

MERKLEY RELEASES STATEMENT OF PRINCIPLES FOR AUMF

Wednesday, May 16, 2018

WASHINGTON, D.C. – Oregon’s Senator Jeff Merkley, a member of the Senate Foreign Relations Committee, released the following statement ahead of the committee’s scheduled hearing on the Corker-Kaine Authorization for Use of Military Force (AUMF):

“As the Senate Foreign Relations Committee begins to consider a new AUMF, I applaud the leadership of the Chair, Senator Kaine, and others who have pushed to renew this critical debate. The 2001 AUMF has been stretched beyond recognition by three consecutive administrations, and it is time for Congress to reassert its constitutional role in declaring war.

“However, I have fundamental concerns with the approach laid out in the AUMF the committee will be considering.

“The framers of our Constitution did not intend for the president to have unchecked powers to wage war. They gave the power to declare war to Congress, because Congress most directly represents the American families who send their sons and daughters into harm’s way when our nation makes the solemn decision to go to war. We need to restore the vision of the Constitution and make sure that Congress, not the President, has the ultimate say in the decision to send our troops into harm’s way

AUMF that adheres to the principles I am releasing today.”

Statement of Principles for a New AUMF

1. Maintains Congress's constitutional role in authorizing war.

The framers of the Constitution clearly vested the power to authorize war in the Congress. Any new AUMF must require Congress—the direct representatives of the American people—to authorize new military action rather than delegating this power to the President.

2. Requires congressional authorization for expanded military action.

Congressional authorization, conducted under expedited procedures, should be required for expanded action against any new terrorist group or country beyond Al Qaeda, the Taliban, and the Islamic State of Iraq and the Levant (ISIL) and beyond countries specified in a new AUMF.

3. Limits the use of U.S. ground forces.

Require explicit Congressional authorization for the introduction of U.S. ground forces into conflict.

4. Establishes a 3-year sunset.

No AUMF should authorize endless war. Congress should set a sunset date and be forced to periodically review the underlying assumptions and facts on the ground relevant to an authorization for the use of military force.

5. Adheres to international law.

Require that the United States adhere to international law, including the proportional use of force and distinguishing between combatants

6. Requires transparency.

The executive branch must be transparent by providing critical information to Congress and the American people. That information must include outlining the objectives of our war on terrorist groups and the strategies for how they plan to address the threats; a report on the civilian casualties that result from U.S. military action; other information critical to understand the scope and impact of the conflict; and the financial costs to the U.S. taxpayers.

7. Repeals the 2001 and 2002 AUMFs.

Repealing the 2001 and 2002 AUMFs is critical. They have been stretched far beyond the direct expressed limits in the legislation and have facilitated 17 years of war. The 2002 AUMF should expire immediately and the 2001 AUMF after six months – allowing the President a six-month window to come to Congress to seek additional approvals.