

HOW TO ESTABLISH AN EMPIRE WITHOUT CONGRESSIONAL APPROVAL

Charlie Savage has a great article summarizing Bush's threats to establish a security relationship with Iraq without consulting Congress.

President Bush's plan to forge a long-term agreement with the Iraqi government that could commit the US military to defending Iraq's security would be the first time such a sweeping mutual defense compact has been enacted without congressional approval, according to legal specialists.

After World War II, for example – when the United States gave security commitments to Japan, South Korea, the Philippines, Australia, New Zealand, and NATO members – Presidents Truman and Eisenhower designated the agreements as treaties requiring Senate ratification. In 1985, when President Ronald Reagan guaranteed that the US military would defend the Marshall Islands and Micronesia if they were attacked, the compacts were put to a vote by both chambers of Congress.

By contrast, Bush and Iraqi Prime Minister Nouri Al-Maliki have already agreed that a coming compact will include the United States providing "security assurances and commitments" to Iraq to deter any foreign invasion or internal terrorism by "outlaw groups." But a top White House official has also said that Bush does not intend to submit the deal to Congress.

Savage shifts the focus from whether Bush is trying to force the hand of his successor to the Constitutional questions behind such an act. And he finds that even wingnut Republicans oppose Bush's threats to bypass Congress.

At a House hearing on the pact on Wednesday, Representative Dana Rohrabacher, Republican of California and a former Reagan administration official, accused the Bush administration of "arrogance" for not consulting with Congress about the pact. If it includes any guarantees to Iraq, he said, Congress must sign off.

"We are here to fulfill the constitutional role established by the founding fathers," Rohrabacher said, adding, "It is not all in the hands of the president and his appointees. We play a major role."

Yet even Rohrabacher's constitutional arguments appear to be meeting the same response as Democrats' worries: silence.

"I haven't been involved in any discussions of what kind of form the agreement would take or anything else," Gates said at press conference yesterday. "I do know there's a strong commitment inside the administration to consult very closely with the Congress on this."

But Represent Bill Delahunt, Democrat of Massachusetts, who chaired the hearing on Wednesday, asked four top administration officials – Lute, Undersecretary of Defense for Policy Eric Edelman, and the State Department's top legal and Iraq advisers, John Bellinger and David Satterfield – to appear and explain the administration's intentions. All four declined.

I guess Gates believes you can consult with
Congress via telepathy.