Thank you, Mr. Chairman.

I would like to express my admiration for Senator Corker showing

me how to turn 7 minutes into 25 minutes. [Laughter.]

I have been trying to figure out how to get more time on this

committee for 41⁄2 years.

I would just like to say a couple things very quickly in reaction

to the exchange that just took place. One of them is that whether

or not the President consulted with certain people in the Senate,

and whether or not there was a request for us to validate the

actions, the issue before us right now is this administration is coming

forward and saying the War Powers Act does not apply in this

situation because of their very narrow and, in my opinion, contorted

legal definition of ‘‘hostilities.’’ That is the issue that is before

us—not the other one.

I would just like to say I think the most unusual part of this

decision was not simply the issue that Senator Corker raised,

which is a very important issue in terms of the use of indirect fire,

but the use by a President of a very vague standard that he or she

can unilaterally inject military force into situations around the

world based on a vague standard of humanitarian assistance. We

have not seen that before. And that is something that demands a

certain amount of accountability. This was the major reason that

I started to become concerned with the way this operation was unfolding.

But I will say when you have an operation that goes on for

months, costs billions of dollars, where the United States is providing

two-thirds of the troops even under the NATO fig leaf,

where they are dropping bombs that are killing people, where you

are paying your troops offshore combat pay—and there is a prospect

of escalation. It has something I have been trying to get a

clear answer from with this administration for several weeks now,

and that is the possibility of a ground presence in some form or

another once the Qadhafi regime expires. I would say that is

hostilities.

Yes, but there was a debate as to the issue of

whether this constituted hostilities, and we have read about it in

the paper.

Just yes or no.

Well, for the record, there is plenty of reporting

that there was a good bit of debate as to whether this was the right

way to go.

What do you make of the fact that military offshore are receiving

combat pay?

I do not mean to interrupt you, but I really only

have about 7 minutes here.

All right. Then go ahead and finish your thought.

Well, in general, because if you are engaged in a

Vietnam type military operation, which I was, you have certain

support elements that are providing indirect assistance to the people

who are putting bullets on the battlefield. I really do not see

any distinction here in the Vietnam environment, or a journalist in

Afghanistan, or if was a journalist in Beirut. Not everybody is a

trigger puller. The definition that you are using that makes a

distinction between aircraft that are refueling the bombers or

conducting intelligence activities or surveillance is an artificial

distinction.

No; I am not talking about Vietnam per se. I am

talking about multiple environments: Afghanistan, same. Beirut—

same thing.

You have repeated that language several times

today. I understand your point on that language.

Let me ask you another question because it is very important.

We still have not severed relations with the Qadhafi government.

Or have we? If we have, it has been in the last week or so. We

have suspended our relations with Qadhafi regime, but we have

not severed relations. So technically we still recognize this government.

Would that be a correct interpretation?

No, no. Give me a legal answer. We have not severed

relations. Is that correct?

No. Is that correct?

They are suspended but they have not been

severed.

So what is the constitutional limitation on the

assassination of a head of state?

So the Executive order would say that there is

preclusion against the assassination of a head of state.

I understand that. I understand that. You cannot

distinguish that out on this point any more, quite frankly, I think

it is relevant to distinguish out hostilities based on these other realities.

And, there are people who are going to have differences of

opinion about that. But I wanted to make that clear because there

is a lot of talk up here about the way in which Qadhafi should exit.

Nobody up here wants him to remain, but the moral standard that

we set on issues like this is the same one that we should expect

and it is a point we need to be thinking about.

Thank you, Mr. Chairman.

Thank you, Mr. Chairman. I feel well taken care

of today. Thank you.