

Congress of the United States
House of Representatives
Washington, DC 20515-2104

January 6, 2020

The Honorable Nancy Pelosi
Speaker, U.S. House of Representatives
H-232, The Capitol
Washington, D.C. 20515

Dear Speaker Pelosi,

I am writing to thank you for your steadfast leadership in calling for the House of Representatives to consider a War Powers Resolution this week regarding the President's actions against Iran. As the House considers that resolution, I respectfully request the House also take up legislation to repeal the outdated 2001 and 2002 authorizations for the use of military force (AUMF) which have been used to justify military operations throughout the world.

The U.S. Constitution explicitly grants only Congress the ability to declare war. However, for the better part of a generation, we have abdicated that responsibility and failed to clearly debate and define our missions overseas. It has been nearly twenty years since Congress authorized actions in 2001 and 2002 in response to the tragic events of 9/11 and perceived threats posed by Saddam Hussein in Iraq. Since then, we have allowed the 2001 and 2002 AUMFs to be molded by the Executive Branch to justify myriad operations and engagements overseas that have cost us resources, credibility, security, and lives.

Given the events of the last several days, and the reckless and impulsive nature of our current Commander in Chief, it is critical that Congress assert itself as a co-equal branch of government and provide clear direction to the President, the brave men and women of our Armed Forces, and the American people. I agree with you, Madam Speaker, we can allow this no longer.

Nearly fifty years ago, the War Powers Act was signed into law with the intention to "insure that the collective judgement of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations." However, in recent years, under both Republican and Democratic Presidents, this body has not offered its judgment, and therefore the judgment of those we represent, as our military engagement has expanded from Afghanistan and Iraq to Syria, Somalia, Yemen and many other nations and regions.

For this reason, I have consistently opposed the annual National Defense Authorization Act (NDAA) during my time in Congress, because of a lack of direction from the Executive Branch as to a cohesive strategy for our engagement in current theaters of conflict, as well as continued funding for unauthorized train and equip programs in the region.


This year, however, under your direction and those in Democratic leadership, the House-passed NDAA for FY19, H.R. 2500, contained critical bipartisan safeguards to make clear that certain military actions were not authorized by the Congress. This was an important achievement. The legislation included the adoption of an amendment offered by Rep. Ro Khanna that explicitly prohibited the unauthorized use of military force in Iran. Further, two amendments by Rep. Barbara Lee were adopted with bipartisan support that would have (1) explicitly repealed the 2002 AUMF and (2) expressed the sense of the House that the 2001 AUMF needed to be replaced with a clearer direction of purpose and scope of military engagement. Unfortunately, these provisions were dropped in the final conference agreement, which is one of the reasons I opposed the final bill.

Given the stakes we face today, I respectfully request an immediate debate and vote to repeal both the 2001 and 2002 AUMFs which have long outlived their original intent and facilitated endless war across the region. If extended military engagement is required in any part of the region, including Iran, then it is incumbent on the Administration to present its mission and strategy to Congress and incumbent on Congress to take a vote.

Regardless of intent, President Trump inched us closer to war with Iran. This body alone holds the power and the responsibility to ensure he cannot do so without the consent of the American people.

Thank you for your consideration of this request and your unwavering leadership and service to our nation.

Sincerely,



Joseph P. Kennedy, III
Member of Congress