

## Democrats Throw Down the Gauntlet on Bush's 'Surge'

by William Jones

Anticipating President Bush's psychotic babbling to the nation on Jan. 10, Congressional Democrats decided to throw down the gauntlet to the Bush Administration, showing clearly that they are prepared to wield the independent power of the Legislative branch to stop the mad rush to war.

When the Senate Democrats held their retreat on Jan. 5, senior party leaders Bill Clinton and George Mitchell attended, and emphasized the need for the Democrats to take the offensive and set the agenda, rather than react to the White House. The result was Massachusetts Sen. Edward Kennedy's hard-hitting speech on Jan. 9 at the National Press Club—a preemptive attack on Bush's anticipated "surge" proposal, on the eve of the President's address to the nation. As expected, Bush called for an additional 21,500 troops to be deployed in Iraq; not expected, was Bush's virtual declaration of war against Iran and Syria.

Kennedy should be seen essentially as a point-man for a Democratic strategy that includes a mobilization for a non-partisan resolution opposing the surge, which is now broadly identified by members of Congress and others, as a spearhead for war against Iran. Senators on both sides of the aisle are also loudly warning against an impending strike on Iran, and indicating that it would be a trigger for impeachment. Whether the Democrats are prepared to take the follow-up steps, toward impeachment, which White House intransigence demands, is still a wide-open question.

### Kennedy Takes the Point

In his Press Club address, Kennedy announced that he was putting forward legislation which would require the President to come to Congress before increasing the number of troops in Iraq. "Our bill will say that no additional troops can

be sent and no additional dollars can be spent on such an escalation, unless and until Congress approves the President's plan," Kennedy said.

The measure is a clear attempt to reassert some Congressional authority over the Iraq War. While the Founding Fathers gave to Congress the awesome responsibility to declare war, no military conflict since World War II, not even the decade-long war in Vietnam, has been a declared war. Congress's only effective means of influencing the shaping of war, therefore, resides in its power of the purse, its constitutional responsibility to authorize and to appropriate the funds necessary to conduct a war. And many voices have been raised calling for cutting off funding in order to stop the conflict. Those who have done so have been accused of depriving the troops of needed body armor and equipment, but the fact is that such accusations are merely "smoke and mirrors," aimed at confusing the public and striking fear into the hearts of legislators who are even contemplating the use of the funding power to stop a war that should have never been fought in the first place.

Kennedy rejected the bogus arguments: "Our proposal is a straightforward exercise of the power granted to Congress by Article I, Section 8 of the Constitution. There can be no doubt that the Constitution gives Congress the authority to decide whether to fund military action. And Congress can demand a justification from the President for such action before it appropriates the funds to carry it out," Kennedy said. (See box for precedents.) However, he added, "No troops will be placed in harm's way by depriving them of the protection they need, but any 'escalation,' will require the President to justify his policy before Congress before funds will be spent on it."

Kennedy was asked during the question-and-answer period why he was not working through the appropriations process to cut off the funds through amendments to the appropriations legislation. Kennedy said that, with the urgency of the crisis and the slow pace of the appropriations process, "The horse will be out of the barn before we get there." "By that time the troops will already be sent there," he added. "We have to take action now before we reach that point."

### George Bush's 'Vietnam'

Kennedy also drew the obvious analogy with Vietnam. At one point, he referred to comments made by what he called a "high-ranking American official. "It became clear that if we were prepared to stay the course, we could help to lay the cornerstone for a diverse and independent Asia," the official had said. "If we faltered, the forces of chaos would scent victory and decades of strife and aggression would stretch endlessly before us. The choice was clear. We would stay the course. And we shall stay the course." And again, "The big problem is to get territory and to keep it," Kennedy quoted the official as saying. "You can get it today and it will be gone next week. That is the problem. You have to have enough people to clear it and enough people to preserve what you have done." Then, to the surprise of the audience, Kennedy revealed the source of the quotes. "That is not President Bush on the need for more forces in Iraq," he said. "It is President Johnson in 1966, as he doubled our military presence in Vietnam."

