

2. Former President George W. Bush created a treaty for three years of war in Iraq without consulting Congress, stripping the Senate of the power to approve treaties and stripping Congress of the power to declare and end wars. Congresswoman Barbara Lee has introduced H.Res. 72, "Expressing the sense of the House of Representatives that absent congressional approval the Agreement Between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq is merely advisory and not legally binding on the United States, and for other purposes." While there are good and bad measures in the treaty (and while the U.S. military's announced intention to ignore the withdrawal deadlines could be protested) the danger of allowing all future presidents this absolute power is too grave a risk. Will you cosponsor? How can we help?

Insisting on Congressional input does not mean rejecting or supporting the treaty, only requiring that the senate or both houses have the power to consent or not. One can defend the power of Congress and then, when a vote takes place, vote in favor of the treaty.

Rejecting the treaty would leave us with a legal obligation to quickly withdraw, unless some new agreement were put into place. And, of course, that new agreement could turn out to be worse. But the merits of the current agreement don't weigh heavily when we recognize that the U.S. military is openly committed to violating it. Gen. Ray Odierno, the top U.S. commander in Iraq, has stated publicly that U.S. troops will remain in Iraqi cities, towns, and localities beyond this coming June, and will remain in Iraq beyond 2011.

Supporting the treaty carries with it the problem that it was approved by the Iraqi Parliament on condition that the people of Iraq be permitted to vote it up or down by this July. If they are not permitted to vote or their vote is ignored, the treaty will lose all legitimacy in Iraq, assuming it has any after the troops fail to depart localities for their bases. If Iraqis vote the treaty down, it could be considered dead on the spot or alive for 12 more months, because the treaty claims to require 12 months to be eliminated. That timing would almost match President Obama's commitment to withdraw (at least "combat troops") in 16 months.

But the biggest concern here is whether we want to risk establishing the precedent that a president can expand a Status of Forces Agreement to do everything this one does, without any congressional approval. As much as we'd love to end one war by demanding adherence to an unconstitutional treaty, that approach seems doomed to failure and we have a much greater interest in preventing the future expansion and creation of numerous new wars by means of this precedent.

In fact, if we fix this treaty in place and establish its authority -- which we can do just by remaining silent -- there will be nothing to prevent President Obama and his successors from simply creating new treaties of the same sort to extend the occupation of Iraq each time an old treaty expires.

For the American people to have any say in this, we have to have it through our representatives in Congress, and we can't if Congress allows its powers to be moved to the White House.

While a resolution like this one has no teeth and may not even pass, the greater its strength is, the more clearly its message is communicated. It's hard to imagine what harm could possibly be done by signing on in support, effectively defending the continued existence of Congress.