Congressman Pence delivered the following opening statement this morning at a joint hearing of the Middle East and South Asia Subcommittee and the International Organizations, Human Rights, and Oversight Subcommittee. It gives his latest take on the situation in Iraq, much of which has not been reported by the press:

"Mr. Chairmen both, thank you for calling this important hearing, and I welcome our distinguished witnesses.

"Mr. Chairman, on occasion the debate in Congress can be a lagging indicator. Sometimes, I think our discussion here on Iraq misses the developments of 2007 altogether.
It's almost as if
the Anbar Awakening didn't occur;
as if we hadn't received preliminary reports of refugees returning home from neighboring countries;
as if the last several months haven't been the safest for US troops in years, or, specifically, that combat-related US casualties in Iraq were not 83 percent less in December 2007 than they were in December 2006
;
as if the Iraqi public doesn't have the precious breathing space it lacked one year ago
.

"In short, as if the surge didn't work.

"But, Mr. Chairman, these things did occur. I am not certain this body has absorbed or appreciated the success story and the improved security situation in Iraq and how dramatically better conditions are than they were merely a year ago.

"As Ambassador Ryan Crocker, not one noted for overstatement, told *The London Times* January 19, 'We are in an immeasurably better place in January 2008 than in January 2007.'

"Gen. Ray Odierno, the No. 2 commander of U.S. forces, said just this last Friday that Iraq's army and police will likely be ready to take over security in all 18 provinces by the end of this year. The day before, the U.S. military reported that 75 percent of Baghdad is secure, a dramatic increase from 8 percent a year ago, before the surge began. Despite many predictions to the contrary, the surge succeeded and is succeeding.

"This development has not gotten the attention that bad news from Iraq received over the previous four years. Columnist Victor Davis Hanson described it as: ‘When Good News is No News.’ He points out that the Abu Gharib prison scandal resulted in 32 consecutive page one features in *The New York Times* in 2004. Page one features on the surge since it has begun to bear fruit are few and far between.

"And, it is not merely US troops who have performed ably. Iraqi leaders have taken more responsibility—there has been progress on deBaathification, and there is hope in other challenges as well as a national coalition has just been formed to tackle the question of Kirkuk and the hydrocarbon law. Additionally, real economic growth exceeded seven percent last year as Iraqi consumers gained confidence and opportunity.

"Mr. Chairman, all this context is important when we consider our role in the future of Iraq.

"Contrary to some of the concerns raised about this President’s intentions, I do not view with alarm the fact that President Bush on November 26 signed a declaration with the Iraqi government pledging that both governments would form and endorse a long-term political and security pact sometime this year, seeking a successor to the United Nations Security Resolution which expires at the end of this year. This is no “blank check.”

"Frederick Kagan described it in *The Wall Street Journal* last month?: ‘The joint American-Iraqi communiqué marks the beginning of the normalization of relations between allies in a common fight against al Qaeda, and against Iranian efforts to dominate the Middle East. It doesn't commit the U.S. to specific force levels and it allows future governments in Washington and Baghdad to decide the role the U.S. will play in the coming years in Iraq. It is, however, an important statement of America's resolve. Even more important, it is a statement of Iraq's desire to align itself with us.’

"Mr. Chairman, in this light, I do not endorse putting the presence of our troops and, therefore, our national interest in the hands of Iraqi voters. We do not covet the territory of Iraq (or Afghanistan), anymore than we did that of Germany, Japan, the Philippines, Korea or Bosnia. Because of successful mission completion, our long-term presence in these countries has been mostly non-controversial.

Our vital national interests are advanced by a successful conclusion to our efforts in Iraq. That, and not artificial timetables or any other legislative maneuver, should drive the conditions of our presence there.

"A Status of Forces Agreement (SOFA) is the first order of business for our negotiators. Given our experience in any number of countries for this, there is ample precedent for this process. The disposition of battlefield detainees is not something we should deal lightly with or force the President's hand on either.

"Mr. Chairman, I am concerned about our dictating the terms of a potential treaty that may or may not be in the works. On its face, such an effort strikes me as usurpation of our authority and not in keeping with Article I of the Constitution. Congress does not conduct bilateral relations with other countries.
This isn't fast track authority.

"Article II (Section 2, clause 2) grants the President the power to make treaties, subject to ratification by the Senate. Further, he has the constitutional authority to enter into an executive agreement.

"As Professor Matheson points out this morning, 'The Constitution does not give clear guidance as to what form must be used for what type of obligations or commitments.'

"So, are we preemptively demanding or disapproving a treaty in this body when we have no role in treaties? The Administration has not indicated it would seek Senate approval for anything anyway.

"Are we attempting an unconstitutional legislative veto? HR 4959, the DeLauro Bill, "providing congressional consultation" and "ensuring" that the President produce a treaty, raises all these questions, even if it is a Sense of Congress.
It also strikes me as a solution in search of a problem.

"Mr. Chairman, there may very well be a Democratic President in exactly one year. Do we want

to take a course that constrains our next President's choices or options for protecting our troops and for ensuring our national security?
I don't, regardless of who that President is.
Aside from constitutional concerns, the good news in Iraq likely makes this approach unnecessary anyway.

"I hope we will proceed with caution. We have only one Commander in Chief at a time, the President heads the Executive Branch, conducts diplomacy and implements foreign policy.
Despite being declared a failure many times, there have been some real successes in Iraq mission in the last year.
I am not certain this committee or this Congress has taken full measure of that.
The cure should not be worse than the disease.

"Rather than trying to tie the President's hands or pre-empting a hypothetical treaty, we should be empowering the President, any President, to wage the War on Terror. For that matter, the United States should not be defending itself from frivolous lawsuits in civilian courts from unlawful combatants, as convicted terrorist José Padilla (sentenced just yesterday) is attempting as we speak.

"Telecommunications companies who cooperate with the lawful requests from the Terrorist Surveillance Program should not be tied up in years of litigation. But, unless the majority agrees to FISA reforms in the next month, this threat remains.
These are but two of the kinds of reforms this Congress should be addressing rather than attempting to dictate or direct the terms of a treaty.

"With that, I look forward to hearing from all our witnesses on these matters."