When Congress Stops Wars

Partisan Politics and Presidential Power

William G. Howell and Jon C. Pevehouse

For most of George W. Bush's tenure, political observers have lambasted Congress for failing to fulfill its basic foreign policy obligations. Typical was the recent Foreign Affairs article by Norman Ornstein and Thomas Mann, "When Congress Checks Out," which offered a sweeping indictment of Congress' failure to monitor the president's execution of foreign wars and antiterrorist initiatives. Over the past six years, they concluded, congressional oversight of the White House's foreign and national security policy "has virtually collapsed." Ornstein and Mann's characterization is hardly unique. Numerous constitutional-law scholars, political scientists, bureaucrats, and even members of Congress have, over the years, lamented the lack of legislative constraints on presidential war powers. But the dearth of congressional oversight between 2000 and 2006 is nothing new. Contrary to what many critics believe, terrorist threats, an overly aggressive White House, and an impotent Democratic Party are not the sole explanations for congressional inactivity over the past six years. Good old-fashioned partisan politics has been, and continues to be, at play.

It is often assumed that everyday politics stops at the water's edge and that legislators abandon their partisan identities during times of

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war in order to become faithful stewards of their constitutional obligations. But this received wisdom is almost always wrong. The illusion of congressional wartime unity misconstrues the nature of legislative oversight and fails to capture the particular conditions under which members of Congress are likely to emerge as meaningful critics of any particular military venture.

The partisan composition of Congress has historically been the decisive factor in determining whether lawmakers will oppose or acquiesce in presidential calls for war. From Harry Truman to Bill Clinton, nearly every U.S. president has learned that members of Congress, and members of the opposition party in particular, are fully capable of injecting their opinions about proposed and ongoing military ventures. When the opposition party holds a large number of seats or controls one or both chambers of Congress, members routinely challenge the president and step up oversight of foreign conflicts; when the legislative branch is dominated by the president’s party, it generally goes along with the White House. Partisan unity, not institutional laziness, explains why the Bush administration’s Iraq policy received such a favorable hearing in Congress from 2000 to 2006.

The dramatic increase in congressional oversight following the 2006 midterm elections is a case in point. Immediately after assuming control of Congress, House Democrats passed a resolution condemning a proposed “surge” of U.S. troops in Iraq and Senate Democrats debated a series of resolutions expressing varying degrees of outrage against the war in Iraq. The spring 2007 supplemental appropriations debate resulted in a House bill calling for a phased withdrawal (the president vetoed that bill, and the Senate then passed a bill accepting more war funding without withdrawal provisions). Democratic heads of committees in both chambers continue to launch hearings and investigations into the various mishaps, scandals, and tactical errors that have plagued the Iraq war. By all indications, if the government in Baghdad has not met certain benchmarks by September, the Democrats will push for binding legislation that further restricts the president’s ability to sustain military operations in Iraq.

For the past 60 years, partisan divisions have defined the domestic politics of war.
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Neither Congress’ prior languor nor its recent awakening should come as much of a surprise. When they choose to do so, members of Congress can exert a great deal of influence over the conduct of war. They can enact laws that dictate how long military campaigns may last, control the purse strings that determine how well they are funded, and dictate how appropriations may be spent. Moreover, they can call hearings and issue public pronouncements on foreign policy matters. These powers allow members to cut funding for ill-advised military ventures, set timetables for the withdrawal of troops, foreclose opportunities to expand a conflict into new regions, and establish reporting requirements. Through legislation, appropriations, hearings, and public appeals, members of Congress can substantially increase the political costs of military action—sometimes forcing presidents to withdraw sooner than they would like or even preventing any kind of military action whatsoever.

The Partisan Imperative

Critics have made a habit of equating legislative inactivity with Congress’ abdication of its foreign policy obligations. Too often, the infrequency with which Congress enacts restrictive statutes is seen as prima facie evidence of the institution’s failings. Sometimes it is. But one cannot gauge the health of the U.S. system of governance strictly on the basis of what Congress does—or does not do—in the immediate aftermath of presidential initiatives.

