

## **Congressional Support for an Iraq Referendum on the U.S. Occupation Is the Next Best Alternative to a Binding Withdrawal Timeline**

Binding withdrawal timelines are what the American people wanted when they voted for a new Congress in the 2006 election, and that sentiment has only grown stronger since then. The low public approval rating for Congress is largely attributable to the fact that it has been unable, over Republican resistance and that of President Bush, to pass such timelines and get them signed into law. Most peace groups have largely given up on Congress doing anything to halt the Iraq War, instead putting their energy into electing a new Congress and president who, it is hoped, will end the Iraq War once in office in 2009.

If withdrawal timelines are not possible, however, then a Plan B is needed--one that moves us decisively toward withdrawal even if it does not include the binding withdrawal timelines that will never get past the president's veto pen, even if they could get through Congress. Without such a Plan B, the Democrats will talk tough and then cave in, as they have already done several times. Without a Plan B, eventually they will give the president his money, probably while opposing the Bush-Maliki agreement, which will bind the United States and Iraq to an open-ended occupation. This will be justified as the best that could be achieved.

And then the end of U.S. involvement in Iraq will be put off until well after the November 2008 election. Neither Obama nor Clinton will promise to have all U.S. troops out of Iraq by the end of their first term. Clinton says she will have combat troops (half the troops) home within one year, but will not commit her administration to doing so. Obama says he will have all the combat troops home in sixteen months.

A Plan B that's going to be effective has to do two things: first, it has to decisively move us toward withdrawal from Iraq; second, it has to garner enough Republican support to pass something over the president's veto. For now, those two requirements cancel each other out. Democrats are trying to get enough moderate Republicans to sign on to legislation, but with the result so far that decisive movement toward withdrawal is lost. Antiwar Democrats are standing firm on withdrawal timelines, but at the expense of getting very little Republican support.

This proposal involves requiring, as a condition for receiving governmental aid or reconstruction funding, that Iraq hold a national referendum on whether and for how long the U.S. occupation should continue. The most logical time to hold such an election is to attach it to one that is already scheduled: the election for provincial government officials that is to take place before October 1. Given opinion polls that consistently show that at least two-thirds of Iraqis oppose the U.S. occupation and want us to leave within a year, it's a safe bet that such a referendum would pass. As a result, support for withdrawal will increase dramatically in the United States, putting Congress in the position to pass withdrawal funding legislation. It's quite possible that all U.S. troops would be out of Iraq within a year after an Iraqi vote. In short, a provision in congressional legislation that requires Iraq to hold such a referendum is likely to become the functional equivalent of a withdrawal timeline.

The war funding would be for a short period of time, during which time Iraq would be required to add this question to the provincial government elections. If they did not do so, then Congress could move to pass withdrawal funding. In addition, this legislation would require the U.S. government to support the holding of a referendum as an integral part of our commitment to democracy; to facilitate the holding of such an election (which it has done in previous elections

there); and to abide by its results--in other words, if the Iraqi government asks us to leave, we will do so. This last provision is crucial because, in polls, more than two-thirds of Iraqis say they do not believe that the United States would honor an Iraqi government request to leave.

Even though a veto by President Bush of such legislation can be expected, it still would be politically difficult for the president to do so. After all, one of the principal justifications for the U.S. invasion and occupation is that we have brought democracy to Iraq. And it will be difficult for Republicans and conservative Democrats to oppose it. Unlike a withdrawal timeline, this proposal would not tie the hands of the commander in chief or of the generals running this war--the principal reasons advanced to veto any legislation with a withdrawal timeline. By removing the principal objections that the president and Republicans have had, this can become the "last, best, and final" offer. If the passage of legislation takes repeated votes, this is what can be insisted on as the price of funding. The American people can be mobilized to insist that such a bill be passed and signed. Antiwar groups have largely given up on the possibility that binding withdrawal timelines are possible until 2009, with a new Congress and president. Under this strategy, that goal is still possible in 2008.

