



March 5, 2018

Support the Yemen War Powers Resolution, S.J.Res. 54

On behalf of our activist community, I urge you to contact your senators and ask them to support the Yemen War Powers Resolution, S.J.Res. 54. The resolution would reassert congressional authority under Article I, Section 8 of the Constitution over war-making, invoking the War Powers Act to withdraw U.S. forces from the undeclared conflict in Yemen, “unless and until a declaration of war or specific authorization for such use of United States Armed Forces has been enacted.”

As Article I, Section 8, Clause 11 of the U.S. Constitution explicitly states, “[The Congress shall have power to] declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.” There is no part of “declare war” that is made unclear by the founding fathers. However, Congress has not formally declared war since World War II, since which the U.S. has fought the Korean War, the Vietnam War, and the Iraq War, to name a few. Some wars -- including the 1991 Gulf War and the Iraq War -- have been sanctioned by Congress through authorizations for the use of military force (AUMF).

Many conflicts being fought today are technically authorized by the 2001 AUMF passed immediately following the September 11 attacks and the subsequent 2002 AUMF, but only insofar as the conflicts are to directly fight “nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons.” The 2001 and 2002 AUMFs were never intended by Congress to give the executive branch a blank check of unlimited military force wherever they desire, but they have been used as such. Those within our government must return to respecting the separation of powers outlined in our Constitution, and this resolution is an encouraging first step toward that.

The Yemen War Powers Resolution would rightfully reclaim military authorization power for Congress, instead of continuing to allow the executive branch to wage wars that are undeclared

or otherwise unauthorized and fight conflicts that extend beyond the scope of AUMF provisions, as is the case in Yemen. The resolution would require that the president “remove United States Armed Forces from hostilities in or affecting the Republic of Yemen, except United States Armed Forces engaged in operations directed at al-Qaeda or associated forces,” respecting both the AUMF and the Constitution.

It is up to Congress to ensure that troops involved in conflicts around the world are putting their lives on the line only when necessary, as determined by congressional debate over the appropriateness and extent of military involvement. This, the troops deserve.

Never before has the Senate attempted to right the wrongs of past and present conflicts fought without congressional declaration of war by taking a vote to withdraw unauthorized U.S. forces from involvement in a conflict such as the one currently in Yemen, and this bold move to do so is long overdue. Beginning with the ongoing conflict in Yemen, Congress must put itself behind its constitutionally-mandated authority and no longer shirk this crucial responsibility.

There are certainly circumstances that call for military intervention, and determining these is the duty of Congress, as required by the Constitution. As Sen. Mike Lee (R-Utah), an original sponsor of the resolution, said, “With this resolution, Congress can re-assert power over foreign policy decision-making. It can authorize -- or decline to authorize -- military engagement and define U.S. national interests.”

Interpreting the requirement for congressional authorization of war loosely and violating the Constitution by fighting undeclared or unauthorized wars not only endangers Article I, Section 8, Clause 11, it endangers the entire Constitution by indicating that inconvenient provisions may simply be ignored or interpreted at will. This cannot be allowed to continue. For these reasons, I urge you to contact your senators and ask them to support the Yemen War Powers Resolution, S.J.Res. 54.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Brandon', with a stylized flourish at the end.

Adam Brandon
President, FreedomWorks