Mr. President, as

one of the four lead sponsors of the

amendment in the nature of a substitute

resolution, I appreciate very

much the thoughtfulness of my colleagues

in addressing the resolution we

put forward, including those who have

expressed reservations or objection to

it. I will take a few moments to respond

to a few of those, as time allows.

One of the concerns expressed was

that our resolution essentially provides

the President with a blank check and,

at its worst, according to the critics, is

in derogation of the Constitution of the

United States.

Respectfully, I object to both of

those descriptions. Let me take the

first, which is the question of the Constitution.

The Constitution says in article

I, among the powers enumerated

in section 8 that the Congress of the

United States is to have, is the power

to declare war. That is stated. Incidentally,

in the same clause there are

other powers: To grant letters of

marque and reprisal and make rules

concerning captures on land and water.

Though the Congress of the United

States, for various reasons, has not formally

declared war since December of

1941, that is the effect of the resolution

before the Senate, to authorize the

President to take military action to

put American troops into combat, into

war. That is the extent of the description

in the Constitution.

The authority that would be given to

the President under our resolution is

entirely within that constitutional

grant to the Congress, which is to give

the President the authority to defend

the national security of the United

States—and again, no blank check

here—against the continuing threat

posed by Iraq. It is targeted to that

particular point, based on the conclusions

about Iraq’s danger to the United

States stated in the preamble or the

whereas clauses. ‘‘And’’—not ‘‘or’’—and

this authority is given not only to protect

the security of the United States

against the threat imposed by Iraq and

to enforce all relevant United Nations

Security Council resolutions regarding

Iraq.

So one may disagree with the conclusions

that those who are sponsoring

this resolution have reached about the

clear and present danger Iraq under

Saddam Hussein represents to America’s

national security, but I respectfully

do not think anyone can convincingly

claim this resolution is in any

sense unconstitutional. It is well within

the authority granted to the Congress

under article I of the Constitution.

Nor is it, in any sense, a blank

check. It is circumscribed by the terms

I have just described, ‘‘and’’—not

‘‘or’’—two grounds of authority. It is

not a blank check. It is a check that

can only be spent within the parameters

set out in those two clauses.

I might add, the Congress also is

given by the Constitution the power to

appropriate funds. That is the ultimate

power that Congress has, to make sure

this is not a blank check either in

terms of what the money can be spent

for or how much money can be spent.

Questions have been raised about the

urgency of this matter and the timing

of the request by the President for this

authority. I said earlier today and I

will say briefly again that in the case

of this Senator, I have believed now for

more than a decade that we have been

much too patient—in fact, have been in

error at the end of the Persian Gulf

war for not moving to remove Saddam

Hussein from power when his military

was in disarray. We knew what his

goals were, what his record was. We

knew by statements he made that he

had the ambition to be the leader of

the Arab world, the modern-day

Saladin, to have Baghdad become the

capital of the Arab world, of the Persian

Gulf. That, of course, would be

terrible for the Arab world, terrible for

the world, and terrible particularly for

the United States of America.

Over the last decade, for those who

believe we are acting precipitously in

passing and offering this resolution, we

have tried everything else to get Saddam

Hussein to keep the promise he

made at the end of the gulf war. We

have tried sanctions, embargoes, inspections,

trade restrictions, the Oil

for Food Program, even limited military

action. None of them has worked.

I repeat briefly some of the history.

In February of 1991 after the Iraqi military

was vanquished in the Persian

Gulf war, Saddam Hussein, effectively

to preserve his leadership of that country,

signed an agreement accepting all

U.N. Security Council resolutions

passed after his invasion of Kuwait as a

condition for the termination of hostilities.

That included Resolution No.

687 which required that Iraq’s weapons

of mass destruction be ‘‘destroyed, removed

or rendered harmless.’’ In that

Resolution 687, it goes on to require

that inspectors be allowed into Iraq.

