

Robert Byrd and the Iraq War: A Case Study of Senatorial Power

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Robert Byrd (1917–2010), Democrat of West Virginia, was raised in one of America’s poorest coal mining regions, but he became the longest-serving member in the history of the American Senate (over 51 years), holding numerous top positions there. The evolution of his career was nothing short of extraordinary: from being a member of the Ku Klux Klan in the 1940s to supporting Barack Obama for president in 2008. Indeed, his movement to the left has been statistically charted by the liberal lobbying group Americans for Democratic Action, which found that he voted in accordance with their views only 16 percent of the time in 1964 and 95 percent in 2005.¹ Furthermore, in 2004 the National Association for the Advancement of Colored People (NAACP) found that Byrd voted in accordance with their positions 100 percent of the time, eulogizing him on his death in 2010 as “a stalwart supporter of . . . seminal legislation that advanced the civil rights and liberties of our country.”² The civil rights leader and congressman John Lewis of Georgia wrote that Byrd “became one of the staunchest supporters of civil rights I had ever seen.”³



Senator Robert Byrd led opposition to the George W. Bush administration’s plans for war in Iraq but received little or no support from Democratic Party leadership.

Byrd was also a strong believer in the U.S. Constitution and a champion of the powers of the legislative branch, believing strongly in its role in all aspects of

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¹ Adam Clymer, “Robert C. Byrd, a Pillar of the Senate, Dies at 92,” obituary, *New York Times*, June 28, 2010, <https://www.nytimes.com/2010/06/29/us/politics/29byrd.html> (accessed August 31, 2020).

² “NAACP Mourns the Passing of US Senator Robert Byrd,” *The Hill*, June 29, 2010, <https://thehill.com/blogs/blog-briefing-room/news/106189-naacp-mourns-byrds-death> (accessed September 1, 2020).

³ John Lewis, “Robert Byrd: A true statesman,” (July 1, 2010), <https://thehill.com/blogs/congress-blog/lawmaker-news/106809-robert-byrd-a-true-statesman-rep-john-lewis> (accessed July 26, 2021).

American government—including foreign policy. He was something of a scholar on the subject, too, publishing a four-volume history of the Senate for the U.S. Bicentennial in 1976.⁴ His interest in the role of the legislative branch led him to research the history of the ancient Roman Senate, wherein he found ominous parallels with contemporary American history, frequently using historical examples to caution his fellow legislators. In 1993, for example, during a debate on the line-item veto (which he opposed), Byrd described the Roman Senate as “the guardian of the Roman state.” He effectively compared accepting the line-item veto to the Roman Senate’s abdication of its responsibilities to Caesar: “The Roman Senate thrust power on Caesar deliberately, with forethought, with surrender, with intent to escape from responsibility. The Senate . . . abandoned their duty as Senators.”⁵ For Byrd, democracy could only be maintained through a strong, questioning legislature—one that was ready to probe executive policies and limit its actions when it felt they were wrong.

For this reason, he became one of the strongest critics in Congress of the George W. Bush administration’s policies, both domestic and foreign. On the domestic front, Byrd voted against the Bush tax cuts of 2001 and 2003, as well as the creation of the Homeland Security Department and the Patriot Act. In foreign policy, most prominently, Byrd strongly opposed the Iraq War from its earliest days and did his best to use every tool at his disposal to initiate a full national debate on the subject. His position as president pro tempore of the Senate from June 2001 to January 2003 (when the Democrats held a wafer-thin majority), as chair of the powerful Appropriations Committee during the same period, and as member of the Armed Services Committee, as well as his contacts with the media, gave him unique opportunities to present alternate viewpoints to the American people.⁶ He also lobbied his colleagues in the Senate, organizing meetings in order to get his views across and to try to convince those who were wavering. He also pressed for more information on Iraq from the Bush administration, largely unsuccessfully.

Of course, his attempts to prevent war generally failed, but as time went by, more and more people came to accept his perspectives on legislative responsibilities and

⁴ The history was only published from 1989 to 1995. *The Senate, 1789–1989*, 4 vols. (Washington: Government Printing Office [GPO], 1989–1995).

⁵ Robert Byrd, Speech in the Senate, September 30, 1993, reprinted in Robert Byrd, *The Senate of the Roman Republic: Addresses on the History of Roman Constitutionalism* (Washington: GPO, 1995), 161, 163.

⁶ After the 2000 election, Republicans enjoyed control of both houses, although the Senate quickly switched to the Democrats after the defection of James Jeffords. After the 2002 elections both houses of Congress returned to Republican control.

to see him as a prophet. But even a failed effort can reveal a great deal about the role—and the limits—of the U.S. Congress, in particular that of individual members, in the domain of foreign policy. This paper examines Byrd's arguments against the Iraq War and the ways in which he tried to influence both policy and opinion on the subject. It also seeks to evaluate the impact of his efforts and consider to what extent, and in which ways, individual members of Congress can try to influence foreign policy, even when the opposing party holds not only the presidency but also the House of Representatives and, for much of the time, the Senate. In their book *Congress and U.S. Foreign Policy*, Ralph Carter and James Scott provide a table of ways in which the legislative branch can exercise influence in this domain.⁷ Byrd used most of the non-legislative methods listed there, including telephone calls and letters, consultations, hearings, and framing debate (or at least attempting to do so). We can add to this list his many interventions in the media (television appearances, press interviews or publications, books, and even the new medium of the Internet), as well as traditional parliamentary delaying tactics.

William Howell and Jon Pevehouse noted in their book *While Dangers Gather* that “Congress does not check presidential power, individuals within it do.”⁸ But, of course, a majority of legislators is required to effectively check presidential power, and Byrd's position was in the minority. Byrd operated in a particular time—that of post-9/11 America. The nation, traumatized by those attacks (and the still unexplained anthrax poisonings), rallied around its president, who benefited from exceptionally high popularity.⁹

Byrd's efforts are part of the larger story of Congress's historical attempts to limit or check executive authority, especially with regard to war powers, which the Constitution addresses only in brief terms. And while Byrd acted largely on his own, his actions and methods provide an important example in the catalogue of historical executive-legislative struggles. Analysis of such struggles can provide

⁷ Ralph G. Carter and James M. Scott, eds. *Congress and U.S. Foreign Policy: Activism, Assertiveness, and Acquiescence in a Polarized Era* (Lanham, MD: Rowman & Littlefield, 2021), x.

