Mr. President, I had

not thought to address this subject, but

the opportunity presents itself here

and I find that I have reactions to this

morning’s newspaper that I would like

to share with the Senate.

There were two things that happened

yesterday, both of which are reported

in this morning’s paper. I think they

come together with an interesting connection.

The first one was a briefing

held here in this building, on the

fourth floor, on the issue of Kosovo and

what the United States is about to do

there. Attending that briefing, appropriately

reported in this morning’s

paper, were the Secretary of State,

Secretary of Defense, the President’s

National Security Adviser and the

Chairman of the Joint Chiefs of Staff.

Basically, they told us we are on the

brink of going to war; that is, that the

United States is prepared, with its

NATO allies, to attack a country within

its own borders to resolve a dispute

among its own people in a way that the

United States feels is appropriate.

There are those who have advised us

to stay out of a civil war, not go in the

borders of another sovereign nation in

order to resolve the dispute within that

nation. But let us assume the stakes

here are high enough to justify disregarding

that advice. The second piece

of advice that we are given is, if you do

go into a civil war, pick a side. It is not

entirely clear to me, from attending

the briefing, that we know exactly

which side we are for and what outcome

we want. Because the third advice

that comes along is, if you are

going to go into a civil war and you are

going to pick a side, make sure it is

going to win. Again, in the briefing we

had yesterday I was not satisfied that

those four representatives of the administration

had demonstrated a compelling

case.

But I do not rise to issue a challenge

to them on those grounds. Instead, I

rise because of the connection, as I say,

between two events: No. 1, a briefing of

the Senate of the United States on the

eve of the United States committing an

act of war; and, No. 2, a report as to

what the President of the United

States was doing last night. In this

morning’s newspaper we are told that

the President conducted a boffo performance

before a dinner made up of

representatives of the press, that he received

three standing ovations, and in

the Style section of the Washington

Post we are told some of his best one

liners. This is why I find such a jarring

disconnect between the President preparing

one liners in the White House

for a reporters’ dinner and the President’s

advisers talking to the Senate

about going to war.

During the briefing that we had in

this building yesterday, prior to the

United States committing an act of

war, we were told that one of the reasons

we had to go ahead with this action

was because we had gone so far

down the road, in consultation with

our allies, it would damage our treaty

obligations with our allies if we did not

proceed. I must confess I was offended—

indeed, perhaps outraged by

that logic—not because of what it said

about what the administration had

done with respect to our allies, but because

of what it said about what the

administration had not done with respect

to its constitutional responsibilities.

In the Constitution of the United

States, the power to declare war is

vested in the Congress of the United

States. Very clearly, very specifically,

without equivocation, Congress shall

declare war.

We are on the verge of actions that

are the equivalent of the United States

going to war. The justification we are

receiving for taking those warlike actions

is that the administration has

made commitments to foreign governments.

Why is the administration entering

into conversations, consultations

and other relationships with foreign

governments about going to war

and not talking to the Congress of the

United States about going to war, instead,

preparing one liners for a dinner

with members of the press so the President

can get standing ovations for his

comedic abilities, the President competing

with Bob Hope and David

Letterman, while the United States is

on the verge of sending its young men

and women into harm’s way in a situation

which, according to the President’s

advisers, will ‘‘take casualties’’?

The phrase, ‘‘we will take casualties,’’

is a euphemism to say that

Americans are going to be killed. They

are going to come home in body bags,

and they will be killed in a war that

Congress has not declared. They will be

killed in a war that takes place because

the administration has consulted

with our allies and is worried about

embarrassing themselves with our allies

but cannot bother to bring themselves

to fulfill their constitutional responsibility

to come to the one agency

that, under the Constitution, has the

authority to declare war—that is, the

Congress of the United States.

Indeed, in that briefing we were told

that American forces will face the

most serious challenge militarily that

we have faced since the gulf war, and

some said the most serious air defenses

we would face since the Second World

War. Yet the administration does not

bother to talk to Congress about this

and gain congressional authority for

these actions. Instead, the administration

spends its time talking to our allies.

Don’t make any mistake, I am not

objecting to the fact that the administration

has consulted with our allies. I

think that is right and proper that we

should do that. Don’t they have any

sense of proportion or constitutional

responsibility in this White House?