Saddam Hussein systematically withheld

information, used every available

method of deception. I have an article

from Time magazine of September,

1995, 7 years ago, which describes how

much we knew about the deception

that Saddam Hussein—the cheating

and retreating, as the article said, that

Saddam Hussein had gone through to

frustrate the will of the United Nations

and how much we have learned in admissions

that were made as the United

States mobilized forces to invade Kuwait:

That the Iraqis had admitted

they had begun filling 191 bombs and

Scud missile warheads with deadly biological

agents such as anthrax and botulism

toxin, which were to be mounted

on missiles, planes, and drone aircraft

and dropped on enemy troops, fewer

than half of whom had received the appropriate

germ warfare vaccinations.

One Iraq report, reading from the article

in Time magazine 7 years ago,

stated that shortly before invading Kuwait

in August of 1990, Saddam ordered

a crash program to have a nuclear

weapon built by April of 1991.

Interestingly, a month before this article

was printed in Time magazine,

Baghdad rushed to give some documents

to the U.N. to jump ahead of

Saddam’s son-in-law, Hussein Kamel

al-Majid, who had defected. He had

been a senior general in charge of the

nuclear and biological weapons program.

Hussein, according to the article,

knew he could not keep him quiet,

so he decided to try to make points

with the U.N. by producing a flood of

information. It was devastating in its

content in terms of the deadly toxins

of which he was developing an enormous

inventory.

Of course, we know since the inspectors

were ejected in 1998 and Saddam

has now had, after his deception of the

years that preceded, 4 years to build up

his inventory which our intelligence

and allied intelligence confirm has

grown, remains, and is today more

threatening and more powerful in

terms of weapons of mass destruction,

unconventional, than he had ever been

before.

I want to go back to one final quote.

On February 15 of 1991, as we had won

a victory in the gulf war, Saddam said:

That is undoubtedly why Saddam

tried to assassinate former President

Bush in 1993. That is why our State Department

continues to designate Iraq

under Saddam as a state sponsor of terrorist

groups that have killed Americans.

That is why we cannot rest until

he is disarmed, which is the purpose of

this resolution—disarm or face military

action.

I yield the floor.

Mr. President, I

thank the Senator for his kind words. I

remember our work together in 1991.

We are older and maybe wiser. In any

case, I am proud to be working with

the Senator and others on both sides of

the aisle in a good cause.

I want to say, as he talked about

reading the resolution—and I think

that is important and I hope all our

colleagues will read it—not just the

‘‘resolved’’ part, but the ‘‘whereas,’’

the preamble.

There have been suggestions here and

there that either this resolution we

have adopted was sort of patched together

in a hurry, or that the White

House just dictated it. The good news

is this resolution is the result of a bipartisan,

bicameral, House-Senate negotiation

with the White House in a

spirit of accommodation and compromise

as part of a desire to go forward

together. Some significant

changes were made in the resolution

from the original draft sent by the

White House that were requested by

Members of Congress, including particularly

Members on the Democratic

side of the aisle.

I just want to mention very briefly

those changes. They include, first, support

for and prioritization of American

diplomatic efforts at the U.N. Just so

there would be no doubt that what we

were authorizing or intending to authorize

was a unilateral, go-it-alone,

‘‘don’t care what anybody else says in

the world’’ military strike at Saddam

Hussein, it is not that. In fact, at the

heart of this resolution is the authority

given to the President to enforce

United Nations resolutions in great

number, which have been consistently

ignored, violated, denied, and deceived

by Saddam Hussein over the decade.

While Congress is only able to authorize

the President, as Commander

in Chief, to take military action, the

clear implication that I read into our

resolution—but more than that, the

clear statement of intention of the

President should we face the moment

we hope we do not face, when either

Saddam does not respond to the U.N. or

the U.N. itself refuses to authorize action

to enforce its resolutions, then I

think the President has made clear,

and those of us who are sponsoring the

resolution have made clear, that the

United States will not go it alone and

we will not have to, as a result of the

decision to go to the U.N., as a result

of the consultation with allies in Europe

and Asia, in the Middle East and

elsewhere in the world, as a result of

the discussion and debate here and

what I hope will be strong bipartisan

support of this underlying resolution.

If we come to that moment where we

have no other choice but war, then it is

clear that we will have allies in good

number at our side. That was one of

the items we added to the resolution.