⁸ William G. Howell and Jon C. Pevehouse, eds. *While Dangers Gather: Congressional Checks on Presidential War Powers* (Princeton, NJ: Princeton University Press, 2007), 34.

⁹ Beginning on September 18, 2001, a series of letters containing anthrax were sent to several media outlets and to two Democratic senators. In all, five people died and 17 others were infected. The case has never been fully resolved, and in 2011 the National Academy of Sciences criticized the FBI's investigation in *Review of the Scientific Approaches Used During the FBI's Investigation of the 2001 Anthrax Letters* (2011). With regard to Bush's popularity, polls showed that it soared after the attacks. See Gary Langer, “Poll: Bush Approval Rating 92 Percent,” October 10, 2001, ABC News, <https://abcnews.go.com/Politics/story?id=120971&page=1>.

significant insights into the shifting balances of national authority between the branches of government, the reasons for such shifts, and their effects on the nation's development. Certainly, Byrd's opposition fits into the larger story of shifting power balances between the branches of government—with particularly dramatic episodes during his lifetime because of controversy over the Vietnam War, U.S. interventions in the developing world, and Iraq, among other issues.¹⁰ Congressional disapproval of executive actions during the Vietnam War would lead, in 1973, to the passage of the War Powers Act in an attempt to limit presidential war-making initiatives, but the act has proved difficult to enforce.¹¹ Thanks to his long legislative experience and his deep interest in history, Byrd understood this larger story, and his actions shed light on a key constitutional moment. The interbranch struggle over the Iraq War shows the limits of the War Powers Resolution and the importance of political processes as the main avenue for resolving such constitutional disputes.

Byrd's antiwar campaign and leadership embodied the essential constitutional role of Congress to question, impose limits, and provide counsel on executive branch war plans. In his principled opposition, he demanded verifiable proof to justify military action, and promoted an alternate foreign policy narrative. In practical legislative terms, his actions and strategies during the debate on Iraq reveal and highlight the broad range of tools and strategies that congressional members can employ in their efforts to check executive authority, even though they may have limited success. However, his opposition was constrained and conditioned by party politics, intra-party coalitions, and high-stakes political and electoral calculations. As Byrd navigated that complex matrix of practical political considerations and constitutional obligations, he failed to stop a war based on faulty intelligence and even deception. However, he led an effort to assert the role of Congress in the war powers debate. That opposition has remained an important legacy for our republican traditions.

Byrd's Views on Iraq

The extent of congressional power in foreign affairs has been long debated, particularly since the Vietnam War. Although the U.S. Constitution provides a series of checks and balances to define the powers of each branch of government,

¹⁰ The most famous example of controversy over interventions in the developing world was probably the Iran-Contra affair, which led to congressional hearings in 1987.

¹¹ Much ink has been spilled debating the War Powers Act—too much to be cited in detail here. Aside from books already mentioned (Carter and Scott; Howell and Pevehouse), a number of others are cited in footnotes 12, 13, and 14.

scholars do not always agree on the extent of the legislative role in the development and conduct of foreign policy. The debate became particularly animated during and after the Vietnam War with some believing that Congress abandoned much of its power in this domain to the executive branch.¹² However, the relative weakness of the presidency during and after the Watergate scandal led others to talk about an “imperial Congress” or at least to argue that Congress had increased its powers in foreign policy.¹³ Later, U.S. interventions in Afghanistan and Iraq also stimulated discussion, with a number of scholars emphasizing the impact of domestic political polarization, while others have tried a more theoretical approach that stresses the impact of the international environment or have sought historical parallels.¹⁴

After the September 11, 2001, attacks, Americans felt threatened and vulnerable, and most people reflexively rallied around the president, at least in the short term.¹⁵ For this reason, most members of Congress, including Byrd, felt obliged to

¹² See, for example, Samuel P. Huntington, *Political Order in Changing Societies*, (London: Yale University Press, 1973); Lawrence H. Chamberlain, *The President, Congress and Legislation* (New York: Columbia University Press, 1946); Robert A. Dahl, *Congress and Foreign Policy* (New York: Norton, 1950); James A. Robinson, *Congress and Foreign Policy-Making* (Homewood, IL: Dorsey Press, 1967); Peter W. Rodman, “The Imperial Congress,” *The National Interest* (Fall 1985): 26-35; Amos A. Jordan et. al., *American National Security: Policy and Process* (Baltimore: Johns Hopkins University Press, 1989); Barbara Hinckley, *Less than Meets the Eye: Foreign-Policy Making and the Myth of an Assertive Congress* (Chicago: University of Chicago Press, 1994).

¹³ See, for example, David M. Abshire, “Foreign Policy Makers: President vs. Congress,” in David M. Abshire and Ralph D. Nurnberger, eds. *The Growing Power of Congress* (Washington: Georgetown University Press, 1981); Michael Glennon, “The Gulf War and the Constitution,” *Foreign Affairs* 84 (Spring 1991), 84–101; Cecil V. Crabb, *American Foreign Policy in the Nuclear Age* (New York: Harper & Row, 1965); Cecil V. Crabb, Pat M. Holt, *Invitation to Struggle: Congress, the President and Foreign Policy* (Washington: CQ Press, 1980); Susan Hammond, “Congress in Foreign Policy,” in Edmund S. Muskie et al., *The President, the Congress and Foreign Policy* (Lanham, MD: University Press of America, 1986).

¹⁴ For example, Patrick Homan and Jeffrey Lantis, *The Battle for US Foreign Policy: Congress, Parties and Factions in the 21st Century* (Basingstoke, UK: Palgrave Macmillan, 2019), and Ralph Carter and James M. Scott, eds. *Congress and U.S. Foreign Policy* (Lanham, MD: Rowman & Littlefield, 2021). Marie. T. Henehan in *Foreign Policy and Congress: An International Relations Perspective* (Ann Arbor: University of Michigan Press, 2000) takes a theoretical approach stressing the relation between congressional interest in foreign policy and the changing international environment. Gary Gerstle and Joel Isaac, eds. *States of Exception in American History* (Chicago: University of Chicago Press, 2021) provides a historical perspective on the suspension of key constitutional provisions during periods of emergency, which was undoubtedly the situation after the 9/11 attacks.

