October 9, 2002

LAUER: Richard Butler. Mr. Butler, thanks very much for your time.

Mr. BUTLER: Thank you.

LAUER: It’s 17 after the hour. Once again, here’s Katie.

KATIE COURIC (co-host): Thanks, Matt.

Ms. SNOWE. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S.J. Res. 45, which the clerk will report.

The senior assistant bill clerk read as follows:

A joint resolution (S.J. Res. 45) to authorize the use of United States Armed Forces against Iraq.

Pending:

Lieberman/Warner Modified Amendment No. 4856, in the nature of a substitute.

Graham Amendment No. 4857 (to Amendment No. 4856), in the nature of a substitute.

The PRESIDING OFFICER. The senator from Virginia.

Mr. WARNER. The Senate now turns to the resolution, it is my understanding.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. The leadership has indicated there have been expressions of interest to speak this morning from Senator FEINGOLD for approximately 30 minutes; Senator KAY BAILEY HUTCHISON for 30 minutes; the Presiding Officer, Senator LEAHY, for 20 minutes; and Senator GRASSLEY for 20 minutes.

Further, we have expressions on this side by about half a dozen other Members who would hope to speak during the course of the day and the afternoon, but we will await announcement of names and times until the other side indicates the expression of interest on their side.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. I am advised it is the Graham second degree amendment.

Mr. MCCAIN. I thank the President for informing me of what the pending business is before the Senate. I urge my colleagues to come and speak on behalf or in opposition to the Graham amendment so we can dispose of that amendment. It is my intention to move to table the Graham amendment after a reasonable length of time for my colleagues to speak for or against that amendment, which is my right, as is any Senator’s right, but I want to make sure every Senator has the time, if they so wish, to speak on the pending business.

I see my dear friend from Wisconsin in the Chamber. I know he is talking about the overall issue. We need Senators to speak on the Graham amendment. I am sure my friend from Wisconsin and my colleague from West Virginia would be glad to speak, but we need to dispose of the pending Graham amendment and move on to other amendments.

I understand by 1 p.m. all amendments have to be filed. So let us move expeditiously and dispose of the Graham amendment.

I yield the floor.

Mr. REID. Mr. President, in debating this resolution on which we spent so much time and for much thought, we were mindful of the most important decisions we have ever faced. The decision to send American troops into battle is not one we take lightly and I don’t take lightly.

There is much at stake for this Nation. There is much at stake for the State of Nevada. Thousands of men and women in Nevada would undoubtedly be called to support or directly serve in a military conflict with Iraq. Our pilots from Fallon Naval Air Station and Nellis Air Force Base are considered the best aviators in the world. I know they would be asked to play a leading role in eliminating the threat posed by Saddam Hussein.

I am personally very grateful for the contributions that would be made by the National Guard and Reserve forces not only from Nevada but from across our country. These heroic citizen soldiers are such an integral part of the American military. We simply could not succeed without them. We must be mindful that their sacrifices are great because they leave their families and civilian occupations behind and become citizen soldiers. They serve proudly on behalf of our Nation. When called upon, they do not complain. They did not question the need to act. They did not ask why.

However, we must explain that these brave men and women are the reason for making this life-and-death decision. Therefore, I rise today to explain to one man why I intend to vote and how I intend to vote. That man is President George W. Bush. I say, President Bush, your father may recall that a decade ago I was the first Democrat in this body to publicly support his request for congressional authorization to make war to free Kuwait. At that time, I compared Saddam Hussein to Benito Mussolini. My position has not changed, although I believe our continued efforts have degraded Hussein from a second-grade dictator to a third-rate thug.

In 1991, I said I thought the constitutional role of the Chief Executive is to win. That is what he has to do to prevent an unjust or unwise conflict. I stated my strong belief that the President must be able to use the diplomatic corps and the Marine Corps with equal facility, subject only to our power to force a halt to actions taken contrary to the national interest.

President Bush, I intend once again to vote to give you that power on a geographically limited basis, but I do so with more reluctance because the situation has changed. We do not, as we did 10 years ago, face a dictator who successfully invaded a tiny and relatively defenseless neighbor.

We have not enlisted, as your father did so magnificently, the whole world to fight by our side. We have not yet convinced our people or the world that international law is on our side, or that we are champions of the new world order envisioned by your father in which the power of a nation is measured by the strength of its moral values, not by the size of its Armed Forces.

President Bush, the core ideal which motivated the Founding Fathers was that this would be a nation of laws not men. As such a decent respect to the opinions of mankind requires that we should declare the causes which impel our action. Our quarrel with Iraq is not about one two-bit tin-horn dictator. Rather, it is, and it ought to, be explained as a question of the rule of law.

I am voting you this power, Mr. President, because I know this nation would be justified in making war to enforce the terms we impose on Iraq in 1991, if we have to. But I am also voting you this power secure in the knowledge that no President of the United States, motivated the Founding Fathers was world order envisioned by your father.

I urge you Mr. President to continue to make the case to the American people and to the world. The international coalition you have started to build is critical, not only for military and cost-saving reasons, but also to assist in the rebuilding of Iraq.

Your father chose not to carry our fight into the cities of Iraq in 1991, and we have to live with his decision. He gave the Iraqi leadership a chance to reenter the community of peaceful nations. Saddam Hussein has squandered that opportunity.

We stopped the fighting based on an agreement that Iraq would take steps to assure the world that it would not engage in further aggression and that it would destroy its weapons of mass destruction. It has refused to take those steps. That refusal constitutes a breach of the armistice which renders
I would like to hear from the Senator from West Virginia. Does the Senator from West Virginia wish to speak after the four we have lined up?

Mr. BYRD. I have an engagement downtown. I had hoped to speak immediately following Mr. FEINGOLD. I would have to say to my friend from Arizona my remarks are on the general subject. They are not precisely on the point with respect to the Graham amendment.

May I make a parliamentary inquiry? I ask if the Senator will yield for that purpose?

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. FEINGOLD. I do not want to lose my right to the floor at this point. Can the Senator from West Virginia pose a question to me?

Mr. BYRD. I would like to make a parliamentary inquiry of the Chair.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. FEINGOLD. If I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator for yielding for the inquiry. Is there a motion to invoke cloture before the Senate?

The PRESIDING OFFICER. Two cloture motions were filed yesterday, on the resolution itself and on the Lieberman substitute amendment.

Mr. BYRD. If I might ask, until what time today are Senators in a position to offer amendments in the first degree to the cloture motion on the Lieberman amendment?

The PRESIDING OFFICER. Under rule XXII, a 1 p.m. filing deadline is imposed on the first-degree amendments.

Mr. BYRD. I wonder if Senators would yield consent to allow the Senators to file first-degree amendments until a later point today. For example, my own situation is such, I have so many things going on, including a conference on the Defense appropriations. I also have other problems that would impinge upon my ability to offer an amendment by 1 p.m.

Could all Senators have a little longer than that today?

Mr. REID. If I may, with the permission of the Senator from Wisconsin, I will respond to the Senator from West Virginia. I will be happy, while Senator FEINGOLD is speaking, to see if we can work with both sides to see if that is possible. We will do that.

Are you scheduled to speak for how long, Senator?

Mr. FEINGOLD. Thirty minutes.

Mr. REID. And I say to my friend from Nevada, we have heard from Senator GRAHAM from Florida. He was ready to come anytime today, but because we lined up the speakers, he did not come. We will make sure he has an opportunity to speak on his amendment.

Mr. WARNER. Mr. President, we can rearrange the Senators on our side because the Senator from Arizona made
Mr. REID. I say to my friend from Wisconsin that the President’s speech in Cincinnati—in my view set the bar for an alternative to a U.S. invasion so high I am afraid almost lock in—it almost requires—a potentially extreme and reckless solution to these problems.

I am especially troubled by these shifting justifications because I and most Americans strongly support the President on the use of force in response to the attacks on September 11, 2001. I voted for S.J. Res. 23—the use of force resolution—to go after al-Qaida and the Taliban and those associated with the tragedies of September 11, and I strongly supported military actions pursuant to S.J. Res. 23. But the relentless attempt to link 9/11 and the issue of Iraq has been disappointing to me. In the past four months, culminating in the President’s singular and ill-advised attempt in Cincinnati to intertwine 9/11 and Iraq, to make the American people believe there are no important differences between the perpetrators of 9/11 and Iraq.

I believe it is dangerous for the world—and especially dangerous for us—to take the tragedy of 9/11 and the word “terrorism” in all their powerful emotion and then too easily apply them to many other situations—situations that surely need our serious attention, but are not necessarily the same as individuals and organizations who have shown a willingness to fly suicide planes into the World Trade Center and into the Pentagon.

Let me say the President is right, we have to view the world, the threats, and our own national security in a very different light since 9/11. But it is not helpful to use virtually any strand or extreme rhetoric to suggest the new threat is the same as other preexisting threats.

I think common sense tells us they are not the same. They cannot so easily be lumped together. The President sought to do in Cincinnati. I have reviewed the intermittent efforts to suggest a connection of 9/11 and Saddam Hussein, or suggest the possibility such a connection has developed since 9/11. I want to be very clear. I do not believe there was a connection in planning for the 9/11 attacks by Saddam Hussein or his agents and the perpetrators of 9/11 and al-Qaida. I have already voted for military action. I have no objection. But if it is not, if this is premised on some case that has support in the facts, and it is not connected to a subsequent coalition between al-Qaida and the Iraqi government, I think the President has to do better. He has to do

the point last night, Senator GRAHAM came in—we were here—unexpectedly, laid that amendment down, and indicated to this Senator that he was going to pursue it early in the morning.

Mr. REID. I say to my friend from Virginia, this is not his fault. He is anxious to speak.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. REID. I ask unanimous consent that the time to which the Senator from Wisconsin is entitled still be in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Senator from Wisconsin for his kindness and courtesy.

Mr. FEINGOLD. Mr. President, many have spent months reviewing the issue on advisability of invading Iraq in the near future, from hearings and meetings on the process and the very important role of Congress to the difficult questions of substance, including foreign policy and military implications. After my own review and carefully listening to hundreds of Wisconsin citizens in person, I spoke on the floor on Thursday, I indicated my position to the original draft use of force authorization by the President. I also used that opportunity to raise some very important questions to which I needed answers before supporting a narrower and more responsible position.

Now, after many more meetings and reading articles and attending briefings, listening to my colleagues’ speeches, and especially listening to the President’s speech in Cincinnati on Monday, I still do not believe the President and the administration have adequately answered the critical questions. They have not yet met the important burden to persuade Congress and the American people we should invade Iraq at this time.

Both in terms of the justifications for an invasion and in terms of the mission and the plan for the invasion, the administration’s arguments do not add up. They do not add up to a coherent narrative, a basis for a new major war in the middle of our current challenging fight against the terrorism of al-Qaida and related organizations. Therefore, I cannot support the resolution for the use of force before the Senate.

