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The Domestic Politics of U.S. Policy towards the Persian Gulf

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1. Introduction

The following essay takes a closer look at those inter- and intra-branch dynamics of the U.S. political system that relate to Washington's policy toward Iraq. According to LeLoup and Shull, the question of whether president and Congress are able to exert influence depends on such factors as the domestic political climate, public expectations, the result of presidential and congressional elections, as well as the influence of interest groups, intra-executive dynamics and the specific content of the policies formulated by the White House.¹ This paper will therefore focus on the *politics* of the run-up and aftermath of the U.S.-led regime change in Iraq rather than on the respective *policies* themselves.

2. The Politics of Dual Containment

With regard to the regional theaters of the Arab-Israeli conflict and the Persian Gulf, the Clinton Administration chose to pursue an active policy in the former. Lacking better alternatives, the policy of dual containment of Iraq and Iran was announced by National Security Council official Martin Indyk in May 1993. This approach rested on the "necessity of an informal alliance" between Israel, Egypt, Saudi Arabia, and the smaller GCC countries as well as Turkey to counter "radical regimes" and "extremism".² It thus aimed at establishing a cost efficient way of securing U.S. interests in the Gulf, while most diplomatic and political energies were spent on the dispute between Israel and the Palestinians. Even though both Iraq and Iran had to be contained, Martin Indyk made it clear in his speech that while the United States government was not opposed to the nature of Islamic government in Teheran, but rather to "*specific aspects of the Iranian regime's behaviour*", it deemed the regime of Saddam Hussein to

¹ See Lance T. LeLoup/ Steven A. Shull, *The President and Congress. Collaboration and Combat in National Policymaking*, Boston/ Ma. 1999, p. 19ff.

² Dr. Martin Indyk, "The Clinton Administration's Approach to the Middle East", The Washington Institute for Near East Policy's Soref Symposium, Washington, D.C. May 18, 1993, (accessible at www.washingtoninstitute.org/pubs/soref/indyk.htm).

be “*criminal, beyond the pale of international society and, in our judgement, irredeemable.*”³ This distinction would set the tone for most of the discussions on U.S. policy toward the Gulf region during the 1990s and leading up to the military campaign against the Iraqi regime in early 2003.

From the end of the Cold War to the terrorist attacks on New York City and Washington, D.C., in 2001, the situation in Congress was in stark contrast from any other period since the United States became a global power. The lack of an overall public consensus on what the most urgent threat to U.S. national security was and the abundance of foreign policy crises (ranging from Somalia and Haiti to Bosnia and Kosovo) which did not have the capacity to significantly strengthen the president’s profile on matters of foreign policy provided Congress with more leeway in its attempts to challenge the president. In the end, one observer already saw a “*bullied pulpit*”, in which, for the first time since the rise of the United States to the status of a superpower, the president was seriously weakened with regard to the implementation of his foreign policy agenda against a hostile legislature.⁴

In addition, the so-called “Republican Revolution” of 1994 launched a new period of congressional partisanship. The regionalization of the political map of the United States came full circle with the decline of conservative and moderate Democrats in the South as well as moderate and liberal Republicans in the North. Furthermore, while the dominant foreign policy experience that shaped the attitudes of many Democrats had been the Vietnam War, many newly elected Republicans came to Washington with their views on foreign policy having been formed by the Reagan administration, which, in their view, had brought about an end to the Cold War with a focus on clear moral guidelines and an inclination to rely on U.S. military power.

It was against this domestic background that the region of the Persian Gulf received relatively little attention. This did not mean, however, that Congress would refrain from making its voice or at least the voice of its majorities heard. The *Foreign Relations Authorization Act for Fiscal Years 1994 and 1995*, which was passed and signed when the Democratic Party still had control of both the White House and Congress, included a section expressing the consensus that the United States should “continue to advocate the maintenance of Iraq’s territorial integrity and the transition to a unified, democratic Iraq.”⁵ In reaction to the short-term military escalations of the later part of the 1990s broad majorities of Republicans and Democrats alike began supporting bills that included direct references to the possibility of unilateral mili-

³ Indyk, *The Clinton Administration’s Approach to the Middle East*.

⁴ Sebastian Mallaby, *The Bullied Pulpit*, in: *Foreign Affairs*, Vol. 79, No. 1, January/ February 2000, pp. 2-8.

⁵ The texts of this and other bills mentioned here can be found at <http://thomas.loc.gov>.

tary action. At the beginning of the inspection crisis in November 1997, the House of Representatives unanimously passed *House Resolution 322* which called for multilateral or unilateral action if peaceful and diplomatic efforts to ensure Iraqi compliance with United Nations Security Council Resolutions regarding Iraq's weapons of mass destruction failed. *Senate Joint Resolution 54* of August 1998, passed with unanimous consent in the Senate and by a majority of 407 to 6 in the House, declared that, by evicting weapons inspectors, Iraq was in "material breach" of the cease-fire agreement⁶ and urged the president to take all appropriate actions to bring Iraq into compliance with its international obligations.

The *Iraq Liberation Act*, itself the most widely cited piece of legislation of this period, was passed by a vote of 360 to 38 in the House of Representatives and with a simple voice vote in the Senate.⁷ This act, which became law on October 31st 1998, contended that "(i)t should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime." In order to achieve this goal, Congress authorized the president to provide "Iraqi democratic opposition groups" to be designated by him with assistance totalling \$97 million. It is important to note that the final section of the bill made it clear that the act was not to be construed in any way as relating to the use of U.S. armed forces except for the provision of military equipment and training to Iraqi opposition groups. With regard to the implementation of the act, the Clinton administration's attempt to form as broad a coalition of opposition groups as possible differed from the point of view of the Republican leadership in Congress which envisioned providing most of the appropriated funds to the *Iraqi National Congress* (INC) headed by Ahmed Chalabi.⁸ In the end, the main political result of this initially mostly rhetorical measure was to strengthen those Iraqi ex-pats whose faulty intelligence information came to form the backbone of the Bush administration's public rationale for a war against Iraq.

When President Clinton ordered military action against Iraq in response to the end of the United Nations weapons inspections in the country, the House of Representatives passed *House Resolution 612* by a vote of 417 to 5 expressing its support for the U.S. armed forces deployed to the region and reaffirming the language of the *Iraq Liberation Act*. In an article

⁶ This term would gain importance during the debate on the aborted U.N. inspections leading up to the third Gulf War.

⁷ The occurrence of a voice vote in the Senate can be interpreted in two ways. First, it can demonstrate the lack of any controversy regarding to the bill, since it is only considered agreed upon if there is not a single objection. Secondly, unanimously passing a bill by voice vote could also indicate that the bill in its wording was not considered important enough for any possible opponent to go on official record by forcing a roll-call vote that would result in an exact tally of yeas and nays.

⁸ Scott Peterson, US taps dissidents to press Saddam, in: Christian Science Monitor, November 30, 1998; Vernon Loeb, Saddam's Iraqi Foes Heartened by Clinton, in: Washington Post, November 16, 1998.

published in 1998 that tried to stress the Clinton administration's case for military action against targets in Sudan and Afghanistan in response to the bombings of the U.S. embassies in Kenya and Tanzania, Secretary of State Madeleine Albright counted the "*struggle against terror*", the danger posed by Saddam Hussein's Iraq, North Korea's weapons activities, and the proliferation of weapons of mass destruction among the greatest challenges to U.S. leadership in the world.⁹ With that assessment Albright had the broader public on her side. According to a survey conducted by the *Chicago Council on Foreign Relations* in 1998, respondents ranked "international terrorism" (84 percent), "chemical and biological weapons" (76 percent) and "unfriendly countries gaining access to nuclear weapons" (75 percent) as the top three "threats to vital national interests".¹⁰ This indicates that international terrorism (especially its Islamist version) and the proliferation of weapons of mass destruction to rogues states had already been part of the elite and public discourse for nearly a decade when the tragic events of September 11th, 2001 occurred.