¹⁵ Yaeli Bloch-Elkon has studied the evolution of American opinion (notably through an exhaustive study of opinion polls) on terrorism after the 9/11 attacks, notably with regard to their views on presidential policy. The article shows high approval of the Bush government’s actions in the short term. This steadily declined as the Iraq War progressed. See “Public Perceptions and the Threat of International Terrorism after 9/11,” *Public Opinion Quarterly* 75:2 (Summer 2011), 366–92. The analysis of opinion with regard to the president can be found on pages 385–87.

accept Bush administration policies on defense and security even when they had grave doubts about them. Byrd soon came to regret supporting the Authorization for Use of Military Force on September 14, 2001, which bestowed immense war-making powers on the president and made possible the war in Afghanistan.¹⁶ Although Byrd thought this conflict was necessary, he also believed strongly in the separation of powers and in the importance of the legislative branch in all aspects of national governance. To an even greater extent, he came to regret his vote for the Patriot Act of October 2001 and its potential for the abuse of civil rights within America.¹⁷

Byrd summed up his position in his book *Losing America*:

That day [September 11] would spur the United States Congress to hand over, for the foreseeable future, its constitutional power to declare war. It would eventually lead this nation to an unprovoked attack on a sovereign nation. In consequence, that September morning would endanger cherished, constitutionally enshrined freedoms as had almost no other event in the life of our nation. It would also alter our nation's foreign policy in profoundly disturbing ways.¹⁸

Like the Roman Senate, Congress had voluntarily abandoned much of its role to the executive branch (and in particular to a president Byrd considered “lackluster, inarticulate, visionless”).¹⁹ The checks and balances of the Constitution were threatened, which would lead the nation to stray from some of its most fundamental values. He felt that disaster was certain to follow. At home, the Patriot Act “would endanger cherished, constitutionally enshrined freedom.” But the September 11th attacks would also have a deeply negative impact on American foreign policy and

¹⁶ Although Congress watered down the version of the bill proposed by the president, it still authorized the president “to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons.” Note that it names no “nations, organizations, or persons,” which gave it potentially an exceptionally broad application. It has been used by Presidents George W. Bush, Barack Obama, and Donald Trump to justify military actions in numerous countries, including the imprisonment of suspected terrorists in Guantanamo Bay (although the courts did not accept this latter argument).

¹⁷ The law greatly increased law enforcement agencies’ surveillance powers, making it easier to tap telephones, both within the United States and abroad, and authorizing warrantless searches. It also allowed indefinite internment of immigrants without trial. Since 2001, courts have ruled a number of the law’s provisions unconstitutional. In 2020, the House refused to extend the law, and it expired.

¹⁸ Robert Byrd, *Losing America* (New York: Norton, 2004), 11–12.

¹⁹ *Ibid.*, 11.

the nation's position in the world, for it would be used to justify the Iraq War, during which the United States would also abandon its principles.

In the above extract, his mention of “an unprovoked attack on a sovereign nation” clearly refers to the invasion of Iraq. Having realized the initial mistakes that Congress had made after 9/11, Byrd decided to do his best to prevent a worsening of the situation. Alarmed by the 2002 State of the Union address in which Bush spoke of an “axis of evil,” and by the adoption of the so-called Bush Doctrine of pre-emptive action, Byrd realized that the administration was preparing the way for war with Iraq. He worried that this would destabilize the Middle East and provide cover for countries like China and Russia, who could use the example of an attack on Iraq to justify invasions they might undertake.²⁰ But beyond this, he believed that the United States had a moral obligation not to attack other nations unless it had been attacked first. This was not the case with regard to Iraq: “[American] values do not include striking first at other countries, at other nations. Those values do not include using our position as the most formidable nation in the world to bully and intimidate other nations, he stated.”²¹ As he stated on October 3, 2002: “The US is not a rogue nation.”²² The question was a profoundly moral one for Byrd: he saw Bush's actions as at odds with the entire evolution of American history.

Furthermore, Byrd felt that the president had not made a convincing case for the existence of a serious threat from Iraq. In the public debate over Iraq, the evidence remained unclear and in dispute. Yet, Bush was rushing into action, and few people were attempting to stop or even slow down the process. Byrd used his favorite parallel in a speech to the Senate on October 3: “The great Roman historian Titus Livius said, ‘All things will be clear to and distinct to the man who does not hurry. Haste is blind and improvident.’” He went on to argue: “we are rushing into war without fully discussing why, without thoroughly considering the consequences, or without making any attempt to explore what steps we might take to avert conflict.”²³

The nation's media and political leaders failed to adequately analyze the information (much of which turned out to be incorrect or outdated) presented by the government. Byrd wrote:

²⁰ Robert Byrd, Speech in the Senate, October 3, 2002, *Congressional Record*, S9874, <https://www.congress.gov/crec/2002/10/03/CREC-2002-10-03-pt1-PgS9870-2.pdf>.

²¹ Robert Byrd, Speech in the Senate, October 10, 2002, *Congressional Record*, S10276, <https://www.congress.gov/crec/2002/10/10/CREC-2002-10-10.pdf>.

²² Byrd, October 3, 2002, S9875, *op. cit.*

²³ Byrd, October 3, 2002, *Congressional Record*, S9873, *op. cit.*

I have listened closely to the president. I have questioned the members of his war cabinet. I have searched for that single piece of evidence that would convince me that the president must have in his hands, before the month is out, open-ended Congressional authorization to deliver an unprovoked attack on Iraq. I remain unconvinced. The president's case for an unprovoked attack is circumstantial at best. Saddam Hussein is a threat, but the threat is not so great that we must be stampeded to provide such authority to this president just weeks before an election.²⁴

Congress needed more time and a calmer atmosphere in order to study the question and reflect seriously on the situation. Instead, most members were ready to give the president "a blank check" to take any action he wanted against Iraq.

The Bush administration argued that an invasion of Iraq was necessary for American security, but Byrd thought it would increase the danger for the United States. First, a war risked intensifying hostility in the Muslim world and could, therefore, encourage more terrorism. But Byrd saw other possible, equally harmful consequences. Bush had cut taxes and had no intention of raising them again to pay for the war. He would, therefore, seek to limit costs. Byrd worried that this would endanger American soldiers who would not receive sufficient gear or protection. Indeed, a number of scandals followed concerning insufficient or inferior supplies of such things as body armor or the inadequate treatment of the wounded. But beyond this, Byrd feared that administration policies were actually leaving the United States more vulnerable to an attack and less able to deal with one. Having no intention of instituting a draft, the administration had called up much of the nation's reserve forces and the National Guard. Byrd argued that this would leave the nation unprepared to deal with any new terrorist attack: "The military's only mobile chemical and biological laboratory has deployed to the Persian Gulf. . . . Many of our nation's policemen, firemen and other first responders are members of the National Guard and reserves."²⁵

And he warned further in this speech that the war was unlikely to be a short one. And even if it did end quickly, building the peace in Iraq, in view of the complex situation there, would take a very long time and a lot of funding. America would

²⁴ "Congress Must Resist the Rush to War," *New York Times*, October 10, 2002, <http://www.nytimes.com/2002/10/10/opinion/congress-must-resist-the-rush-to-war.html> (accessed September 1, 2020). In *Losing America*, Byrd said that the media "was handling the whole thing as if it were a pregame show for the Super Bowl," 190.

