

TO: Interested Parties

FROM: Greg Craig, Foreign Policy Adviser to Senator Obama, former Director of Policy Planning at the Department of State, and former Assistant to the President and Special Counsel

RE: Obama vs. Clinton: Real Differences on Iraq and Iran

DATE: October 25, 2007

The current debate about the wisdom of Senator Clinton's support for the Kyl-Lieberman amendment points up significant differences in Senator Obama's approach to the use of force in Iraq as compared with Senator Clinton's approach.

On September 26, Senator Clinton voted for the Kyl-Lieberman amendment. In defending her vote, Senator Clinton points to that provision in the resolution that calls for designating the Iranian Revolutionary Guard a terrorist group, a provision incidentally that Senator Obama does not oppose. But the amendment does much more than that.

The Kyl-Lieberman amendment contains language that sets forth an entirely new rationale *for keeping US troops in Iraq and, if need be, for attacking Iranian forces*. The problematic language in the resolution says that it is a "critical national interest of the United States" to *counter Iran's influence among the Shia population of Iraq*. Without a doubt, President Bush can cite that language as authorizing him to maintain and use US troops in Iraq for the purpose of containing Iran, curtailing Iran's influence in Iraq, and, if need be, to expand our troops' activities beyond Iraq's borders to pursue and attack Iranian forces.

Having seen what this Administration – with its expansive view of its Executive Power – has done in the past with Congressional resolutions, it is naïve to support the Kyl-Lieberman amendment without simultaneously seeking explicit assurances that the President will never cite the amendment as a legal basis for deploying US troops to counter Iranian influence whether in Iraq or Iran. In fact, just weeks earlier, the Senate agreed unanimously to a similar Iran-related amendment. In that amendment, however, the Senate made clear that "Nothing in this section shall be construed to authorize or otherwise speak to the use of Armed Forces against Iran." To a person familiar with the practices and principles governing interpretation of statutory language, the absence of such language in the Kyl-Lieberman amendment is significant.

Senator Clinton voted to approve the new mission for our troops, and she blessed the new rationale for their continued presence in Iraq. Senator Obama did not. Senator Clinton was willing to give the benefit of the doubt to the Administration on this matter. Senator Obama was not. Her support for Kyl-Lieberman draws attention to a series of other important differences between Senators Obama and Clinton on Iraq and Iran.

It appears to be an open issue inside the administration whether the United States should attack Iran – to retaliate for Iran's support of Iraqi militias, to take action against Iran's nuclear program or both. Vice President Cheney in particular has been giving bellicose speeches and threatening Iran. Barack Obama thinks that, at this sensitive moment,

Congress should be extremely careful. It should not do or say anything that might be used either to justify a US attack on Iran or to authorize prolonging the US military presence in Iraq. Hillary Clinton voted for an amendment that does just that.

Barack Obama supports vigorous diplomacy and additional pressure on Iran. He supports strengthening economic sanctions against Iran. But the Kyl-Lieberman amendment does much more than that. It builds a case for using US troops in Iraq to counter Iranian influence. This amendment:

- Opens with 17 "findings" that highlight Iranian influence within Iraq;
- Makes President Bush's case that the United States should structure "its *military presence in Iraq*" to counter the "capability of the *Government of the Islamic Republic of Iran* to pose a threat to the security of the region" (emphasis added)
- States that it is "a critical national interest of the United States to prevent the Government of the Islamic Republic of Iran" from exerting influence within Iraq.

These expressions have nothing to do with diplomacy, they do not deal with the Revolutionary Guard, and they do not address the issue of strengthening sanctions against Iran. They do, however, describe a new mission for American troops in Iraq, and they articulate a new rationale for our continued presence in Iraq – to contain Iran and curtail Iranian influence inside Iraq. The amendment also:

- Was co-sponsored by two of the most hawkish members of the Senate on Iran: John Kyl (R-AZ) and Joseph Lieberman (ID-CT);
- Was supported by all but two Republicans: Chuck Hagel (R-NE) and Richard Lugar (R-IN)
- Was opposed by ten other Senators who, like Senator Obama, support sanctioning the Iranian Revolutionary Guard as a terrorist organization: Barbara Boxer (D-CA); Sherrod Brown (D-OH); Maria Cantwell (D-WA); Christopher Dodd (D-CT); Daniel Inouye (D-HI); Edward Kennedy (D-MA); John Kerry (D-MA); Amy Klobuchar (D-MN); Blanche Lincoln (D-AR); John Tester (D-MT)

Importantly, Kyl-Lieberman *does not include* language that the Senate has deemed necessary to include in other provisions related to Iran, specifically a provision saying:

- "Nothing in this section shall be construed to authorize or otherwise speak to the use of Armed Forces against Iran."

Trying to Have it Both Ways: After Senator Clinton drew criticism for her vote in support of Kyl-Lieberman on September 26, she decided to support a bill that Senator Webb introduced in March that said that the President had to obtain congressional authorization before going to war in Iran. Webb told Howard Fineman that Clinton was in such a hurry to support his bill, "I found out after she announced it," he said, laughing." But Kyl-Lieberman had already passed the Senate; Webb's bill has not. Signing on with Webb does not undo her vote for Kyl-Lieberman.