

October 16, 2020

The Honorable Richard Shelby
United States Senate
Russell Senate Office Building, 304
Washington, DC 20510

The Honorable Nita Lowey
United States House of Representatives
Rayburn House Office Building, 2365
Washington, DC 20515

The Honorable Patrick Leahy
United States Senate
Russell Senate Office Building, 437
Washington, DC 20510

The Honorable Kay Granger
United States House of Representatives
Longworth House Office Building, 1026
Washington, DC 20515

Re: 2002 Iraq AUMF Repeal Provision in Defense Appropriations Act for Fiscal Year 2021

Dear Chairs and Ranking Members:

On this day in 2002, the Authorization for Use of Military Force Against Iraq (2002 Iraq AUMF) (PL 107-243) was signed into law. On this 18th anniversary of the 2002 Iraq AUMF we, a diverse group of organizations from across the ideological spectrum, write to urge that you retain in the final Department of Defense Appropriations bill, the House provision to repeal this authorization (Section 9028 of H.R.7617).

Congress passed the 2002 Iraq AUMF to authorize force against Saddam Hussein's Iraqi regime, a mission that officially ended on December 11, 2011. The authorization has served its purpose and is not required for any ongoing operations. The Executive Branch relies on a different legislative authority, the 2001 AUMF, to justify operations against al Qaeda, ISIS and other groups. Repealing the outdated and unnecessary 2002 Iraq AUMF would reassert Congress' constitutional duty to determine when the United States goes to war.

We have seen successive presidents periodically reframe their interpretation of the 2002 Iraq AUMF, stretching its scope to cover unrelated military activities that were not authorized, let alone, contemplated, by Congress 18 years ago. Leaving it in place ensures that the authorization remains susceptible to misuse, providing an opportunity for this or any future president to draw the United States into unforeseen and unauthorized armed conflicts.

For all these reasons, there is growing bipartisan support for repealing the 2002 Iraq AUMF. As you are probably aware, the House has twice voted, on a bipartisan basis, to repeal this authorization.¹ The Senate bill to repeal both this and the 1991 Gulf War AUMF from Senators

¹ <https://www.govtrack.us/congress/votes/116-2020/h34>; <https://www.govtrack.us/congress/votes/116-2019/h464>.

Tim Kaine (D-VA) and Todd Young (R-IN) (S.J. Res. 13)² has an equal number of cosponsors from both sides of the aisle.

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. We strongly urge you to exercise this responsibility by retaining in the final Department of Defense Appropriations bill, Section 9028 of H.R. 7617, to repeal the 2002 Iraq AUMF.

Sincerely,

American Civil Liberties Union
BringOurTroopsHome.US
Concerned Veterans for America
Committee for Responsible Foreign Policy
Defense Priorities Initiative
FreedomWorks
Friends Committee on National Legislation
Human Rights First
Project On Government Oversight
R Street
VoteVets
Win Without War

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, Chairman Pete Visclosky, Ranking Member Ken Calvert, Ranking Member Dick Durbin, Chairman Eliot Engel, Ranking Member Michael McCaul, Chairman Jim Risch, and Ranking Member Bob Menendez.

² <https://www.congress.gov/bill/116th-congress/senate-joint-resolution/13>.