²⁵ Robert Byrd, Speech in the Senate, February 11, 2003, *Congressional Record*, S2174, <https://www.congress.gov/crec/2003/02/11/CREC-2003-02-11-pt1-PgS2172-3.pdf>.

be left with inadequate protection for many years, and Iraq could very well fall into chaos. Furthermore, if America was justified in launching a pre-emptive war, other nations, like Russia or China, could use the same arguments, which might lead to a full destabilization of international relations.²⁶

Hovering in the background, of course, was the shadow of the Vietnam War. Byrd had been present for, and indeed supported, the Gulf of Tonkin Resolution of 1964, which had effectively authorized the escalation of American involvement in Vietnam to a full-scale war. In that case, as well, there had been inadequate information and a rush to vote. Byrd had seen the tragedy that resulted. He had experienced the shock from the release of the Pentagon Papers in 1971 with its revelations of duplicity on the part of the American government. He did not hesitate to remind the Senate of this:

After all that carnage, we began to learn that in voting for the Tonkin Gulf Resolution, we were basing our votes on bad information. . . . We tragically and belatedly learned that we had not taken enough time to consider the resolution. We had not asked the right questions, nor enough questions. We learned that we should have been demanding more hard evidence from the administration rather than accepting the administration at its word.²⁷

The message was clear: Iraq could turn into another Vietnam with all of its disastrous consequences for both nations. History was in danger of repeating itself.

Byrd Springs into Action

Byrd decided to exploit all methods available to him to slow down the decision to go to war, at least until after the 2002 midterm elections. First, he tried to gain as much information as possible, both on the level of threat that Iraq posed and on the options that existed to check the Bush government's policies. To start, he worked behind the scenes, using his contacts to try to learn as much as possible. He made numerous attempts to gain information from administration officials, primarily through testimonies before congressional committees. However, Byrd repeatedly complained that the administration avoided responding to his questions with the standard answer that the president had made no decision yet about war.²⁸ And

²⁶ Byrd, October 3, 2002, speech, *op. cit.*

²⁷ Byrd, October 10, 2002 speech, *Congressional Record*, S10235, *op. cit.*

²⁸ See, Byrd, June 28, 2002, *Congressional Record*, S6302, where he describes an appearance by Secretary of State Colin Powell before the Budget Committee in which Byrd complained that "the answers I got were not sufficiently clear" and "my question remained unanswered." <https://www.congress.gov/crec/2002/06/28/CREC-2002-06-28-pt1-PgS6302.pdf>.

while administration staff met with some Democratic senators, such as Majority Leader Tom Daschle or Foreign Relations Committee Chair Joe Biden, “in search of middle ground” on the resolution authorizing the use of force, they avoided Byrd because of his outspoken opposition.²⁹ His efforts were fruitless, causing him to remark in June 2002: “I have not seen such executive arrogance and secrecy since the Nixon administration, and we all know what happened to that group.”³⁰ He consulted both the Congressional Research Service and the Congressional Budget Office to get their analyses of the consequences of an invasion of Iraq.³¹ He even contacted 10 constitutional scholars to get their opinions on the legality of an invasion of Iraq without express congressional authority.³²

Byrd also tried reasoning with his colleagues and, in particular, stressed to them that things were moving too quickly to allow proper consideration of the evidence. Called to a meeting on September 19, 2002, Byrd was stunned when Tom Daschle presented a draft of a war resolution just sent by the White House. He was even more astonished to discover that Democratic staffers had been involved in writing it and had, according to Daschle, made “improvements.” For Byrd, the document was “a complete handing over of congressional war power to the president,” and he argued that it should not be rushed through but carefully considered and debated. To his horror, he discovered that the Democratic leadership, and even such liberal figures as Ted Kennedy and Carl Levin, wanted to hurry and vote before the election. To Byrd this was incredibly irresponsible:

We were treading here on far-reaching and dangerous ground, I said; why not slow the process down? . . . We ought first to return to our constituents and hear their views before casting our votes on the all-important matter of a war with Iraq.³³

He found few supporters, however, even among his fellow Democrats.³⁴ Byrd thought that they found it “politically easier” to give in to a popular president and

²⁹ “Bush Rejects Hill Limits on Resolution Allowing War,” *Washington Post*, October 2, 2002, <https://www.washingtonpost.com/archive/politics/2002/10/02/bush-rejects-hill-limits-on-resolution-allowing-war/0ef0ff15-5c6a-455c-bb95-f45e0f61cc80/> (accessed August 9, 2021).

³⁰ Byrd, June 28, 2002, S6305, *op. cit.*

³¹ Byrd, October 3, 2002, S9874 and S9876, *op. cit.*

³² Byrd, *Losing America*, 148.

³³ Byrd, *Losing America*, 162–63.

³⁴ Members of the House of Representatives were more hostile to the bill, and a number of them, such as Barbara Lee, spoke strongly against it. Nancy Pelosi issued a statement opposing it almost immediately. Bernie Sanders, then in the House, ultimately voted against it, although he did not take a main role in opposing it at the time. In the Senate, Russell Feingold, Barbara Boxer, and ultimately both Edward Kennedy and Carl Levin opposed the law.

were terrified of being labelled “unpatriotic” just before an election that did not bode well for their party. This meant that senators not up for re-election were more likely to listen to Byrd.

