

Bush rejects congressional ban on permanent bases in Iraq

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In another indication that Washington is laying the foundations for a long-term, colonial-style occupation of Iraq, President Bush this week employed an extra-constitutional assertion of presidential power to nullify congressional legislation barring the use of funds for the construction of permanent US bases in the country.

Bush's so-called "signing statement" was issued last Monday as he signed into law a nearly \$700 billion military spending bill approved by the Democratic-controlled US Senate a week earlier.

The legislation—the National Defense Authorization Act for Fiscal Year 2008—included a provision declaring that no portion of the funds allocated for the military could be used "to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq" or to "exercise United States control of the oil resources of Iraq."

Another provision would have set up a commission to investigate fraud by government contractors in Iraq and Afghanistan. Also included in the legislation was language protecting whistleblowers working for government contractors and a requirement that US intelligence agencies respond promptly to congressional requests for documents.

In his signing statement, Bush singled out all of these provisions, writing that they "purport to impose requirements that could inhibit the President's ability to carry out his constitutional obligations to take care that the laws be faithfully executed, to protect national security, to supervise the executive branch, and to execute his authority as Commander in Chief."

He added, "The executive branch shall construe such provisions in a manner consistent with the constitutional authority of the President."

The Bush administration has employed signing statements more times than all of his predecessors combined as a means of overriding the law and the US Constitution and asserting unfettered presidential power. Similar statements were used to nullify legislation barring the torture of detainees and limiting domestic spying. Underlying this method is a theory of sweeping executive power advanced by the administration, under which the president is empowered to ignore and order executive agencies to disobey any law passed by Congress that

he sees as limiting his constitutional powers as commander-in-chief.

In 2006, a bipartisan panel formed by the American Bar Association condemned the Bush administration's use of signing statements as "contrary to the rule of law and our constitutional separation of powers."

The White House's repudiation of the congressional restrictions came in the midst of growing indications that Washington intends to maintain a large-scale deployment of US troops in Iraq indefinitely and as the administration continues secret negotiations with the regime in Baghdad on an agreement providing for an indefinite occupation.

The *Washington Post* reported Thursday that senior US military commanders in Iraq "want to freeze troop reductions starting this summer for at least a month, making it more likely that the next administration will inherit as many troops in Iraq as there were before President Bush announced a 'surge' of forces a year ago."

In his State of the Union speech earlier this week, Bush announced that "20,000 of our troops are coming home," including four Army and two Marine battalions, whose deployments are ending. With the present troop level standing at about 155,000, this would reduce US forces to 135,000, slightly more than before the surge began.

According to the *New York Times*, the White House has been resisting pressure from within the Pentagon's uniformed command for a continued drawdown of US forces from Iraq. Members of the Joint Chiefs of Staff have reportedly expressed growing concern over the extreme strain that protracted deployments are imposing upon the military.

Administration officials, according to the *Times*, are justifying their support for maintaining the large number of troops in Iraq as a matter of deferring to the judgment of military commanders in the occupied country, in particular that of senior commander Gen. David Petraeus, who was handpicked because of political affinity with the administration's policy.

"We're concerned about the health of the force as well, but the most important thing is that they succeed in Iraq," one top White House official told the *Times*. "If the commanders on the ground believe we need to maintain the troop numbers at the

current level to maintain security for a little while longer, then that's what the president will do."

After meeting with Petraeus in Kuwait last month, Bush indicated that the matter of troop levels was entirely in the general's hands. "My attitude is, if he didn't want to continue the drawdown, that's fine with me, in order to make sure we succeed, see," Bush told the press at the time. "I said to the general, if you want to slow her down, fine, it's up to you."

Petraeus, whose Iraqi command was confirmed by the Democratic-controlled Senate in January of last year without a single dissent, is set to testify before Congress once again in April.

In an interview with CNN last Sunday, Petraeus said that there would be a "need to have some time to let things settle a bit" after the scheduled withdrawal of the 20,000 soldiers and marines. "We think it would be prudent to do some period of assessment, then to make decisions, and then, of course, to carry out further withdrawals if the conditions obtained allow us to do so."

Behind the reticence of the US commanders to schedule further withdrawals is a recognition that, the claims of the surge's success notwithstanding, the situation in Iraq remains extremely volatile and popular opposition to the American occupation undiminished. The two pillars of the reduced casualties in recent months—the US arming and funding of Sunni militias (in many cases comprised of former "insurgents") and a ceasefire observed by the Mahdi Army led by Shia cleric Moqtada al Sadr—are by no means stable. There is evident fear that fighting could escalate at any time, and there is no indication that the US-trained Iraqi puppet forces are prepared to fill the void left by withdrawing American units.

Lt. Gen. James Dubik, who heads the training operation in Iraq, told the *Post*, "We say, 'Violence is down, but'—and no one hears the 'but'. The war is not over."

Similarly, Maj. Gen. Michael Barbero, a senior advisor to Petraeus, told the paper that "Iraq is kind of normalizing" but that "it is still tenuous."

According to the *Post*, US commanders expect a resurgence of attacks this year and believe that "some groups simply have been biding their time, waiting for the US counteroffensive to end." It also reports that, while the US military has paid out some \$120 million to buy the loyalty of the Sunni militias, responsibility for paying these forces is supposed to pass to the Shia-dominated Iraqi regime this summer, and it is by no means certain that it will follow suit.

Meanwhile, Pentagon and State Department officials are continuing secret negotiations on a de facto treaty that would govern the continued occupation of Iraq by US forces after 2009, after the Bush administration leaves office. A United Nations mandate providing legal cover for the occupation expires at the end of this year.

The broad outlines of a future agreement were spelled out in a "Declaration of Principles for a Long-Term Relationship of

Cooperation and Friendship" signed by Bush and Iraqi Prime Minister Nouri Al-Maliki last November.

The declaration committed the US military to not only protecting Iraq from "foreign aggression," but also defending the Iraq regime against any internal threat.

It also committed the Iraqi regime to "facilitating and encouraging the flow of foreign investments to Iraq, *especially American investments*, to contribute to the reconstruction and rebuilding of Iraq" (emphasis added).

The administration has claimed that this sweeping colonial-style pact constitutes a routine "status of forces" agreement, the likes of which Washington maintains with about 100 countries across the globe, and therefore requires no approval by Congress.

Testifying before a House Foreign Affairs panel last month, Kenneth Katzman, a Middle East analyst for the Congressional Research Service, said, "The declaration of principles would appear to commit the United States to keeping the elected Iraqi government in power against internal threats. I leave it to the lawyers to determine whether that's the definition of a treaty or not but it certainly seems to be—is going to be—a hefty US commitment to Iraq for a long time."

Democratic legislators have protested the attempt to impose such a commitment with no congressional vote—Senator Hillary Clinton of New York raised the issue in a recent Democratic presidential debate, expressing concern over what a future administration would "inherit" from Bush. None of the leading Democrats, however, has repudiated the planned pact as an illegal violation of both the sovereignty of Iraq and the US Constitution, much less vowed to repeal it should they take office.

Similarly, the response to Bush's signing statement has been extremely muted, with neither of the Democratic candidates making it an issue and congressional Democratic leaders only briefly expressing their displeasure. For its part, the major media virtually ignored Bush's usurpation of power to defend permanent bases in Iraq, with only the *Boston Globe* among major national dailies publishing an article on the matter.

Expressed in this reaction is the general consensus within the American ruling elite that the US occupation will continue indefinitely along with the pursuit of the original aims of the illegal US war of aggression, i.e., the assertion of US hegemony over the oil-rich Persian Gulf, no matter whether the Democrats or Republicans win the 2008 election.



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