### It Will Get Some Republican Support

The basic concept behind a referendum was supported by 67 percent of Republicans in a little-noticed November 2006 poll (done after the fall elections) by the Program on International Policy Attitudes (PIPA). In that poll 64 percent of Republicans polled would only reduce U.S.-led forces as the security situation improves (essentially the Bush administration position); 36 percent would withdraw within two years. (A mid-March, 2008, Rasmussen Reports poll found 62 percent of Republicans in favor of staying till the mission was accomplished, with 26 percent supporting a one-year withdrawal of U.S. troops.) However, when asked "if the majority of the Iraqi people say they want the United States to commit to withdraw U.S. forces according to a timeline of no more than a year, do you think the U.S. should or should not do so?" 67 percent of Republicans said the United States should do so (close to the overall support of 73 percent). In other words, that's a shift from almost two-thirds support for the president's position to two-thirds support for a one-year withdrawal from Iraq. (Support for withdrawal also increased by 25 percentage points among independents and by 21 percentage points among Democrats). Asked what should be done if the Iraqi *government* made a withdrawal request, 73 percent of Republicans said it should be obeyed.

Although the reasons for Republicans' strong support for Iraqi public opinion or a government request for withdrawal, as shown in the PIPA poll, have not been investigated, it may partly be due to taking seriously the Bush administration's support for democratization in the Middle East and in Iraq in particular, as well as reflexive political support for the Bush administration's policies generally (and in particular: Bush administration officials have said they would obey a request from the Iraqi government.) One indication that this may well be the case is the surprising finding that independents are less supportive than Republicans (by 1 percent) of honoring the Iraqi people's views and an Iraqi government request for withdrawal. Surprising, because independents are significantly more supportive of withdrawal: according to a Pew poll conducted in March 2007, 61 percent of independents supported the congressional bill calling for withdrawal of U.S. forces by August 2008 (closer to Democrats, at 77 percent) versus 34 percent of Republicans.

According to a PIPA poll conducted in September 2006, 71 percent of Iraqis want foreign troops withdrawn in a year or less (that has increased; a September 2007 BBC/ABC poll found

that 47 percent of Iraqis want U.S. troops withdrawn *immediately*). Fifty-eight percent of the Americans polled recognized that this was the Iraqi public's position, but 59 percent of Republicans thought they wanted us to stay longer. In short, it will take a referendum in Iraq to convince Republicans that most Iraqis want us to leave within a year. And if Iraqis do so in a referendum, political support for withdrawal from Iraq in the United States will increase dramatically. (The report on the PIPA poll, "U.S. Public Opinion in Line with Iraq Study Group's Proposals," is available at PIPA.org, under "Americans and the World" and then "Recent Studies.")

The only likely substantive Republican objection to holding a referendum is that we need to wait for the surge (or the U.S. military presence once the surge is over) to help make things better in Iraq before we consider withdrawal. That should not preclude (many of) those who hold this position from voting to urge Iraq to hold a referendum on the U.S. occupation, however. The withdrawal referendum is not in contradiction to President Bush's stated goals for the surge. The ostensible goal of the surge is to reduce violence as a way to open the political space needed for negotiations and compromise among Iraq's sectarian groups. It has not done so, but a referendum would: a withdrawal timeline will reduce attacks on U.S. forces, unify and strengthen the Iraqi government in the long run (if not the Maliki government government), and further collapse the support for al Qaeda and other jihadis who are killing Iraqis. Although the means are different, the goals are similar. A withdrawal vote and timeline will create the so far missing political dimension, making it more likely that the stated goals of the surge will be realized. A referendum can easily be seen as part of the U.S. commitment to democracy in Iraq.

#### An Iraqi Referendum Is Feasible

Although the United States invaded Iraq without United Nations authorization, it was subsequently forced to bring the occupation under the control of the Security Council. In December, the Security Council extended the legal mandate of the Multinational Forces (the coalition troops) until December 31, 2008, including a provision that the Security Council will terminate the mandate earlier if requested by the government of Iraq. In short, U.S. involvement in Iraq can be ended at any time by ending the occupation, and Congress can help bring that about. Congress, however reluctantly, might continue to fund the war. However, if the Iraqis asked us to leave, Americans' support for the war would erode significantly, paving the way for withdrawal funding.