My focus today is on the wisdom of this specific resolution, vis-a-vis Iraq, as opposed to discussing the notion of an expanded doctrine of preemption, which the President has articulated on several occasions. However, I associate myself with the concerns eloquently raised by Senator KENNEDY and Senator BYRD and others that this could well represent a disturbing change in our overall foreign and military policy. This includes grave concerns about what such a preemption doctrine will do to our relationship with our allies, to our national security, and to the cause of world peace in so many regions of the world where such a doctrine could trigger very dangerous actions with very minimal justification.

I want to be clear about something. None of this is to say that I don’t agree with the President on much of what he has said about the shift in the threat and even what he has said about Iraq. I agree, post-9/11, we face, as the President said, a long and difficult fight against terrorism. We must be very patient and vigilant, and we must be ready to act and make some very serious sacrifices.

With regard to Iraq, I agree, Iraq presents a genuine threat, especially in the form of weapons of mass destruction, chemical, biological, and potentially nuclear weapons. I agree that Saddam Hussein is exceptionally dangerous and brutal, if not uniquely so, as the President argues. And I support of self-defense including self-defense against weapons of mass destruction. When such a threat requiring self-defense would present itself—and I am skeptical that is exactly what we are faced with now—I hope will actually be removed from power this time.

I agree, we cannot do nothing with regard to Saddam Hussein in Iraq. We must act. We must act with serious purpose and stop the weapons of mass destruction and stop Saddam Hussein. I agree, a return to the inspections regime of the past alone is not a serious, credible policy.

I also believe and agree, as important and as preferable as U.N. action and multilateral solutions to this problem are, we cannot give the United Nations the ability to veto our ability to counter this threat to our people. We retain and will always retain the right of self-defense including self-defense against weapons of mass destruction. When such a threat requiring self-defense would present itself—and I am skeptical that is exactly what we are dealing with here—then we could, if necessary, act alone, including militarily.

These are all areas where I agree with the administration. However, I am increasingly troubled by the seemingly shifting justifications for an invasion at this time. My colleagues and I are not suggesting there has to be only one justification for such a dramatic action, but when the administration moves back and forth from one argument to another, it undercuts the credibility of the case and the belief in its urgency. I believe this practice of shifting justifications has much to do with the troubling phenomenon of many Americans questioning the administration’s motives in insisting on action at this time.

What am I talking about? I am talking about the spectacle of the President and senior administration officials citing a reported connection to al-Qaida one day, weapons of mass destruction the next day, Saddam Hussein’s treatment of his own people on another day, and then on some days the issue of Kuwaiti prisoners of war.
better than the shoddy piecing together of flimsy evidence that contradicts the very briefings we have received by various agencies. I am not hearing the same things at the briefings I am hearing from the President’s top officials.

In fact, on March 11 of this year, Vice President Cheney, following a meeting with Tony Blair, raised the possibility of a connection to Iraq too loosely the situations where they should have been presented to me in the presence of senior al-Qaida members in Baghdad.

In March, there was a potential marriage. Then the Vice President said on September 8, without evidence—and no evidence has been given since that time—that there was a "credible but unconfirmed" intelligence reports that 9/11 ringleader Mohammed Atta met in Prague with senior Iraqi intelligence officials a few months before the 9/11 attacks.

We have seen no proof of that. Finally, the Secretary of Defense follows on September 27 of this year, and says:

"There is "bulletproof evidence", of Iraq links to al-Qaida, including the recent presence of senior al-Qaida members in Baghdad. I don’t know where this comes from. This so-called "potential marriage" in March is beginning to sound like a 25th wedding anniversary at this point. There isn’t there. At least they have not been presented to me in the situations where they should have been presented to me as an elected Member of this body. In other words, the administration appears to use 9/11 and the language of terrorism and the connection to Iraq too loosely—almost like a bootstrap.

For example, I heard the President say in Cincinnati that Iraq and al-Qaida both regard us as a common enemy. That is the only explanation the President is putting forward. This idea of invading Iraq at this time, this case, on these merits, help or hurt cooperation in our fight against terrorism, against the known murderers of Americans who are known to be plotting more of the same?

I am especially dismayed at the weak response to the potential drain on our military capability and resources in our fight against terrorism if we go forward with this invasion at this time. The administration likes to quickly say, whenever asked whether we can do this and fight the war against terrorism—"they just simply say we can do both. There is no proof. There is no real assurance of this.

I find these answers glib, at best. When former Secretary of State Kissinger was asked in this regard, he said:

"It is not clear to me what measures that are required in the war against terrorism would be interrupted or weakened by the actions that may be imposed on us if it is not possible to do away with the stockpiles of weapons of mass destruction in Iraq by other means.

That is the only explanation the former Secretary of State gave us on this tough question. But let’s look at what the current Secretary of State, Colin Powell, said in response to a similar question. He said:

"The campaign against terrorism is going in full swing. And I don’t see why there is a suggestion that we should undertake this mission, it would be at the expense of the campaign against terrorism. That is all he said. Now, that is a pretty weak reassurance, to me, that such an enormous undertaking will not call into question some of our other military efforts and priorities.

What about what we are doing in Bosnia? What about what we are doing in Kosovo? What about all the resources stretching from the Philippines all the way to portions of the former Soviet Union, to the Middle East, to parts of Africa, that are being employed in the fight against terrorism? What about the cost? What about the fact we are using our National Guards and Reserves, many times within our country, to protect our own citizens at public events with regard to the challenge of the fight against terrorism? All of this, and an invasion of Iraq, too? I wonder. As mighty as we are, I wonder if we are not very close to being overextended. Invasion of Iraq in the next few weeks or months could, in fact, be very dangerous. In fact, it could risk our national security.

In any event, I oppose this resolution because of the continuing unanswered questions, including these very important questions about what the mission is here, what the nature of the operation will be, what will happen concerning weapons of mass destruction in Iraq as the attack proceeds and after the attack is over.

In effect, we are being asked to vote on something that is unclear. We do not have the answers to these questions. We are being asked to vote on something that is almost unknowable in terms of the information we have been given.

In my judgment, the issue that presents the greatest potential threat to U.S. national security—Iraq’s pursuit of weapons of mass destruction—has not been addressed in any comprehensive way by the administration to date. Of course, I know we don’t need to know all the details, and we don’t have to be given all those details and we shouldn’t be given all the details, but we have to be given some kind of a reasonable explanation.

Before we vote on this resolution, we need a credible plan for securing WMD sites and not allowing materials of concern to slip away during some chaotic course of action. I know that is a tall order, but it is a necessary demand.

As I said, I agree with the administration when it asserts that returning to the same restricted weapons inspection regime of the recent past is not a credible policy for addressing the WMD problem in Iraq. But there is nothing credible about the "we will figure that out later" approach we have heard to date.

What if actors competing for power in the post-Hussein world have access to WMD? What if there is chaos in the wake of the regime’s fall that provides new opportunities for non-state actors, including terrorist organizations, to bid on the sinister items tucked away in Iraq?"
Some would say those who do not unquestionably support the administration are failing to provide for our national security. But, I am sure of this: these issues are critical to that security, and I have yet to get any answers. We have an honest assessment of the commitment required of America. If the right way to address this threat is through internationally supported military action in Iraq, and Saddam Hussein’s regime falls, we will need to take action to ensure stability in Iraq and help the country on the road to reconstruction.

This could be very costly and time-consuming. It could involve the occupation—the occupation—of a Middle Eastern country. Now, this is not a small matter: the American occupation of a Middle Eastern country. Consider the regional implications of that scenario: the unrest in moderate states, the calls for action against American interests, the difficulty of bringing stability to Iraq, and the consequences of wholesale withdrawal after. I think that makes no sense, so let us not act as if we are not looking for answers that make sense.

Mr. President, on the 11th of September 2001, our country came under attack, and through e-mails or faxes. They are setting the standard, just as our national security, and they are asking questions that bear directly on our national security.

In an amphibious, the Government of President Karzai works under constant threat, and instability plagues the country outside of Kabul. Many Afghan people are waiting for concrete indicators that they have a stake in this new Taliban future. The task is daunting, and we only have just begun that task.

What demands might be added in a post-Saddam Iraq? I do believe the American people are willing to bear high costs to pursue a policy that makes sense. But right now, after all of the briefings, after all of the hearings, and after all of the statements, as far as I can tell, the administration apparently intends to wing it when it comes to the day after, the occupation. We will ultimately bear the consequences of this.

So, Mr. President, I believe to date the administration has failed to answer the key questions to justify the invasion of Iraq at this time.

Yes, September 11 raises the emotional stakes and raises legitimate new questions. This makes the President’s request understandable, but it does not make it wise. I am concerned the President is pushing us into a mistaken and counterproductive course of action. Instead of, in his words, this action being ‘crucial to win the war on terrorism,’ I fear it could have the opposite effect.

So this moment—in which we are responsible for assessing the threat before us, the appropriate response, and the potential costs and consequences of military action—this moment is of grave importance. Yet there is something hollow in our efforts. In all of the administration’s public statements, its presentations to Congress, and its exertions for action, Congress is urged to provide this authority and approve the use of our awesome military power in Iraq without knowing much at all about what we intend to do with it.

We are about to make one of the weightiest decisions of our time within the context of vague proposals. We are urged to get on board and bring the American people with us, but we do not know where the ship is sailing.

On Monday night, the President said in Cincinnati: “We refuse to live in fear.” I agree. But let us not overreact or get tricked or get trapped out of fear, either.

Mr. President, on the 11th of September, 2001, our country came under attack, and through e-mails or faxes. They are not calling for Congress to bury its head in the sand. They are not calling for Congress to get tricked or get trapped out of action, Congress is urged to provide for our Nation’s common defense. There is no decision we make that requires more careful consideration than a decision to authorize the use of armed forces and, in so doing, send America’s sons and daughters into harm’s way.

Shortly after I was elected to the Senate, our Nation suffered through the brutal battle in Mogadishu, Somalia. It left 18 of our soldiers dead. Our mission was vague. There was no clear American national security interest in Somalia. The President did not come to the American people and explain the rationale for continued military involvement.

The impact of this uncertainty became very clear to me soon after the tragedy when I met a constituent on a flight from Washington, DC, to Dallas. He came up to me and said: Senator, my name is Larry Joyce. I am your constituent.

I said: Hi, Larry, how are you doing? What were you doing in Washington?

He said: I was burying my son in Arlington National Cemetery.

I said: His name was Casey. He was killed in the street ambush that was depicted in the book ‘Black Hawk Down,’ also a movie.

