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# Bad Idea: A New Authorization for the Use of Military Force

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Conscientious leaders on both sides of the aisle have called for the 2001 Authorization for the Use of Military Force (AUMF) – the legislative authority underpinning U.S. military operations in Afghanistan, Iraq, Syria, Somalia, Yemen, and elsewhere – to be repealed and replaced. It’s easy to see why: the adversaries we’re fighting (such as ISIS and Boko Haram, which didn’t exist in 2001), the places we’re fighting, and even the objectives we’re pursuing can seem far-removed from the authority and intent of the original AUMF. As Senator Tim Kaine, a leading advocate for an updated AUMF, has [stated](#), “We owe it to the American public to define the scope of the U.S. mission against terrorist organizations, including ISIS, and we owe it to our troops to show we’re behind them in their mission.” It’s hard to argue with Kaine’s sentiment; yet, in practice, legislating a new AUMF could actually harm both foreign policy and military operations.

Several members of Congress have thoughtfully advocated for revisiting the AUMF, including Senators Kaine and Jeff Flake, Chairman of the Senate Foreign Relations Committee Bob Corker, and Reps. Adam Schiff and Barbara Lee. Senators Kaine and Flake, and Rep. Schiff, have introduced legislation to replace the 2001 AUMF; Chairman Corker has convened hearings on the issue, and Rep. Lee led a surprising, bipartisan effort to repeal the AUMF that passed a House Committee before meeting fatal resistance from House Republican Leadership. It should be emphasized that, not only are these members well-intentioned, they are also – in a perfect world – right. The 2001 AUMF – put simply – *is* out of date. The national security environment has changed dramatically since September 11, 2001, and U.S. military operations have evolved concomitantly. [According to the White House](#), the United States has military personnel deployed for counterterrorism missions in at least 16 countries, including places like Cameroon, Kenya, and Djibouti – and this list does not include several locations in which the U.S. is known to have conducted counterterrorism operations. The AUMF is dated and, from a legal perspective, increasingly fragile.

Yet, the fundamental consideration at stake as Congress considers the weighty question of whether and how to authorize war must not be whether existing authorities align sufficiently with existing and likely military contingencies. Instead, such grave and impactful decisions should seek to answer a series of first-order questions:

- What national interests are at stake?
- Are political and military objectives clearly defined?
- Is military action the most effective tool for achieving these objectives, and have non-military options failed?
- Is it consistent with U.S. legal and ethical commitments?
- What is the appropriate scope of military operations, international coalition-building, and resource commitments?
- Is there a clearly defined strategy for concluding military operations and addressing stabilization and reconstruction requirements?

These questions were once considered essential guideposts of debates around entering military conflict, and were captured in thoughtful doctrines espoused by officials across multiple Administrations, such as Secretaries of Defense Caspar Weinberger and Les Aspin, Chairman of the Joint Chiefs of Staff Colin Powell, and National Security Advisor Anthony Lake. Yet, as military operations under the 2001 AUMF have evolved, they have been ignored.

Today's Congressional and executive branch leaders seem ill-equipped to tackle these foundational questions. Congressional oversight around updating authority for the use of military force has seldom examined foundational questions; for instance, rarely have members of Congress questioned the national interests or efficacy of using military force against terrorist organizations that have neither affiliated with Al Qaeda nor attacked or credibly threatened the U.S. homeland. What should obviously be a defining question – with whom should we be at war and why – has been taken for granted. Instead, oversight has often devolved into a legalistic cross-examination of the application of the current AUMF to existing and hypothetical scenarios, as illustrated by the focus of the Senate Foreign Relations Committee's recent AUMF hearing on whether existing authorities might be used to justify operations against North Korea, ISIS, or terrorists in Niger.

For their part, executive branch leaders have maintained that a successor AUMF should be nearly limitless. Secretary of Defense James Mattis argued in a [recent Congressional hearing](#), with the full backing of Secretary of State Rex Tillerson, that any new AUMF should be bound by neither time nor geography nor operational limits, essentially serving as a blank check for U.S. military activity anywhere in the world. The Obama administration, while publicly calling upon Congress to revisit the AUMF, in practice resisted meaningful efforts to modify or constrain it.

These perspectives create a recipe for disaster. Efforts to tackle a new AUMF, particularly the draft legislation authored by Senators Kaine and Flake, have been conscientious and well-conceived. However, the political currents attending to this debate pull toward extreme positions. On one hand, Congress's unwillingness to challenge the administration's demands for unbounded authority risks a blank check for global conflict, mission creep, and a lack of clarity around military objectives – outcomes of which previous generations of military leaders were outspoken critics. On the other hand, the impulse to legislate around hypotheticals rather than wrestling with core interests risks unwise operational constraints and bureaucratic requirements that would tie commanders' hands on the battlefield. Neither outcome is acceptable.

When Congress passed the 2001 AUMF, members thought they were voting to go to war against Osama bin Laden in Afghanistan. In practice, that AUMF has justified a range of disparate activities – military operations in Africa and Southeast Asia, warrantless wire-tapping of U.S. citizens, military detention operations – as well as spiraling resource commitments obscured by classified budgets and separate, unconstrained contingency funding. Absent a debate that addresses the foundational questions that must attend decisions to deliberately enter our nation into conflict, any new AUMF – no matter how well-intentioned – is likely to have the same unforeseen, and often disastrous, consequences.

Let's take a step back. Before debating the terms of a new AUMF, we first need a debate – a true, national debate – about whether, how, and with whom we should be at war in the current national security environment. Only when we answer these foundational questions can we hope for a constructive debate on the future of our wars against terrorism.

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