Realistically, it will take a referendum to end the occupation. The Maliki government will not do so. It has refused to request that U.S. troops leave, even after the Iraqi parliament has asked for a withdrawal timeline. In May 2007, a majority of the Iraqi parliament, 144 out of 275 members, signed a petition calling for a withdrawal timeline, and subsequently demanded that a request to extend the UN mandate be submitted for parliamentary approval first, as is required by the Constitution of Iraq. The parliament's request was ignored. The Maliki government is now negotiating a compact with the U.S. government, the so-called Bush-Maliki agreement, whose purpose is to extend the occupation for a decade or more, in return for protecting that government. The plan now is to push through the Bush-Maliki agreement before the end of President Bush's term without getting the approval of either the Iraqi parliament or the U.S. Congress. Given this history of bypassing the parliament on the occupation, the Iraqi parliament has no further democratic option except to call for a referendum. Even if it is vetoed, the fact that it has been passed by parliament will provide a platform for such a demand that can get international attention and support and the attention and support of the American people and

Congress. It's quite possible that the support of Ayatollah Sistani for a referendum will be sufficient to get the Iraqi government to support such a vote. Sistani has been the driving force behind Iraqi democratization, against the wishes of the United States, and the moral force, as well as the initial organizational force, behind the majority Shiite coalition. We believe Sistani will support such a referendum, and that his support will be decisive.

Despite the widespread violence in Iraq, a referendum vote can still be held, especially if it attached to the provincial elections. Almost all Iraqis have made up their minds about the occupation and how long it should continue, meaning little campaigning would be needed. And because withdrawal is supported so strongly, it would be in the interest of almost all groups to have a high voter turnout, and thus to not have the election sabotaged by violence. Arguments that violence has declined in Iraq in recent months strengthen the case for holding a referendum. One aspect is whether Iraqi exiles, about 10 percent of the country's population, will be allowed to vote. They did so in the initial election under U.S. occupation in Iraq (and may have done so in subsequent ones).

Although it would be up to the Iraqi government to structure such a vote, the best scenario for the ballot probably is to present a range of options to voters: asking whether the United States should stay indefinitely until the security situation improves and/or Iraqi forces are ready to take over, or whether the United States should leave within two years, within one year, within six months, or immediately. These are the kinds of choices that have been presented in polls, and they would most precisely determine the views of individual voters. The median choice of voters should then become the Iraqi government position. The median position among Iraqis polled has been for occupation forces to leave in just about a year, but polling last spring showed a 15 percent shift in favor of immediate withdrawal, so it would actually be closer to nine to ten months now. And it's likely that all U.S. troops would come home, as most Iraqis want--unlike proposals for residual forces that have been embraced by the major Democratic presidential candidates. In short, a referendum strategy is likely to create a definitive end to U.S. military involvement in Iraq.

#### Can Iraq Be Required to Hold a Referendum?

Congress cannot per se require that Iraq hold a referendum on the U.S. occupation. Iraq is a sovereign country, however limited that sovereignty may be. However, it makes no sense for Congress to appropriate funding to a country where two-thirds of the people at least want us to leave, and where even a slight majority, according to some polls, support attacks on U.S. forces. They support such attacks in order to get us to leave. We cannot be very effective in helping Iraq solve its problems or even provide security under those circumstances. If most Iraqis want us to leave, why should we spend hundreds of billions of dollars "on their behalf" in such a situation? Why should thousands of Americans die "on their behalf" when Iraqis want to take charge of their own country? Those who support withdrawal will want to know the answer, but so also will those whose support for withdrawal is soft, who can still be swayed by arguments that there will be chaos if we leave. They will want to know, because "helping the Iraqi people" is the last justification of a war whose other justifications have been proven false. Although a requirement that Iraq hold a referendum as a condition for receiving funding does impinge on Iraqi sovereignty, it addresses a deeper problem. Most Iraqis do not believe that the United States would honor a request by the Iraqi government that U.S. forces leave, and they similarly might be skeptical that the government would put such a measure on the ballot, given its domination by

the U.S. occupation. Such a vote is more likely to occur because it's required for receiving funding.