3. The Politics of Regime Change

3.1. *Strategic Outlook of the Bush Administration*

The narrow presidential election of 2000 not only led (for the first time in over a century) to the inauguration of a president who had lost the popular vote; it also returned a team of foreign policy experts to leadership positions within the executive, who had already publicized their support for a policy of regime change in Iraq in a January 1998 letter to President Clinton even if this entailed taking military steps without the approval of the United Nations Security Council.¹¹ This would not have had strong direct political consequence had not the horrible events of September 11th 2001, ushered the political system into a prolonged period of

⁹ Madeleine K. Albright, *The Testing of American Foreign Policy*, in: *Foreign Affairs*, Vol. 77, No. 6, November/ December 1998, pp. 50-64; p. 59ff.

¹⁰ Chicago Council on Foreign Relations, *Worldviews 2002*, Chicago/Ill. 2002, Figure 2-1. p. 16.

¹¹ The letter was written by the Project for a New American Century. Many of its signers later were part of the Bush administration such as Secretary of Defense Donald Rumsfeld, Deputy Secretary of Defense Paul Wolfowitz, Assistant Secretary of Defense for International Security Affairs Peter W. Rodman, Chairman of the Defense Science Board William Schneider Jr., Deputy Secretary of State Richard L. Armitage, Undersecretary of State for Arms Control John Bolton, Undersecretary of State for Global Affairs Paula Dobriansky, U.S. Ambassador to Afghanistan Zalmay Khalilzad, National Security Council Senior Director for Southwest Asia, Near East and North African Affairs Elliot Abrams, and the U.S. trade representative Robert B. Zoellick. The letter can be accessed at www.newamericancentury.org/iraqclintonletter.htm. In 1992 in their capacities as Undersecretary of Defense for Policy and as a member of the National Security Council, respectively, Wolfowitz and Khalilzad had already called for more robust efforts to prevent the emergence of another superpower and encouraged the possible use of military counter-proliferation strategies against Iraq and North Korea. See Barton Gellman, *Keeping the U.S. First; Pentagon Would Preclude a Rival Superpower*, *The Washington Post*, March 11, 1992.

presidential dominance within the executive branch and its constitutionally defined relationship with Congress. LeLoup and Shull have pointed out that historically such situations have caused an acceleration of the domestic and foreign policy decision-making processes. While this allows the political system to quickly react to internal and external challenges, it can also cause Washington's political elite to insufficiently study possible long-term results.¹² Here, questions arise concerning Congress' constitutionally enshrined capacity to influence the United States' foreign policy through the appropriation process and oversight mechanisms.

The administration of George W. Bush dramatically reversed the relationship of relative importance to United States foreign policy between the Middle East's two main regional theaters. While the disengagement from diplomatic efforts to find a solution to the conflict between Israelis and Palestinians had predated the terrorist attacks on New York City and Washington, D.C., the military campaign that toppled the Taliban regime in Afghanistan was suddenly accompanied by a new and urgent focus on the Gulf region.¹³

This fundamental strategic reversal was the result of a new vision of how to best protect national security that came to be enshrined in the National Security Strategy published by the White House in September 2002.¹⁴ This document has been the focus of much journalistic and academic attention for its stipulation of a doctrine of pre-emption that was deemed necessary to confront the dangers stemming from rogue states' sponsorship of international terrorism and their desire to acquire weapons of mass destruction. For its critics the doctrine of pre-emption blurred the distinction between the military pre-emption of a truly immanent threat, which in strictly limited circumstance might be allowed by international law, and the generally outlawed military prevention of a threat which might arise sometime in the future.¹⁵ It can be regarded as the outcome of the process of defining a response to the 9/11 terrorist attacks that not only was tailored to match most Americans' expectations of a sense of leadership and protection emanating from the White House but also laid the rhetorical groundwork for a military campaign against Saddam Hussein's regime. These efforts met a public which remained receptive to the possibility of Iraqi involvement in 9/11 as well as to further military strikes

¹² See LeLoup/Shull, *The President and Congress*, p. 256ff.

¹³ The best illustration of how dramatic the change was for the new team in the White House is an article Condoleezza Rice wrote for *Foreign Affairs* at the beginning of the presidential campaign in 2000 to outline the foreign policy of a possible Republican administration. In line with the prevalent Republican view on national security in the 1990s, the relations with Russia and China were ranked on top together with the implementation of a Missile Defense Shield as a further priority. See Condoleezza Rice, *Promoting the National Interest*, in: *Foreign Affairs*, Vol. 79, No. 1, January-February 2000, pp. 45-62.

¹⁴ George W. Bush, *The National Security Strategy of the United States*, Washington, D.C., September 2002.

¹⁵ Ivo H. Daalder/James M. Lindsay, *American Unbound. The Bush Revolution in Foreign Policy*, Washington, D.C. 2003, p. 27; John Lewis Gaddis, *Grand Strategy in the Second Term*, in: *Foreign Affairs*, Vol. 84, No. 1, January/ February 2005, pp. 2-15, p. 3f.

against other targets even after the military success of the campaign against the Taliban regime in Afghanistan.¹⁶

After having framed the campaign against al Qaeda and other Islamist terrorist groups in terms of war, the executive shifted the focus to the so-called axis-of-evil, which arguably is less of an analytical framework and more a distinct catch-phrase developed by President Bush's speechwriter David Frum for domestic consumption. The president's justification for broadening the focus of his administration's "*war on terror*" to include states like North Korea, Iraq, and Iran rested on the argument that these regimes might possibly provide terrorists with weapons of mass destruction, thereby setting the tone for the case for war with Iraq.¹⁷ At this point, George W. Bush departed from the mainstream Republican way of thinking, which was represented not only by his father's national security advisor Brent Scowcroft, but, until her entry into the White House, by Condoleezza Rice as well.¹⁸ In a speech at the West Point Military Academy, designed by his advisors to stress his credentials in national security matters at home and abroad,¹⁹ President Bush further expanded on the official policy toward the threat of global terrorism by adding the concept of "preemptive" military action "*to take the battle to the enemy, disrupt his plans, and confront the worst threats before they emerge*".²⁰ Now the president could count on a public that, as in 1998, considered "international terrorism" (now 91 percent), "chemical and biological weapons" (86 percent) and "unfriendly countries gaining access to nuclear weapons" (86 percent) as the top three "threats to vital

¹⁶ In a survey conducted by CNN and Time Magazine on September 13, 2001, 78 percent of the respondents considered it to be likely that Iraq was involved in the attacks on New York City and Washington, D.C. See Dana Milbank/Claudia Deanne, Hussein Link to 9/11 Lingers in Many Minds, in: Washington Post, September 6, 2003. In an ABC News/Washington Post poll, 64 percent of the respondents considered the capture of Osama Bin Laden to be essential for the war on terror to be a success, which was only slightly higher than the 61 percent who saw in the ousting of Saddam Hussein another such measure. See Barry Langer, Toughest Work Ahead, ABC News.com, December 20, 2001, (accessed on October 5, 2004 at http://abcnews.go.com/sections/politics/DailyNews/STRIKES_poll011220.html).

¹⁷ David E. Sanger, Bush Aides Say Tough Tone Put Foes on Notice, in: The New York Times, January 31, 2002; Alan Sipress/Thomas E. Ricks, No New Military Action "Imminent", in: Washington Post, January 31, 2002.

¹⁸ In a hearing on Capitol Hill in April 2002, Scowcroft concluded that "(t)he most military part of this campaign may already be over. It is in my sense that not many states are likely to volunteer to be the next Taliban." See Brent Scowcroft, Combating Terrorism: Axis of Evil. Multilateral Containment or Unilateral Confrontation? Hearing Before the Subcommittee on National Security, Veterans Affairs and International Relations of the Committee on Government Reform, House of Representatives, 107th Congress, 2nd Session, April 16, 2002, p. 12f. In her article mentioned above, Rice stated with reference to North Korea and Iraq that "(t)hese regimes are living on borrowed time, so there need be no sense of panic about them." See Rice, Promoting the National Interest, p. 61.

¹⁹ Mike Allen/Karen DeYoung, Bush: U.S. Will Strike First at Enemies, in: Washington Post, June 2, 2002.