Indeed, one of the main criticisms made by Byrd and other Democrats was that the Bush administration was using the call for war as an election issue.³⁵ A September 25, 2002, article in the *Washington Post* asserted that,

As he seeks to boost Republican candidates in the midterm elections, President Bush is increasing his emphasis on terrorism and national security. . . . Four times in the past two days, Bush has suggested that Democrats do not care about national security, saying on Monday that the Democratic-controlled Senate is ‘not interested in the security of the American people.’³⁶

This article infuriated Democratic leaders, causing Tom Daschle to publicly accuse the White House of politicizing the war. Byrd immediately supported him and developed the theme:

The President is campaigning using war talk to win the election. [I]n at least one instance, he [Vice-President Dick Cheney] was telling voters that electing Republicans would aid the war effort. . . . This war strategy seems to have been hatched by political strategists intent on winning the midterm election at any cost, even if that cost places this Nation on the brink of battle and the Nation’s sons and daughters there on that brink.³⁷

Unfortunately, while most Democratic legislators agreed with him, many were also too afraid of losing their seats in the upcoming election to go on record against an invasion of Iraq.

³⁵ Significantly, in *Losing America*, Byrd cites the Nazi Hermann Goering, as saying “Voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked and denounce the pacifists for lack of patriotism and exposing the country to danger. It works the same way in any country,” 178.

³⁶ Dana Milbank, “In President’s Speeches, Iraq Dominates, Economy Fades,” *Washington Post*, September 25, 2002, 1.

³⁷ Robert Byrd, Speech in the Senate, September 25, 2002, *Congressional Record*, S9187, <https://www.congress.gov/crec/2002/09/25/CREC-2002-09-25-pt1-PgS9186.pdf>. See also Carl Hulse and Todd S. Purdum, “Threats and Responses: The Congress; Daschle Defends Democrats’ Stand on Security of US,” *New York Times*, September 26, 2002, <http://www.nytimes.com/2002/09/26/us/threats-responses-congress-daschle-defends-democrats-stand-security-us.html> (accessed September 2, 2020).



Senators Byrd (WV) and Ted Stevens (AK) at an Armed Services Committee hearing in 2002.

According to the *Washington Post*, over a dozen Democrats, on the condition of speaking anonymously, said that many of their number in the Senate who “oppose the president’s strategy to confront Iraq are going to nonetheless support it because they fear a backlash from voters.”³⁸ On October 3, Byrd was the only senator to vote against the motion to begin debate on authorizing the use of force in Iraq. Those who voted in favor included leading liberal figures of the time, such as Russ Feingold of Wisconsin, Barbara Boxer and Diane Feinstein of California, and Ted Kennedy of Massachusetts. They and others (22 in all) would vote against it in the final vote, but Byrd clearly led the way.³⁹ Several of them later gave Byrd credit for providing the leadership they needed to take a stand. Richard Durbin, Democratic senator from Illinois, stated that, “I agreed with him [Byrd] on that issue. I was inspired by him on that issue,” and, talking of the group of senators opposed to the authorization of force in Iraq, noted that “Robert C. Byrd was our leader.”⁴⁰ Barbara Boxer, Democrat of California, also spoke of his “leadership” on the issue and described his role: “Senator Byrd organized us.”⁴¹

³⁸ September 26, 2021, Jim V and eHei, “Daschle Angered Bush Statement,” *Washington Post*, <https://www.washingtonpost.com/archive/politics/2002/09/26/daschle-angered-bush-statement/e99eefdb-bc85-4c3f-9684-01e658446f9a/> (accessed August 7, 2021).

³⁹ Byrd’s former staffer, James Huggins, describes Byrd’s lone stance against the war and his attempts to rally colleagues in his oral history interview of October 24, 2011, as part of the Robert C. Byrd Legacy Project Oral Histories, conducted by the Robert C. Byrd Center, https://www.byrdcenter.org/uploads/6/7/8/7/67873389/huggins_jim.pdf (accessed August 9, 2021).

⁴⁰ U.S. Senate, Robert C. Byrd, *Late a Senator from West Virginia: Memorial Addresses and other Tributes* (Washington: GPO, 2010), <https://www.govinfo.gov/content/pkg/CDOC-111sdoc14/html/CDOC-111sdoc14.htm>.

⁴¹ *Ibid.*

Byrd also used his key position as chair of the Appropriations Committee and his membership of the Armed Services Committee to draw attention to the question. He and Ted Stevens, the leading Republican on the House Appropriations Committee, immediately rejected the Bush administration's request for military funding after the September 11 attacks as "too broad and open-ended."⁴² Byrd continued to be critical of the administration. For example, in the Armed Services Committee's hearings on Iraq in September 2002, he repeatedly pressed Secretary of Defense Donald Rumsfeld about reports that the United States had earlier provided Saddam Hussein with materials that could be used for biological weapons.⁴³ In February 2003, just before the invasion, he pressed CIA Director George Tenet about the purported link between Al Qaeda and Iraq and even went so far as to suggest that Kim Jong-il, ruler of North Korea, was a greater threat to America than Saddam Hussein.⁴⁴ In particular, after Republicans had taken control of the Senate in November 2002, Byrd continually complained about the lack of time allowed for hearings on Iraq.⁴⁵ For example, in September 2003, Byrd and other Democrats requested hearings on President Bush's \$87 billion supplemental budget for the military and for reconstruction in Iraq. Byrd was disappointed to find that Ted Stevens, now Republican chair of the Appropriations Committee, had decided on two days of hearings with only administration witnesses like L. Paul Bremer, U.S. administrator in Iraq, and Donald Rumsfeld, secretary of defense. Byrd also protested that members of the committee had not been properly informed of the hearing (so that many were absent) and were not being given adequate time for questioning: "it used to be that we opened a line of questions, and we were permitted to pursue that line for much more time than we now are allowed to do."⁴⁶ He and Stevens would later exchange harsh words on the subject, with Byrd protesting, "You're not going to rush this Senator . . . We're going to have a debate on this. We're not being treated fairly."⁴⁷ Byrd also requested that Bremer return for another day of questioning so all senators could have a

⁴² Byrd, *Losing America*, 88.

⁴³ Senate Armed Services Committee, "U.S. Policy on Iraq," September 19, 2002, Hearing S. HRG. 107-840, <https://www.govinfo.gov/content/pkg/CHRG-107shrg84837/pdf/CHRG-107shrg84837.pdf>, 48.

⁴⁴ Senate Armed Services Committee, "Current and Future Worldwide Threats to the National Security of the United States," February 12, 2003, S. HRG. 108-303, <https://www.govinfo.gov/content/pkg/CHRG-108shrg91721/pdf/CHRG-108shrg91721.pdf>, 45.