Such a requirement may not get enough votes to gain approval in Congress, however. The requirement may then need to be softened to something like Congress "strongly urges" that Iraq hold such a vote, possibly with the promise of more funding if it does so. This is likely to garner more Republican votes. Further, by "strongly urging" such a vote, Congress would leave it up to the Iraqi people to pressure their government to hold such an election, and to the American people to support the Iraqis in taking such a step. Congress could pass a two-month supplemental funding bill that includes a provision "strongly urging" Iraq to place a measure on the occupation on the ballot within that time. If the Iraqi government does not do so, Congress may then find it acceptable to require such a vote. Ultimately, the choice between a requirement and strong encouragement will be decided by balancing what can get the most votes in Congress and what is most likely to lead to a referendum in Iraq.

One remaining question is whether the Iraq Constitution allows referendums. The Constitution itself was approved in a popular referendum in October 2005, as required in Article 139 of the Constitution of Iraq. There are four other places in the Constitution in which referendums, which require a simple majority for approval, are mentioned: (1) Articles 115, which requires a popular referendum to form a regional government out of one or more existing governorates, to be held at the request of the governorates or at the request of one-tenth of the voters in each of the governorates intending to form a region. (2) Article 122 (Section 2), which requires a general referendum to approve any changes in Section 1 (on fundamental principles) and Section 2 (on rights and liberties) of the Constitution. (3) Article 136 (Section 2), which states that a referendum in Kirkuk and other disputed territories should be held (indeed, a referendum is supposed to take place by June, though it's such a contentious issue that it well may not happen); (4) Article 137, which calls for setting up a committee after approval of the Constitution to suggest amendments to it that would then be put to a popular referendum. This last-minute addition to the Constitution was put in to mollify Sunni opposition to the document, but it has not been carried out.

These provisions thus have to do with two fundamental categories of issues: amendments to the constitution and changes to Iraq's regional governing structure. An argument could certainly be made that foreign occupation rises at least to the level of gravity of these issues. Moreover, the UN mandate allows Iraq to request that occupation troops leave, and a referendum could easily be construed as an extension of that provision, a way to carry it out.

### Congressional Strategy

The basic idea would be to get this proposal first endorsed by the Out of Iraq Caucus and the twenty-nine members of the Senate who voted for Reid-Feingold, and then to get legislative language written and put forward as a stand-alone measure that would identify the supporters and opponents. Such a vote will show which members of Congress need to be lobbied to support it. Then it could be added as an amendment to the next Iraq funding bill (the current funding runs out March 31), which probably won't be voted on till May or June. The chances that some Republicans will vote for such a measure are founded on the Republican support for such a measure revealed in the PIPA poll; the fact that almost all the primaries will have been held, and thus some moderate Republicans will no longer feel under party and conservative movement pressure and the pressure of opponents in the Republican primary and can look toward the general election and begin to break with the war (there will be a countervailing pressure from

Republican nominee John McCain and his support for the war, however); and the Iraq withdrawal ballot measures should have been introduced into state legislatures and local governments by then.

With regard to the Out of Iraq Caucus, the Iraq referendum strategy argues for a shift in approach. The pledge to support only funding bills that contain a binding withdrawal timeline is now supported by more than eighty representatives (as of early 2008). An expansion of this position to include support for an Iraqi referendum on withdrawal, the functional equivalent of binding withdrawal timelines, as well as for such timelines, will encourage more members to join. Caucus members would be committed to voting against any bill for funding the Iraq War that does not include, in descending order of preference: (1) a binding withdrawal timeline; (2) a requirement that Iraq hold a referendum on withdrawal in exchange for governmental funding, that such a referendum be held as part of the October 1 provincial elections, and a binding provision that requires the United States to support, facilitate, and abide by the results of an Iraqi referendum; (3) a bill that “strongly urges” Iraq to hold such a referendum, tied to only two months of funding, during which Iraq would be requested to schedule such a referendum, and that includes a binding provision that requires the United States to support, facilitate, and abide by the results of any such Iraqi referendum. As an overall principle, this caucus would support war funding for no more than two months at a time unless and until there is a binding withdrawal timeline.