²⁰ President Bush, Graduation Speech, West Point, June 1, 2002, (accessible at www.whitehouse.gov). See further Thomas E. Ricks/Vernon Loeb, Bush Developing Military Policy of Striking First, in: Washington Post, June 10, 2002; David E. Sanger, Bush to Formalize a Defense Policy of Hitting First, in: The New York Times, June 17, 2002.

national interests.²¹ What was widely perceived to be a successful military campaign against the Taliban in Afghanistan even led 73 percent of the respondents in a poll at that time to agree with the general statement that the US should topple regimes that support terrorist organizations that threaten the U.S.²²

At this point President Bush's specific understanding of the global "war on terror" converged with older concepts and ideas involving the restructuring of the political landscape of the Middle East. Robert Kagan and William Kristol claimed in January 2002 that

*"(a) devastating knockout blow against Saddam Hussein, followed by an American-sponsored effort to rebuild Iraq and put it on a path toward democratic governance, would have a seismic impact on the Arab world – for the better. The Arab world may take a long time coming to terms with the West, but that process will be hastened by the defeat of the leading anti-western Arab tyrant. Once Iraq and Turkey – two of the three most important Middle Eastern powers – are both in the prowestern camp, there is a reasonable chance that smaller powers might decide to jump on the bandwagon."*²³

Prominent Middle East experts such as Fouad Ajami and Bernhard Lewis also supported a more confrontational approach, claiming that possible negative consequences of a war with Iraq would be dwarfed by the fallout that would result were the United States to shy away a second time from toppling Saddam Hussein. The Bush administration would therefore have to choose between either a complete withdrawal from the region and the hegemonic pursuit of its interests ("Get tough or get out").²⁴ In reaction to the optimistic scenarios put forward by leading neo-conservative thinkers, the Department of State prepared a skeptical document *"Iraq, the Middle East and Change: No Dominoes"* which was leaked to the press only a couple of days before the initiation of hostilities. In it, Foggy Bottom's diplomats warned that the rapid introduction of democratic systems in the region without thorough attempts to solve the region's most salient social, political, and economic woes could easily lead to the establishment of a number of Islamist regimes.²⁵ Brushing aside those concerns, President Bush declared in a speech at the Carnegie Endowment for International Peace six months after the fall of the regime in Baghdad:

²¹ Chicago Council on Foreign Relations, *Worldviews 2002*, Figure 6-5. p. 49.

²² *Ibid.*, Figure 3-3, p. 23.

²³ Robert Kagan/William Kristol, What to Do About Iraq, in: *The Weekly Standard*, Vol. 7, No. 18, January 21, 2002.

²⁴ Fouad Ajami, Iraq and the Arabs' Future, in: *Foreign Affairs*, Vol. 82, No. 1, January/February 2003, p. 1-18., p. 18., Bernhard Lewis, Did You Say "American Imperialism"? Power, Weakness, and Choices in the Middle East, in: Bernhard Lewis, *From Babel to Dragomans: Interpreting the Middle East*, London 2004, p. 343-350, p. 350.

²⁵ Greg Miller, Domino Theory 'Not Credible', in: *Los Angeles Times*, March 14, 2003.

“The failure of Iraqi democracy would embolden terrorists around the world, increase dangers to the American people, and extinguish the hopes of millions in the region. Iraqi democracy will succeed -- and that success will send forth the news, from Damascus to Teheran -- that freedom can be the future of every nation. The establishment of a free Iraq at the heart of the Middle East will be a watershed event in the global democratic revolution.

Sixty years of Western nations excusing and accommodating the lack of freedom in the Middle East did nothing to make us safe -- because in the long run, stability cannot be purchased at the expense of liberty. As long as the Middle East remains a place where freedom does not flourish, it will remain a place of stagnation, resentment, and violence ready for export. And with the spread of weapons that can bring catastrophic harm to our country and to our friends, it would be reckless to accept the status quo.”²⁶

3.2. *The Relationship between President and Congress until the War against Iraq*

It was in December 2001 that the first post-9/11 measure concerning Iraq was passed by a chamber of Congress. A *Joint Resolution* that to some extent mirrored the above-mentioned *Resolution 322* of the inspection crisis of 1998 was passed in the House of Representatives on a 392 to 12 vote. It stated that Iraq’s refusal to allow weapons inspectors into the country was a “material and unacceptable breach” of its international obligations and constituted a mounting threat to the United States, its friends and allies, as well as international peace and security. The Senate Foreign Relations committee, which was still controlled by Democrats, did not take up the measure, thereby leaving no chance for final passage. Nevertheless, the control of the Senate, which before the events of September 11th, 2001, might have been used as an effective tool by the Democratic party to control, influence or even derail the president’s policies, lost much of its importance in a situation of “war”, where according to then Senate Minority Leader Trent Lott (R-Miss.), “*any sign that we are losing that unity or crack in that support will be, I think, used against us overseas.*”²⁷

In an effort to prevent the debate on what to do about Iraq from overshadowing the mid-term elections of 2002,²⁸ the Democratic leadership in Congress therefore agreed to pass a resolution authorizing the president to use force against Iraq, even though, as Senate Majority Leader Tom Daschle (D-S.Dak.) pointed out in a speech on the Senate floor, this turn of events stood in contrast to the situation of early 1991, when the vote occurred after the presi-

²⁶ Peter Slevin, Powell Casts Attack on Iraq as “Liberation”, in: Washington Post, September 20, 2002.

²⁷ Edward Walsh, Daschle Calls for Sharing Of Plans; Information Sought in War on Terror, in: Washington Post, March 4, 2002.

²⁸ Todd Purdum, War Party; How the Republicans Got a Chestful of Medals, in: The New York Times, October 6, 2002.

dent had assembled an international coalition and secured support from the United Nations.²⁹ The resolution *To authorize the use of United States Armed Forces against Iraq (PL-107-243)* received broad majorities of 296 to 133 in the U.S. House of Representatives and of 77 to 23 in the Senate.³⁰ Moderate Republican Senator Lincoln Chafee (R.I.), who voted against authorizing a war whose negative impact on his party's public approval rating would ultimately cost him his re-election against a Democratic opponent in 2006, later pointed out that an amendment offered by Carl Levin (Mich.), Democratic Chairman of the Senate Armed Services Committee, had called for United Nations approval before force could be authorized. In case of a diplomatic deadlock at the Security Council, the president would have had to ask Congress again for an authorization to go to war. The amendment was defeated 75 to 24 with all future contenders for party nomination in the 2008 voting against it.³¹ Just how limited the desire to go about the business of Congressional oversight of the executive's actions was at that time was illustrated by the fact that only six senators and five representatives took the opportunity to study the classified 92-page National Intelligence Estimate that included all the cautious qualifications of the White House's more confident public statements about Iraq's alleged weapons of mass destruction program.³²

The president's successes in shoring up public support further strengthened the cohesion of the Republican Party and prevented the Democratic Party from exploiting what it regarded as the weaknesses of the president's domestic agenda. The Republican leadership in turn skillfully transformed the 2002 congressional elections into a referendum on George W. Bush's handling of the "war on terror", which at that time was still receiving high marks from a broad majority of the U.S. public. This strategy led unusual gains in Congress for the party that already controlled the White House.³³ The result was a constellation in which, for the first time since the presidency of Lyndon B. Johnson, one party controlled the executive and legislative branch during a time of war.

²⁹ Excerpts from the Senate Debate on Authorizing Use of Force in Iraq, in: *The New York Times*, October 11, 2002.

³⁰ Due to the six nay votes cast by moderate members of the party, the Republicans fell three votes short of the simple majority of 218. The strong support of nearly half of the Democratic caucus (81 out of 208) provided those six Republicans with the option to vote according to the sentiments of their Democrat-leaning districts.

³¹ See Lincoln D. Chafee, *The Senate's Forgotten Iraq Choice*, in: *New York Times*, March 1, 2007. Those senators were Evan Bayh (D-Ind.), Sam Brownback (R-Kans.), Hillary Clinton (D-N.Y.), Christopher Dodd (D-Conn.), John Edwards (D-N.C.), Chuck Hagel (R-Neb.), and John McCain (R-Ariz.).

³² Dana Priest, *Congressional Oversight of Intelligence Criticized*, *Washington Post*, April 27, 2004.