We also limited the scope of the authorization

to Iraq and resolutions of

the United Nations related to Iraq. The

initial language submitted by the

White House had a third clause which

would justify military action, and that

was to give the President authority to

take military action to restore international

peace and security to the region.

That was a good step forward to

grant the President authority but to

limit the authority.

I take it also to be a limitation on

duration, although some have spoken

today and in previous days about the

fact that this is unlimited. This is limited

to the duration of authority necessary

to address the current and ongoing

threats posed by Iraq. When those

threats are over, the authority is gone.

Because the connection between sections

1 and 2 of the material parts of

the resolve clause, which is the conditions

that would justify military action,

are joined by the word ‘‘and’’ and

not by the word ‘‘or,’’ I think it is

meant to clarify that this authority

applies only to the relevant United Nations

resolutions regarding Iraq.

There was another significant

change. We also asked the White House

and they agreed to put in language

that requires the President to submit

to Congress a determination, prior to

using force, that further diplomatic

means will not protect the national security

of the American people or lead

to enforcement of U.N. resolutions—another

way, consistent incidentally with

the gulf war resolution of 1991, to make

it clear in this resolution that the policy

of the United States is not to go to

war first but to go to war last, after all

other means of achieving Saddam’s disarmament

have failed.

We also require the President to submit

to Congress a determination, prior

to using force, that taking military action

against Iraq is consistent with

continuing efforts by the United States

and other nations to take the necessary

actions against international

terrorists or terrorist organizations.

Justifiable concern was expressed

that somehow a potential war against

Iraq would interrupt, disrupt, deter the

ongoing war on terrorism.

As I said, I think the two are connected

because Saddam is a terrorist

and supports terrorism and has had

contacts with al-Qaida, but this makes

clear the President has to make a determination

publicly to Congress that

these two are not in conflict and then

requiring the President to comply with

the War Powers Act which mandates

regular consulting and reporting procedures.

I spoke earlier this afternoon and

said to my colleagues I did not understand

why there were some who said

this resolution was somehow in contravention

of the Constitution. One

might disagree with the evaluation we

sponsors of the resolution have made

about the danger of Iraq under Saddam

or of the imminence of the threat, but

clearly the language of this resolution

is not only within the power that Congress

is given by the Constitution to

declare war, to authorize military action,

but also, by complying with the

War Powers Act, embraces the later

section of article I that says Congress

is empowered to adopt legislation to

implement the powers the Constitution

gives.

Finally, there is a requirement that

the President report every 60 days to

Congress on military operations and on

the planning for close of conflict activities,

such as reconstruction and

peacekeeping. It is not too soon to

begin to plan for that now. I had occasion

to speak on this subject last night

at the Wilson Center here in Washington.

The bottom line is the ultimate

measurement of the success of war is

the quality of peace that follows. We

have an obligation not just to, if necessary,

tear down the dictatorship that

Saddam has built in Iraq, but to help

the Iraqi people build up a government

that will follow in a better life, better

economy, and more freedom for themselves,

and this reporting requirement

will be an incentive for that to happen.

Obviously, I hope and trust our colleagues

will read the resolution in full.

I want my colleagues to understand a

significant process of negotiation went

on between Democrats and Republicans

in the House and the Senate and the

White House before this resolution,

which the President does support, was

introduced into the Senate.

I see my friend from Colorado.

Madam President,

I say to my friend and colleague from

Colorado, he is very gracious. I appreciate

it. It is an honor to have this opportunity

to be involved in this very

important debate and to do so across

party lines. I thank him for his

thoughtful advocacy of this resolution

and of a strong U.S. presence in this region

generally. I appreciate it.

Madam President, not seeing anyone

else who wishes to speak at this time,

I want to begin to respond to some of

the thoughtful questions that were

raised by the Senator from Oregon, and

to some extent by the Senator from

Massachusetts, about the imminence of

the threat that Iraq represents and the

basic question of, why now? what is the

rush?