Colonel Joyce said to me, with tears rolling down his face: Senator, I am a military man. I served two tours in Vietnam. And now my son Casey, on his first mission as an Army Ranger, is not coming home. Senator, I can’t tell you why.

I vowed that day that I would never vote to send an American into battle unless I could answer that question. I want to be able to face any parent and say: This is the national security interest of our country, and that is why your child signed up and was willing to fight and was sent to do so.

Since Somalia, I have come to the Senate floor to express grave reservations about deployments to Haiti, Bosnia, and Kosovo. In each case, I called on the President to come to Congress, make the case to the American people, and outline the U.S. security interest.

After the tragic events of 9/11, President Bush sought and received the authorization to use force to find and destroy the terrorists who had launched that heinous crime. There was no question in my mind and in the minds of most Members of Congress that our national security demanded our support of the President.

Today, President Bush seeks congressional authorization to use military force to deal with the threat Saddam Hussein poses with weapons of mass destruction. We must answer the major question for America: What is the U.S. national security interest? Why Saddam? Why now?

It is a question I thought about as I sat among the hushed crowds at the Pentagon’s memorial service on September 11, 2002. It was a poignant moment surrounded by those who had suffered so much and many who will ultimately bear the consequences of the decision we are about to make.
I doubt there is anyone in America who doesn't feel as I do. If we could have prevented 9/11, we certainly would have. We didn't have warning, and we paid a heavy price.

It is this experience that has led President Bush to think in a different way about protecting our homeland. I believe he doesn't want to wait until an enemy is finished building his deadly arsenal and ready to attack from a position of strength. It is one thing to turn through a national attrition of weapons of mass destruction. It is another to have a nuclear missile ready to deploy or to arm an unmanned aerial vehicle with anthrax ready to ship anywhere in the world.

Each generation of Americans has been called to defend our freedom. Each time, our forefathers and mothers have answered the call. Our generation's time of national trial has come. We are being called to stop a new kind of enemy, different from any we have ever faced. This enemy is not just contained in one country or two, it is spread throughout the world and even within our own borders. This enemy purposely kills itself in order to harm others.

This enemy is patient, building resources and striking when and where we are least prepared. This enemy uses a different method each time. This enemy requires a new kind of defense. That is what the President is attempting to build.

The cold war ended when the Iron Curtain and Berlin Wall came tumbling down. The post-cold-war era ended when the World Trade Center towers came crashing down. September 11 made it abundantly clear that the strategy of deterrence alone is not enough.

The President recently released a new national security strategy. It articulates a policy of preemption and dominance. Some fear that our new national security strategy is too bold. A bold defense does not cause calamities to occur, but a lack of action will. It is not our defense strategy that will provoke attacks on the United States. Rather, it is when we fail to act or fail to lead that our enemies strike. It is when they think we have become soft and complacent that they will kill innocent Americans again.

We have learned hard and valuable lessons over the past few years. The first terrorist attack on the World Trade Center occurred in 1993, a bombing that killed 6 Americans and injured more than 1,000. What did we do? In 1996, Hezbollah extremists bombed the United States military barracks at Khobar Towers in Saudi Arabia, killing 19 American servicemembers and injuring 500 others. What did we do? In 1998, al-Qaida terrorists bombed the United States Embassies in Kenya and Tanzania, killing and injuring hundreds. What did we do? In 2000, al-Qaida terrorists again attacked Americans, this time bombing the U.S.S. Cole in Yemen, killing 17 American servicemembers and injuring scores more. What did we do?

Then came the devastating attacks of 9/11. Our Nation finally was awakened. We put the pattern together to see the threat to the very freedom that we cherish. We did something. We took action against an enemy swiftly and boldly after 9/11. Now we must follow through.

The President has asked for authority to meet this threat. Congress gave him the authority to root out terrorism. We and our allies are doing that job in Afghanistan, the home base of al-Qaida.

We have liberated millions and millions of innocent Afghans from the cruel Taliban regime.

Now the President is asking for authority to go into Iraq, Why Iraq? Why now? Because we have learned the lessons of complacency. We have learned the lessons of not being prepared.

The President has solid information that Iraq has the capability to weaponize a highly enriched uranium, Iraq could have a nuclear weapon in less than a year. We know Iraq already has the means to deliver it. He has hard intelligence that Iraq has chemical and biological weapons and small unmanned aerial vehicles to disseminate them, potentially killing thousands of people anywhere in the world. The President is saying: "Do we wait for the attack, or do we take steps to prevent it?" Our post-9/11 defense strategy demands that we prevent it.

Saddam Hussein has fired on coalition aircraft patrolling the no-fly zones over Iraq 2,500 times since the Gulf War. Saddam Hussein has rewarded the families of Palestinian suicide bombers. He has attempted to assassinate the former U.S. President who led the international coalition that defeated him in the Gulf War. His No. 1 enemy is the United States of America.

So if we don't act now, and if the U.N. weapons inspectors are not allowed unfettered access to suspected sites, our President wants to be able to take away Saddam Hussein's means to destroy us and our allies.

It is our responsibility to give the President the authorization he needs. The question of whether the security of the United States is threatened has been answered. The answer is yes.

It is with a heavy heart and a realization of the consequences that I will vote yes. It would be a burden I could not carry to vote no and then, a year or 2 from now, see a preventable attack kill thousands more innocent Americans or our allies.

Mr. President, we are going to meet this test of our generation. We are going to protect the freedom and the way of life that has become the beacon to the world of the way life should be. We can do no less.

I yield the floor to the PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Has the Senator completed her statement?

Mrs. HUTCHISON. Yes.

Mr. REID. Mr. President, I ask unanimous consent that following the statement of Senator GRASSLEY, Senator GRAHAM of Florida be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Reserving the right to object. Senator MCCAIN will address the Chair.

Mr. MCCAIN. Mr. President, I ask the Senator to repeat that.

Mr. REID. I said that following the statement of the Senator from Iowa, Mr. GRASSLEY, Senator GRAHAM be recognized. Based on our conversations, following that, the Senator from Arizona would like to be recognized.

Mr. MCCAIN. That is fine.

Mr. REID. I add to the request, Mr. President.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Reserving the right to object. Senator LEAHY, I ask unanimous consent for a colloquy with Senator SPECTER and LIEBERMAN. I imagine Senator LEAHY will be here shortly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I had discussed briefly with the Senator from Connecticut a couple of questions, and I would like to engage him in a colloquy. The first relates to the difference in language between the 1991 resolution authorizing then-President Bush to use force, which says in pertinent part:

The President is authorized to use United States Armed Forces, pursuant to resolutions of the UN, in order to achieve implementation of those Security Council resolutions.

Now, that is different from the authorization in the current resolution, which says:

The President is authorized to use the United States Armed Forces, pursuant to resolutions of the UN, in order to achieve implementation of those Security Council resolutions.

The current resolution might be cast as a subjective standard, which gives substantially greater latitude to President Bush to use force "as he determines to be necessary and appropriate." This language is very much
subjective as contrasted with the 1991 language, which is more objective, authorizing the President to use force to achieve implementation of certain Security Council resolutions.

I ask the Senator from Connecticut if the intent here, in trying to develop some legislative history, notwithstanding the language in the present resolution, is really about the same—or is the same—as the 1991 resolution.

Mr. LEAHY. Mr. President, I thank my colleague from Pennsylvania for his thoughtful question. The intent is the same, although we may have a different understanding of what that intent is. I will say that the operative language are somewhat different because the circumstances that engendered the resolution of Congress in 1991 are different than now. Then, we had a specific act, which was the Iraq invasion of Kuwait. Resolutions have been passed by the U.N. so that there was specifically reference in the authorizing resolution that Senator WARRN and I were privileged to cosponsor in 1991.

Now we have a totality of circumstances, including the repeated violation of some of those sam resolutions, but others calling for inspections, calling for the destruction of weapons of mass destruction that Sad- dam Hussein has. In fact, in the initial suggestion of a resolution drafted by the White House, there was an enumeration of specific U.N. resolutions, and Members of Congress negotiating—I believe from the other body—preferred to have the Senate debate this. So, we have a differ- ent because the circumstances that engendered the resolution of Congress in 1991 are different than now. Then, we had a specific act, which was the Iraq invasion of Kuwait. Resolutions have been passed by the U.N. so that there was specifically reference in the authorizing resolution that Senator WARRN and I were privileged to cosponsor in 1991.

In either case, I think what is involved here, the two resolutions, one of which is the 1991 resolution and in this one that Congress, using its authority under article I of the Constitution to declare war, authorize military action, does so and sets the parameters, but that ultimately the President would be the one to execute the order. One of these clauses refers to repression of the civilian population of Iraq. I ask whether the resolution intends to give the President the power to use force to cure those kinds of matters, which are separate from the issues of weapons of mass destruction, whether the issue on weapons of mass destruction is satisfied, so that the U.N. resolutions are satisfied, and whether the clause on authorization relating to the national security of the United States will be satisfied with the resolution of the weapons of mass de- struction without picking up the whereas clause on regime change. I think that is less than a minute, Mr. President.

Mr. LIEBERMAN. I probably should ask the Senator from Arizona to respond because he will do it much more quickly than I.

Mr. LEAHY. Again, Mr. President, I ask this not be deducted from the time available to the Senator from Vermont.

Mr. LIEBERMAN. Mr. President, I will try to do this within a minute and perhaps give time for Senator SPECTER to clarify this. The whereas clauses, the preamble, speak for themselves. It suggests a totality of circumstances that lead the sponsors of the resolution to want to authorize the President, if all else fails, to take military action against Iraq under Saddam Hussein.

Clearly, Mr. President, what the President has said and what the sponsors of the resolu- tion have said—the focus of our concern is the weapons of mass destruction and the means to deliver them. As we said yesterday, this resolution is intended to send a message to Saddam: Disarm, as you promised to do 11 years ago at the end of the gulf war, or we will use force to disarm you with our allies and the international community.

Nonetheless, the other conditions des- corbing the totality of Saddam’s brutality—violation of international law, invasion of his neighbors, et cetera—are stated in the preamble and con-

The PRESIDING OFFICER. Senator LEAHY is now recognized for up to 30 minutes.

Mr. LEAHY. Mr. President, was the Senator from Pennsylvania seeking further time?

Mr. SPECTER. I ask, Mr. President, the Senator from Vermont if I may pose one more question.

Mr. MCCAIN. Mr. President, I suggest the regular order.

The PRESIDING OFFICER. The time will come off Senator LEAHY’s time.

Mr. LEAHY. I will have no objection to that provided the time is not taken from the time the Senator from Vermont has reserved.

Mr. MCCAIN. Reserving the right to object, how long will it take?

Mr. SPECTER. Probably less then the time to inquire about it. I will ask the question in a minute or less.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for up to 1 minute.