³³ In the summer of 2002, 52 percent and two thirds of Americans put more trust into the Republican capacity to "make the right decisions" in the fight against terrorism and to keep their country safe. Only 20 and 18 percent of respondents trusted the Democrats. See Kenneth White, *Terrorism and the Making of American Politics*, in: William Crotty (ed.), *The Politics of Terror: the U.S. Response to 9/11*, Boston/Mass. 2004, p. 37-63, p. 41.

3.3. *The Relationship between President and Congress since President Bush's Announcement of the End of Major Combat Operations in Iraq*

3.3.1. Congress and the "Power of the Purse"

One of the first real tests of presidential-congressional relations in the aftermath of the overthrow of Saddam Hussein's regime occurred when the Bush administration was forced to ask Congress for an \$87 billion supplemental to fund the fighting and reconstruction in Afghanistan and Iraq. Against the background of rising budget deficits, both Republicans and Democrats tried to frame the debate according to what they perceived to be the wishes of their constituents. Members of both parties pointed to Iraq's oil wealth to argue for turning the \$20 billion set aside for reconstruction in this country into a loan to be repaid with the proceeds from Iraqi oil exports.³⁴ After a veto threat from the White House, the bill was passed without turning parts of the sum into a loan by a majority of 87 to 12 in the Senate and 298 to 121 in the House. One interesting aspect of this vote was that after they failed with motions to separate the more popular funding for the troops from the unpopular funding for Iraq's reconstruction Senators John Kerry (D-Mass.) and John Edwards (D-N.C.) considered it necessary to vote against a bill that was considered unpopular among the Democratic base to keep their chances alive in a Democratic primary race dominated by the anti-war candidate Howard Dean. One year later, the Bush campaign was using both candidates' "vote against the troops" in the debate on who might best be able to lead the country through the war in Iraq.³⁵

In May 2004, the White House asked Congress for an additional \$25 billion for the wars in Afghanistan and Iraq to be treated as a reserve, while another full supplemental request would be made, according to President Bush, when the precise costs could be better estimated.³⁶ This contingency fund further eroded congressional oversight, since it required the president only to notify Congress at least five days in advance and to deem the spending to be for "emergency" needs.³⁷ In September 2004, in a sign of growing military needs, the Bush administra-

³⁴ In April 2003, Andrew Natsios, director of USAID, had claimed that in total only \$1.7 billion would be needed for Iraqi reconstruction. See Dana Milbank/Robin Wright, *Off the Mark on Cost of War, Reception by Iraq*, in: *Washington Post*, March 19, 2004.

³⁵ Jonathan Weisman, *Inside the Vote to Fund War, Rebuilding*, in: *Washington Post*, July 25, 2004. In an attempt to justify his vote on this measure at a campaign rally, John Kerry made the politically disastrous remark "*In fact, I voted for this bill, before I voted against it.*" It is obvious why the Bush campaign used this sentence in many of its commercials to highlight Kerry's supposed problem with "flip-flopping" on issues. See David Greenberg, *The Strategy Beneath the Flip-Flop Label*, in: *Los Angeles Times*, September 30, 2004; David Halbfinger, *Kerry Says Flip-Flop Image 'Doesn't Reflect the Truth'*, in: *The New York Times*, September 30, 2004. During the televised debate between the two nominees for vice president, Dick Cheney asked how Senator Kerry wanted to confront al Qaeda if he is not even able to confront Howard Dean, his rival in the primaries.

³⁶ Jonathan Weisman, *\$25 Billion More Sought to Fund Wars*, in: *Washington Post*, May 6, 2004.

³⁷ Dan Morgan, *Congress Hesitant to Write "Blank Check"*, in: *Washington Post*, May 14, 2004.

tion asked Congress to allow the diversion of \$3 billion from the reconstruction fund approved as part of the larger package in the fall of 2003 to security measures. The Republican chairman of the Senate Foreign Affairs Committee, Richard Lugar (Ind.), was concerned that by decreasing funds for reconstruction, security might suffer in the long run as well.³⁸ While Senator Lugar called the administration “*incompetent*” for not being able to spend the funds available for Iraqi reconstruction properly, Senator Chuck Hagel (R-Neb.) went even further, claiming that the U.S. was “*not winning*” in Iraq.³⁹

As early as July 2004, the congressional Government Accountability Office projected that the \$87 billion emergency spending approved by Congress in 2003 was about \$12 billion less than actually needed.⁴⁰ Therefore, it came as no surprise that before the end of fiscal year 2004 on September 30th, 2004, the Pentagon was forced to start using the above-mentioned \$25 billion “emergency fund” that was originally supposed to be available only after October 1st. While the White House maintained that the main reason for allocating the necessary funding outside of the regular budget process was the uncertainty of the conditions in Iraq, Democratic and Republican critics have claimed that these measures were a way of trying to keep these costs separate from the issue of a rising budget deficit.⁴¹ When the Senate unanimously and without major debate voted in May 2005 to pass a bill including another \$82 billion in supplementary military spending, Senate Majority Leader Bill Frist (R-Ten.) demonstrated his satisfaction: “*Our brave men and women in uniform will not relent in their fight against terror, and we must not relent in our support of them.*” Senator Hillary Rodham Clinton (D-N.Y.) spoke for many Democrats when she expressed her concern about the procedure: “*Having this supplemental, unfortunately with the big title of emergency over it, appears to be an effort to rush things through to avoid congressional oversight and scrutiny.*”⁴²

The approaching mid-term elections of 2006 put the ruling party in Washington, D.C. under pressure to reconcile funding requests for the military operations in Iraq with their domestic spending priorities. Given the fact that a considerable share of U.S. military personnel in Iraq continued to be provided by part-time army national guards and reservists, leading Republicans such as House Majority Whip Roy Blunt (R-Mo.) called for an increase in regular active

³⁸ David Stout, Senators See Budget Shift on Iraq as Sign of Trouble, in: The New York Times, September 15, 2004.

³⁹ Brian Knowles, G.O.P. Senators Voice Rising Concerns on Iraq, in: The New York Times, September 19, 2004.

⁴⁰ John Hendon, Cash-Strapped Pentagon Taps Emergency Fund, in: Los Angeles Times, September 22, 2004.

⁴¹ Richard A. Oppel, Jr., Congressional Unit Analyzes Military Costs in Iraq, in: The New York Times, November 1, 2003; John Hendon, Cash-Strapped Pentagon Taps Emergency Fund.

⁴² See, David D. Kirkpatrick, Congress Approves Financing to Fight Wars and Terrorism, in: The New York Times, May 11, 2005.

military personnel.⁴³ In his “Chairman’s Risk Assessment”, an annual report required by Congress, Gen. Richard Meyers, chairman of the Joint Chiefs of Staff, acknowledged that, although the U.S. military might still win simultaneous conflicts, it would, due to the depletion of its resources during the war in Iraq, be forced to do so over a longer period and with more casualties on both sides.⁴⁴ In the end, president and Congress have the option of financing higher defense appropriations through higher budget deficits or taxes, something that many Republican voters would reject, or by scaling back of other government expenditures, which the Democratic Party would use to mobilize their supporters and independents.

3.3.2. Congressional Oversight and the “Abu Ghraib” Investigations

The pictures documenting the torture and humiliation of Iraqi prisoners in a camp run by two U.S. Military Police Battalions and a Military Intelligence Brigade sparked the first detailed public congressional inquiry into the conduct of military operations in Iraq after President Bush had announced their end in May 2003. This also provides an interesting case study of presidential-congressional relations at the beginning of the presidential election campaign that had just started in earnest after John Kerry’s victory in the Democratic primaries in March 2004.

Since senators of both parties consider the privilege of being informed by all government agencies to be an essential part of their constitutionally enshrined prerogative of congressional oversight, the Republican chairman of the Senate Intelligence Committee, Pat Roberts (Kans.), reflected the sentiments of many of his colleagues when he described the lack of information-sharing on behalf of the Department of Defense, its Defense Intelligence Agency, and the Central Intelligence Agency as “*unacceptable*”.⁴⁵ While many Democrats, including presidential candidate John Kerry, immediately demanded the resignation of Secretary of Defense Donald Rumsfeld, a number of Republicans, including Senators Graham (S.C.), McCain (Ariz.), and Hagel (Neb.), tried to steer a course that demonstrated the independence of their personas and offices without too overtly breaking party discipline.⁴⁶ Since public opinion showed a clear majority of seventy percent in favor of not forcing Donald Rumsfeld to resign, President Bush was able to use his dual role as commander-in-chief and leader of a party that

⁴³ Ronald Brownstein, Even Bush’s Most Loyal GOP Soldiers Alarmed by Strain on Troops, in: Los Angeles Times, January 17, 2005.

