

Congress at War

By Louis Fisher, Ryan Hendrickson, and Stephen R. Weissman

From *Foreign Affairs*, May/June 2008

Summary:

To the Editor:

William Howell and Jon Pevehouse ("When Congress Stops Wars," September/October 2007) suggest that Congress has been far more influential in shaping U.S. military action abroad than previously thought. We disagree. Such a view does not reflect the overwhelming historical evidence since World War II. Moreover, their argument undervalues Congress' constitutional responsibility to independently check the president prior to war. In most cases, Congress has chosen the politically expedient route of deferring to the president. The principal reason for this support has been not partisan calculations, as Howell and Pevehouse argue, but rather lawmakers' unwillingness to exercise their constitutional powers and understand the need for legislative checks.

The Korean War is an excellent example of this deference. Few members of Congress balked when President Harry Truman, a Democrat, argued for unilateral authority to use force; the GOP widely supported Truman's move toward war. He did not even go to Congress for authorization; he went to the UN Security Council. Although some congressional Republicans later criticized President Truman's handling of the Korean War, there was little willingness to use constitutional measures to end the war.

In the case of the Gulf of Tonkin resolution of August 1964, the House voted unanimously to support a military response to two alleged attacks by North Vietnam. Overcome by fear, Congress did not divide along party lines, as would be expected, and subsequent opposition to President Lyndon Johnson's war came mainly from Johnson's fellow Democrats, not from Republicans. Likewise, in 1965 virtually no member of Congress argued that Johnson's unilateral decision to deploy 30,000 additional troops to the Dominican Republic violated any constitutional principle. Members of the opposition Democratic majority also raised few constitutional complaints about President Ronald Reagan's 1983 invasion of Grenada. According to Secretary of State George Shultz's own account, no member of Congress was consulted prior to the invasion. For the most part, congressional Democrats applauded Reagan's 1986 unilateral strikes on Libya despite a lack of consultation with Congress prior to military action. In 1989, the Democratic majority supported the Republican president George H. W. Bush's invasion of Panama, even though Congress was given only five hours' prior notice and thus could not vote before the operation was launched.

Perhaps the best reflection of congressional abdication of responsibility occurred when President Bill Clinton deployed more than 20,000 U.S. troops to Bosnia in 1995; both congressional chambers voted to "support the troops but not the policy." In 1999, once the war in Kosovo had begun, the Republican House leadership opposed the efforts of Representative Tom Campbell (R-Calif.) to assert Congress' constitutional war powers. During the Clinton years, much like during the Cold War era, Congress -- regardless of which political party was in the majority -- tended to avoid checking presidential war powers.

Howell and Pevehouse contend that partisan politics best explains Congress' willingness to initially support President George W. Bush in his launching of Operation Iraqi Freedom. But just as the Democrats were wrong in August 1964 in arguing that the best way to avoid war in Vietnam was by passing the Gulf of Tonkin resolution, the Republicans (and their Democratic supporters) made a mistake in 2002 in claiming that the best way to avoid a war against Saddam Hussein was to pass the Iraq resolution.

As the Democrats were moving into their new House and Senate leadership offices in 2007, President Bush announced the deployment of 30,000 additional troops to Iraq. Such a policy ran directly counter to the campaign pledges made by many Democrats during the 2006 midterm elections, who had called for a specific timetable for troop withdrawal or marked reductions in U.S. troop levels. Instead, in direct contrast to what most Democrats ostensibly stood for, Bush moved forward with his troop surge, and the Democrats did little to stop it. Now, after a year of debate, the Democratic Congress has still given the commander in chief all the funding he has sought for the war.

Certainly, the opposition party in Congress may occasionally muster the energy to hold hearings and bark its complaints about a military mission in progress. But this is not the same thing as checking a president prior to war. It is rare to find a Congress that is willing to prevent a determined commander in chief from taking military action when he wants to.

Rather than partisanship, the deficiencies and failures of the congressional votes in 1964 on Vietnam and in 2002 on Iraq reflect the inability, or unwillingness, of lawmakers to understand that they make up a separate branch of government with the duty to scrutinize executive claims and avoid wars that undermine the nation's interests. The framers believed that individual liberties and rights were protected not by trust in a president but by a system of divided government that puts a premium on deliberation and shared power. Congress has forgotten that basic tenet at great cost.

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To the Editor:

William Howell and Jon Pevehouse are correct that partisanship has played an important role in U.S. decisions to go to war in the modern era, but it has hardly been "decisive." From the Reagan administration through those of the two George Bushes, Democratic-controlled Congresses acquiesced in Republican military interventions in Lebanon, Panama, Afghanistan, and Iraq. Similarly, Republican Congresses did not obstruct the Democrat Bill Clinton's military actions in Haiti, Bosnia, Iraq, or Kosovo.

Holding hearings, imposing reporting requirements, adopting resolutions stating that Congress should authorize any future military action, and sponsoring independent legislation opposing military action amount to no more than putting up a fuss, unless they actually culminate in significant legal constraints on presidential power. Congressional Democrats are now challenging the Republican administration over the Iraq war but lack the necessary 60 votes to obtain cloture in the Senate and put real political pressure on President George W. Bush to change course in Iraq. Senate Democrats' failure so far to reach a meaningful compromise with over half a dozen disaffected Republican Senators suggests that they still lack both the will and the capacity to influence military policy. Partisanship here means exploiting Republican weakness in the upcoming elections rather than passing significant legislation.

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