Mr. SPECTER. The question I have for the Senator from Connecticut is on the expressio of what the President intends of the different because the circumstances that engendered the resolution of Congress in 1991 are different than now. Then, we had a specific act, which was the Iraq invasion of Kuwait. Resolutions have been passed by the U.N. so that there was specifically reference in the authorizing resolution that Senator WARRN and I were privileged to cosponsor in 1991.

Now we have a totality of circumstances, including the repeated violation of some of those same resolutions, but others calling for inspections, calling for the destruction of weapons of mass destruction that Sad- dam Hussein has. In fact, in the initial suggestion of a resolution drafted by the White House, there was an enumeration of specific U.N. resolutions, and Members of Congress negotiating—I believe from the other body—preferred to have the Senate debate this. So, we have a differ-
to the American people, especially our men and women in uniform, to ask questions, to discuss the benefits, the risks, the costs, to have a thorough debate and then vote to declare war or not. This body, the Senate, is supposed to do its level best to provide the American people with every conceivable tool to help them make that decision. It is a responsibility that we should fulfill this great responsibility.

In my 28 years in the Senate, I can think of many instances when we asked questions and took the time to study the facts. It led to significant improvements in what we have done here.

I can also remember times when Senators in both parties wished they had taken more time to carefully consider the issues before them, to ask the hard questions, or make changes to the legislation, despite the sometimes overwhelming public pressure to pass the first bill that came along.

I know following the Constitution is not always politically expedient or popular. The Constitution was not designed to be politically expedient, but following the Constitution is the right course to take. It is what we are sworn to do, and there is no question that is a test of the Senate. It is what we are sworn to do, and there is no question that we are sworn to do.

I also said that I could envision circumstances which would cause me to support sending U.S. Armed Forces to Iraq. But I also made it clear that I could never support the kind of blank check that the President proposed. I was not elected to do that.

I commend Senator DASCHLE, Senator HAGEL, and others who tried hard to work with the administration to craft a bipartisan resolution that we could all support.

But while the resolution that we are considering today is an improvement from the version that the President first sent to Congress, it is fundamentally a blank check. I will vote against this resolution for all the reasons I have stated before and the reasons I will explain in detail now.

Mr. President, there is no dispute that Saddam Hussein is a menace to his people and to Iraq's neighbors. He is a tyrant and the world would be far better without him.

Saddam Hussein has also made no secret of his hatred of the United States and should he acquire a nuclear weapon and the means to deliver it, he would pose a grave threat to the lives of all Americans, as well as to our closest allies.

The question is not whether Saddam Hussein should be disarmed; it is how imminent is this threat and how should we deal with it?

Do we go it alone, as some in the administration are eager to do because they see no alternatives, or do we carry a steady hand and support this resolution setting out tough, immediate requirements. It would permit the administration to seek the support of the United Nations, even though it is Iraq's violations of U.N. resolutions which is used to justify military action.

The negotiations are at a sensitive point. If successful, it could achieve the goal of disarming Saddam without putting thousands of American and innocent Iraqi lives at risk or spending tens of billions, or hundreds of billions, of dollars at a time when the economy is weakening, the Federal deficit is growing, and the retirement savings of America's senior citizens have been decimated.

Diplomacy is often tedious. It does not usually make the headlines or the evening news. We certainly know about past diplomatic failures. But history has shown over and over that diplomatic pressure cannot only protect our national interests, it can also enhance the effectiveness of military force when force becomes necessary.

The negotiations are at a sensitive stage. By authorizing the use of force, the Congress will be saying that irrespective of what the Security Council does, we have already decided to go our own way.

As Chairman and sometime Ranking Member of the Foreign Operations Subcommittee, I have received countless letters from Secretaries of the Senate—from both Democratic and Republican Administrations—urging Congress not to adopt legislation because it would upset ongoing negotiations. Why is this different?

Some say the President's hand will be strengthened by Congress passing this resolution. In 1990, when the United States successfully assembled a broad coalition to fight the Gulf war, the Congress passed a resolution only after the UN had acted. The world already knows that President Bush is serious about using force against Iraq, and the world is there in Congress to demand that it happen. It would permit the administration to take precipitous, unilateral action without following through at the U.N.
Many respected and knowledgeable people—former senior military officers and diplomats among them—have expressed strong reservations about this resolution. They agree that if there is credible evidence that Saddam Hussein is planning to use weapons of mass destruction on the United States or one of our allies, the American people and the Congress would overwhelmingly support the use of American military power to stop him. But they have not seen that evidence, and neither have we.

We have heard a lot of bellicose rhetoric, but what are the facts? I am not asking for 100 percent proof, but the administration is asking Congress to make a decision to go to war based on conflicting statements, angry assertions, and assumptions based on speculation. This is not the way a great nation goes to war.

The administration has also been vague, evasive and contradictory about its plan of action. In Washington, the President and his advisors continue to say this issue is about disarming Saddam Hussein; that he has made no decision to use force.

But the President paints a different picture on the campaign trail, where he often talks about regime change. The Vice President said on national television that “The President’s made it clear that the goal of the United States is regime change. He said that on many occasions.”

Proponents of this resolution argue that it does put diplomacy first. They point to section 4, which require the President to determine that further diplomatic or other peaceful means alone will not adequately protect the national security, before he resorts to military force. They say that this ensures that we will act only in a deliberative way, in concert with our allies.

But they fail to point out that the resolution gives the President to use unilateral military force if he determines that reliance on diplomacy along...

...is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq . . . .

Unfortunately, we have learned that “not likely” is a wide open phrase that can be used to justify just about anything. So let us not pretend we are doing something we are not. This resolution permits the President to use unilateral military force if he determines that reliance on diplomacy along...

We have the best trained, best equipped Armed Forces in the world, and I know they can defeat Iraq. I hope, as well do others, that if force is used the Iraqi military surrenders quickly.

But if we have learned anything from history, it is that wars are unpredictable. They can trigger consequences that none of us contend or expect. Is it fair to the American people, who have become accustomed to wars waged from 30,000 feet last a few weeks with few casualties, that we not discuss what else could happen? We could be involved in urban warfare where large numbers of our troops are killed.

And what of the critical issue of rebuilding a post-Saddam Iraq, about which the administration has said virtually nothing? It is already there to topple a regime, but it is equally important, and sometimes far more difficult, to rebuild a country to prevent it from becoming engulfed by factional fighting.

If these nations cannot successfully rebuild, then they will once again become havens for terrorists. To ensure that does not happen, do we foresee basing thousands of U.S. troops in Iraq after the war, and if so, for how many years? How many billions of dollars will we spend?

Are the American people prepared to spend what it will take to rebuild Iraq even when the administration is not budgeting the money that is needed to rebuild Afghanistan, having promised to do so? Do we spend hundreds of billions in Iraq, as the President’s Economic Adviser suggested, while not providing at home for homeland defense, drought aid for farmers, education, the young people, and other domestic priorities?

Who is going to replace Saddam Hussein? The leading coalition of opposition groups, the Iraqi National Congress, is divided, has questionable support, and has made little headway in overthrowing Saddam. While Iraq has a strong civil society, in the chaos of a post-Saddam Iraq another dictator could rise to the top or the country could splinter along ethnic or religious lines.

These are the questions the American people are asking and these are the issues we should be debating. They are difficult issues of war and peace, but the administration, and the proponents of this resolution, would rather leave them for another day. They say: vote now! and let the President decide. Don’t give the U.N. time to do its job. Don’t worry that the resolution is a blank check.

I can count the votes, The Senate will pass this resolution. They will give the President the authority he needs to send United States troops to Iraq. But before the President takes that step, I hope he will consider the questions raised by his own cabinet, by the intelligence, by former generals, senior diplomats, and intelligence officials in testimony before Congress. I hope he listens to concerns raised privately by some of our military officers. Above all, I hope he will listen to the American people who are urging him to proceed cautiously and not to act alone.

Notwithstanding whatever disagreements there may be on our policy toward Iraq, if a decision is made to send American forces into Iraq, there is no question that every Member of Congress will unite behind our President and our Armed Forces.

But that time has not yet come. Based on what I know today, I believe in order to solve this problem without potentially creating more terrorists and more enemies, we have to act deliberately and not precipitously. The way the United States responds to the threat posed by Iraq will have far-reaching consequences for our country and for the world for years to come.

Authorizing a U.S. attack to overthrow another government while negotiations at the United Nations are ongoing and before we exhaust other options, could damage our standing in the world as a country that recognizes the importance of international solutions. I am afraid that it would be what the world expects of a superpower that seems increasing disdainful of international opinion or cooperation and collective diplomacy, a superpower that seems more and more inclined to “go it alone.”

What a dramatic shift from a year ago when the world was united in its expressions of sympathy toward the United States. A year ago, the world would have welcomed the opportunity to work with us on a wide agenda of common problems.

I remember the emotion I felt when I saw “The Star Spangled Banner” sung by crowds of people outside Buckingham Palace in London. The leading French newspaper, Le Monde, declared, “We are all Americans.” China’s Jiang Zemin and India’s V.V. Kumar asked us to call Washington and express sympathy after September 11.

Why squander the goodwill we had in the world? Why squander this unity? If September 11 taught us anything, it is that protecting our security involves much more than military might. It involves cooperation with other nations to break up terrorist rings, dry up the sources of funding, and address the conditions of ignorance and despair that create breeding grounds for terrorists. We are far more likely to achieve these goals by working with other nations than by going it alone.

I am optimistic that the Administration’s efforts at the U.N. will succeed and that the Security Council will adopt a strong resolution. If Saddam Hussein refuses to comply, then force may be justified, and it may be required.

But we are a great nation, with a wide range of resources available to us and the goodwill of the world. Let us proceed deliberately, moving as close to our goal as we can by working with our allies and the United Nations, rather than writing a blank check that is premature, and which would continue the trend of abdicating our constitutional authority and our responsibility.

Mr. President, that trend started many years ago, and I have gone back and read some of the speeches the Senators have made. For example, and I quote:

“The resolution now pending is an expression of American unity in this time of crisis.
It is a vote of confidence . . . but is not a blank check for policies that might in the future be carried on by the executive branch of the Government without full consultation by the Congress.

Do these speeches sound familiar? They were not about Iraq. They were spoken when I was a prosecutor in Vermont. At the end of that debate, after statements were made that this resolution is not a blank check, and that Congress will always watch what the Executive Branch is doing, the Senate voted on that resolution. Do you know what the vote was? 88 to 2. It passed overwhelmingly.

In case everyone does not know what resolution I am talking about, I am talking about the Tonkin Gulf resolution. As we know all too well, the Tonkin Gulf resolution was used by both the Johnson and Nixon administrations as a basis for war on Vietnam, ultimately involving more than half a million American troops, resulting in the deaths of more than 58,000 Americans. Yet, even the Tonkin Gulf resolution, unlike the one that we are debating today, had a sunset provision.