⁴⁴ Thom Shanker, Pentagon Says Iraq Effort Limits Ability to Fight Other Conflicts, in: The New York Times, May 3, 2005.

⁴⁵ Charles Babington/Helen Dewar, Lawmakers Demand Answers on Abuses in Military-Run Jails, in: Washington Post, May 6, 2004.

⁴⁶ R. Jeffrey Smith, Senators Fault Pentagon as New Photos Emerge, in: Washington Post, May 10, 2004.

planned to defend both the White House and Congress in the up-coming elections to force an end to the debate on the future of his secretary of defense by publicly supporting him.⁴⁷

After the Republican chairman of the Senate Armed Service Committee, Senator John Warner (R-Va.), continued to hold televised hearings on prisoner abuse, his Republican counterpart on the House Armed Services Committee, Representative Duncan Hunter (Calif.), charged that the “*Senate has become mesmerized by cameras*”.⁴⁸ This statement reflected the sometimes precarious relationship between the members of the two chambers. While the House of Representatives is naturally more inclined to take electoral politics into consideration, many senators think of themselves as “above politics” in fulfilling the constitutional duty of controlling the executive branch of government. Many House Republicans were therefore increasingly worried about a downward trend in the public’s perception of the war in Iraq, which their party portrayed as an essential part of the global “war on terror”. Equally important in this case was the fact that the Republican leadership in the House was more in line with the president’s conservative agenda than was the case in the Senate, in which moderate Republicans yielded much greater influence. Norman Ornstein and Thomas Mann, veteran analysts of congressional politics, have pointed out that the 12 hours of testimony on Abu Ghraib taken by Republicans in the House of Representatives contrasted starkly with their 140 hours of testimony on “*whether President Clinton had used his Christmas mailing list to find potential campaign donors*.”⁴⁹ When Representative John P. Murtha (Penn.), Vietnam veteran and long-time champion of the U.S. military within the Democratic Party, publicly declared that the war in Iraq could only be won by significantly increasing its military presence, Republican Majority Leader Tom Delay (Tex.) attacked him for engaging in a “*political stunt*”.⁵⁰ Whereas the Senate passed *Resolution 356*, which commended all “Americans serving nobly” in Iraq, condemned the events that had occurred at Abu Ghraib, offered an apology for the humiliation, and expressed a belief in the benefits of a full investigations of all alleged abuses by its appropriate committees by 92 votes to 0, a nearly identical measure was never voted on in the House.

⁴⁷ Richard Morin/Claudia Deane, Most Want Rumsfeld to Stay, Poll Finds, in: Washington Post, May 8, 2004. In a TV appearance in early 2005, Rumsfeld publicly acknowledged that he had twice submitted his resignation during the Abu Ghraib investigation. See Thom Shanker, Rumsfeld Says He Offered to Quit, in: The New York Times, February 4, 2005.

⁴⁸ See Helen Dewar/Spencer S. Hsu, Warner Bucks GOP Right on Probe of Prisoner Abuse, in: Washington Post, May 28, 2004; Bradley Graham/Charles Babington, 2 GOP Chairmen at Odds Over Hill Abuse Hearings, in: Washington Post, May 19, 2004.

⁴⁹ Norman J. Ornstein/Thomas E. Mann, When Congress Checks Out, in: Foreign Affairs, Vol. 85, No. 6, accessed on <http://proquest.umi.com> on March 3, 2007.

⁵⁰ “This morning, in a calculated and craven political stunt, the national (sic!) Democrat Party declared its surrender in the war on terror.” See Charles Babington, From GOP, Zero Tolerance For Democratic War Critic, in: Washington Post, May 16, 2004.

In addition, the rules of the Senate provide single members, and especially Committee chairmen, with much greater leeway in conducting their business than in the tightly controlled House. In the end, the independence demonstrated by Senator Warner reportedly earned him a spot on the short-list of possible nominees for secretary of defense of both a Bush and Kerry White House.⁵¹ With the party conventions in Boston and New York quickly approaching, this election year example of congressional oversight came to a close. However, the administration was reminded of this case's long-term fall-out when a year later Senator Richard J. Durbin (D-Ill.) successfully inserted a provision into the next emergency spending bill for military operations in Afghanistan and Iraq that barred the government from using any of the newly appropriated money to subject anyone in American custody, including foreigners, to torture or any treatment forbidden by the Constitution.⁵²

3.4. *Intra-executive Dynamics*

3.4.1. The Problem of Pre-War Intelligence

The doctrine of pre-emption put a new focus on the capabilities not only of the Department of Defense, but also and especially on those of the Central Intelligence Agency (CIA). The matter of Iraq's alleged weapons of mass destruction program was not the first time that intelligence information proved to be incomplete. This can be explained by the structural relationship between the realms of intelligence and politics. Intelligence information, which contradicts the dominant reading of events within the executive, especially the White House, tends to be neglected. This has been the case with both Democratic and Republican presidents.

In a famous example that has repercussions for U.S. policy toward the Gulf region yet today; the CIA was not able to agree on a necessarily pessimistic National Intelligence Estimate concerning the stability of the Shah regime in Iran in summer 1978. This happened mainly because it would have contradicted the view held in the Carter White House that the Shah regime would be able to survive the domestic upheaval of those days. As a result, Ayatollah Khomeini's seizure of power came as a shock to policy-makers whose reliance on the Shah became one reason for a trouble U.S.-Iranian relationship.⁵³ Another example, which was not directly related to the Middle East, but even more significant in its global repercussions was

⁵¹ Helen Dewar/Spencer S. Hsu, Warner Bucks GOP Right on Probe of Prison Abuse, in: Washington Post, May 28, 2004.

⁵² Eric Lichtblau, Congress Adopts Restriction on Treatment of Detainees, in: The New York Times, 11 May 2005.

⁵³ Thomas Powers, The trouble within the CIA, in: Robert B. Silvers/ Barbara Epstein (eds.), *Striking Terror: America's New War*, New York 2002, pp. 329-351, p. 338ff.

the refusal of politically appointed officials within the CIA in the 1980s to accept reports from lower-ranking analysts describing the Soviet Union's decreasing military and economic capabilities, because such information would not have supported the White House's view of a continuing Soviet threat.⁵⁴

In the case of the war with Iraq, U.S. intelligence agencies have admitted to not having taken reports by Iraqi defectors seriously which revealed that their home country had abandoned programs for the production of weapons of mass destruction. Given the experience of the second Gulf War, a consensus within the intelligence community about Iraq's possession of such weapons had solidified, which caused contrary accounts given by Iraqis to be seen as being part of a disinformation campaign by Saddam Hussein.⁵⁵ An internal CIA publication, therefore, acknowledged "tradecraft weaknesses", while defending the way some conclusions that were later proven false.⁵⁶

A Senate Intelligence Committee report,⁵⁷ whose publication coincided with the resignation of CIA Director George J. Tenet, concluded with strong criticism of the agency's reporting on Iraq's alleged possession of weapons of mass destruction as well as with praise for its warning about the lack of evidence for an established relationship between the regime of Saddam Hussein and Osama bin Laden's al Qaeda.⁵⁸ Originally, the CIA was willing to declassify only one half of the committee's report. However in a sign of the Senate trying to resume its oversight role, long negotiations between the agency and the committee brought about an agreement that left only one fifth of the document classified.⁵⁹ The ranking Democrat on the committee, Senator John D. Rockefeller IV (W.Va.), claimed that had the information about the lack of weapons of mass destruction in Iraq been available to the Senate from the beginning, it would not have passed the resolution to authorize the president to use force against Iraq with a majority of 77 to 23 votes. While this assessment might be explained by partisan calculation, it seems interesting that the Republican chairman of the committee, Pat Roberts, said that, although he might still have voted to give the president the desired authority, he would have

⁵⁴ Kimberly Marten Zisk, *The Threat of Soviet Decline: The CIA, the Joint Chiefs of Staff, and the End of the Cold War*, in: Randall B. Ripley/James M. Lindsay (eds.), *U.S. foreign policy after the Cold War*, Pittsburgh 1997, pp. 160-181, p. 161f.