Kennedy returned several times to the image of Vietnam. "Those comparisons from history resonate painfully in today's debate on Iraq," Kennedy said. "In Vietnam, the White House grew increasingly obsessed with victory, and increasingly divorced from the will of the people and any rational policy. The Department of Defense kept assuring us that each new escalation in Vietnam would be the last. Instead, each one led only to the next. . . .

"There was no military solution to that war. But we kept trying to find one anyway. In the end, 58,000 Americans died in the search for it. Echoes of that disaster are all around us today. Iraq is George Bush's Vietnam," Kennedy said.

During the Vietnam War, Congress had also been totally frustrated by its inability to effect military operations short of cutting military spending and leaving U.S. troops in a precarious situation. In the aftermath of that war, Congress therefore passed, over the veto of President Nixon, the War Powers Resolution. This allowed the President to introduce U.S. military forces into hostilities or imminent hostilities *only* under conditions of a) a declaration of war; b) with specific statutory, i.e. Congressional, authorization; or c) in "a national emergency created by attack upon the United States, its territories or possessions, or its armed forces." The proponents justified the resolution under the "Necessary and Proper" clause of the Constitution which provides that, "Congress shall have the power to make all laws necessary and proper for carrying into

execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States." Congress had the power to appropriate funds. They ought, therefore, have some say in how these funds were spent.

The War Powers Resolution called for "consultation" with Congress by the President before taking the country to war. Democratic Senate Leader Harry Reid referred to the total lack of such "consultation" after a meeting with President Bush on the day Bush was to give his Oval Office speech to the nation. "We have not been called here to be consulted," Reid said, but "only to be informed of what the President has already decided."

## Precedents for Congressional Action

In support of his resolution, Senator Kennedy provided supplemental material on his website on the precedents for Congress, over the past several decades, exercising its "constitutional authority to limit the President's ability to escalate existing military engagements by capping the number of American military personnel available for deployment and by refusing to release appropriate funds." We summarize a number of instances:

- In the Foreign Assistance Act of 1974, enacted during the Vietnam War, Congress limited the number of American military personnel in South Vietnam to 4,000 within six months and 3,000 within a year of the Act's enactment.
- The Lebanon Emergency Assistance Act of 1983, P.L. 98-43, required the President to "obtain statutory authorization from the Congress" before any substantial expansion in the number of U.S. forces in Lebanon.
- Congress authorized the use of U.S. Armed Forces in Somalia in the Department of Defense Appropriations Act of 1994, P.L. 103-139, but set a deadline after which appropriated funds could no longer be used to pay for their involvement.
- The National Defense Authorization Act for Fiscal Year 1998, provided that no funds appropriated for fiscal year 1998 or any subsequent year could be used for the deployment of any U.S. ground combat forces in Bosnia and Herzegovina after a specified cutoff date unless the President first consulted with Congress and then certified to Congress that certain conditions existed in the field.

## LYM Stiffens Democratic Spines

The new feistiness among Democratic Congressmen is not solely due to the overwhelming mandate given them by the American people in November. Still unaccustomed to holding the reins of power, the Democrats exhibited clear signs of treading on thin ice in their first days at the helm. The mobilization of the LaRouche Youth Movement in Washington, which has established a veritable hegemony on the streets of the nation's capital, has served to give Democratic Congressmen the guts to stand up to a mentally ill President. There is literally not a soul who has attended any of the innumerable events arranged by the incoming Democratic Majority in Congress since it took over on Jan. 4, who has not run into the LYM at least once, probably several times, and heard their clarion call for the immediate impeachment of Cheney and Bush.

In 1995, Senator Kennedy had warned Democrats that they should stand for their traditional values, and not pretend to be a second Republican Party. In his comments at the National Press Club on Jan. 9, Kennedy reiterated that message: "We campaigned as Democrats in 2006. And we must govern as Democrats in 2007," Kennedy said. Asked what that meant, Kennedy said, "It means we put the agenda of the American people front and center."