⁴⁵ The Senate changed hands officially after the Republican victory in November 2002 in a special election in Missouri. However, since the Senate was not in session at the time (because of the midterms), it had no real impact. Republicans would actually take control in January 2003.

⁴⁶ Appropriations Committee, September 22, 2003, Hearing on "Fiscal Year 2004 Supplemental Request for Reconstruction of Iraq and Afghanistan," <https://www.govinfo.gov/content/pkg/CHRG-108shrg90309/pdf/CHRG-108shrg90309.pdf>.

⁴⁷ Byrd, *Losing America*, 67.



Part of the Senate Armed Services Committee, November 2004. Senator Robert Byrd is seated second from right with Senators Edward Kennedy and Carl Levin at his right, and Senator Joe Lieberman at his left.

chance to talk to him. His insistence, and the refusal by both Stevens and Bremer, led to another scene during the hearing.

Not surprisingly, the aged senator became a controversial figure within his own party. By October 10, Daschle was determined to crush the small resistance movement led by Byrd by limiting debate and keeping the Senate open into the night, if necessary, so that the Senate could adjourn for the midterm campaign having voted in favor.⁴⁸ A number of Democrats (and one Republican who proposed a joint amendment with Joe Biden) put forward amendments to try to restrain the president's powers, including Byrd, who offered two. The first reaffirmed Congress's constitutional authority and limited the war-making powers of the president while the second limited the authorization of military action to only 12 months.⁴⁹

Indeed, there is no denying that Congress abdicated its constitutional duty in this case. Louis Fisher analyzed the House International Relations Committee report on the Authorization of Force resolution and found that out of 47 pages, 21

⁴⁸ David Rogers, "Daschle Moves to Force Vote on Senate Iraq War Measure," *Wall Street Journal*, October 10, 2002, <https://www.wsj.com/articles/SB1034198233338436356> (accessed June 1, 2022).

⁴⁹ Only 14 senators supported Byrd's first amendment, which John McCain termed "unnecessary," while 31 voted in favor of his second one, including a number who would later support the authorization of the use of force, such as Joe Biden, Hillary Clinton, and John Kerry.

concerned an administration document on the question, five were on the text of Bush's speech at the United Nations, and most of the rest focused on human rights abuses in Iraq. Only five pages actually tried to analyze the resolution.⁵⁰ One would expect more questioning from the Democratic-controlled Senate, and, indeed, there was some. Daschle, for example, gave a lucid speech on October 10, just before the final vote on the question, in which he listed all the things that should be done to guarantee success but which the administration had so far failed to do. He also detailed all the things that could go wrong with the invasion, stating: "If the administration attempts to use the authority in this resolution without doing the work that is required before and after military action in Iraq, the situation there and elsewhere can indeed get worse."⁵¹ But, in spite of all these reservations, Daschle, like so many others, voted in favor of the resolution and was, in fact, one of its sponsors. Daschle even went so far as to say that he would "give the President the benefit of the doubt." Byrd's reply to this: "I will not give the benefit of the doubt to the President. I will give the benefit of the doubt to the Constitution."⁵²



Senator Majority Leader Tom Daschle, like so many others, voted in favor of the Iraq resolution and was one of its sponsors.

Byrd Takes His Case to the Nation

As the vote on the Iraq Resolution neared, Byrd became even more vocal and more public in his opposition. On October 10, 2002, one day before the Senate vote, he wrote a *New York Times* editorial titled "Congress Must Resist the Rush to War," and as noted, he gave a speech on the Senate floor comparing the current situation to that of the Vietnam War. Then, as now, congressional sessions, both general meetings of each house and committee hearings, were filmed by C-Span and shown both on television and the Internet. Few citizens watched C-Span; most

⁵⁰ Louis Fisher, "Deciding on War against Iraq: Institutional Failures," *Political Science Quarterly*, 118:3 (2003): 404.

⁵¹ Tom Daschle, Speech in the Senate, October 10, 2002, *Congressional Record*, S10242, <https://www.congress.gov/crec/2002/10/10/CREC-2002-10-10-pt1-PgS10233-7.pdf>.

⁵² Tom Daschle, Speech in the Senate, September 25, 2002, *Congressional Record*, S9187, and Robert Byrd, September 25, 2002, S9188, *op. cit.*

viewers were either politically active or members of the press. Byrd hoped that the hearings might be broadcast by television news programs to increase viewership. Although this was generally not the case, his speeches were often picked up by liberal and progressive blogs like Common Dreams.org or In These Times.com and were widely seen on the Internet. As one journalist commented, he became “a star of C-Span and a hot commodity on the internet.”⁵³

With regard to the traditional press, he certainly received some coverage in the local press in his state of West Virginia, notably in the *Charleston Gazette* (whose editor had been a former Byrd staffer), but this did not reach a large audience. He would only receive more coverage in the mainstream press after the situation in Iraq had deteriorated, and much of this concerned primarily his popularity on the Internet.

Much has been written on the failure of most of the media in both Britain and the United States to question the administration’s assertions with regard to Iraq.⁵⁴ While Fox News was undoubtedly the guiltiest, few outlets, whether in television or print, can escape criticism. One need only cite the well-publicized cases of Phil Donahue, whose show was cancelled on MSNBC because of his opposition to the Iraq War, and of Peter Arnett, fired by NBC after a controversial interview on Iraqi television during which he asserted that, “[T]he first war plan has failed because of Iraqi resistance [and] now they [the Americans] are trying to write another war plan.”⁵⁵ It has also been shown that most media outlets systematically refused to consider or downplayed material emanating from antiwar sources, while accepting with few questions information from the Bush government or that of Tony Blair in the United Kingdom.⁵⁶ The *New York Times* later apologized publicly, stating that “information that was controversial then, and seems questionable now, was insufficiently qualified or allowed to stand unchallenged.”⁵⁷

⁵³ Kathy Kiely, “Senator Takes on White House and Wins Fans,” *USA Today*, June 23, 2003. http://usatoday30.usatoday.com/news/washington/2003-06-23-byrd_x.htm (accessed September 2, 2020). Matthew Cooper in *Time* called him an “internet sensation,” “Lionized in Winter,” June 2, 2003, 33.