When I came to the Senate, there were a lot of Senators, both Republicans and Democrats, who had voted for the Tonkin Gulf resolution. Every single Senator who ever discussed it with me said what a mistake it was to write that kind of blank check on the Government without full consultation by Congress. This is the kind of blank check on the policy for now in the future that we are considering today.

I am not suggesting the administration is trying to mislead Congress about the situation in Iraq, as Congress was misled on the Tonkin Gulf resolution. I am not comparing a possible war in Iraq to the Vietnam war. They are very different countries, with different histories, and with different military capabilities. But the key words in the resolution we are considering today are remarkably similar to the infamous resolution of 38 years ago which many Senators and so many millions of Americans came to regret.

Let us not make that mistake again. Let us not pass a Tonkin Gulf resolution. Let us not set the history of our great country this way. Let us not make the mistake we made once befall our country this way. Let us not set the history of our great country this way. Let us not make the mistake we made once befall our country this way.

Do you know what the vote was? 88 to 2. It passed overwhelmingly.

We have solid reporting of senior level contacts between Iraq and al-Qa’ida going back a decade.

Credible information indicates that Iraq and al-Qa’ida have discussed safe haven and regional non-aggression. Since Operation Enduring Freedom, we have solid evidence of the presence in Iraq of al-Qa’ida members, including some that have been in Baghdad.

We have credible reporting that al-Qa’ida leaders sought contacts in Iraq who could help them acquire WMD capabilities. The reporting also stated that Iraq has provided training to al-Qa’ida on the areas of poisons and gases and making conventional bombs.

Iraq’s increasing support to extremist Palestinians, coupled with growing indications of a relationship with al-Qa’ida, suggest that Baghdad’s links to terrorists will increase, even absent US military action.

Sincerely,  
JOHN MCLAUGHLIN
(For George J. Tenet, Director).

STATEMENT BY DCI GEORGE TENET, October 8, 2002

There is no inconsistency between our view of Saddam’s growing threat and the view as expressed by the President in his speech. Although we think the chances of Saddam initiating a WMD attack at this moment are low—indeed, in part because he is not an admission that he possesses WMD—there is no question that the likelihood of Saddam using WMD against the United States or our allies in the region for blackmail, deterrence, or otherwise grows as his arsenal continues to build. His past use of WMD against civilian and military targets shows that he would use those weapons to use not just to deter.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 20 minutes.

Mr. GRASSLEY. Madam President, before I give my reasons for my vote on this resolution, I would like to point out that I am not criticizing the ironies and inconsistencies in some positions of some of my colleagues.

It is not unusual for Senators to be inconsistent in positions taken, but in recent weeks we have had some colleagues blaming the administration for not responding to the pre-9/11 warnings of possible terrorist attacks on the United States. I am talking about the warnings of whether or not the CIA and the FBI had information about that whether or not the President had access to that information. The insinuation is that maybe the President knew more than what he did and, why didn’t he do something about 9/11? It seems to me the same colleagues are now refusing to support the President’s call to disarm Saddam Hussein. The President is trying to preempt Saddam Hussein from unleashing on Americans his weapons of mass destruction.

Yet my colleagues who are inconsistent in this way apparently want the President to wait until we are attacked again. I ask, if you put the emotion before September 11, 2001, why wouldn’t you expect the President to preempt an attack on the United States today?
I come to the floor today to share my thoughts concerning the resolution before the Senate. Again we find ourselves in the midst of an important debate with one of the most important decisions that many Senators will make in their lifetime. The issue of war and peace involves the threats to the lives of the men and women we send to battle. This issue may even involve threats to the American civilian population, as well.

It was just a little more than a decade ago that many Members were here making similar decisions in regard to the Persian Gulf war.

As many of my colleagues may remember, I was just one of two Senate Republicans who opposed the resolution authorizing military action against Iraq in 1991. I voted against that resolution because I questioned the timing of military action while diplomatic measures and economic sanctions were still in play. Saddam Hussein was started down the road to war; yet they needed a chance to work. Opposing the resolution was a difficult decision, but one that I have never regretted.

While today’s decision is not one to be taken lightly, it stands in stark contrast to that of 1991. While I opposed that resolution for the reasons I stated, I intend to support the compromise resolution before us because I believe the time to hold Saddam Hussein accountable is past due.

But, this is not the first time since 1991 that Congress has approved a resolution approving military action against Iraq.

In 1998, by unanimous vote by the Senate and an overwhelming 407-6 vote in the House, Congress approved a resolution, and subsequently President Clinton bombed Iraq in December of 1998.

Let us see how forthrightly the Senate spoke at that time about the dangers of Iraq and Saddam Hussein.

I speak from page 2 of the Iraq Liberation Act of 1998. It says in section 3:

It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace the regime.

It is pretty clear we knew about the threat of Saddam Hussein under a Democratic President—President Clinton—with a bipartisan action by consensus of this body. Why should any body of Presidents, Senators, and the Senate, in a bipartisan way, would be expressing the same concern 4 years later?

What was the basis of that overwhelming vote? Primarily, it was because Iraq had kicked United Nations weapons inspectors out, as they did in 1998. Today we have a lot of intelligence information saying it is a far more dangerous situation today, and particularly for the United States.

Thatable Americans were killed in that 9/11 attack by terrorists.

Iraq is aligned with those terrorists, and Iraq is building weapons of mass destruction. We must, therefore, respond appropriately.

One of the most pressing concerns expressed by my constituents over the past few months is that of timing. The question: Why now? The question: Why continue to put inspections and other diplomatic measures? They are legitimate questions. Many of my colleagues will answer this differently than I will. But the response for me is quite simple. I believe the actions by Saddam Hussein over the past 10 years build a strong case why firm action is needed and why we cannot afford as a Congress delaying a decision any longer.

None of this precludes inspections or diplomatic missions. But these alternatives demand full cooperation by Iraq if a military response is to be withheld.

However, during the past 10 years, the international community has worked with Iraq through diplomatic reforms, economic sanctions, and even limited military force in an effort to encourage Saddam Hussein to abide by the very resolutions he agreed to at the end of the Gulf war. He agreed to follow these within the limits of the international rule of law. We can legitimately expect any person to agree to follow those agreements.

Yet Saddam Hussein has consistently and convincingly evaded and defied those obligations.

In the spring of 1991, the United Nations Security Council agreed to Resolution 687, which required Saddam Hussein to destroy his chemical and biological weapons and to unconditionally agree not to acquire or develop nuclear weapons. That same resolution also demanded Iraq not develop or acquire any weapons of mass destruction. However, the CIA reported Iraq was continuing to develop and acquire chemical and biological weapons. In addition, the CIA estimated Iraq could develop nuclear weapons in the near term with the proper supply of material.

United Nations Resolution 687 also required Saddam Hussein to end his support for terrorism and to prohibit terrorist organizations from operating inside the borders of Iraq.

Yet there is clear evidence Iraq has provided safe haven to a number of prominent, international terrorists. Iraq has provided assistance to groups who want, the U.N. to be relevant. I want, the U.N. to lead. Its moral leadership is important. We have to discourage tinhorn dictators from violating the rule of law. The time for accountability is now.

According to former President Clinton, in a speech on December 16, 1998:

Heavy as they are, the costs of action must be weighed against the price of inaction. If Saddam defies the world and we fail to respond, we will face a far greater threat in the future. Saddam will strike again at his neighbors. He will make war on his own people. And mark my words, he will develop weapons of mass destruction. He will deploy them, and he will use them.

That is what President Clinton said in a speech on December 16, 1998:

According to former President Clinton’s words are very applicable to the situation now, even 4 years later.

I have also heard concerns from people who question this resolution, saying that by supporting it, we are supporting preemptive military action against a sovereign nation. However, for the last decade, the United States and allied forces have patrolled no-fly zones in northern and southern Iraq to protect Kurdish and Shiite minority populations from Saddam Hussein, and all the while they have been fired upon by Iraq’s military.

These are American pilots. Some of them have been Iowans because over the past 6 years the Iowa Air National Guard has completed five 90-day missions and will likely be needed for a sixth mission before the end of this year. And as the President stated earlier this week, the American and British pilots have been fired upon more than 750 times. In a sense, we have been involved in a war in Iraq since the 1991 gulf war. So what is contemplated by this resolution cannot be described as preemptive.
Some of my constituents have also questioned the effect this will have on our war on terrorism. I believe that forcing Iraq to disarm is part of the war against terrorism and is consistent with the war on terrorism. Iraq has already, by previous government declarations as a state sponsor of terrorism, been found to support international terrorism, and it is highly likely that Saddam Hussein would be more interested in disarming Iraq by force than by other means.

It is because of our obligations to enforce international law, and to disarm this threat to our national security and to the security of the entire world, that I have decided to support the resolution offered by Senator LIEBERMAN and Senator WARNER.

A decade ago, as I said, I opposed war with Iraq because I believed we had not exhausted all alternatives available at that time. Today, I support this resolution because we have exhausted all other remedies, unless somehow Saddam Hussein has a change of heart. After years of evasion, after years of defiance, the time has come to stand firm and enforce the resolutions to disarm Iraq. Or, on the other hand, it is time for Saddam Hussein to repent and fully cooperate. But his track record in that regard is not very promising.

It is important to keep in mind that this is not the Senate that before the Senate does not guarantee military action, nor do I think it should. But it does authorize the use of United States military forces to defend the national security of the United States against this continuing threat posed by Iraq and to enforce all relevant U.N. resolutions regarding Iraq. In other words, this is as much about enforcing the rule of law as a policeman in Washington, DC, would enforce the domestic rule of law to prevent illegal activity, to encourage law-abiding citizenry, as it is about military action, at least from my standpoint.

Most importantly, this resolution makes clear that if the United Nations fails to ensure full compliance with international law, we will not sit quietly and let this tin horn dictator ignore the rule of law. At the same time, we will be sending the message to other tin horn dictators around the world that they had better not violate the international rules of law.

The terrorist attacks on September 11, 2001, dispelled notions of America’s invincibility. It placed greater demands on our government to protect and defend American citizens, and it put more demand on American citizens themselves to look out for their own safety, as a Jerusalem-type terrorist bombing could happen in New York City or Washington, DC, as much as it happens in Jerusalem.

My resolve is stronger than ever to win the war on terrorism, protect U.S. citizens, secure the homeland, and, most importantly, defend American values and our way of life. By supporting this resolution, we will send a strong signal to the United Nations, as well as to our friends and allies around the world, that we will not sit idly by and allow those who willfully violate international law and threaten the security of that region and, in fact, impact the whole world. This resolution says to the world community that America stands together, committed to the rule of law and the security of all nations.

