

Bipartisan Hearing Debates Congressional War Powers

By Rochelle Ascher

March 1, 2018—Among the major breaches of the [American System tradition](#), as elaborated in the Declaration of Independence and the U.S. Constitution, has been the policy of permanent warfare that has accelerated disastrously since the death of President John F. Kennedy. Thus it is important that on Feb. 27th, a group of Congressmen from both political parties held a hearing to address the crucial Constitutional question of the Congress's sole power to declare war.

This rare public defense of the US Constitution occurred at a [hearing convened by Congresswoman Barbara Lee \(D-CA\) and Congressman Justin Amash \(R-MI\)](#), in conjunction with their respective caucuses, the Congressional Progressive Caucus and the House Liberty Caucus. The subject was the 2001 Authorization of the Use of Military Force (AUMF), which has become a matter of renewed focus in light of the Administration's intent to deploy the military in an open-ended way in Syria. While this issue has been raised by Congressmen and Senators under previous administrations, it has never been acted on. Meanwhile, opposition to the endless wars, including in Afghanistan, has increased.



Representatives Barbara Lee, Justin Amash, Walter Jones, Thomas Massie, Jim Jordan at the Feb 27 Hearing (photo credit: Yasmine Taeb)

At this first joint event of the two caucuses, a panel of three experts joined members of Congress to discuss the implications of the open-ended AUMF of 2001, passed within 3 days of the 9-11 attacks, and its use as a justification for every US military involvement since. They were: Daniel Davis of the Defense Priorities Foundation, a veteran who called out the lies being told about Afghanistan in 2011; Michael T. McPhearson, executive director of Veterans for Peace; and Rita Siemion, the international legal counsel for Human Rights First.

The Congressmen themselves led off the debate. The discussion went far beyond the mere obvious need for a new AUMF to a broad ranging discussion of the danger of permanent war, the

devastating human cost of the wars (including suicides among veterans), and the use of nuclear first strike.

That same day, more than 100 members of Congress, including 96 Democrats and 10 Republicans, signed onto a [letter to House Speaker Paul Ryan](#), urging him to allow an AUMF debate and vote on the House floor. Republicans and Democrats alike at the ad-hoc hearing hearkened back to the Constitution and the words of our forefathers, warning of the danger to the Republic of Congress abdicating its power. Members had different views, but all agreed that it is their constitutional responsibility to force a debate on the floor of the House, which has heretofore not taken place, before sending our young men and women off to war.

Congressman Justin Amash said:

“ Congress has sat idly by as three different presidents have used the 2001 AUMF to carry out seemingly endless war and justify military actions no one could have imagined when Congress passed the AUMF in the days following the [2001] attacks. The Constitution invests the power to declare war in the legislative branch. It was not a decision made lightly. Though modern presidents like to ignore this point, the framers were quite clear that the President isn't to decide when or why we go to war. As Commander-in-Chief, the President directs the war once it is authorized, but Congress must authorize the war. In 1793 James Madison wrote: The power to declare war, including the power of judging the causes of war, is fully and exclusively vested in the legislature. The Executive has no right in any case to decide the question, whether there is or is not cause for declaring war. Madison also wrote: Those who are to conduct the war cannot in the nature of things be proper or safe judges whether a war ought to be commenced, continued or concluded”.

Congresswoman Lee said:

“We are saying that enough is enough. The 2001 AUMF is a blank check for war – plain and simple. For far too long, our brave service members have risked their lives around the world, while Congress has failed to even debate these military operations. Every day that Congress delays, we become further entangled in these conflicts. We owe it to our men and women in uniform to hold a debate on these endless wars.”

The full hearing, which has received very little press coverage, [can be watched here](#).