Both the House and Senate will be voting initially on rather symbolic and non-binding resolutions opposing the President's "surge" policy. They will not be as muscular as the resolution proposed by Sen. Kennedy, but the Democratic leadership hopes to get enough votes from Republicans to clearly show that there is a significant majority in both the House and the Senate opposed to the planned escalation.

During the week before the President's address, many on the Republican side were jumping ship, including Senators Sam Brownback (Kan.), Gordon Smith (Ore.), and Norm Coleman (Minn.), who said they were opposed to any "surge." This adds to the dissenting voices of Republican Senators Chuck Hagel (Neb.) and George Voinovich (Ohio). The vote on this resolution will clearly indicate that the shift in the mood of the population also has resulted in a shift in the mood of Congress. (See article on Senate hearing.)

Since a non-binding resolution will not, however, deter the Cheney-Bush plunge into Hell, further steps must immediately follow. The Kennedy resolution will also be brought to the floor for a vote. While the current media "hype" is giving the Kennedy resolution short shrift, the media has proven itself to be well behind the curve in understanding the reality of the "New Politics" that were initiated with the last election, which effectively changed the rules by which Washington works.

While many Congressman might prefer to "posture" on the subject by voting on a resolution that has no teeth, President Bush is moving forward to send thousands more American soldiers into the cauldron of the Iraq civil war. As more and more American soldiers come back in bodybags and as

the American people begin to vent their pent-up anger over this blatant rejection by the President of the clear message sent by the American people in November, Democrats—and Republicans—will be forced to move in the direction indicated by Kennedy and use the power vested in the Congress by the Constitution to stop the Cheney-Bush war plans.

Similarly in the House, Speaker Nancy Pelosi (D-Calif.) has clearly indicated that there will also be action taken of a more muscular variety to stop the push toward escalating the war in Iraq. In comments to the Center for Strategic and International Studies on Jan. 8, Rep. Ike Skelton (D-Mo.), the chairman of the House Armed Services Committee, indicated that he might also seek "limitation language" on the Defense Appropriations bill which would restrict the President from using the funds for a major escalation of the war. Speaker Pelosi has indicated that she will appoint Rep. John Murtha (D-Pa.), to head the Defense Appropriations subcommittee of the Armed Services Committee, which will primarily have responsibility for the appropriations bill. Murtha has indicated that he intends to act to prevent the funding from leading to an escalation of the war in Iraq. This former Marine veteran was largely responsible for sparking the debate prior to the 2006 elections in a somewhat cowed Democratic caucus, calling for a withdrawal of U.S. troops from a situation that had devolved into civil war.

While the present debate has been primarily focussed on the issue of stopping the war, members have also been made conscious of the fact, by the deployments of the LaRouche Youth Movement, that there is also another, more comprehensive, arrow in the quiver of the U.S. Congress, and that is the power of impeachment. Few would contest that the gravity of the abuses committed by Cheney and Bush in taking the country to war based on false premises, attains the level of "high crimes and misdemeanors." The relatively trivial pretext which brought the Republican House to call for the impeachment of President Bill Clinton pales in comparison to the incredible damage done to the national interest of the United States by Cheney and Bush. Given the total contempt that the Administration has shown for the expressed will of the American people, and its clear intent to expand the Iraq War against Iran, the impeachment weapon remains the most powerful tool in the Congressional armory to deal with a palpably insane Administration.

In that light, Democratic legislators should bear in mind an important point made by Senator Kennedy at the conclusion of his Press Club address, as they contemplate action on this all-important issue in the days and weeks to come. "We have the solemn obligation now to show the American people that we heard their voices," he said. "We will stand with them in meeting the extraordinary challenges of our day not with pale actions, timid gestures, and empty rhetoric, but with bold vision, clear action, and high ideals that match the hopes and dreams of the American people. That is our duty as Democrats and as Americans on the war in Iraq."