Don’t they understand that the Constitution

says Congress has the right to

declare war, not the President?

The last time we went into major

military confrontation was over the

gulf war. At that time, the White

House was in the hands of a Republican

President. That Republican President,

whom I consider a good personal friend

and for whom I have the highest affection,

was going down this same road.

He was preparing to take America to

war without a congressional authorization

to do so. There were those in this

body who stood and said, ‘‘Mr. President,

you cannot take us to war without

the approval of Congress.’’

President Bush and his advisers resisted

that logic for a while. Interestingly

enough, one of the Senators who

spoke out most vigorously, saying to

the President you have no right to

take us to war without congressional

authorization, is now the Secretary of

Defense. Then-Senator Cohen said repeatedly,

to his own administration

and his own party, you cannot take us

to war without congressional authorization.

I am delighted and pleased that ultimately

President Bush came to realize

that truth and that America did not go

to war in the gulf without congressional

authority. President Bush had

made all of the same kinds of commitments

to allies that we now hear that

President Clinton has made to our

NATO allies with respect to Kosovo. It

would have been enormously embarrassing

for President Bush had the

Congress not approved his action. He

risked that embarrassment because he

recognized his constitutional responsibilities.

He came to Congress. The

vote was close. He ran the risk of losing

that vote, but ultimately, the Congress

approved America’s going ahead

with the gulf war. We went ahead with

the gulf war.

Yes, we did take casualties, but we

set a precedent that is in concert with

the constitutional responsibilities that

we all face. America could say we went

to war with the proper constitutional

authorization.

I fear we are on the verge of going to

war without the proper constitutional

authorization. I fear the President of

the United States, because of his concern—

if we can believe what we were

told in the Capitol briefing yesterday—

over our relationship with our allies, is

not willing to risk his constitutional

responsibility to come to Congress.

I wish that instead of perfecting his

one liners for the correspondents dinner

last night, the President had been

working on a message to Congress. I

wish the President of the United States

would come before a joint session of

the Congress and explain to us what

vital national interests are at stake

here and why it is necessary for the

United States to consider attacking

another sovereign nation.

Obviously, he must feel the reasons

are compelling or he would not have

gone so far down the road as he has already

gone. Let him share those compelling

reasons with the people of the

United States. Obviously, he feels he

has a case to make or he would not

have pilots standing at the ready to

begin bombing. Let him make that

case before the Congress of the United

States. Let him recognize that when he

took an oath to uphold and defend the

Constitution of the United States,

similar to the oath that we took, he

cannot ignore the phrase in the Constitution

that says that Congress has

the right to declare war, not the President.

It could not be clearer.

The difference in the President’s priorities

could not be clearer. Instead of

preparing a message to Congress, he

was preparing comedic one liners for a

correspondents dinner.

Do my colleagues know what one of

those one liners was, Mr. President? It

is one of the things that offended me

the most, reading the paper this morning.

He referred to the fact that the

vote in the Senate on the impeachment

trial had acquitted him and said, ‘‘If it

had gone the other way, I wouldn’t be

here tonight.’’ Then the appropriate

comedic pause, and he said, ‘‘I demand

a recount.’’ Laughter.

Mr. President, I suggest, in the

strongest terms I can muster, that the

President should not be making light

of the dangers of his appearing before a

group of correspondents while his administration

is in the process of preparing

to send young Americans to

their death. Flying over Kosovo with

the air defenses that are embedded in

those mountains firing at you is more

dangerous than appearing before a

group of correspondents who might

write nasty columns about you. For

the President to joke about the hazards

of his appearing before that dinner on

the eve of sending Americans into

harm’s way, where we are certainly

going to see some of them come home

in body bags, is to me deeply offensive.

Mr. President, I conclude with what

is obvious about my position. The

President of the United States has a

constitutional duty before he sends

Americans to war to come to the Congress

of the United States and get some

form of declaration of war. I believe he

will abrogate his constitutional duty

and violate his oath if he does not do

that. Without his coming to us and

without our adopting constitutionally

accurate support for his actions, I will

vote against everything that he proposes

to do, against the appropriations.

I will vote in every way I can to say

the President of the United States has

violated his oath and violated the Constitution

if he proceeds in the manner

that we were informed about in our

briefings yesterday.

Mr. President, I yield the floor and

suggest the absence of a quorum.