

Iraq: Fool Me Twice

By Col. Daniel Smith, U.S. Army (Ret.) | June 23, 2006

A date to remember will be the night of June 20, 2006. That's the night Congress was fooled for the second time. Remember October 2002 and Iraq? So much has happened since then that it seems like ancient history.

Or at least that is what the Bush administration would like to have the public think. One constant theme that emanates from the White House is that whatever mistakes might have been made in the past—e.g., the reasons given to justify going to war with Saddam Hussein's Iraq—that's behind us. It's "water under the bridge" or maybe "over the damn" —take your pick.

The latest example of trying to spin this web occurred in Vienna, Austria on June 21 during a presidential press conference following the U.S.–European Union summit. Asked why Europeans in recent opinion polls held the United States in low regard as a force for peace, Bush in effect discounted the poll results as a perceptual problem for Europeans. He had made decisions he thought best for the United States and the world, and it was simply unfortunate that Europeans happened not to agree with him.

Besides, that was the past.

So it is. But so too is October 2002 when Congress voted to surrender to the president its constitutional duties with regard to declaring war by "empowering" the president to use any and all means and, at a time of his choosing, to compel Saddam Hussein to give up the weapons of mass destruction that the world "knew" he possessed. Bush pushed the button March 19, 2003, plunging the United States into a war in Iraq that has taken, conservatively, 45,000-50,000 Iraqi lives and killed 2,500 U.S. service members, 226 troops from other coalition countries, 100 journalists, and more than 350 contractors. The war has cost nearly \$400 billion and will generate more than 200,000 totally disabled veterans (never able to work) for decades to come.

For a number of weeks, congressional Republicans and administration spokespersons have been setting the stage with the same poisonous "props" of rogue states, terrorism, and weapons of mass destruction they used in 2002

against Iraq. Their apparent goal is to convince the public that Iran, like Iraq, is a menace to its neighbors, to the United States, and to the world.

Some in the administration have also asserted that the October 2002 resolution for the use of force against Iraq was so worded that it remains in force for any contemplated military action against Iran. That is, the president can launch a war without getting further congressional assent.

Which gets us to approximately 7:35 pm the night of June 20, 2006 in the House of Representatives, where Representative Maurice Hinchey (NY-22) introduced an amendment to the 2007 Defense Department Appropriations bill. The amendment reads: "None of the funds made available in this Act may be used to initiate military operations against Iran except in accordance with Article I, Section 8 of the Constitution of the United States" (*Congressional Record*, June 20, 2006, pg. H4300).

The amendment should be superfluous in that it merely reaffirms the existing constitutional division of powers between Congress and the president in time of war. Specifically, except in the event that the United States is about to be attacked or is attacked—at which point the president can deploy the armed forces to counter imminent or actual hostilities—the president is to request Congress' assent to make war, including any attack on Iran. In commenting on his amendment, Hinchey affirms that its purpose is "to make sure that none of the funding in this defense appropriations bill is used to engage in any military operation against Iran without a full vote of the Congress of the United States in accordance with the Constitution of the United States."

Representative Bill Young (FL-10) spoke against the amendment by reiterating the discredited administration claim of connections between Saddam Hussein and al-Qaida, a claim which was used to induce the House to

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approve the October 2002 resolution 296-133. Young was rebutted by Representative Peter Defazio (OR-4) who asked the House to “stand up for” and reclaim its constitutional powers.

The presiding officer then put the amendment to a “vote” and declared that the “nays” were in the majority—at which point Hinchey demanded a roll call vote.

Now at 7:50 pm, most members would not normally be in the House chamber. Members would be eating dinner or be at gatherings; many of their staffs would be gone from their offices, quite unaware that starting after 9:00 pm, additional roll call votes would be held. Putting these factors together with the supposition that many Members were not aware of the exact language of Hinchey’s amendment as they voted—i.e., mistaking the reaffirmation of Congress’ role for an attempt to limit presidential authority to act to repel an imminent attack—the combined circumstances produce the defeat of the amendment 158-262 with 12 members (six from each party) not voting.

In October 2002 the White House deceived the Congress and the public, inducing Congress—in the administration’s interpretation—to abandon its constitutional responsibilities in matters of war-making.

This “fool me once” has inflicted on the world 39 months of bloody occupation and war in Iraq.

Now the House has once again, in effect, abandoned its role in any future decision about the need for and the wisdom of initiating war in the name of the people they represent—creating a vacuum the administration will eagerly fill.

It seems high time that the people call to account those whose votes against the amendment—215 Republicans and 47 Democrats—expose the nation to a repeat of October 2002 and its legacy. The United States cannot afford being “fooled twice” by Congress or the White House.

Nor can the world.

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