⁵⁵ James Risen, *CIA Held Back Iraqi Arms Data, U.S. Officials Say*, in: *The New York Times*, July 6, 2004; Douglas Jehl, *U.S., Certain That Iraq Had Illicit Arms, Reportedly Ignored Contrary Reports*, in: *The New York Times*, March 6, 2004.

⁵⁶ Douglas Jehl, *C.I.A. Review is Critical of Prewar Iraq Analysis*, in: *The New York Times*, September 22, 2004.

⁵⁷ The full 521-page report can be accessed at <http://intelligence.senate.gov/iraqreport2.pdf>.

⁵⁸ Dana Milbank/Walter Pincus, *As Rationales for War Erode, Issue of Blame Looms Large*, in: *Washington Post*, July 10, 2004.

⁵⁹ Douglas Jehl, *Doubts on Informant Deleted in Senate Text*, in: *The New York Times*, July 13, 2004.

considered a possible war to be more like “*Bosnia and Kosovo*”,⁶⁰ two military operations that had been deemed by many Republicans in Congress as having no relevance for U.S. national security. Chairman Roberts then decided to break up the remaining investigation into five different parts, tackling in detail the post-war findings on Saddam Hussein’s connections to terrorism and weapons of mass destruction, the intelligence community’s use of information provided by Ahmed Chalabi’s *INC* and intelligence assessments of post-war Iraq. The final segments were to deal with the activities conducted by the Pentagon’s *Office of Special Plans* under former Undersecretary of Defense Douglas J. Feith as well as with the administration’s public statements on Iraq.⁶¹

When at the height of the presidential race in the fall of 2004, classified intelligence estimates were leaked to the press that painted a considerably more skeptical picture of the situation in Iraq than the President at his campaign appearances a public debate erupted on the nature of the relationship between the White House and the Central Intelligence Agency, where many employees felt they were being unjustifiably criticized for the nature of pre-war intelligence.⁶² An editorial of the Wall Street Journal, which had previously endorsed the war with Iraq, stated that the Bush administration had at that time “*two insurgencies to defeat: the one that the CIA is struggling to help put down in Iraq and the other inside Langley against the Bush administration.*”⁶³

In this intra-executive relationship one main problem arose from the institutional arrangement that gives the CIA director nominal authority over the intelligence community, on the one hand, while the Department of Defense and its secretary control most of the community’s budget and personnel, on the other hand. The scandal of the possible dissemination of highly sensitive U.S. intelligence information to Iran by Ahmad Chalabi, who was the main Iraqi ally of neo-conservatives within the Pentagon and one of the main recipients of U.S. aid authorized by the above-mentioned *Iraq Liberation Act*, further strained the relationship between the CIA and the Department of Defense. Until a raid on the *INC* headquarters in Baghdad in May 2003, the Defense Intelligence Agency paid the organization led by Chalabi \$340,000 a month for supplying intelligence before and after the U.S. invasion in March 2003.⁶⁴ This

⁶⁰ Dana Priest/Dafna Linzer, Panel Condemns Iraq Prewar Intelligence, in: Washington Post, July 10, 2004.

⁶¹ Tim Starks, Confluence of Hurdles Hampers Panel’s Iraq Probe, in: CQ Today, July 11, 2006, accessed at www.cq.com on August 2, 2006.

⁶² Douglas Jehl, C.I.A.-White House Tensions Are Being Made Public to Rare Degree, in: The New York Times, October 2, 2004.

⁶³ The CIA’s insurgency, in: Wall Street Journal, September 29, 2004.

⁶⁴ Walter Pincus, Chalabi Warned Iranians, U.S. says, in: Washington Post, June 2, 2004. In total, the INC received \$33 million from the State Department and \$6 million from the Defense Intelligence Agency. See David E. Sanger, Chalabi’s Seat of Honor Lost to Open Political Warfare with U.S., in: The New York Times, May 21, 2004.

financing had only been restored by the Pentagon in January 2002, after the State Department had earlier cut the funds to the group over accounting disputes.⁶⁵ In the United States, the possibility of Ahmed Chalabi informing the Iranian government that the United States had broken the codes used by Iranian intelligence led to an FBI investigation of several Pentagon employees.⁶⁶ Moreover, in the eyes of early critics, the heavy reliance on exiles surrounding Ahmed Chalabi further negatively affected the broader Iraqi public's perception of the Coalition Provisional Authority.⁶⁷

In the run-up to the war, one of Chalabi's strongest supporters in Washington, D.C., Richard Perle, who served on the Pentagon's advisory Defense Policy Board, had publicly criticized the CIA for having become "*wedded to theory*" that left no room for the possibility that Iraq was working with al Qaeda. This assessment led Deputy Defense Secretary Paul Wolfowitz with the approval of Donald Rumsfeld to create a separate analytical entity within the Department of Defense. This entity was headed by Douglas Feith, the undersecretary of defense for policy, who was equally displeased with the CIA's inability to find conclusive evidence of a link between Saddam Hussein and al Qaeda and with the CIA's skepticism about the reliability of Iraqi sources provided by Ahmed Chalabi.⁶⁸ According to a February 2007 report by the Department of Defense's Inspector General the activities of the group led by Feith were not illegal, but they were "*inappropriate, given that the intelligence assessments were presented as intelligence products and did not show the variance with the consensus of the intelligence community.*"⁶⁹

The creation of the office of a Director of National Intelligence in December 2004, in charge of coordinating the efforts of the CIA and 14 other intelligence organizations, did not eradicate the potential for further conflict with the Department of Defense, since then Secretary Rumsfeld continued to be wary of losing control of those Pentagon agencies like the National Security Agency, the National Geospatial-Intelligence Agency and the National Reconnaissance Office, which due to the restructuring now fell under the authority of the new director of National Intelligence.⁷⁰

⁶⁵ Todd Pudrum, After Saddam; Now What?, in: The New York Times, February 17, 2002.

⁶⁶ David Johnston/James Risen, Polygraph Testing Starts at Pentagon in Chalabi Inquiry, in: The New York Times, June 3, 2004.

⁶⁷ Daniel Byman/Kenneth Pollack/Gideon Rose, The End of the Chalabi Affair?, posted on foreignaffairs.org on May 26, 2004.

⁶⁸ James Risen, How Pair's Finding on Terror Led to Clash on Shaping Intelligence, in: The New York Times, April 28, 2004; David Johnston/James Risen, Polygraph Testing Starts at Pentagon in Chalabi Inquiry.

⁶⁹ Quoted in Greg Miller/Julian E. Barnes, CIA doubts didn't deter Feith's team, in: Los Angeles Times, February 10, 2007 (emphasis added).

⁷⁰ Walter Pincus, Rumsfeld Memo on Intelligence Criticized, in: Washington Post, April 8, 2005.

3.4.2. The Departments of State and Defense and the Matter of Post-War Planning in Iraq

Since the beginning of the Bush administration's campaign against terrorism, much has been written about the relationship between the Departments of State and Defense and their respective views on how this campaign should have been conducted. Early on, the press elaborated on the differences between the approach of the civilian leadership of the Pentagon that emphasized the use of military power against Iraq and the State Department under Colin Powell that saw new diplomatic efforts to resolve the conflict between Israelis and Palestinians as the logical next step after the successful military campaign in Afghanistan.⁷¹ The internal Republican debate of the summer of 2002 that was prompted by leading figures of the Republican establishment who were considered to be close to Secretary Powell could be regarded as a spill-over of this intra-executive dispute into the public arena.⁷²

In April 2003, Deputy Secretary of Defense Paul Wolfowitz claimed that the "*shaming effect*" of Saddam's fall from power would profoundly affect other regimes in the region.⁷³ With that in mind, Newt Gingrich strongly criticized the State Department's willingness to step up relations with Syria and Iran which he considered another example of Foggy Bottom's "*diplomatic failures*" that ranged from the inability to effectively communicate Washington's interests to the possible negation of the positive effects of the military campaign against Iraq through an unwarranted emphasis on cooperative approaches. The fact that the Pentagon did not distance itself from Gingrich's comments and the public comment made by Richard Armitage, Assistant Secretary of State, that Gingrich might simply lack "*medicine and therapy*" underscored the poisoned relationship between the two departments.⁷⁴

With the quick success of the military operation that led to the collapse of Saddam Hussein's regime, proponents of the Rumsfeld doctrine, which put emphasis on a small number of highly maneuverable ground forces, special operations, and high-tech air power,⁷⁵ seemed to have been vindicated against cautious voices such as Eric Shinseki's pre-war assessment as the Army Chief of Staff, who expected a necessary ground force of "a couple of hundred

⁷¹ Patrick E. Tyler, In Washington, a Struggle to Define the Next Fight, in: The New York Times, December 2, 2001.