This expanded position might allow more members to sign on, especially the rest of the 169 representatives who voted for the McGovern amendment in May 2007. It might also help form an Out of Iraq Caucus in the Senate, to include the 29 senators who supported the Feingold-Reid amendment.

By getting the support of the majority of Democrats in the House, as well as in the Senate, the Out of Iraq Caucus would then be in a position to control what legislation is voted on and when. This expanded position would also allow greater flexibility in voting, so that the choice is not between binding withdrawal timeliness and an unacceptable compromise, but includes a choice in between that can move us decisively toward withdrawal.

This approach would allow the caucus to do two things, a carrot and a stick approach, if you will: (1) to threaten the loss of a large bloc of votes, potentially the majority of Democrats in the House, on unacceptable Iraq War funding legislation; (2) to offer a way to reach a large number of Republicans (and moderate Democrats) with a strategy they can support, and the potential to approach or create a veto-proof majority on legislation. In short, the caucus will offer the leadership an approach that potentially can gain enough votes to lead to withdrawal from Iraq, as at least 60 percent of the American public want.

### Grassroots Support

An essential complement to congressional lobbying would be grassroots mobilization in the districts of members of Congress who could be swing votes. Fortunately, many of the states and districts with potential swing votes were targeted by Iraq Summer in 2007, and thus there’s already a lobbying base in those districts and states that can be mobilized. This might require sending some staff back to Iraq Summer districts and states and putting some staffing resources into other swing-vote districts and states, preferably by using existing staff there. One source for staff will be campaign staff in states once the primary elections are over there. It also would be important to gather endorsements asking Congress to support requiring an Iraqi referendum on the occupation, especially among Republicans and Republican-leaning groups, based on the two-

thirds' support among Republicans for honoring an Iraqi request that foreign forces leave. The PIPA poll questions should be repeated with the addition of one on support for an Iraq referendum on the occupation, with the answers broken down among Republicans, Democrats, and independents.

Research could be conducted to find any statements by members of Congress that support democracy and elections in Iraq specifically and in the Middle East generally. These can be used to help convince members to support an Iraq referendum--and used against those who continue to oppose such a vote. One possibility is to have Iraq veterans, through ads or free media, saying something like, "We sacrificed to bring democracy to Iraqis. Rep. X supported elections in Iraq in 2005, but now he opposes their holding a vote on the U.S. occupation. Don't let our sacrifice be in vain." National ads could use President Bush's statements supporting elections and democracy in Iraq to the same end and effect. Members of Congress, and the president, would be asked to choose between their support for democracy in Iraq and their support for continued occupation and war.

The ballot measure calls for withdrawal of all U.S. troops from Iraq by November 4, 2009, and for support of an Iraqi referendum on the occupation. If bills are introduced in state legislatures and in many cities and counties across the country, this fact can be used to encourage members of Congress to support a referendum or face defeat in the 2008 election. The unpredictability of where grassroots campaigns might pop up is essential to passing legislation because no member of Congress could be certain that voters in their district or state would not also be voting on a measure calling for U.S. withdrawal from Iraq. (For a strategy on getting these measures on ballots, see the "Strategy to Quickly Place Antiwar Measures on Ballots" file.) Faced with a choice of supporting withdrawal or their own defeat, some members of Congress that support continuing the war would choose to support a referendum in Iraq. This is especially so for Republicans, whose base already supports the basic concept behind such a vote--which is to honor a request by the Iraqi people or government that the U.S. withdraw from their country.

