Mr. President, I rise to

support this amendment by the great

senior Senator from West Virginia. It

closely parallels an amendment which

I filed and which, unfortunately, now

that the Senate has made its determination

to limit the amount of time

and debate on this historic decision, I

will not be bringing to the Senate for a

vote.

A decision to rush to judgment on

this matter has now been made by the

Senate. I won’t belabor the point except

to say that in January of 1998,

after Saddam Hussein had bounced

U.N. inspectors out of Iraq, the Senate

took 5 months to consider and finally

approve a resolution which did not

even authorize President Clinton to use

force. In October, 1998, the Senate

passes another resolution which again

did not authorize the President of the

United States to use force.

In 1990, the Senate took 5 months

after Saddam Hussein invaded Kuwait,

and that resolution was passed just

days before President Bush committed

this Nation to its first military engagement

in the Persian Gulf war.

We have had a number of very valuable

hearings in the Senate Armed

Services Committee in the last weeks.

I asked one panel of recently retired

generals, three of whom were directly

involved in the Persian Gulf war,

whether the absence of a Congressional

resolution or declaration of war had in

any way prevented or impeded that

military buildup preparatory to the engagement

in January of 1991. They

said, no, it did not. So I don’t understand

why, from any consideration—

military, diplomatic, or constitutional—

we should be voting and rushing

to this judgment this weekend, but

we will.

We will be voting on what? What is

it, S.J. Res. 46, that we are actually

voting upon? It is a preapproval of

whatever the President of the United

States decides to do whenever. It is a

vote for euphemisms such as ‘‘to use

force’’ or ‘‘as he determines to be necessary.’’

Why? Why are we rushing to

this judgment at this time? So we can

adjourn in the next few days and go

home until next January, or until we

decide whether the outcome of the November

election will aid or impair our

own political agendas?

Some of those concerns might seem

justified, particularly as they relate to

our own domestic concerns. But for decisions

of war or peace, decisions about

what is right for our national security,

decisions about the life or death of

Americans fighting on our behalf, decisions

about the survival of the existing

world order and even possibly the survival

of our world as we know it, there

are no justifications for political calculation

or personal convenience.

There should be only one consideration,

and that is to do what is right

for the country, as God gives each of us

to see that right.

Yet S.J. Res. 46 preapproves any decision

by the President of the United

States to commit this Nation to war at

some time in the future, with U.N. support

or without it—unilaterally, bilaterally,

multilaterally, preventatively,

preemptively. Even other amendments

that I will support, which have the best

of intentions, fall into this trap: What

do you do when you are preapproving a

war? Put a limit on this but not for

that; if this; if that. However, it is very

hard to forecast events of this magnitude.

There is no need for us to try to do

so. There are no good reasons for us to

do so, except the need to preapprove

something and then go home.

If we don’t vote for the final resolution,

we will be accused of not supporting

the President, of not speaking

with one voice to Saddam Hussein, to

the United Nations, and to the world.

Those are very serious accusations,

that you don’t support the President of

the United States. I do support the

President. He is my President. He is

our President. I pray he will make the

right decisions and get the credit. I

pray he won’t make the wrong decisions

and get the blame.

But when I am asked to support this

President, or any President, I need to

understand what it is exactly that he

wants us to do, what he intends for us

to support. This President, as I understood

his speech last Monday, is certainly

not asking the Congress to declare

war on Iraq today. He is wisely

reserving that judgment. Why wouldn’t

we exercise the same wisdom?

The situation, as we have seen in the

last weeks, is inherently fluid. New

facts become known; old facts even

change. I support the President’s reserving

judgment until after the

United Nations decision, until it attempts

to force Saddam Hussein’s compliance,

until we can determine the

outcome of those efforts. During those

critical days or weeks ahead, I will be

around. I will be available at any time,

day or night, whenever, to participate

back here on the Senate floor in this

momentous decision. All of us in this

Chamber and in the House could be

here within hours, should be, and would

be if we were called upon to do so,

whenever the President or this Congress

believed that a decision to commit

this Nation to war must be made.

As the President said Monday night,

the time before that decision is limited.