After all, when presidents anticipate congressional resistance they will not be able to overcome, they often abandon the sword as their primary tool of diplomacy. More generally, when the White House knows that Congress will strike down key provisions of a policy initiative, it usually backs off. President Bush himself has relented, to varying degrees, during the struggle to create the Department of Homeland Security and during conflicts over the design of
military tribunals and the prosecution of U.S. citizens as enemy combatants. Indeed, by most accounts, the administration recently forced the resignation of the chairman of the Joint Chiefs of Staff, General Peter Pace, so as to avoid a clash with Congress over his reappointment.

To assess the extent of congressional influence on presidential war powers, it is not sufficient to count how many war authorizations are enacted or how often members deem it necessary to start the "war powers clock"—based on the War Powers Act requirement that the president obtain legislative approval within 60 days after any military deployment. Rather, one must examine the underlying partisan alignments across the branches of government and presidential efforts to anticipate and preempt congressional recriminations.

During the past half century, partisan divisions have fundamentally defined the domestic politics of war. A variety of factors help explain why partisanship has so prominently defined the contours of interbranch struggles over foreign military deployments. To begin with, some members of Congress have electoral incentives to increase their oversight of wars when the opposing party controls the White House. If presidential approval ratings increase due to a "rally around the flag" effect in times of war, and if those high ratings only benefit the president's party in Congress, then the opposition party has an incentive to highlight any failures, missteps, or scandals that might arise in the course of a military venture.

After all, the making of U.S. foreign policy hinges on how U.S. national interests are defined and the means chosen to achieve them. This process is deeply, and unavoidably, political. Therefore, only in very particular circumstances—a direct attack on U.S. soil or on Americans abroad—have political parties temporarily united for the sake of protecting the national interest. Even then, partisan politics has flared as the toll of war has become evident. Issues of trust and access to information further fuel these partisan fires. In environments in which information is sparse, individuals with shared ideological or partisan affiliations find it easier to communicate with one another. The president possesses unparalleled intelligence about threats to national
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interests, and he is far more likely to share that information with members of his own political party than with political opponents. Whereas the commander in chief has an entire set of executive-branch agencies at his beck and call, Congress has relatively few sources of reliable classified information. Consequently, when a president claims that a foreign crisis warrants military intervention, members of his own party tend to trust him more often than not, whereas members of the opposition party are predisposed to doubt and challenge such claims. In this regard, congressional Democrats' constant interrogations of Bush administration officials represent just the latest round in an ongoing interparty struggle to control the machinery of war.

CONGRESSIONAL INFLUENCE AND ITS LIMITS

Historically, presidents emerging from midterm election defeats have been less likely to respond to foreign policy crises aggressively, and when they have ordered the use of force, they have taken much longer to do so. Our research shows that the White House’s propensity to exercise military force steadily declines as members of the opposition party pick up seats in Congress. In fact, it is not even necessary for the control of Congress to switch parties; the loss of even a handful of seats can materially affect the probability that the nation will go to war.

The partisan composition of Congress also influences its willingness to launch formal oversight hearings. While criticizing members for their inactivity during the Bush administration, Ornstein and Mann make much of the well-established long-term decline in the number of hearings held on Capitol Hill. This steady decline, however, has not muted traditional partisan politics. According to Linda Fowler, of Dartmouth College, the presence or absence of unified government largely determines the frequency of congressional hearings. Contrary to Ornstein and Mann’s argument that “vigorous oversight was the norm until the end of the twentieth century,” Fowler demonstrates that during the post–World War II era, when the same party controlled both Congress and the presidency, the number of hearings about military policy decreased, but when the opposition party controlled at least one chamber of Congress, hearings occurred with greater frequency. Likewise, Boston University’s Douglas Kriner has shown that congressional authorizations
of war as well as legislative initiatives that establish timetables for the withdrawal of troops, cut funds, or otherwise curtail military operations critically depend on the partisan balance of power on Capitol Hill.

