

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. J. RES. 41

Calling for Congress to consider and vote on a resolution for the use of force by the United States Armed Forces against Iraq before such force is deployed.

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IN THE SENATE OF THE UNITED STATES

JULY 18, 2002

Mr. SPECTER (for himself and Mr. HARKIN) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

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## JOINT RESOLUTION

Calling for Congress to consider and vote on a resolution for the use of force by the United States Armed Forces against Iraq before such force is deployed.

Whereas Iraq has consistently breached its cease-fire agreement between Iraq and the United States, entered into on March 3, 1991, by failing to dismantle its weapons of mass destruction program, and refusing to permit monitoring and verification by United Nations inspections;

Whereas Iraq has developed weapons of mass destruction, including chemical and biological capabilities, and has made positive progress toward developing nuclear weapons capabilities;

Whereas in his January 29, 2002 “State of the Union” address the President characterized Iraq, Iran, and North Korea as an “axis of evil”;

Whereas the Secretary of State distinguished Iraq from Iran and North Korea in his testimony before the Senate Budget Committee on February 12, 2002, stating that “for several years now [it has been] a policy of the United States government that a regime change would be in the best interest of the region, [and] the best interest of the Iraqi people”;

Whereas in his February 12, 2002 testimony, the Secretary of State specifically stated, “With respect to Iran and with respect to North Korea, there is no plan to start a war with these nations”, raising the implication that the United States had a plan to start a war with Iraq;

Whereas there have been repeated reports in the news media on U.S. plans to use force against Iraq and statements by the President and the Vice President on the intention of the United States to use force against Iraq:

(1) The New York Times, February 16, 2002, quoting Vice President Cheney saying, “The President is determined to press on and stop Iraq . . . from continuing to develop weapons of mass destruction” and intends to use “the means at our disposal—including military, diplomatic and intelligence to address these concerns”;

(2) New York Times on July 9, 2002, quoting President Bush on Iraq: “It’s the stated policy of this government to have regime change and it hasn’t changed. And we’ll use all tools at our disposal to do so.”

Whereas Congress has the exclusive authority to declare war under Article I, Section 8 of the United States Constitution;

Whereas the President has authority under Article II, Section 2, of the United States Constitution as Commander-in-Chief, which authorizes him to take military action in an emergency when Congress does not have time to deliberate and decide on a declaration of war or the equivalent authorization for the use of force;

Whereas, within the past half century, Presidents have unilaterally initiated military actions in Korea, Vietnam, Grenada, Lebanon, Panama, Somalia, and Kosovo;

Whereas President George H.W. Bush, although initially stating publicly that he did not need congressional action, ultimately requested authorization from Congress, which was granted in January 1991, to use force against Iraq under circumstances similar to the present situation;

Whereas there is adequate time for the Congress to deliberate and decide on the authorization to initiate military action against Iraq;

Whereas if Congress takes no action in the current situation where there is adequate time to deliberate and decide, there will be a significant further, if not virtually complete, erosion of congressional authority under Article I, Section 8 of the United States Constitution; and

Whereas this resolution takes no position on whether such authorization should or should not be granted by Congress: Now, therefore, be it

1        *Resolved by the Senate and House of Representatives*  
 2        *of the United States of America in Congress assembled,*

- 1 That Congress consider and vote on a resolution author-
- 2 izing the use of force by the United States Armed Forces
- 3 against Iraq before such force is deployed against Iraq.

