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THE IRAQ WAR

Congress is drawing line in sand

By **Mark Silva**
the Tribune's White House correspondent
Published January 28, 2007

WASHINGTON -- After years of asserting presidential wartime powers, President Bush now faces a certain confrontation with a new, Democratic-controlled Congress that will methodically make a case for reining in the president's authority over the Iraq war.

As the Senate prepares this week for debate on a non-binding resolution declaring that the president's deployment of 21,500 additional troops to Iraq "is not in the national interest," war critics in Congress have no intention of stopping at this merely symbolic statement.

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"This resolution is really an attempt to draw a line in the sand," said William Howell, a political scientist at the University of Chicago's Harris School of Public Policy and co-author of a forthcoming book about congressional checks on presidential war powers.

"They are not going to stop there," Howell said. "We will see a series of hearings, and if

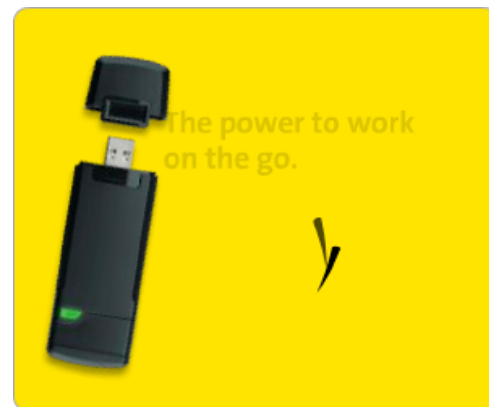
this latest surge doesn't succeed, and the president continues to push the way he is pushing . . . it's quite likely that we'll see a real showdown, where there will be discussions about cutting funding."

Democrats have taken the midterm elections that handed them control of Congress as a public mandate to challenge the president's conduct of a nearly 4-year-old war. Yet they are refraining, for now, from any restrictions on war spending for at least two irrefutable reasons.

They lack the votes, as they found during last week's debate in the Senate Foreign Relations Committee, to approve a non-binding resolution protesting the president's new troop deployment. Several Democrats on the committee opposed a move to cap the size of the U.S. military in Iraq at its mid-January level of about 132,000 troops.

Democrats also lack a compelling alternative. While Senate and House leaders have coalesced around a general agreement that the U.S. should start a phased withdrawal of troops in four to six months, none has clarified what the U.S. might do if the Iraqi government is incapable of controlling sectarian violence and collapses. Bush warns that "the consequences of failure" could be "grievous and far-reaching" in the region.

The president has all but shelved the one attempt at a bipartisan solution, the report of the Iraq Study Group, which proposed withdrawing



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combat forces by the early part of 2008.

"I'm the decision-maker," Bush said in a familiar refrain last week when asked why he is pursuing an increase of U.S. forces in the face of growing congressional opposition. "I had to come up with a way forward that precluded disaster. In other words, I had to think about what's likely to work," he said.

Yet influential voices within both parties now warn that the president's plan will not work.

Several Republican senators, with a statement careful to specify that they are not "contravening" the president's authority as commander in chief, are advancing their own resolution opposing the new troop deployment.

The president's supporters dismiss these non-binding resolutions as meaningless. Yet the Democrats carrying their resolution to the floor of the Senate -- with a swift follow-through promised in the House-- maintain that this represents the first clear statement that Congress has made about the war since authorizing the use of military force in Iraq in 2002.

Bush has relied on authorizations that Congress has handed him-- beginning with one to retaliate for the terrorist attacks of Sept. 11, 2001-- to assert far-reaching wartime powers. Yet the courts have begun to curtail some of those powers, including the administration's detention of suspected terrorists. And the administration, facing a legal challenge of the National Security Agency's secret surveillance of people inside the U.S. suspected of communicating with terrorists outside, has agreed to seek a special federal court's approval.

"The courts have been sort of nibbling at the edges" of the president's powers, Howell said.

In coming months, as Congress holds hearings on the conduct of the war--and as time reveals whether the newest strategy will succeed in regaining control of Baghdad--congressional leaders could muster the votes to take control of the purse.

"We have seen this in the past," Howell said. "We have seen this during Lebanon in the early 1980s, and we have seen this during Vietnam-- when a military engagement becomes prolonged, and the president insists on seeing the fight through to the end, you see the passage of laws that have a binding effect.

"What's tricky, though, is that a lot of the action is anticipatory," he added. "If it becomes quite clear to Congress in the middle of this summer that things are not going well in Iraq, and Congress is getting prepared to enact a major law to require him to begin withdrawing troops, the president isn't going to want that to happen. So he is going to get out in front and take action to withdraw troops."

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