So, Madam President, I urge my colleagues to support this resolution offered by our colleagues, Senator LIEBERMAN and Senator WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I believe there is an order. I ask unanimous consent that I be able to speak for a moment.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. Madam President, it is so ordered.

Mr. LIEBERMAN. Madam President, I thank the Senator from Iowa for his thoughtful words and his vote for this resolution for his expression of intention to vote for this resolution—all the more significant, as he pointed out, because he was one of two Republican Members of the Senate to vote against the similar resolution on the war over there. And I think his support—a respected and solid Member of the Senate, as he is—gives encouragement to those of us who are the sponsors of this resolution that when the final roll is called, we will enjoy the broad bipartisan support that I truly believe this resolution deserves and the moment requires.

I thank my colleague and the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. R. MCCAIN. Madam President, I alert Members that at 1:30 or a quarter to 2, thereabouts, there will be a vote. Knowing that the Senator from Arizona usually does not speak for long periods of time, it will probably be closer to 1:30. There will be a vote on the Graham amendment, the pending amendment.

Mr. McCAIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I rise in support of an amendment which I have offered which will increase the authority of the President of the United States to go forward to protect the people of the United States.

This amendment will designate a set of international terrorist organizations for whom the President does not now have the authority to use force as within the range of his authority.

There has been a lot of discussion over the past several months about connecting the dots, seeing a pattern out of what might appear to be isolated events and making it easier for the President to do that after the disaster, after September 11, than it is before. I consider us today as standing before the event has occurred, and I think we can begin to see the pattern of the dots today. What are those dots? What is that pattern?

First, a new element has been added to our assessment of national security risk. That is the element of what is the risk to Americans in the homeland. When we went to war in Korea, we did not ask the question: What will this mean to our people at home? We did not ask that question in Vietnam. We did not ask that question when we voted together to authorize the President to use force in the Persian Gulf. This is a new phenomenon in the paradigm of American and national security consideration.

The second dot is, who poses the greatest risk inside the homeland? In my judgment, it is those nations, organizations, and persons who possess the three primary characteristics: One, access to weapons of mass destruction; two, a hatred for the United States; and three, a significant presence of trained operatives within the United States. It is that triumvirate which makes our enemy lethal.

The third dot, that we have the opportunity to reduce the risk of that triumvirate. We can do it by rolling up the terrorists here at home, or we can do it by cutting off the support which the terrorists are receiving from abroad. I suggest we ought to be doing both.

If we are going to effectively attack over there, it requires we have the resources, the strategy, and the authorization to use the force against our enemy over there.

The next dot is a surprising dot. It is essentially a void. Unlike many Members of this Chamber—and I will cite one who just a few moments ago gave a speech in which he implied the President of the United States today has the authority to take on international terrorists who meet these requirements: Access to weapons of mass destruction, hatred of the United States, and a significant presence of terrorists in the United States of America. The answer is, no, the President today does not have such authority. In my judgment, the Congress should grant this authority and do so concurrent with the granting to the President his power to use force in Iraq, because it is that act of giving the authority to commence war in Iraq that is going to raise the risk of those terrorists among us attacking.

Those are the dots I see. That is the sequence I think the dots lead us to.

There is one thing we agree upon, and that is that Saddam Hussein is an evil man. He is a tyrant. He has used
chemical and biological weapons on his own people. He has disregarded United Nations resolutions calling for inspections of his capabilities and research and development programs. His forces regularly fire on American and British jet pilots, enforcing the nightly zones over the northern reaches of his country. And he has the potential to develop and deploy nuclear weapons, a potential that we need to monitor closely.

Saddam Hussein lives in a tough neighborhood. It is a neighborhood in which the United States has a number of commitments and threats. The underlying resolution suggests Saddam Hussein is the ultimate bully, the baddest dog in this rough neighborhood, and that taking him out now and for good is in the Nation’s highest priority.

I respectfully disagree. And in so disagreeing, I am, or at least I was, joined by the President of the United States and the Secretary of Defense.

Less than 13 months ago, 9 days after the terrorist attack of September 11, the President declared our top national priority to be a war on terrorism. This is what he said:

Our war on terror begins with the al-Qaeda but it does not end there. It will not end until every terrorist group of global reach has been defeated.

In his State of the Union speech on January 29 of this year, President Bush restated our priority:

Our nation will continue to be steadfast and patient and persistent in the pursuit of our objectives. We are not seeking to impose our will on the many challenges faced by the many nations of the world.

That is what the President said on January 29.

Today, Afghanistan is no longer a safe haven for terrorists, but there is no question that free nations are still under threat. Thousands of terrorists remain at large in dozens of countries. They’re seeking weapons of mass destruction that would allow them to kill not only thousands but tens of thousands of innocent people. Our objective in the global war on terror is to prevent any other September 11th, or an attack that is far worse, before it happens.

The war on terrorism did not begin in Afghanistan. For us, it began in the United States on September 11, 2001. It began and it continues in our homeland. As we assess the many challenges faced by the United States—and Saddam Hussein is clearly among those challenges—we must ask: What is our greatest responsibility? In my opinion, the answer is easy: Securing the peace and safety of the homeland or our great Nation.

And what is the greatest threat to our peace and security? In my judgment, it is that shadowy group of international terrorists who have the capabilities, the materials, conventional and weapons of mass destruction, the trained core of zealots united by their hatred for the United States, and the placement of many of those bombthrowers so they are sleeping among us, waiting for the order to assault.

For the better part of 2 years, 19 of those killers took silent refuge in the sanctuary of the United States, silent refuge until they struck us on September 11. Three thousand twenty-five innocent lives later, we have learned the bitter lesson of the power of those who live dual lives in our communities.

To the outside they were appearing to be unexceptional, while they were prepared to do the most unimaginable evil. Those who committed mass murder left behind a much larger number of terrorists, utilizing their dual existence of duplicity.

How many of these are there, Mr. President? What are the skills they possess? What are their plans and intentions? Why are they so driven by hatred? The answer is we know only dimly.

Unfortunately, our ability to tear out these weeds from our home garden is limited because the attention we have paid to understanding this enemy next door has been grossly inadequate.

The Inspector General at the Department of Justice issued a report just last month, in September. That report concluded:

The Federal Bureau of Investigation serves as the Federal Government’s principal agency for responding to and investigating terrorism.

But the IG report went on:

The FBI has never performed a comprehensive, written assessment of the risk of a terrorist threat facing the United States.

So we arm for battle with a shield of ignorance at home. Unfortunately, one of the realities of the startup of the proposed Department of Homeland Security is that, for at least a transition period, America will be even more vulnerable in the homeland. Agencies such as the Coast Guard, Border Patrol, Immigration Service, which will play a key role in protecting our perimeter defenses, will be distracted as organizational relationships of decades or more are reshuffled. And a final increased vulnerability is the likelihood that, if war starts and intensifies in Iraq, this very conflict thousands of miles away could spark a wake-up call to action from the sanctuaries of the Middle East and Central Asia to the sleepers in your hometown.

Mr. President, I refer you to the front-page story in today’s Washington Post, which talks about the possibility of counterattacks in the United States after a war commences in Iraq.

The first prong of our defense here in the homeland, which is to root out the terrorists among us—both because of the instability of these days through which we are and will be—requires the lack of preparation through the quality of intelligence we need—is not a shield that should give us great hope.

Thus, the importance of a second strategy for disrupting and decapitating international terrorist organizations is paramount.

I believe we need to adopt a similar strategy for disrupting and dismantle the command-and-control operations of al-Qaeda, making it more difficult for them to support and provide financing and logistics to their large number of operatives in the United States.

On Sunday afternoon, a prominent foreign policy spokesman appeared immediately after Senator Shelby and myself on a talk show and, in passing in the hallway, she said, “I support the position that you have taken that we need to go after these international terrorists, but doesn’t the President already have the authority to do so?” I quickly explained that the answer was no. I think she was stunned at the vulnerability we have and by the limited authority the President has.

Our colleague, the Senator from Texas, today in her remarks implied that she thought the President of the United States had the authority to attack international terrorism broader than those who are directly linked to the events of September 11.

If I might say, the very language of the resolution we are considering today carries the same inference.

The language of the resolution states that:

Acting pursuant to this resolution is consistent with the United States and other countries continuing to take the necessary actions to disrupt and dismantle international terrorist organizations, including those who planned, authorized, committed, or aided in the terrorist attack that occurred on September 11.

The fact is the only group the President has authority to use force against is those who planned, authorized, committed, or aided in the terrorist attack that occurred on September 11.
President specifically was denied the authority to take on the other terrorist groups who, in my judgment, represent the greatest threat inside the American homeland today.

Let me just give a little bit of history. On September 12, President Bush requested robust authority to launch a full-scale war on terror. He sent to the Congress a proposed resolution which stated:

The President is authorized to use all necessary force against those nations, organizations, or persons he determines planned, authorized, harbored, committed, or aided in planning or commission of attacks against the United States on September 11, 2001, and to deter and pre-empt any future acts of terrorism or aggression against the United States.

That is what the President asked for on September 12, 2001. But Congress demurred. They only granted the President the power to use necessary force related to those nations or organizations and persons which were determined to be connected to the tragedy of September 11. Al-Qaida was not only our target; it was the totality of the target. Two days after the Congress gave the President this limited authority, President Bush, on September 20, expanded the scope of the war:

In a joint session of Congress, our war on terror begins with al-Qaida, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated.

From that point until today, Mr. President, you will note that several elements of the group have been involved in numerous anti-U.S. terrorist attacks, including the suicide bombing of the U.S. Embassy in Beirut in April of 1983; the U.S. Marine barracks in Beirut in October 1983; the U.S. Embassy annex in Beirut in September of 1984; three members of Hezbollah are on the FBI's list of the 22 most wanted terrorists for hijacking TWA flight 847 during which a U.S. Navy diver was murdered; and elements of the group are responsible for the kidnapping and detention of U.S. and Western hostages.

The group also attacked the Israeli Embassy in Argentina in 1992 and is suspect in the 1994 bombing of the Israeli Cultural Center in Buenos Aires, and the Senator from Texas stated, in her judgment, they were also responsible for Khobar Towers.

This group receives a substantial amount of financial, training, weapons, explosives, diplomatic, and organizational aid from Iran and receives diplomatic, political, and logistical support from Syria. Hezbollah has a significant presence of its trained merchants of death placed in the United States of America.

Mr. President, you will note that several of these organizations gravitate around one axis of evil: Iran. And not surprisingly.