⁵⁴ See, for example, Lee Artz and Yahya R. Kamalipour, eds. *Bring ‘em on: Media and Politics in the Iraq War* (Lanham, Md.: Rowman & Littlefield, 2005); Deepa Kumar, “Media, War and Propaganda: Strategies of Information Management during the 2003 Iraq War,” *Communication and Critical/Cultural Studies*, 3:1 (March 2006): 48–69, or Steven Kull, Clay Ramsay, and Evan Lewis, “Misperceptions, the Media, and the Iraq War,” in *Political Science Quarterly* 118:4 (2003–4): 569–98.

⁵⁵ Transcript of Peter Arnett interview, March 31, 2003, <http://edition.cnn.com/2003/WORLD/meast/03/30/sprj.irq.arnett.transcript/> (accessed August 31, 2020).

⁵⁶ Kumar, “Media, War and Propaganda,” 58–60.

⁵⁷ “The Times and Iraq,” *New York Times*, May 26, 2004, <https://www.nytimes.com/2004/05/26/world/from-the-editors-the-times-and-iraq.html> (accessed September 1, 2020).

OCT 11 2002
(Date)

Roll Call Vote

Legislative NO. 237

SUBJECT H.J. RES. 114
To Authorize the use of United States Armed Forces against Iraq.

YEAS	NAYS
..... Akaka.....
..... Allard.....
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..... Carahan <i>AB</i>
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..... Chafe.....
..... Cleland.....
..... Clinton <i>AB</i>
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..... 25..... McCain.....
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..... Murkowski.....
..... Murray <i>AB</i> 11
..... Nelson, Florida.....
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..... Reid, Rhode Island.....
..... 27..... Reid, Nevada.....
..... 28..... Roberts.....
..... 29..... Rockefeller.....
..... Santorum.....
..... Sarbanes.....
..... 30..... Schumer.....
..... 31..... Sessions.....
..... 32..... Shelby.....
..... 33..... Smith, New Hampshire.....
..... 34..... Smith, Oregon.....
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..... 36..... Specter.....
..... 37..... Stabenow <i>AB</i>
..... 38..... Stevens.....
..... 39..... Thomas.....
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..... 41..... Thurmond.....
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..... 43..... Voinovich.....
..... 44..... Warner.....
..... 45..... Wellstone..... 12
..... 46..... Wyden.....

77 23

The Senate roll call vote on the Authorization for Use of Military Force Against Iraq Resolution of 2002 passed by a vote of 77 to 23.

Paradoxically perhaps, the public appears to have been more skeptical than the media. A CNN poll from September 2 to 4, 2002, showed that 68 percent of Americans thought that the United States should only attack Iraq if it received UN support, while 69 percent believed congressional authorization was necessary.⁵⁸ A *Los Angeles Times* poll from January 30 to February 2 found that 65 percent of Americans believed that the United States should take military action against Iraq only with the support of the UN Security Council. However, 57 percent also felt that if Bush ordered troops into action there, they would support his decision.⁵⁹ So, there was no urgent demand from the American people for war with Iraq, but if it happened, they would rally behind the president and support the troops.

When the actual vote came, Byrd resorted to parliamentary tactics. He tried to organize a filibuster, but could not get enough support from other Democrats. He then offered some amendments to the authorization, notably S.A. 4869, which proposed limiting the authorization to only one year. At the end of that year, the president could continue it, if necessary, provided that Congress had not voted a joint resolution against such an extension. This amendment failed by a vote of 66 to 31. He had even less success with amendment S.A. 4868, which stated that Congress had not given up its constitutional power to declare war and that any further use of force in Iraq, unless connected to an immediate threat, would require a new vote. This one failed by 86 to 14. Byrd also supported Carl Levin's alternative resolution that would have authorized the use of force only with the support of the UN Security Council (S.A. 4862), but it was defeated 75–24. In the end, Byrd's delaying tactics failed as Daschle forced the end of debate, outmaneuvering the West Virginian.⁶⁰ In succeeding years, Byrd would continue his policy of offering amendments to limit the administration's power in Iraq.

The Aftermath

In the short term, Robert Byrd failed. Bush easily succeeded in getting congressional support for the use of force in Iraq, although 126 Democrats and 6 Republicans in the House voted against it, as did 21 Democrats and 1 Republican in the Senate. According to Byrd, many other senators expressed reservations, but they were afraid to publicly speak out. In early 2003, as it became obvious that invasion was imminent, Byrd gave more and more speeches on the Senate floor,

⁵⁸ <http://www.pollingreport.com/iraq19.htm> (accessed August 25, 2020).

⁵⁹ <http://www.pollingreport.com/iraq18.htm> (accessed August 25, 2020).

⁶⁰ Tom Daschle and Charles Robbins, *The U.S. Senate: Fundamentals of American Government* (New York: St Martin's Press, 2013), 82–83.

although usually few other senators were present.⁶¹ However, his speeches finally began to attract outside attention as people began to come to the Senate galleries to hear him talk and to show support for his ideas.⁶² Significantly, with regard to the media, he continued to receive more attention on the Internet and abroad than in the mainstream American press. For example, his speech of February 12, 2003, appeared on numerous websites as well as in the foreign press, and one antiwar group even paid for it to appear as a full-page ad in the *New York Times*.⁶³ In it, he attacked Bush's doctrine of pre-emption, his entire foreign policy, and Congress's lack of response, and criticized the upcoming invasion as wildly immoral, especially since over half the population of Iraq was under 15 years of age. He had harsh words for the Senate, too: "We stand passively mute in the Senate today, paralyzed by our own uncertainty, seemingly stunned by the sheer turmoil of events."⁶⁴ From that point on, Byrd gained international recognition as one of the main opposition voices within the United States. By the start of the invasion, Byrd had given over 60 speeches in the Senate as well as interviews whenever requested. And this was certainly no small achievement for a man well into his 80s. Of course, he attracted criticism as well as support, and after each speech his office was bombarded with often vicious comments. But as his biographer and staff member David Corbin wrote: "the eighty-five-year-old great-grandfather [was turned into] a cult figure on the nation's college campuses."⁶⁵

Byrd had become so much the voice of official opposition that in spring 2003 former Senator John Glenn and W.W. Norton publishers contacted him to write a book on the subject. He readily accepted, and *Losing America: Confronting a Reckless and Arrogant Presidency* appeared in 2004 not long before the presidential elections. Byrd also did his best to publicize the book, and it was widely reviewed, generally by figures associated with the Democratic Party like Madeline Albright, Howard Dean, or the historian Arthur Schlesinger, Jr. Byrd also published in 2004 a collection of his speeches against the Iraq War titled *We Stand Passively Mute*. An even more obvious sign of his importance was his prominence in the documentary *Body of War*, which

⁶¹ John R. MacArthur, "Of Senators and Framers," *In These Times*, December 5, 2003, http://inthesetimes.com/article/117/of_senators_and_framers (accessed September 2, 2020). See also David Corbin, *The Last Great Senator: Robert C. Byrd's Encounters with Eleven U.S. Presidents* (Dulles, Va.: Potomac Books, 2012), 272.

