



## The 2002 Iraq AUMF: What It Is and Why Congress Should Repeal It

There are currently efforts in the House and the Senate to repeal the 2002 Iraq Authorization for Use of Military Force (AUMF). In the House, Rep. Barbara Lee (CA-13) has introduced [H.R. 2456](#), as well as an amendment to the National Defense Authorization Act. In the Senate, [S.J. Res. 13](#) from Sens. Tim Kaine (VA) and Todd Young (IN) would repeal both the 2002 Iraq AUMF and the 1991 Gulf War AUMF, passed to authorize a military response to Saddam Hussein's invasion of Kuwait.

### What is an AUMF and how is it different from a declaration of war?

- » While declarations of war authorize “[total war](#)”—providing the president with the entire and unqualified use of the U.S. military—AUMFs authorize a more limited use of force.
- » The last declaration of war was passed in 1942 against [Romania](#) during World War II. Since that time, the wars in Vietnam, the Persian Gulf, Afghanistan, and Iraq have all been [authorized by AUMFs](#).

### What is the 2002 Iraq AUMF?

- » Congress passed the [2002 Iraq AUMF](#) to authorize the war against Saddam Hussein's regime in Iraq. It permitted the president to use the armed forces as “necessary and appropriate” to “defend U.S. national security against the continuing threat posed by Iraq” and to “enforce all relevant Security Council resolutions regarding Iraq.”
- » The legal justification for attacking Iraq was that the Saddam Hussein regime was in breach of U.N. Security Council resolutions through its possession of weapons of mass destruction. As the world later learned, this justification had no basis in fact.

### How is the 2002 Iraq AUMF different from the 2001 AUMF?

- » While the 2002 Iraq AUMF authorized force only against the Saddam Hussein regime, the [2001 AUMF](#) authorized force against all who “planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons.” It is often referred to as the “[blank check](#)” for endless war.
- » Members of Congress [intended](#) the 2001 AUMF to be narrowly tailored to target al Qaeda (who were responsible for the 9/11 attacks) and the Taliban (who harbored al Qaeda in Afghanistan). However, three presidents have used it to [justify](#) 41 operations in 19 countries by claiming that the 2001 AUMF applies to “associated forces” of al Qaeda and the Taliban—a term that appears nowhere in the law.

### **If the 2001 AUMF covers current conflicts, how is the 2002 Iraq AUMF being used now?**

- » In 2014, the Obama administration [said](#) that “the Administration supports the repeal of the Iraq AUMF since it is no longer used for any U.S. Government activities.” However, the administration [later cited](#) the 2002 AUMF as an “[alternative statutory basis](#)” to the 2001 AUMF for its campaign against ISIS in Iraq, while maintaining that “our position on the 2002 AUMF hasn’t changed and we’d like to see it repealed.”
- » The Trump administration reiterated this position, [claiming](#) in 2018 that the 2002 Iraq AUMF “reinforces” the authority to use force against ISIS in Iraq. But it also went further, asserting that the 2002 AUMF authorizes force to address both “*threats to, or stemming from, Iraq*” in “Syria or elsewhere.”

### **Why should the 2002 Iraq AUMF be repealed?**

- » **It is no longer relevant.** The Saddam Hussein regime was overthrown in 2003 and a formal end to the U.S. mission in Iraq was declared at the end of 2011.
- » **It’s not needed for existing operations.** Repeal would have no impact on the ability of the administration to continue current military operations. The administration admits it is only using the 2002 AUMF to reinforce its authority under the 2001 AUMF.
- » **It creates the potential for abuse.** The Trump administration’s assertion that the 2002 Iraq AUMF now authorizes force against “threats to, or stemming from, Iraq” is deeply problematic and contrary to what Congress intended. The last 18 years of ever-expanding war under the 2001 AUMF demonstrates the dangerous consequences of leaving an AUMF in place, which the president may interpret more broadly than those who voted for it. Congress should remove the ability of the administration to further expand the scope of the 2002 Iraq AUMF to justify unforeseen and unauthorized new wars.