Still, it is important not to overstate the extent of congressional influence. Even when Congress is most aggressive, the executive branch retains a tremendous amount of power when it comes to military matters. Modern presidents enjoy extraordinary advantages in times of war, not least of which the ability to act unilaterally on military matters and thereby place on Congress (and everyone else) the onus of coordinating a response. Once troops enter a region, members of Congress face the difficult choice of either cutting funds and then facing the charge of undermining the troops or keeping the public coffers open and thereby aiding a potentially ill-advised military operation.

On this score, Ornstein and Mann effectively illustrate Bush’s efforts to expand his influence over the war in Iraq and the war on terrorism by refusing to disclose classified information, regularly circumventing the legislative process, and resisting even modest efforts at oversight. Similarly, they note that Republican congressional majorities failed to take full advantage of their institution’s formal powers to monitor and influence either the formulation or the implementation of foreign policy during the first six years of Bush’s presidency. Ornstein and Mann, however, mistakenly attribute such lapses in congressional oversight to a loss of an “institutional identity” that was ostensibly forged during a bygone era when “tough oversight of the executive was common, whether or not different parties controlled the White House and Congress” and when members’ willingness to challenge presidents had less to do with partisan allegiances and more to do with a shared sense of institutional responsibility. In the modern era, foreign-policy making has rarely worked this way. On the contrary, partisan competition has contributed to nearly every foreign policy clash between Capitol Hill and the White House for the past six decades.

DIVIDED WE STAND

Shortly after World War II—the beginning of a period often mischaracterized as one of “Cold War consensus”—partisan wrangling over the direction of U.S. foreign policy returned to Washington,
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ending a brief period of wartime unity. By defining U.S. military involvement in Korea as a police action rather than a war, President Truman effectively freed himself from the constitutional requirements regarding war and established a precedent for all subsequent presidents to circumvent Congress when sending the military abroad. Although Truman’s party narrowly controlled both chambers, Congress hounded him throughout the Korean War, driving his approval ratings down into the 20s and paving the way for a Republican electoral victory in 1952. Railing off a litany of complaints about the president’s firing of General Douglas MacArthur and his meager progress toward ending the war, Senator Robert Taft, then a Republican presidential candidate, declared that “the greatest failure of foreign policy is an unnecessary war, and we have been involved in such a war now for more than a year. . . . As a matter of fact, every purpose of the war has now failed. We are exactly where we were three years ago, and where we could have stayed.”

On the heels of the Korean War came yet another opportunity to use force in Asia, but facing a divided Congress, President Dwight Eisenhower was hesitant to get involved. French requests for assistance in Indochina initially fell on sympathetic ears in the Eisenhower administration, which listed Indochina as an area of strategic importance in its “new look” defense policy. However, in January 1954, when the French asked for a commitment of U.S. troops, Eisenhower balked. The president stated that he “could conceive of no greater tragedy than for the United States to become involved in an all-out war in Indochina.” His reluctance derived in part from the anticipated fight with Congress that he knew would arise over such a war. Even after his decision to provide modest technical assistance to France, in the form of B-26 bombers and air force technicians, congressional leaders demanded a personal meeting with the president to voice their disapproval. Soon afterward, Eisenhower promised to withdraw the air force personnel, replacing them with civilian contractors.

Eventually, the United States did become involved in a ground war in Asia, and it was that war that brought congressional opposition to the presidential use of force to a fever pitch. As the Vietnam War dragged on and casualties mounted, Congress and the public grew increasingly wary of the conflict and of the power delegated to the
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president in the 1964 Gulf of Tonkin resolution. In 1970, with upward of 350,000 U.S. troops in the field and the war spilling over into Cambodia, Congress formally repealed that resolution. And over the next several years, legislators enacted a series of appropriations bills intended to restrict the war’s scope and duration. Then, in June 1973, after the Paris peace accord had been signed, Congress enacted a supplemental appropriations act that cut off all funding for additional military involvement in Southeast Asia, including in Cambodia, Laos, North Vietnam, and South Vietnam. Finally, when South Vietnam fell in 1975, Congress took the extraordinary step of formally forbidding U.S. troops from enforcing the Paris peace accord, despite the opposition of President Gerald Ford and Secretary of State Henry Kissinger.