For my own part, as I said earlier

today, the question for me is, why not

earlier? In other words, not, why now?

but, why not earlier? We have gone

through almost 11 years since the gulf

war, since the armistice, the cease-fire

agreement by which Saddam committed

himself to adhere to the various

U.N. resolutions and then proceeded

rapidly to violate almost all of them,

to play a cat-and-mouse game with the

U.N. inspectors, testified to by so many

of them, including the most memorable

to me, Richard Butler, the Australian

who headed the UNSCOM inspectors

during the nineties, saying—and he

used the word ‘‘lies.’’ He said the Iraqis

under Saddam kept telling lies about

what they had and did not have.

The record sadly shows—and there is

now an indisputable record in this regard—

that they have a growing inventory

of very deadly toxins, biological,

and chemical weapons.

We say with some glibness, because

we say it so much, that Saddam is

probably the only leader of a country

in the world today who has used chemical

weapons. He has, and used them

not just once but several times against

the Kurdish people, citizens of Iraq,

and on some occasions actually having

medical personnel nearby to follow up,

not to help those who were attacked,

but to use them as if they were test objects,

to see to what extent they were

hurt or how they were killed. That is

how brutal and inhumane this regime

is.

All the time this deceit and deception

was going on, we tried everything

over and over to stop the violations of

the U.N. agreements. Nothing worked—

inspections, sanctions, Food for Oil,

trade restrictions, and even limited

military action.

That is why we come to this point

where we have said enough is enough.

There is no question, in terms of is this

imminent, that the events of September

11, 2001, have affected our judgment.

I say for myself they have affected

my judgment. I have said now

that I have felt this way about Saddam

for a long time.

In 1998, former Senator Bob Kerrey,

Senator MCCAIN, Senator LOTT, and I

cosponsored the Iraq Liberation Act

based on the constant deception and

violation of the U.N. inspection team,

kicking them out of Iraq. That act declared

it American policy to no longer

just contain Saddam, but because of

the danger that he was brewing within

his borders with chemical and biological

weapons, ballistic missiles and unmanned

aerial vehicles which he could

deliver on targets near and far, that we

had to adopt a new policy to change

the regime. That was adopted into law

in 1998.

So as for myself, I have had this feeling

about Saddam and his potential to

use these weapons to expand his control

of the Arab world. This is what I

referred to earlier in the day in the incredibly

timely book that has just

come out by Kenneth Pollack, an expert

on Iraq, called ‘‘A Threatening

Storm.’’ In that book, Mr. Pollack tells

the life story of Saddam through the

Baath Party, so-called pan-Arabic

views, and the extent to which his

dream and his ambition is to be the

new Saladin of the Arab world and control

the entire Arab world.

So that is what these weapons are

for, and his Arab neighbors are the

nearest and most immediate targets of

that, many of whom are very good allies

of ours and from whose countries

we receive much of the oil that fuels

our economy, as well as the economy of

the rest of the world.

So this has been building. Yet September

11, 2001, has had a profound effect

on all of us. Speaking for myself,

it has had a profound effect on me.

We look back and we say we knew

what Osama bin Laden was saying; we

knew his hatred for the United States;

we knew he had struck at the two

American embassies in Africa; we knew

he had attacked the USS Cole.

We made some attempt to strike

back at him, but now having experienced

the horror of September 11, 2001,

don’t we wish we had invaded Afghanistan,

overthrown the Taliban, and disrupted

al-Qaida before September 11,

2001? Of course, we all do. The will was

not there, notwithstanding the warnings.

So in terms of imminence, this resolution

uses the phrase ‘‘continuing

threat,’’ that we authorize the President

to use the Armed Forces of the

United States to defend the national

security of the United States against

the continuing threat posed by Iraq.

When we put together Saddam’s hatred

for the United States—I quoted

earlier today, February 15, 1991, in defeat,

after the gulf war, Saddam said:

Surely, that was one of the reasons

he attempted to assassinate former

President Bush on a visit to Kuwait;

why he, according not to this Senator

or any other Senator but according to

our own State Department, is one of

seven nations on the State Department

list of state sponsors of terrorism who

has supported terrorist groups that

have killed Americans.

So I read the word ‘‘continuing

threat’’ as contained in our resolution

to hold within it implicitly the words

‘‘grave and imminent’’ that some of

our colleagues have said they wish

were there.