Yesterday, October 8, former FBI Director Louis Freeh testified before the joint intelligence committee of September 11 which are being conducted by the House and Senate Intelligence Committees. Mr. Freeh cited the conclusions of the National Commission on Terrorism that Iran remains the most active supporter of terrorism. The Iranian Revolutionary Guard Corps and the Ministry of Intelligence and Security have continued to be involved in the planning and execution of terrorist acts. They also provide funding, training, weapons, logistical resources, and guidance to a variety of terrorist groups, including the Lebanese Resistance, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine.

Who are these groups? I will name them and then talk about the A team: the Islamic Jihad Organization, Hamas, the Islamic Resistance Movement, the Palestinian Islamic Jihad, and the Palestinian Liberation Front.

My amendment says that those five groups should also be brought within the ambit of evil that the President of the United States should be entitled to use force against to protect the security of the people of the United States on our native soil.

What strategy should be used against the designated international terrorist groups? The decision will be left to the President. The Congress invested its confidence in the judgment of the President on September 12, 2001, when it gave him the power to use force against the Taliban and al-Qaida. If the underlying resolution is adopted, he will have the authority to use force against Iraq.

This amendment will give the President the next stage of powers which he will be required to have in order to wage war on terror and to do so to a successful conclusion. The President would have the authority and the substantial accountability of these three authorities in whatever sequence and with whatever impact he deems to be in our national interest.

In this stage on the war on terror, the President has already fashioned a war plan: To take out the training camps, the incubators from which in the 1990s thousands of youth were given the skills and the determination to be hardened assassins; to attack the terrorist plans, to disrupt and dismantle.

Many of these operations, and particularly the training camps, are flourishing today in the orbit of Iran. We should empower the President to take those acts that are going to be necessary to protect the security of the United States.

Director Freeh, in his remarks yesterday, spoke of the need for a full arsenal of weapons to triumph over terrorists. Director Freeh said:

We must recognize the limitations inherent in a law enforcement response. As we see at this very moment in history, others, to include Congress, must decide if our national will dictates a fuller response.

I am not prepared to say the only response I want against these five organizations that have access to weapons of mass destruction, that have a history of killing Americans and have a capability to do so here at home because of a significant presence of their operatives among us, that we are going to tell the President of the United States that he does not have the authority to attack those terrorist groups where they live and to disband and dismantle their capability of continuing to provide support to their agents in the United States.

I believe our national will and our resolve to keep the American people, especially their security on our native soil, demand a fuller response to meet this fuller challenge.

I conclude by saying that I am not optimistic about the prospects for this amendment but I am deeply concerned, and I am deeply saddened. I am concerned in part because I see us making life-and-death decisions without...
consideration because we do not have access to what might be critical, and I would suggest determinative, information. I believe the national security interests are being put at risk by this information not being available.

I am reluctant to see that added to this resolution, all the more so since the amendment we are going to take will increase the risk at home without increasing our capability to respond to that risk.

I have been described as a cautious man. I will accept that label. I do not see the simple set of blacks and whites. I see the world as a complex of grays. That leads to caution. I believe that caution today is to recognize that we are not dealing with one evil, as evil as Saddam Hussein might be. We are dealing with a veritable army of evils.

We must be prepared to respond to that army of evils. I believe the step we can take today is to give to the President of the United States the opportunity to exercise his judgment as to whether he believes it would be appropriate to use U.S. force against these five international terrorist groups which represent, in my judgment, the most serious urgent threat to the interests of the United States of America, including a threat to Americans at home.

I urge the adoption of this amendment.

Mr. LIEBERMAN. Mr. President, I thank my colleague from Florida for the thoughtful statement he has made. I agree with so much he has said, certainly about the threats that are represented by the terrorist groups cited in his amendment, but I want to explain why I have reluctance about the amendment. It is for reasons that are both procedural and substantive.

The resolution offered by Senator McCain, Senator Warner, Senator Bayh, and others—which the occupant of the Chair, the Senator from Georgia—is the result of a detailed, open, and sincere process of negotiation between Members of both Chambers, both parties, and the White House.

This is not to say it is a perfect document, but in responding to the threat to our national security posed by Iraq under the leadership of Saddam Hussein, it represents our best effort to find a way to dispense with our constitutional responsibility and to provide an opportunity for the broadest bipartisan group of Senators to come together and express their support of action to enforce the United Nations resolution that Saddam Hussein has constantly violated, and in so doing endanger his neighbors, his people and, of course, the rest of the world, including us. We have a well-worked-over and finely calibrated document.

In his amendment, the Senator from Florida is proposing a new territory, and I am reluctant to see that added to this resolution, all the more so since the new territory he opens up was considered in the immediate aftermath of the attacks against us on September 11 when the initial resolution in which the President sought to have authority to take action against terrorists generally—not just those who had planned, authorized, and aided terrorist attacks that occurred on September 11 of last year—was rejected or was opposed by a large number of Members of the Senate, including particularly those on the Democratic side, and in the position assumed by the Senator from Florida may well re-open concerns expressed by many Senate Democrats about granting too much authority to the President at this point.

Let me get to the essence of what is said. Clearly, I agree with what the Senator has said, and I agree wholeheartedly with his description of the terrorist groups he has cited, specifically five in number, and the extent to which they represent a threat to the areas in which they operate, as well as the American people.

I respectfully disagree with him that the President of the United States would not be authorized, without this action, to take action against any of these groups—the Abu Nidal organization, Hamas, Hezbollah, Palestine Islamic Jihad, Palestinian Liberation Front—if the President, as Commander in Chief, concludes that one or more of those groups or its members posed a threat to the security of the American people or any group of Americans. It seems to me that is inherent in the authority given to the President, as Commander in Chief, under article II, section 2 of the Constitution, followed by other descriptions of the authority that the President has in that regard, and not just the general constitutional authority but the specific acts of this Congress that have dealt with terrorism and have established a counterterrorism center at the Central Intelligence Agency, counterterrorism programs in the FBI, counterterrorism activities in the Department of Defense and the Department of State, all of them funded by Congress.

Implicit in that is not that the money was funded just to study or investigate but that there is a presumption that if all of those programs produce evidence that any one of those groups is seeking to do damage to any one of the American people or group of Americans, then the President is authorized implicitly in his authority as Commander in Chief to take action against them. In fact, as has been testified to publicly, the Special Operations Forces of our military, an extraordinary group we are fortunate to have an our service, has been working on programs together with the intelligence community and various nations around the world to watch—using the term "watch" in the broadest sense of the term—and be prepared to take specific action, not just court action.

After September 11, we have made a transition to understanding that terrorists are at war with the United States so there are times when the best defense we can give is not to build a case in court but to take military action to stop the terrorists from striking before they ever do.

I yield the floor.

Mr. WARNER. Mr. President, I associate myself with the remarks of my distinguished colleague from Connecticut and therefore I will not elaborate upon the time of the debate.

I am saddened because I fear the action to be taken today is to give to the President of the United States the authority, implicit, inherent, in his amendment, but I want to express more fully the reasons why I have reluctance about the amendment.

I am prepared to use U.S. force against these groups. I would not be authorized, without this action, to take action against any of these groups—the Abu Nidal organization, Hamas, Hezbollah, Palestine Islamic Jihad, Palestinian Liberation Front—if the President, as Commander in Chief, concludes that one or more of those groups or its members posed a threat to the security of the American people or any group of Americans. It seems to me that is inherent in the authority given to the President, as Commander in Chief, under article II, section 2 of the Constitution, followed by other descriptions of the authority that the President has in that regard, and not just the general constitutional authority but the specific acts of this Congress that have dealt with terrorism and have established a counterterrorism center at the Central Intelligence Agency, counterterrorism programs in the FBI, counterterrorism activities in the Department of Defense and the Department of State, all of them funded by Congress.

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After September 11, we have made a transition to understanding that terrorists are at war with the United States so there are times when the best defense we can give is not to build a case in court but to take military action to stop the terrorists from striking before they ever do.
Does the Senator from Connecticut want to speak again?

Mr. LIEBERMAN. I ask for an additional 2 minutes.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Florida be permitted to speak for 2 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. From the text of the resolution we have submitted in section 4(b) after our authorization, we require, as soon as feasible, but not later than 48 hours after exercising such authority—that is, directly deploying forces of the United States—that the President has to make available to the Congress his determination that—and there are two sections he has to report. The material section is this: The President has to declare to Congress that pursuant to this resolution—which permits deploying forces for the purpose of enforcing U.N. resolutions against Iraq in protecting the national security of the American people against Iraq—is consistent with the United States and other countries continued necessity in international law of ending these groups’ murderous activities and held them accountable for killing American citizens.

However, I must oppose the amendment because it provides our Commander in Chief with the authority that he has not requested. It is highly unusual for Congress to provide the President the authority to use military force to defend American security against a particular threat when the President himself has not requested such authority.

For the President to determine that the terrorist organizations listed in the Senator’s amendment posed an imminent danger to the United States, and if the President requested congressional authorization to use military force to confront a threat he has identified as imminent, for Congress to identify and grant the President the authority to use military force to confront a different enemy, it does seem unusual in a time of war, and in response to the President’s request for congressional authorization to confront a threat he has identified as imminent, for Congress to identify and grant the President the authority to use military force to confront a different enemy.

The Graham amendment would increase beyond what was requested by the administration the scope of authority provided to the President. Including these groups in the resolution, unfortunately, muddies the strong message the United States must send to the United Nations Security Council and the world that we are intent on dealing with the threat posed by Iraq.

The President wants a strong statement authorizing the use of force against Iraq, and that speaks to the value of an overwhelming congressional vote to American diplomacy and to demonstrating American seriousness to the world.

The pending resolution represents a carefully crafted, bipartisan, bicameral agreement on providing the President with the authority to use force against Iraq. This amendment is the product of negotiations between the Speaker of the House, Congressman GEPHARDT, the Majority Leader, and the White House. It was carefully crafted. We intentionally introduced the exact same language so that when the other body passes it and we pass it, it will be the exact same message. Modifying that agreement could reopen issues that otherwise have been resolved and would unnecessarily slow down consideration of a resolution that the President has requested and made clear is an urgent priority for his administration.

Yesterday, when asked about the amendment, Secretary Powell stated that Congress should focus in on the threat posed by Iraq. The Secretary also made clear the administration’s desire that both Houses of Congress pass identical resolutions to send a message to the world that we are united in our resolve to confront Saddam Hussein and to send a message to Iraq that we are serious about doing so. The administration opposes the Graham amendment on procedural grounds. The President has requested congressional authorization to use all means necessary to protect American national security against the threat posed by Iraq. For the President to supersede the President’s request by identifying other threats to American national security—I could come up with a long list of such threats myself—would send a confused message to the American people and the world as we come together to end the threat posed by Saddam Hussein’s regime.

