, where there would be time to make

sure in the example that I have given

earlier about the Coast Guard functions

other than the homeland security

function that, in fact, the Coast Guard

would not be deterred from its multiple

service roles.

It is a wise approach the Senator

from West Virginia has brought to the

table in slowing down the process. I

hope our colleagues will see the wisdom

of protecting the separation of

powers as provided in the Constitution,

and the wisdom of us being sure that

instead of their being such a mass of

confusion in a reorganization all at

once, that it would be done in a deliberative

and phased-in approach.

Certainly.