

March 13, 2019

Chairman Eliot Engel
Committee on Foreign Affairs
United States House of Representatives
Washington, DC 20515

Ranking Member Michael McCaul
Committee on Foreign Affairs
United States House of Representatives
Washington, DC 20515

Re: H.R. 1274 “Repeal of the Authorization for Use of Military Force”

Dear Chairman Engel and Ranking Member McCaul:

We, the undersigned, are a diverse group of organizations with a range of missions and perspectives from across the ideological spectrum. We share a common view that the Executive Branch has expanded its interpretation of the 2001 Authorization for the Use of Military Force (AUMF) (PL 107-40) far beyond Congress’s original intent, in order to justify an ever-increasing number of military operations around the world. We therefore write to express our support for H.R.1274, which would repeal the 2001 AUMF eight months after enactment, and to ask that the Foreign Affairs Committee bring the bill up for prompt consideration.

The Framers of the Constitution, recognizing the Executive Branch’s inclination to war, wisely and deliberately assigned to Congress the power to decide whether, when, and where the United States goes to war. As James Madison wrote, “The constitution supposes, what the History of all governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has, accordingly, with studied care, vested the question of war in the Legislature.”¹

Three days after the 9/11 attacks, Congress passed the 2001 AUMF to authorize military force against the groups responsible for those attacks and those who harbored them. Now, after more than 17 years, three successive administrations have cited the 2001 AUMF as authority for the United States to use lethal force around the world against a growing number of groups, including some that did not exist in 2001. According to a 2018 Congressional Research Service report, the 2001 AUMF has been used by the Executive Branch as authority for 41 operations in 19

¹ Letter from James Madison to Thomas Jefferson, 2 April 1798, *available at*: <https://founders.archives.gov/documents/Madison/01-17-02-0070>.

countries.² This expansive and legally dubious use of the 2001 AUMF has come at the expense of a thorough examination of a security challenge that does not have a solely military solution.

This sustained use of military force is the longest in U.S. history, having lasted longer than the Civil War, World War I, and World War II combined. The U.S. military is now conducting operations in 80 countries around the world.³ The post/9-11 wars have cost more than \$5.9 trillion⁴ and resulted in the deaths of approximately 500,000 people, including nearly 15,000 U.S. military personnel and contractors, and 250,000 civilians.⁵

Yet Congress has never debated and voted on the uses of force, outside of Afghanistan, that the Executive Branch claims are authorized by the 2001 AUMF. The vast majority of members of Congress were not in office when this authorization was passed. Of the 435 current members of the House, only 67 of them (15.4%) voted for the 2001 AUMF, and only 35 sitting Senators voted for it. Indeed, more than 80% of current members of Congress have never voted on this authority.

The Founders vested in Congress the authority to make the hard decision about whether, when, and where to go to war as the branch most accountable to the people of the United States. Congress should repeal the 2001 AUMF and hold a public debate as to whether endless war actually serves the American people. It should not sit idly by while the Executive Branch continues to expand the use of lethal force around the world at immense cost to U.S. national security, the lives of civilians and U.S. service members around the world, and our national treasure.

H.R. 1274 would sunset the 2001 AUMF after eight months, leaving Congress plenty of time to debate and vote on whether to authorize continued participation in any current conflict. Congress has a constitutional duty to determine and vote on when the United States goes to war. We urge you to consider and pass H.R. 1274 in the House Foreign Affairs Committee.

Thank you for your attention to this important matter.

Sincerely,

² Presidential References to the 2001 Authorization for Use of Military Force in Publicly Available Executive Actions and Reports to Congress, February 16, 2018, *available at*: [https://lee.house.gov/imo/media/doc/Presidential%20Reference%20to%202001%20AUMF%20in%20Notifications%20and%20Executive%20Actions%20Memorandum%20Update%20\(2-16-2018\)%20Final.pdf](https://lee.house.gov/imo/media/doc/Presidential%20Reference%20to%202001%20AUMF%20in%20Notifications%20and%20Executive%20Actions%20Memorandum%20Update%20(2-16-2018)%20Final.pdf).

³ Stephanie Savell, *This Map Shows Where in the World the U.S. Military is Combatting Terrorism*, January 2019, *available at*: <https://www.smithsonianmag.com/history/map-shows-places-world-where-us-military-operates-180970997/>.

⁴ Neta C. Crawford, *United States Budgetary Costs of the Post-9/11 Wars Through FY2019: \$5.9 Trillion Spent and Obligated*, November 14, 2018, *available at*: https://watson.brown.edu/costsofwar/files/cow/imce/papers/2018/Crawford_Costs%20of%20War%20Estimates%20Through%20FY2019.pdf.

⁵ These figures do not include the deaths from the war in Syria. Neta Crawford, *Human Cost of the Post-9/11 Wars: Lethality and the Need for Transparency*, November 2018, *available at*: <https://watson.brown.edu/costsofwar/files/cow/imce/papers/2018/Human%20Costs%20Nov%208%202018%20CoW.pdf>.

About Face: Veterans Against the War
Action Corps
Action Corps NYC
American Civil Liberties Union
American Friends Service Committee
Amnesty International USA
Antiwar.com
Center for International Policy
Chicago Area Peace Action
Church of the Brethren Office of Peacebuilding and Policy
CODE PINK
Common Defense
Congregation of Our Lady of Charity of the Good Shepherd, US Provinces
Council for a Livable World
Council on American-Islamic Relations
CREDO Action
Defending Rights & Dissent
Demand Progress
FreedomWorks
Foreign Policy for America
Friends Committee on National Legislation
Human Rights First
Indivisible
Institute for Policy Studies, National Priorities Project
Institute for Policy Studies, New Internationalism Project
Just Foreign Policy
Justice for Muslims Collective
NIAC Action
National Advocacy Center of the Sisters of the Good Shepherd
National Religious Campaign Against Torture
Peace Action
Peace Action New York State
Peace Corps Iran Association Board of Directors
Ploughshares Fund
Presbyterian Church (USA)
Project on Government Oversight
South East Asian Faith Initiatives
The United Methodist Church, General Board of Church and Society
United Church of Christ, Justice and Witness Ministries
VoteVets
Win Without War
Women's Action for New Directions (WAND)
Yemen Peace Project