Some have argued that the President’s determination to hold Iraq accountable would undermine the global war on terrorism. The President has made clear that he does not view the war against Iraq as a false argument, for as the president has said, Iraq and al Qaeda are two faces of the same evil. The Graham amendment would expand our global campaign to target not just al Qaeda but several of the most sophisticated terrorist organizations on earth. I would assume that anyone who worries about divergences from the war on terrorism would vote against expanding that war at this time.

I want to stress, however, that ultimately the war on terrorism will not be won until we have dealt with the threat posed by terrorist groups with global reach such as Hezbollah. Hezbollah and other organizations listed in the Graham amendment have killed Americans and deserve no quarter. They ultimately represent a grave threat to America—a threat that will not diminish until we have dismantled these organizations and held them accountable for murdering Americans.

The pending resolution is the proper vehicle for this debate. I look forward to working with the Senator from Florida to address the threat posed by Hezbollah and the other terrorist organizations he has listed.

I urge my colleagues to support the request of our Commander in Chief by tabling the Graham amendment.

I ask unanimous consent to have printed in the RECORD a letter from the White House.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE, Washington, DC.

Dear Senator McCain:

Thank you for asking the Administration’s position on the Graham amendment to the Iraq Resolution. The Administration opposes it.

The Lieberman-Warner-Bayh-McCain amendment represents a carefully crafted bicameral agreement on providing the President with use-of-force authority against Iraq. The Graham amendment would
increase—beyond what was requested by the Administration—the scope of authority provided to the President, and introduce additional elements to the resolution. Modifying the agreement now, as the Graham amendment would, could reopen issues otherwise resolved and unnecessarily slow consideration of this important resolution.

Sincerely,

NICHOLAS E. CALIO,
Assistant to the President
for Legislative Affairs.

Mr. McCAIN. I say to my friend from Florida that, as the administration's message is very clear that they do not disagree with his assessment of the threat. He is held in the highest regard by all who have observed his distinguished work as chairman of the Intelligence Committee.

I thank my friend from Florida for his contributions. I know that in the days ahead he and I will be joining together with other Members of this body in addressing the serious threats to American national security which he has so frequently described in his statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate the thoughtful remarks of the Senator from Connecticut and the Senator from Arizona. The Senator from Arizona concluded with the hope that we may soon be working together on expanding our efforts to reach those who threaten us here at home. I only hope we will not have another 3,000 Americans unnecessarily exposed to the risks that I see if we do not supplement this resolution with the immediate authority of the President to use force against those organizations which have access to weapons of mass destruction, which have killed Americans, and which have substantial numbers of operatives inside the United States of America at this hour. I invite anyone to say Iraq doesn't meet those standards.

We are not talking about a threat 90 days from now. We are not talking about a threat that may come a year from now if nuclear material is made available. I am talking about a threat that can happen this afternoon.

Let us trace the history of what Congress did. The President asked for this authority on September 12, 2001. We debated for two long days. The Senate passed the resolution. It was signed into law by the President on September 16, 2001. We went to war in Afghanistan. We captured the Taliban, We locked down on the principle that we would not let them reach American soil. We captured al-Qaeda. We killed al-Qaeda, bin Laden, and support to their operatives who are placed in the United States. Until we reach the point that we can domestically, through law enforcement means and domestic intelligence and other efforts to root out these camps is, in my judgment, the strongest and surest way we have to cut off their support system.

I cannot believe we are saying we are not prepared today to make an unambiguous decision. We want to deter groups such as Hezbollah from continuing to aid, or to provide sanctuary, or to send their support to their operatives who are placed in the United States. Until we reach the point that we can domestically, through law enforcement means and domestic intelligence, locate and eradicate those cells and cells, more operatively, we must pursue as aggressively as possible to cut off their support system.

There has been a lot of discussion about urgency. Why do we need to do things now? Why can't we wait for 60 days?

Let me tell you why we cannot afford to wait. We are taking an action by authority. We are taking an action against Saddam Hussein. I stand first in line to say he is an evil person. But we, by taking that action, according to our own intelligence reports—and, friends, I encourage you to read the classified intelligence reports which are much sharper than what is available in declassified form—we are going to be increasing the threat level against the people of the United States. I think we have a moral and legal obligation to act to confront that increased vulnerability.

If you do not like what I am suggesting, if you do not think we ought to give the President authority to use force against groups such as Hezbollah, what do you think we ought to do? Or do you disagree with the premise that we are going to be increasing the threat level inside the United States? If you disagree with that premise, with the basis upon which your disagreement is predicated? If you reject that, and believe that the American people are not going to be at additional threat, then, frankly, my friends—to use the term—blood is going to be on your hands. I think we are going to be at substantially greater threat.

I think there are some things we ought to be doing now. We certainly should be escalating the FBI intelligence and other efforts to root out the terrorists who are among us. But we also ought to be attacking the terrorists where they live because it is on the offensive—not the defensive—in my judgment, that we are going to eventually win this war on terror.

Mr. REID. Will the Senator yield for the PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I move to table the...
Mr. McCAIN. I am glad to yield to the Senator from Nevada.

Mr. REID. Mr. President, I have the greatest respect for the Senator from Florida, but the Senator from Arizona and I came to the Congress together. And I hope that my friend from Florida was not implying the Senator from Arizona was involved in any backroom deals because I have never known the Senator from Arizona to be involved in any backroom deals.

Mr. McCaIN. I have been singularly unsuccessful in orchestrating any backroom deals in the years I have served here, I say to my friend from Nevada. And I thank him.

Mr. President, I move to table the pending Graham amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question occurs on agreeing to the motion to table Graham amendment No. 4857.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENNSIGN) is necessarily absent.

The result was announced—yeas 88, nays 10, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—88

Akaka
Allen
Allard
Allen
Allen
Byrd
Baucus
Bayh
Bennett
Biden
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Campbell
Campbell
Cantwell
Carnahan
Carper
Chafee
Chambliss
Chambliss
Cleland
Clinton
Cooper
Collins
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Durbin
Enzi
Fitzgerald
Frist
Graham
Dayton
Graham
Durbin
Edward
McConnell
Ezzi
Mikulski
Feinstein
Mukowski
Fitzgerald
Murray
Frist
Nelson (NE)
Gramm
Nickles
Grassley
Reed
Gregg
Rockefeller
Haga
Reid
Harkin
Reno
Haych
Santerum
Holmes
Sanburn
Hutchinson
Sessions
Hutchison
Shelby
Inouye
Smith (MN)
Inouye
Smith (OR)
Jeffords
Snowe
Johnson
Spector
Kohl
Thomas
Leahy
Thurmond
Levin
Thune
Lieberman
Toscano
Lott
Totten
Logan
Wellstone
McCaIN
Wyden

NAYS—10

Baucus
Breaux
Byrd
Corzine
DASCHLE
DeWine
Dodd
Domenici
Dorgan
Ensign

NOT VOTING—2

Landrieu

The motion was agreed to.

The PRESIDING OFFICER (Mr. JOHNSON). The majority leader is recognized.

Mr. DASCHLE. Mr. President, I wanted to inform my colleagues, after consultation with the distinguished Republican leader, that it is our intention, assuming we get cloture tomorrow—the cloture vote will be cast on the resolution tomorrow—it would be my intent to stay in for the full 30 hours, or whatever period of time would be required to complete our work on the resolution.

I said last week or so, the time to accommodate Senators who wish to be heard under the rules of cloture.

We would expect, therefore, a vote on final passage on the resolution prior to the time we leave this week. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, shortly I will yield to my distinguished senior colleague, Mr. THURMOND, for not to exceed—what time does he want?

Mr. NICKLES. Five minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to my senior colleague, Mr. THURMOND, for not to exceed 5 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JUDGE DENNIS SHEDD

Mr. THURMOND. Mr. President, I rise today to express my outrage at yesterday's proceedings in the Judiciary Committee. In an unprecedented move, Chairman LEAHY violated committee rules and removed the nomination of Judge Dennis Shedd from the agenda. On a procedural vote, the committee refused to consider Judge Shedd's nomination.

I am hurt and disappointed by this egregious act of destructive politics, Chairman LEAHY assured me on numerous occasions that Judge Shedd would be given a vote. I took him at his word. Dennis Shedd is a fine judge who has received a rating of well qualified by the American Bar Association. President Bush nominated him to the Fourth Circuit Court of Appeals on May 9, 2001, but his hearing did not take place until June 27 of this year. Since that time, he has answered all questions asked of him.

For over 17 months, I have waited patiently. On July 31, Chairman LEAHY stated publicly before the Judiciary Committee that we had reached a solution regarding Judge Shedd that would be satisfactory. The chairman's recent actions are not only unsatisfactory, but they are unacceptable. In my 48 years in the Senate, I have never been treated in such a manner.

Mr. President, I hope this situation will be corrected and that Judge Shedd will soon be confirmed as a judge on the Fourth Circuit Court of Appeals.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. REID. Mr. President, may I ask the Senator from West Virginia if he will be kind enough to allow me to respond to the distinguished Senator from South Carolina, as the name of my friend, Senator LEAHY, was mentioned on several occasions.

Mr. BYRD. How much time does the Senator need?

Mr. REID. A few minutes; 6 or 7 minutes at most.

Mr. BYRD. Not to exceed 7 minutes. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we understand that Senator THURMOND is dissatisfied that the Judiciary Committee was not able to proceed on Judge Dennis Shedd's nomination at its meeting this week. We all have great respect for Senator THURMOND and I know that the committee is working toward a committee vote on the Shedd nomination.

The Judiciary Committee has continued to receive opposition from South Carolina and from African American and other civil rights organizations and leaders from around the country to the Shedd nomination. Senators are taking those concerns seriously and are working toward a committee vote on Judge Shedd's nomination.

Over the past weeks, the committee—led by Chairman LEAHY who has done such an outstanding job—has received hundreds of letters from individuals and organizations, both in and out of South Carolina, expressing concerns about elevating Judge Shedd, and these letters raise serious issues regarding the qualifications of Judge Shedd. Many of these letters have arrived in just the last week or so. The committee has just received a letter from the Mexican American Legal Defense and Educational Fund, citing the interests of the many Latino citizens who have been arriving that their misgivings about the elevation of Judge Shedd. These letters raise serious issues regarding the qualifications of Judge Shedd. A letter arrived recently from the Black Leadership Forum asking for more time to consider the nomination. It was signed by a number of well respected African American leaders, including the forum's chairman, Mr. Joseph Lowery, and over a dozen other nationally recognized figures. In recent weeks, State legislators from Delaware, North Carolina, South Carolina, and Maryland, have written with their misgivings about the elevation of Judge Shedd. And hundreds, probably thousands, of letters from South Carolina citizens have been arriving that urge a closer look at Judge Shedd's fitness for this job.

Senator LEAHY was correct in his judgment that beginning the markup on Judge Shedd on Tuesday morning would not have resulted in a final vote, but might well have prevented committee action on 17