⁶² Corbin, *The Last Great Senator*, 278.

⁶³ Peter Carlson, "The Senator Votes Nay: Robert Byrd Opposed the Iraq War and He's Not about to Yield," *Washington Post*, May 24, 2003, C01.

⁶⁴ Robert Byrd, Speech in the Senate, February 12, 2003, *Congressional Record*, S2268, <https://www.congress.gov/crec/2003/02/12/CREC-2003-02-12-pt1-PgS2232-2.pdf>.

⁶⁵ Corbin, *The Last Great Senator*, 267.

details the story of paralyzed Iraqi war veteran Tomas Young. The film, by director Ellen Spiro and television personality Phil Donahue, includes extracts from some of Byrd's most impassioned speeches and shows him talking with Young.

Congress and the media questioned the Bush administration only sparingly, and Byrd was one of the rare mainstream figures who tried to engender a real debate on the subject. Over his long career he had developed a profound understanding of congressional power and influence and saw Congress as playing an indispensable role in questioning and checking the power of the executive branch. He identified the American Senate with its Roman ancestor and believed that the latter's failure to control Caesar stood as a negative parallel for what could happen in the United States. He felt strongly that an assertive Congress was essential for the survival of representative government. He used the large number of contacts he had developed over his career and his knowledge of legislative procedures to the best of his ability to try to present an alternate point of view. His methods provide us with a list of major ways in which individual members of Congress have exercised influence over foreign policy: personal contacts, the press, committee hearings, consultation with outside specialists, and, of course, speeches on the Senate floor. He also exploited parliamentary tactics as best he could—for example, through filibusters and amendments to bills.

However, Byrd labored under three major handicaps. First, he was dealing with a nation still in shock from the terrifying and unprecedented 9/11 attacks. The crisis raised widespread fear among the public of further attack as well as patriotic support for the president.⁶⁶ The often overwhelming and irrational anxiety was difficult to calm and made it hard for reasoned analysis to take place. However, this should not be exaggerated, for polls repeatedly showed that the public had not been entirely convinced by the administration's arguments for an attack on Iraq.

A concentrated effort by more leading political figures to change the dominant discourse might have yielded results. Certainly, the media deserves much criticism here for its signal failure to adequately question the Bush administration's assertions. Second, from January 2003—the immediate lead-up to the invasion—Byrd's party did not have a majority in either house of Congress, which meant that Republicans determined most of the agenda and did their best to limit debate. Finally, Byrd received little or no support from Democratic Party leadership

⁶⁶ For more detail on this, see Yaeli Bloch-Elkon, "Public Perceptions and the Threat of International Terrorism after 9/11."

and most of the main figures in his own party. In October 2002 Democrats were predominately concerned with the upcoming election and essentially gave Bush a free hand in Iraq.

For these reasons, Byrd failed in the short term, although he did demonstrate to the world that voices of dissent existed in Washington. Even a master of parliamentary debate and methods could not hope to stop a policy in the situation he faced: a fearful nation, a popular president, the House of Representatives controlled by the Republicans, and a wafer-thin Democratic majority in the Senate with a midterm election looming. These facts in and of themselves provide sufficient reason for Byrd's initial failure since, in a modern democracy, politicians pay a great deal of attention to opinion polls. None of this deterred Byrd, the long-time student of American democratic government, from seeking to use whatever powers he possessed to provide an alternative narrative to the administration's plans and attempt to check runaway executive authority.

The vagueness of the Constitution on war powers means that disputes between the two branches on the subject can only be resolved through the political process and often over a number of years. While the historical circumstances of the era in this case study are unique, it is by no means an isolated example of such controversies. Executive-legislative branch power struggles have occurred throughout American history over both domestic and foreign policy questions. In relation to war powers, such conflicts have often been highly charged, as in the 1930s over U.S. intervention in a growing world crisis or in the 1960s and 1970s over the Vietnam War. In each of these cases, events ultimately decided the question: the Japanese attack on Pearl Harbor discredited isolationism while the stalemate in Vietnam and the increasing public disillusionment with the conflict caused Congress to take action to stop the war. As the insurgency in Iraq developed, making Bush's "mission accomplished" declaration look more and more illusory, the war and the administration lost popularity.

The larger story does not end there, for the legislative-executive power controversy has been a continuing and essential part of American history. Certainly, the executive branch has tended to dominate in recent decades, especially in foreign affairs, although Congress has reasserted its power at key moments, as in the post-Vietnam/Watergate era. Shifts in relative interbranch control are inevitable. After the 9/11 attacks, the presidency was undoubtedly the dominant policy maker, with Congress offering little resistance at first. Byrd, of course, was very much aware of the history of his institution and of the checks and balances in the American system

of government. From around 2004, as the situation in both Iraq and Afghanistan deteriorated, Congress began to reassert its power, and that influence increased after the Democrats retook control of both houses in 2007. In the short term, public opinion obviously plays an enormous role—notably through the popularity of the president. When failures in executive leadership or policy occur, Congress can emerge to exert more influence on national priorities and programs. Robert Byrd was well aware of such cyclical shifts in interbranch relations and viewed them as inevitable in the American constitutional system. His understanding and statesmanship resulted in his emergence and justification as a hero to opponents of the war and as a champion of balanced, representative government. Many younger members of Congress and the Senate appreciated his resistance and his insistence on Congress's need to question executive branch actions and try to limit executive power. The vindication of his views on the Iraq War contributed to many in the press deciding they had to take a more critical view of White House statements. Byrd's greatest legacy may very well be the renewed assertiveness of Congress, such as with regard to President Donald Trump's administration—whether by the Democrats as a whole or by individual Republicans such as Liz Cheney and Adam Kinzinger.

Picture credits: Senator Robert Byrd portrait, Part of the Senate Armed Services Committee, Majority Leader Tom Daschle, courtesy U.S. Senate Historical Office; Senators Byrd and Ted Stevens, Senate roll call vote, courtesy Robert C. Byrd Center for Congressional History and Education

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