

September 10, 2019

The Honorable James Inhofe
Chairman, Armed Services Committee
United States Senate
Washington, DC 20510

The Honorable Adam Smith
Chairman, Armed Services Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Jack Reed
Ranking Member, Armed Services
Committee
United States Senate
Washington, DC 20510

The Honorable Mac Thornberry
Ranking Member, House Armed Services
Committee
U.S. House of Representatives
Washington, DC 20515

Re: 2002 Iraq AUMF Repeal Provision in National Defense Authorization Act for Fiscal Year 2020

Dear Chairmen and Ranking Members:

We, the undersigned, are a diverse group of organizations with a range of missions and perspectives from across the ideological spectrum. As you work to reconcile the House and Senate versions of the National Defense Authorization Act for Fiscal Year 2020 (NDAA), we strongly urge you to retain in the conference version of the bill the provision from the House-passed bill, H.R. 2500, to repeal the 2002 Authorization for Use of Military Force against Iraq (2002 Iraq AUMF) (PL 107–243). This provision is included in H.R. 2500 as Section 1270W.

Repealing the 2002 Iraq AUMF would reassert Congress’ constitutional duty to determine whether and when the United States chooses war. It would remove an outdated force authorization that is not required for any ongoing operations, while protecting against its abuse by this or any future president to justify unforeseen and unauthorized new wars.

Congress passed the 2002 Iraq AUMF to authorize force against Saddam Hussein’s Iraqi regime in order to defend the United States against the threat posed by the regime’s alleged possession of weapons of mass destruction.¹ While this threat proved unfounded, the mission undertaken pursuant to the 2002 Iraq AUMF – designated “Operation Iraqi Freedom” – began on March 20, 2003, and officially ended on December 11, 2011.

Since this time, the 2002 Iraq AUMF has been repurposed by successive presidents for military activities unrelated to the Saddam Hussein regime. Both the Trump and Obama administrations have used the 2002 Iraq AUMF as supplemental authority for operations that they have claimed

¹ For more on the legislative history of the 2002 Iraq AUMF see Tess Bridgeman, “Now is the Time to Repeal the 2002 AUMF,” July 11, 2019, <https://www.justsecurity.org/64885/now-is-the-time-to-repeal-the-2002-aumf/>.

are being conducted pursuant to the 2001 AUMF in Iraq and Syria, including operations against ISIS.²

Repealing this outdated authorization would put an end to such unconstitutional repurposing of war authorizations without impacting current operations. The 2002 Iraq AUMF has never been cited as the sole authority to justify any current U.S. military operations. Indeed, Acting State Department Legal Adviser Marik String testified in a recent Senate Foreign Relations Committee hearing that he was “not aware” of any situation where the administration was relying solely on the 2002 Iraq AUMF for present military operations.³

Yet leaving the 2002 Iraq AUMF in place renders it susceptible to misuse by this or a future president. Last year the administration claimed that the 2002 Iraq AUMF authorized the use of force to address “threats to, or stemming from, Iraq” in “in Syria or elsewhere.”⁴ This dangerous interpretation goes far beyond congressional intent and serves as a ticking time bomb that paves the way for the Executive Branch to draw the United States into further wars that were not even contemplated, let alone authorized, 17 years ago. Any new war must be specifically approved by Congress, as required under the Constitution.

Article I of the Constitution vests in Congress—as the branch most accountable to the American people—the responsibility to determine whether, when, and where to go to war. Congress should seize the opportunity to exercise its constitutional war powers by repealing the 2002 Iraq AUMF. This would remove an unnecessary force authorization and ensure that it cannot be exploited by the Executive Branch to start new, unauthorized wars.

We strongly urge you to retain in the conference version of the NDAA Section 1270W of H.R. 2500 to repeal the 2002 Iraq AUMF.

Thank you for your attention to this important matter.

Cc: Speaker of the House Nancy Pelosi, Senate Majority Leader Mitch McConnell, House Majority Leader Steny Hoyer, Senate Minority Leader Chuck Schumer, House Minority Leader Kevin McCarthy, House and Senate NDAA Conferees

Sincerely,

² Report on the Legal and Policy Frameworks Guiding the United States’ Use of Military Force and Related National Security Operations, March 16, 2019, <https://assets.documentcloud.org/documents/4411804/3-18-War-Powers-Transparency-Report.pdf>; Report on the Legal and Policy Frameworks Guiding the United States’ Use of Military Force and Related National Security Operations, December 5, 2016, <https://obamawhitehouse.archives.gov/the-press-office/2016/12/05/fact-sheet-presidential-memorandum-legal-and-policy-transparency>.

³ Senate Foreign Relations Committee, *Reviewing Authorities for the Use of Military Force*, July 24, 2019, <https://www.foreign.senate.gov/hearings/reviewing-authorities-for-the-use-of-military-force-072419>.

⁴ Report on the Legal and Policy Frameworks Guiding the United States’ Use of Military Force and Related National Security Operations, March 16, 2018, <https://assets.documentcloud.org/documents/4411804/3-18-War-Powers-Transparency-Report.pdf>.

About Face: Veterans Against the War
Action Corps
Action Corps NYC
Action Corps, Indianapolis
American Civil Liberties Union
American Friends Service Committee
Antiwar.com
Avaaz
Bridges Faith Initiative
Campaign for liberty
Center for Constitutional Rights
Center for International Policy
Center for Victims of Torture
Center on Conscience & War
Coalition for Peace Action
CODEPINK
Committee for Responsible Foreign Policy
Common Defense
Congregation of Our Lady of the Good Shepherd, U.S. Provinces
Council for a Livable World
Council on American-Islamic Relations
Defending Rights & Dissent
Demand Progress
Disciples Center for Public Witness
Disciples Justice Action Network
Environmentalists Against War
Friends Committee on National Legislation
Foreign Policy for America
Franciscan Action Network
Global Ministries of the Christian Church (Disciples of Christ) and United Church of Christ
Historians for Peace and Democracy
Human Rights First
Indivisible
Institute for Policy Studies, New Internationalism Project
Interfaith Network on Drone Warfare
International Civil Society Action Network (ICAN)
Just Foreign Policy
Justice for Muslims Collective
Libertarian Institute
Maryknoll Office for Global Concerns
Mennonite Central Committee U.S. Washington Office
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Churches
National Iranian American Council
National Priorities Project at the Institute for Policy Studies
National Religious Campaign Against Torture

Nonviolence International
Peace Action
Peace Corps Iran Association
Peace Tax Foundation
Presbyterian Church (USA)
Project On Government Oversight
September 11th Families for Peaceful Tomorrows
The United Methodist Church - General Board of Church and Society
The Yemen Peace Project
Truman Center for National Policy
United Church of Christ
United for Peace and Justice
VoteVets
Win Without War
Women's Action for New Directions
World BEYOND War