⁷² Peter Grier, Behind US rifts on hitting Iraq, in: Christian Science Monitor, August 21, 2002; Todd S. Purdum/Patrick E. Tyler, Top Republicans Break with Bush on Iraq Strategy, in: The New York Times, August 16, 2002; Brent Scowcroft, Don't Attack Saddam, in: Wall Street Journal, August 15, 2002.

⁷³ Bill Gertz/Rowan Scarborough, 'Shaming Effect' on Arab World, in: Washington Post, April 29, 2003.

⁷⁴ Brian Knowlton, Gingrich Assails State Department and Calls for Overhaul, in: New York Times, June 17, 2003; Jonathan E. Kaplan, Did Gingrich get nod for AEI speech?, in: The Hill, April 30, 2003, <http://www.thehill.com/news/043003/gingrich.aspx> accessed on April 30, 2003.

⁷⁵ Brad Knickerbocker, How Iraq will change US military doctrine, in: The Christian Science Monitor, July 2, 2004.

thousand” troops.⁷⁶ However, the continuing violence in Iraq demonstrated that this doctrine did not include the appropriate means of dealing with the kind of counterinsurgency the United States had not faced since Vietnam, as has been pointed out by a study of the mostly Pentagon-financed Rand Corporation, which criticized the Pentagon’s leadership for its failure to learn from “historical lessons” in the fight against Iraqi insurgents.⁷⁷ Senator John McCain (R-Ariz.) therefore used the platform of congressional hearings to openly express dissatisfaction with what was considered to be an inability of the Pentagon’s military leadership to actively challenge the civilian leadership’s strategies.⁷⁸

4. The Politics of Withdrawal and the Return of Divided Government

Until well after his reelection, President Bush benefited from the fact that developments within Iraq such as the capture of Saddam Hussein, the transfer of sovereignty, and the various Iraqi elections and referenda created powerful “images of progress” which he could point to in debates with his political rivals.⁷⁹ His standing was additionally bolstered by the ability of the White House and its political allies to cast the military effort in Iraq as being part of the global war on terror.⁸⁰ On the other hand, this meant that President Bush’s approval rating as well as the public’s perception of the war would be directly affected by negative developments in both arenas.

In the aftermath of the elections for Iraq’s constitutional assembly in January 2005, former Republican secretaries of state Kissinger and Shultz argued forcefully against “artificial timelines” for the withdrawal of U.S. forces from Iraq.⁸¹ They were supported in this by the U.S. Joint Chiefs of Staff who were concerned that timetables might entice the enemies of the U.S. presence in Iraq to try to repeat the events of “*Beirut and Somalia*”.⁸² However, critics such as James Steinberg, deputy national security advisor under President Clinton, saw the

⁷⁶ Larry Diamond, What Went Wrong in Iraq, in: Foreign Affairs, Vol. 83, No. 5, September/October 2004, pp. 34-56, p. 34f.

⁷⁷ Bradley Graham/Thomas E. Ricks, Pentagon Blamed for Lack of Postwar Planning in Iraq, in: Washington Post, April 1, 2005.

⁷⁸ John Hendren, General Ranked on Rumsfeld Campaign, in: Los Angeles Times, May 9, 2005.

⁷⁹ Peter Baker/Dana Balz, Bush Words Reflect Public Opinion Strategy, in: Washington Post, June 30, 2005. For instance, the arrest of Saddam Hussein in November 2003 coincided with a shift in US public opinion polls which for the first time showed a slight majority of respondents being dissatisfied with President Bush’s management of the war in Iraq. See Thomas E. Ricks, New Attacks Intensify Pressure on Bush, in: Washington Post, November 3, 2003.

⁸⁰ Richard Holbrooke, Our Enemy’s Face, in: Washington Post, September 9, 2005; Dana Milbank, Claudia Deanne, Hussein Link to 9/11 Lingers in Many Minds, in: Washington Post, September 6, 2003.

⁸¹ Henry A. Kissinger/George P. Shultz, Results, Not Timetables, Matter in Iraq, in: Washington Post, January 2005.

⁸² Seren Parker, Pentagon Concerned About Declining Support in US for Iraq Presence, in: VOA, June 16, 2005, accessed at www.voanews.com on June 19, 2005.

announcement of a deadline for withdrawal as the most effective way of countering the Sunni-led guerilla war and terrorist campaign.⁸³ Those voices started to find their echo in Congress, when, in a rather unusual combination, Republican Ron Paul (Tex.), the leading representative of his party's isolationist wing, teamed up with Republican Walter Jones (N.C.) and Democrats Neil Abercrombie (Hawaii) and Dennis Kucinich (Ohio) to initiate a resolution that called for the withdrawal of all combat forces by October 1, 2006.⁸⁴ In another sign that a more forceful opposition to the war in Iraq was beginning to take shape in late 2005, Congressman John Murtha (D-Pa.) reversed his stance of mid-2004 and called for a withdrawal of all combat troops within six months and the stationing of a rapid reaction force.⁸⁵ Nancy Pelosi's (D-Cal.) decision to adopt Murtha's stance for her party met with the disapproval of her deputy Steny Hoyer (Md.) who believed that "*a precipitous withdrawal of American forces in Iraq could lead to disaster, spawning civil war, fostering a haven for terrorists and damaging our nation's security and credibility.*"⁸⁶ Their contrasting views reflected similar disagreements among the party's foreign policy experts with President Carter's national security advisor Zbigniew Brzezinski supporting an immediate withdrawal and Richard Holbrooke, President Clinton's ambassador to the United Nations, as well as Madeleine Albright ("*This is a war of choice, not necessity, but getting it right is a necessity and not a choice.*") arguing against it.⁸⁷ Interestingly, after the 2006 mid-term elections, Speaker-elect Nancy Pelosi credited Murtha, who lost his intra-party bid against Hoyer to become majority leader, with laying the groundwork for the Democratic victory.⁸⁸

Taking up the ultimately unsuccessful challenge to move the debate into more favorable terrain, President Bush and Vice President Cheney began to more forcefully use the "bully pulpit" to influence public opinion. In doing so, they emphasized what they described as the disastrous results of an early withdrawal from Iraq. President Bush warned about the Islamist terrorists' "*fanatic and extreme plan*" to build a "*radical Islamist imperium ranging from Spain to Indonesia*", which would aim to "*destroy Israel*", "*bully Europe*" and threaten the

⁸³ James B. Steinberg/Michael E. O'Hanlon, Departure Does Not Mean Defeat, in: Financial Times, February 23, 2005.

⁸⁴ Sheryl Gay Stolberg, Small Bipartisan Group in House Presses for Iraq Exit Strategy, in: New York Times, June 16, 2005.

⁸⁵ Eric Schmitt, Uproar in House as Parties Clash on Iraq Pullout, in: New York Times, November 19, 2005; Charles Babington, Hawkish Democrat Joins Calls for Pullout, in: Washington Post, November 18, 2005; Maura Reynolds, Democratic Hawk and War Veteran Wants U.S. Troops Out of Iraq Now, in: Los Angeles Times, November 18, 2005.

⁸⁶ See Jonathan Weisman, Democratic Lawmakers Splinter on Iraq, in: Washington Post, December 2, 2005.

⁸⁷ Robin Wright, Democrats Find Iraq Alternative Is Elusive, in: Washington Post, December 5, 2005.