The record shows that. The experience

of September 11, 2001, shows that.

I do not want to look back on some

dark day in the near or not so near future,

after some terrorist group supported

by Saddam, or Iraq itself, has

struck at allies of ours in the region or

at American forces there or at Americans

in the United States itself, which

he is capable of doing, and say I wish

we had taken action against him before

he acted against us. We do not ever

want to face a moment like that again.

So I believe the record before us, recited

in some detail in the preamble,

the whereas clauses of our resolution,

argues loudly that the continuing

threat referred to in the literal wording

of the authorization clause is both

grave and imminent and calls out for

the action and the strength that this

resolution requires.

The best way to achieve peace is to

prepare for war. That is what has been

said so many times in the past, particularly

when dealing with a dangerous

dictator like Saddam Hussein—

and through his agents—an aggressor,

a brutal killer himself.

There is no substitute for strength.

We are a strong Nation and we are

marshaling that strength before the

United Nations, before the world community

and directly to Saddam Hussein,

hoping the message will get

through and he will disarm without requiring

the U.N., or an international

coalition led by the United States, to

disarm him. That is our hope. That is

our prayer. But we will not achieve it

unless our intentions are clear and

strong.

There is a wonderful sentiment, an

insight that I read a while ago from

GEN Douglas MacArthur, obviously a

great soldier but also a great student

of warfare. MacArthur once said, and I

quote: The history of failure in war can

be summed up in two words, ‘‘too

late’’—too late in comprehending the

deadly purpose of a potential enemy;

too late in realizing the mortal danger;

too late in preparedness; too late in

uniting all possible forces for resistance;

too late in standing with one’s

friends.

It is a brilliantly insightful and moving

quote, and remarkably relevant to

the challenge that our resolution puts

before our colleagues—too late in comprehending

the deadly purpose of a potential

enemy, that is the case we are

making, the continuing threat of Saddam

Hussein, grave and imminent; too

late in realizing the mortal danger—

that is the point that he continues to

build an inventory of chemical and biological

weapons that pose literally a

mortal danger, the danger of killing

Americans in great number if we do

not stop him.

In the colloquy I had earlier today

with the Senator from Virginia, Mr.

WARNER, I expressed that there has

been a lot of debate leading up to this

resolution about whether Saddam has

nuclear capacity and when he will

achieve it. Is it going to be a year, 6

years, 10 years? I do not know, but I do

know he possesses biological weapons

today, deadly biological weapons, with

the capacity to deliver them with ballistic

missiles, and now increasingly

sophisticated and small unmanned aerial

vehicles, which when taken together

could, in the worst nightmare

scenario, create as much or more devastation

and death than the kind of

primitive nuclear weapon he will sooner

or later possess. So that is the mortal

danger in MacArthur’s warning.

Too late in preparedness, well, that is

what we are authorizing the President,

as Commander in Chief, and our military

to do. Too late in uniting all possible

forces for resistance. We are

working now with our allies, with the

Iraqi opposition, finally, 4 years after

the Iraq Liberation Act authorized our

government to begin working with the

broad-based Iraqi opposition to Saddam

Hussein.

Finally, too late in standing with

one’s friends. Here we are talking

about our friends in the Middle East

and the Persian Gulf. Good friends.

Arabs, mostly, but also obviously

Israelis. I say ‘‘Arabs mostly’’ because

if you follow the line of Saddam’s ambitions,

they are to control the Arab

world. That is what the invasion of

Iran was about, that is what the invasion

of Kuwait was about.

If we give him the opportunity, that

is what future invasions, using chemical,

biological, and potentially nuclear

weapons, will be about.

It is time to stand with our friends in

that region. I repeat, the history of

failure in war can be summed up in two

words: Too late. Too late in comprehending

the deadly purpose of a potential

enemy. Too late in realizing the

mortal danger. Too late in preparedness.

Too late in uniting all possible

forces for resistance. Too late in standing

with one’s friends. This resolution

is our way of saying to the American

people, to the United Nations, to our

allies in the Middle East and to Saddam

Hussein, this time we cannot, we

must not, and we will not wait until it

is too late.

I yield the floor.