Three years later, a Democratic Congress forbade the use of funds for a military action that was supported by the president—this time, the supply of covert aid to anticommmunist forces in Angola. At the insistence of Senator Dick Clark (D-Iowa), the 1976 Defense Department appropriations act stipulated that no monies would be used “for any activities involving Angola other than intelligence gathering.” Facing such staunch congressional opposition, President Ford suspended military assistance to Angola, unhappily noting that the Democratic-controlled Congress had “lost its guts” with regard to foreign policy.

In just one instance, the case of Lebanon in 1983, did Congress formally start the 60-day clock of the 1973 War Powers Act. Most scholars who call Congress to task for failing to fulfill its constitutional responsibilities make much of the fact that in this case it ended up authorizing the use of force for a full 18 months, far longer than the 60 days automatically allowed under the act. However, critics often overlook the fact that Congress simultaneously forbade the president from unilaterally altering the scope, target, or mission of the U.S. troops participating in the multinational peacekeeping force. Furthermore, Congress asserted its right to terminate the venture at any time with a one-chamber majority vote.
or a joint resolution and established firm reporting requirements as the U.S. presence in Lebanon continued.

During the 1980s, no foreign policy issue dominated congressional discussions more than aid to the contras in Nicaragua, rebel forces who sought to topple the leftist Sandinista regime. In 1984, a Democratic-controlled House enacted an appropriations bill that forbade President Ronald Reagan from supporting the contras. Reagan appeared undeterred. Rather than abandon the project, the
administration instead diverted funds from Iranian arms sales to support the contras, establishing the basis for the most serious presidential scandal since Watergate. Absent congressional opposition on this issue, Reagan may well have intervened directly, or at least directed greater, more transparent aid to the rebels fighting the Nicaraguan government.

Regardless of which party holds a majority of the seats in Congress, it is almost always the opposition party that creates the most trouble for a president intent on waging war. When, in the early 1990s, a UN humanitarian operation in Somalia devolved into urban warfare, filling nightly newscasts with scenes from Mogadishu, Congress swung into action. Despite previous declarations of public support for the president’s actions, congressional Republicans and some Democrats passed a Department of Defense appropriations act in November 1993 that simultaneously authorized the use of force to protect UN units and required that U.S. forces be withdrawn by March 31, 1994.

A few years later, a Republican-controlled Congress took similar steps to restrict the use of funds for a humanitarian crisis occurring in Kosovo. One month after the March 1999 NATO air strikes against Serbia, the House passed a bill forbidding the use of Defense Department funds to introduce U.S. ground troops into the conflict without congressional authorization. When President Clinton requested funding for operations in the Balkans, Republicans in Congress (and some hawkish Democrats) seized on the opportunity to attach additional monies for unrelated defense programs, military personnel policies, aid to farmers, and hurricane relief and passed a supplemental appropriations bill that was considerably larger than the amount requested by the president. The mixed messages sent by the Republicans caught the attention of Clinton’s Democratic allies. As House member Martin Frost (D-Tex.) noted, “I am at a loss to explain how the Republican Party can, on one hand, be so irresponsible as to abandon our troops in the midst of a military action to demonstrate its visceral hostility toward the commander in chief, and then, on the other, turn around and double his request for money for what they call ‘Clinton’s war.’” The 1999 debate is remarkably similar to the current wrangling over spending on Iraq.
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LEGISLATING OPINION

The voice of Congress (or lack thereof) has had a profound impact on the media coverage of the current war in Iraq, just as it has colored public perceptions of U.S. foreign policy in the past. Indeed, Congress' ability to influence executive-branch decision-making extends far beyond its legislative and budgetary powers. Cutting funds, starting the war powers clock, or forcing troop withdrawals are the most extreme options available to them. More frequently, members of Congress make appeals designed to influence both media coverage and public opinion of a president's war. For example, Congress' vehement criticism of Reagan's decision to reflag Kuwaiti tankers during the Iran-Iraq War led to reporting requirements for the administration. Similarly, the Clinton administration's threats to invade Haiti in 1994 were met with resistance by Republicans and a handful of skeptical Democrats in Congress, who took to the airwaves to force Clinton to continually justify placing U.S. troops in harm's way.