⁸⁸ Jonathan Weisman/Lois Romano, Democrats Pick Hoyer Over Murtha, in: Washington Post, November 17, 2006; Josephine Hearn, Pelosi backs Murtha for majority leader, in: The Hill, November 12, 2006, accessed at www.thehill.com on November 12, 2006.

United States “*into isolation*”.⁸⁹ His Republican allies in the Senate stymied a Democratic attempt to pass a resolution calling for a specific plan for withdrawal. Instead, the Senate called with 79 to 19 votes upon the president to use the year 2006 to lay the groundwork for a “gradual withdrawal” and committed the White House to issuing progress reports every ninety days.⁹⁰ The more partisan and tightly controlled House of Representatives reacted with *House Resolution 612* which declared “*artificial timelines*” as “*fundamentally inconsistent*” with victory in Iraq.

With the combination of a lack of significant “signs of progress” and an increasing level of violence, even the relative unity of the Republican Party and its control of both the White House and Congress did not shield it from the political fallout of rising voter dissatisfaction. For the first time, in the summer of 2006, a majority of the U.S. public started to view the war in Iraq as being distinct from the broader war on terror.⁹¹ Republican efforts to reverse this trend were further undermined when the Senate Intelligence Committee issued two of its five remaining reports on prewar intelligence in September 2006. Chairman Roberts’s efforts to stall their publication until after the mid-term elections failed when Senators Olympia Snowe (R-Maine) and Chuck Hagel (R-Neb.) broke ranks with their party to support their Democratic colleagues in making the results available to the public. This was of profound political significance since the reports made the strong warnings members of the intelligence community had already issued about the Bush administration’s allegation of a strong link between Saddam Hussein and al Qaeda in the run-up to the war publicly available. With the campaign season for the mid-term elections of 2006 in full swing, Republican chairman Pat Roberts found himself in the awkward position of having to urge the public to ignore the findings of his own committee.⁹²

With the Democratic control of Congress and the return of divided government, the issues of oversight and the funding for the war in Iraq received new attention. In view of the continuing public dissatisfaction with the war effort and an increasing public willingness to consider the withdrawal of U.S. forces from the country, lawmakers of the new majority had to find a way to challenge the president without endangering their newly-won position or their party’s chances of capturing the White House in 2008. With one in five Americans supporting imme-

⁸⁹ President Bush Discusses War on Terror at National Endowment for Democracy, October 6, 2005, in: Congressional Record, 109th Congress, 1st Session, Vol. 151, No. 130, p. E2066-2068.

⁹⁰ Gail Russell Chaddock, On war, Senate flexes muscle, in: Christian Science Monitor, November 17, 2005; Shailagh Murray/Jonathan Weisman, Senate Presses for Concrete Steps Toward Drawdown of Troops in Iraq, in: Washington Post, November 16, 2005.

⁹¹ Carl Hulse/Marjorie Connelly, Poll Shows a Shift in Opinion on Iraq War, in: New York Times, August 23, 2006.

⁹² Jonathan Weisman, Iraq’s Alleged al Qaeda Ties Were Disputed Before War, in: Washington Post, September 9, 2006; Greg Miller, Senate: Hussein Wasn’t Allied With al Qaeda, in: Los Angeles Times, September 9, 2006.

diate withdrawal and another fifty percent supporting a timetable, public opinion seemed to be on the side of the Democrats.⁹³ In their effort to reign in President Bush's Iraq policies, they could choose between non-binding statements of disapproval and a focus on oversight while giving the president enough leverage to deal with the military aspects of the war or they could use a cut-off in funding to force the president to stop the war. While the first option does not nearly go as far towards ending the war as the liberal wing of the Democratic party wants, the moderate wing of the party could point to the fact that attaching conditions to supplemental funding would interfere with the constitutionally-enshrined responsibilities of the president's function as commander-in-chief.⁹⁴ A third option, which was first put forward by Senator Edward Kennedy, but initially failed to be picked up by his colleagues, was to effectively repeal the authorization for war given in 2002, since it was supposedly limited to the direct challenge to Saddam Hussein's regime and did not cover interference in a 'civil war'.⁹⁵ Whichever option prevails, it will ultimately face the possibility of a presidential veto thereby leading to a major constitutional showdown over the United States' policy toward Iraq.

5. Conclusion

Summarizing the relationship between president and Congress during the Clinton administration as it relates to U.S. policy toward the Gulf region, one can easily detect a pattern of rhetorical congressional leadership, which led the executive into cooperation on legislation that, in comparison to the policies originating from the White House, could be considered mostly symbolic.

This changed dramatically when the events of September 11, 2001 resulted in a sharp increase in public support for an administration that had a clear view on how to proceed in the region. However, in retrospect, the doctrine of pre-emption developed by the Bush administration seemed to be tied specifically to the case of Iraq, resulting from a confluence of mostly domestic considerations and developments. It is therefore possible to claim that, contrary to earlier assessments,⁹⁶ the NSS 2002 is more of a public relations document that explained the case for war with Iraq to both an international and domestic audience rather than the equiva-

⁹³ Majority of America Believe Iraq Is in 'Civil War', Poll Finds, in: Wall Street Journal, November 30, 2006.

⁹⁴ Jonathan Weisman/Lyndsey Layton, Murtha Stumbles on Iraq Funding Curbs, in: Washington Post, February 25, 2007; Sheryl Gay Stolberg/John M. Broder, Congressional Democrats Wrestle Over How to Force Bush to Alter Iraq Policy, in: New York Times, February 24, 2007; Shailagh Murray/Jonathan Weisman, Democrats Seek to Repeal 2002 War Authorization, in: Washington Post, February 23, 2007.

⁹⁵ Jonathan Weisman/Dan Balz, Democrats Aim to Block Funds for Plan, in: Washington Post, January 11, 2007.

⁹⁶ James Kurth, Confronting the Unipolar Moment: The American Empire and Islamic terrorism, in: Current History, Vol. 101, No. 659, December 2002, pp. 403-408.

lent of a historic vision such as the one that was outlined more than fifty years ago by Paul Nitze and the other “wise men” of the Truman administration and functioned as the conceptual framework for the confrontation with perceived Soviet expansionism.⁹⁷

Until November 2006, the relationship between the executive and legislative branches during the Bush administration, was characterized by executive dominance. Even though the Senate, unlike the House, which until 2006 remained effectively controlled by the Republican leadership surrounding Speaker Dennis Hastert (Ill.) and Majority Leader Tom DeLay (Tex.) and his successor John Boehner (Ohio), tried to engage in oversight, the traditional play of checks and balances between the two branches of government was severely limited by the fact that, for the first time since the Democratic Party’s dominance at the outset of the Vietnam War, a single party controlled Congress and the White House during the country’s involvement in a sustained military engagement abroad.

On the other hand, the U.S. public’s increasing dissatisfaction with the developments in Iraq pushed a reluctant Congress towards a closer examination of White House policies. The public’s eroding confidence in the president’s ability to successfully manage the war in Iraq and the ongoing ethics disputes surrounding Republicans Tom DeLay (Tex.) and Tom Foley (Fla.) generated a political momentum that contributed to the Republican loss of Congressional majorities in the mid-term elections of 2006. While the results of the 2006 election and the continuing voter dissatisfaction with the war in Iraq raised the spectre of more muscular congressional involvement in U.S. policy toward the Gulf region, thereby ending nearly six years of minimal congressional oversight, President Bush and his foreign policy staff can count on the fact that the Constitution provides them with enough leeway to conduct the war as they see fit until Congress overcomes the major hurdle of establishing veto-proof majorities to end the funding for the war.

⁹⁷ A broad range of commentators on U.S. foreign policy including Geoffrey Kemp, a National Security Council staff member in the Reagan administration and currently director of regional strategic programs at the Nixon Center, James F. Hoge Jr., editor of *Foreign Affairs* magazine, and Walter Russell Mead, senior fellow at the Council on Foreign Relations, see the main pillars of the Bush doctrine of “pre-emption” as either being discredited or having failed. See Robin Wright, *Iraq Occupation Erodes Bush Doctrine*, in: *Washington Post*, June 28, 2004.