#### Possible Effects of an Iraq Referendum on the 2008 Elections

The inability of Congress to stop the Iraq War, by itself, should not affect the reality that a Democratic Congress, one with a larger majority, and a Democratic president are the most likely outcomes of the November elections (although the presidential election could be close). Nonetheless, that failure does have certain negative effects. First, the 2008 elections have the potential of being a realigning election, one that will place Democrats in power for many years to come. This potential could be lost or severely limited if Congress has not at least passed legislation requiring an Iraq referendum. Without decisive action on the Iraq War before the November election, the chances of getting to, or close to, a 60-vote cloture majority in the Senate could be lost, hampering the passage of legislation in the new Congress.

The inability of Congress to end the war will have two negative effects on the election. First, most of the Democratic base, as well as independents, are disillusioned because Congress has been unable to stand up for the voters that elected them to end the war. The lack of mass base enthusiasm may lessen donations and volunteers for Democratic candidates. Second, it might lessen voter turnout. Conversely, decisive action toward withdrawal will reinvigorate the Democratic base; it will increase poll numbers for Congress, especially for Democratic members, and thus their ability to stand up to President Bush; and it will increase support for the Democratic congressional candidates and for the Democratic presidential nominee.

Republican members of Congress who support the referendum and help it to become law can indeed claim some credit for helping to end the war. A few Republicans will get electoral cover from supporting an Iraq referendum, and thus a few might be reelected that otherwise might not have been. However, in most instances, their opposition to the war will be too little, too late--voters will know they required pressure to do so. They also will be burdened by supporting the rest of the Bush administration's agenda, and by voters' knowledge that the Republican Party as a whole and the Republican presidential candidate supports the war. In sum, Democratic gains as a result will outweigh those of Republicans.

Lastly, by decisively moving to end the Iraq War before the November 2008 election, Congress will have greatly improved the climate for governing under a new Congress and a Democratic president. The first six months in office under a new president are critical to approving an expansive agenda. An ongoing Iraq War will be a distraction from the necessary business of dealing with the recession, introducing universal health care legislation, addressing climate change, restoring constitutional protections, and many other issues. Not only that, but it will decrease support for the agenda on these other issues. The faster, and the more completely, the United States can get out of Iraq, the better.

#### What Happens if This Strategy Is Not Successful

If President Bush vetoes this measure and there are not enough votes to override his veto (which may be more likely than not), the push to include a requirement for an Iraqi referendum on the occupation in legislation will still have the following beneficial effects: (1) it will make clear that the support for democracy in Iraq by the president, by McCain, and by those members of Congress who support his Iraq policy is quite limited, as is their commitment to the political solution that the surge they support is supposed to make possible (as members of the Senate, the votes of McCain, Clinton, and Obama will have a chance to vote on this); (2) in doing so, it may make some Republicans more vulnerable to defeat in the 2008 election; (3) passage of a bill requiring a referendum, even if it is not signed into law, may encourage Iraqis to push their government to hold such a referendum. After all, Iraq does not need the U.S. Congress to mandate an election for it to happen; (4) it will lay the foundation for such a vote after there is a new Congress and president in 2009. In doing so, it will end the war sooner rather than later, and completely rather than partially. It will make unnecessary the proposals of the major Democratic presidential candidates to have residual forces in Iraq, possibly until 2013 or beyond.

#### Iraqis Will Take Responsibility for Their Own Country

If a referendum is held in Iraq, by their vote asking for U.S. withdrawal, and by a subsequent withdrawal request from the Iraqi government, the Iraqis will be saying, "We are taking responsibility for our own country." Or, to use a phrase once popular with the Bush administration, the Iraqis would be "standing up." A referendum strategy will lead to a stronger and more united Iraqi government (possibly first by way of the fall of the Maliki government), one that is better able to make the compromises needed to reduce violence. It will also strengthen the Iraqi state, whose sovereignty is now very limited. It will open up the possibility of reconciliation within Iraq and of regional and international help on security and reconstruction. And because the Iraqis have asked us to leave, members of Congress that support withdrawal cannot be accused of "cutting and running" or of abandoning Iraqis to greater violence, unlike what happened after the Vietnam War. We will not have been driven out by violence, giving a

victory to terrorism, but voted out, a nonviolent, democratic solution to the occupation. We can claim a partial victory for democracy in Iraq, and we can withdraw with (some) honor.