But the time for that decision is

not now.

Another reason to follow this protocol,

the reason for my amendment,

the reason I support Senator BYRD’s

amendment, is that it is what the Constitution

of the United States requires

Congress to do—either declare war or

not. It says right in that book—I don’t

carry it with me quite as faithfully as

the great Senator from West Virginia,

but I do happen to have my copy

today—Congress shall declare war.

That is about as clear and unambiguous

a statement as could be made.

There are important reasons that

Congress was given, and only Congress

was given, that authority and that responsibility.

Because it was considered

by our Founders to be essential to the

system of checks and balances upon

which this Republic depends.

James Madison wrote a letter to

Thomas Jefferson in 1798, less than a

decade after the Constitution’s ratification,

in which he said:

The subsequent 204 years have demonstrated

many times the wisdom and

foresight of our Constitution. Its principles

should give special pause to this

body when being admonished by the

President, by any President, not to

‘‘tie my hands.’’ Those words indicate a

regrettable lack of regard for Congress

and for our constitutional standing as

a coequal branch of Government. Our

Nation’s Founders darn well wanted to

tie a President’s hands.

Thomas Jefferson wrote:

In questions of power, then, let no more be

heard of confidence in man, but bind him

down from mischief by the chains of the Constitution.

Those words are meant to apply to

this President, to any President. Except

in matters of war and peace? Especially

in matters of war and peace. I

would say this, the Constitution’s wisdom

has a very valuable perspective on

the pressures and perils we face in this

body today. Not only the perils in confronting

a dangerous dictator, as we

must, but also the perils in how we decide

to do so.

Some might prefer to avoid the momentous

decision the Constitution assigns

us whether or not to declare war.

Whether or not to send Americans into

battle halfway around the world, where

they would likely encounter the chemical

or biological weapons we rightfully

seek to spare this country. Some of

those Americans will die too young,

and others will suffer horrible wounds

lasting for lifetimes. Iraqi children and

their families will be destroyed in their

own homes, schools, and mosques. The

rest of the world will judge that decision

and its consequences, which they

could not escape.

We will read about it in the newspapers.

We will watch its manifestations

on television. We will probably

attempt to share the credit if it turns

out well, and avoid the blame if, God

forbid, it doesn’t. We will talk about

that decision. We might even hold

hearings on it, but we won’t assemble

in this Chamber where previous Senates

once voted declarations of war,

but not since World War II.

Mr. President, these decisions are

ones we will live with for our lifetimes.

They should not be made in these circumstances.

We should follow the guidance

we have seen evident from the

changes in the administration’s views

over the last weeks. I support and applaud

those changing perspectives. I respect

a leader who can listen and learn,

then adjust his views and decisions accordingly.

I believe the wise counsel

from Members of this body—Republicans,

Democrats, and Independents—

has been an important part of that

process. I believe the American people,

the collective wisdom of our fellow

citizens, who overwhelmingly support

the President, who overwhelmingly believe

the President should consult with

this body, who overwhelmingly believe

the U.S. should act in concert with the

U.N. and other nations of the world,

and not alone, unilaterally, preemptively.

I believe those public judgments,

as we all manage to view them,

probably daily in polling documents,

have had enormous influence on the decisions

that are going to be made.

We owe it to our responsibilities to

what is best for this country; we owe it

to the brave men and women who will

have to carry out those decisions, to

make them when they must be made,

on the basis of the best, most current,

and most complete information possible—

knowing, even then, that we will

still not have the certainty, clarity,

foresight we would wish to have.

That is the wisdom of the Constitution.

That is the wisdom of Senator

BYRD’s amendment. That is, I believe,

the wisdom of the amendment I would

have brought forth, which says simply

the Congress shall go back to following

the Constitution of the United States.

The reasons for that document’s decisions

are as valid today as they were

213 years ago, and maybe some day—it

will not be this week but soon, this

body will review the decision not to

follow its dictates and return to it. I

look forward to that and, hopefully,

Senator BYRD will be on the floor that

day, as he deserves to be when that decision

is made.

I yield the floor.