Such appeals resonate widely. Many studies have shown that the media regularly follow official debates about war in Washington, adjusting their coverage to the scope of the discussion among the nation's political elite. And among the elite, members of Congress—through their own independent initiatives and through journalists' propensity to follow them—stand out as the single most potent source of dissent against the president. The sheer number of press releases and direct feeds that members of Congress produce is nothing short of breathtaking. And through carefully staged hearings, debates, and investigations, members deliberately shape the volume and content of the media's war coverage. The public posturing, turns of praise and condemnation, rapid-fire questioning, long-winded exhortations, pithy Shakespearean references, graphs, timelines, and pie charts that fill these highly scripted affairs are intended to focus media attention and thereby sway the national conversation surrounding questions of war and peace. Whether the media scrutinize every aspect of a proposed military venture or assume a more relaxed posture depends in part on Congress' willingness to take on the president.
Indeed, in the weeks preceding the October 2002 war authorization vote, the media paid a tremendous amount of attention to debates about Iraq inside the Beltway. Following the vote, however, coverage of Iraq dropped precipitously, despite continued domestic controversies, debates at the United Nations, continued efforts by the administration to rally public support, and grass-roots opposition to the war that featured large public protests. Congress helped set the agenda for public discussion, influencing both the volume and the tone of the coverage granted to an impending war, and Congress’ silence after the authorization was paralleled by that of the press.

Crucially, congressional influence over the media extended to public opinion as well. An analysis of local television broadcast data and national public-opinion surveys from the period reveals a strong relationship between the type of media coverage and public opinion regarding the war. Even when accounting for factors such as the ideological tendencies of a media market (since liberal markets tend to have liberal voters and liberal media, while conservative districts have the opposite), we found that the airing of more critical viewpoints led to greater public disapproval of the proposed war, and more positive viewpoints buoyed support for the war. As Congress speaks, it would seem, the media report, and the public listens.

As these cases illustrate, the United States has a Congress with considerably more agenda-setting power than most analysts presume and a less independent press corps than many would like. As the National Journal columnist William Powers observed during the fall of 2006, “Journalists like to think they are reporting just the facts, straight and unaffected by circumstance.” On the contrary, he recognized, news is a product of the contemporary political environment, and the way stories are framed and spun has little to do with the facts. In Washington, the party that controls Congress also determines the volume and the tone of the coverage given to a president’s war. Anticipating a Democratic congressional sweep in November 2006, Powers correctly predicted that “if Bush suffers a major political setback, the media will feel freed up to tear into this war as they have never done before.”
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Congress Checks In

With the nation standing at the precipice of new wars, it is vital that the American public understand the nature and extent of Congress’ war powers and its members’ partisan motivations for exercising or forsaking them. President Bush retains extraordinary institutional advantages over Congress, but with the Democrats now in control of both houses, the political costs of pursuing new wars (whether against Iran, North Korea, or any other country) and prosecuting ongoing ones have increased significantly.

Congress will continue to challenge the president’s interpretation of the national interest. Justifications for future deployments will encounter more scrutiny and require more evidence. Questions of appropriate strategy and implementation will surface more quickly with threats of congressional hearings and investigations looming. Oversight hearings will proceed at a furious pace. Concerning Iraq, the Democrats will press the administration on a withdrawal timetable, hoping to use their agenda-setting power with the media to persuade enough Senate Republicans to defect and thereby secure the votes they need to close floor debate on the issue.

This fall, the Democrats will likely attempt to build even more momentum to end the war in Iraq, further limiting the president’s menu of choices. This is not the first instance of heavy congressional involvement in foreign affairs and war, nor will it be the last. This fact has been lost on too many political commentators convinced that some combination of an eroding political identity, 9/11, failures of leadership, and dwindling political will have made Congress irrelevant to deliberations about foreign policy.

On the contrary, the new Democratic-controlled Congress is conforming to a tried-and-true pattern of partisan competition between the executive and legislative branches that has characterized Washington politics for the last half century and shows no signs of abating. Reports of Congress’ death have been greatly exaggerated.