

December 13, 2022

The Honorable Chuck Schumer
Majority Leader
The U.S. Senate
Washington, DC 20510

Dear Majority Leader Schumer:

We are a diverse coalition of organizations from across the ideological spectrum, including those who focus variously on government accountability, military families, faith-based initiatives, and human rights. We write to urge you to send a measure repealing the Authorization for Use of Military Force Against Iraq Resolution of 2002 (2002 Iraq AUMF) to President Biden's desk before the year's end. Despite its exclusion from the National Defense Authorization Act for fiscal year 2023, multiple legislative pathways still exist to secure this long overdue repeal. Rescinding the 2002 Iraq AUMF would mark a much needed exercise of Congress's duty to determine when and whether the United States goes to war, while ratifying its strong bipartisan will on the issue.

Congress passed the 2002 Iraq AUMF more than 20 years ago to authorize the use of force against Saddam Hussein's Iraqi regime. After the deaths of approximately 120,000 Iraqi civilians and 4,500 US service members, and more than \$800 billion spent, this war was formally declared over in 2011.¹²³ The Biden administration has confirmed that the 2002 Iraq AUMF is not needed for any ongoing military activities and endorsed the authorization's repeal.⁴

The prospect of repealing the 2002 Iraq AUMF is decidedly bipartisan. Rep. Barbara Lee's (CA-13) H.R. 256 to repeal the authorization passed the House in 2021 with a wide bipartisan majority of 268-161, including 49 Republican votes. S.J.Res. 10, led by Sens. Tim Kaine (VA) and Todd Young (IN), currently has 40 Democratic and 11 Republican cosponsors and passed out of the Senate Foreign Relations Committee in 2021 on a bipartisan 14-8 vote. The Senate should take up either of these standalone measures before the end of the year, sending H.R. 256 directly to the president or voting on S.J.Res. 10 and sending it to the House for swift final passage.

¹ Iraq Body Count, "Documented civilian deaths from violence," <https://www.iraqbodycount.org/database/>.

² Congressional Research Service, "Iraq Casualties: U.S. Military Forces and Iraqi Civilians, Police, and Security Forces," https://www.everycrsreport.com/files/20111206_R40824_a82f9b269fa3e645930f73995e0aabb469894a92.pdf.

³ Congressional Research Service, "The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11," <https://sgp.fas.org/crs/natsec/RL33110.pdf>.

⁴ Statement of Administration Policy, H.R. 256 — Repeal of Authorization for Use of Military Force Against Iraq Resolution of 2002, <https://www.whitehouse.gov/wp-content/uploads/2021/06/SAP-HR-256.pdf>.

Repeal of the 2002 Iraq AUMF could also be achieved via the omnibus spending package. The defense spending bill reported out by the House Appropriations Committee includes a measure to repeal the authorization – Section 8149 of H.R. 8236. This provision should be retained in the final appropriations agreement.

Repealing this outdated and unnecessary law would constitute a basic act of constitutional hygiene while also ensuring that the 2002 Iraq AUMF cannot be misused to breathe new life into an unforeseen national security crisis, driven by an unchecked president. Members of Congress who were not yet old enough to vote in 2002 may awaken to news of the president using an authority in which they had no say to justify entirely unrelated U.S. military operations. This scenario has already played out once, in early 2020; there is nothing to prevent it playing out again, until Congress takes the 2002 Iraq AUMF off the books.

In repealing the 2002 Iraq AUMF – whether by standalone vehicle or through the omnibus spending package – Congress would finally reclaim its constitutional war powers in a manner both deeply significant and increasingly uncontroversial. We urge you to seize this opportunity to get it off the books for good.

Sincerely,

Action Corps
American Civil Liberties Union
American Friends Service Committee
Antiwar.com
Center for Constitutional Rights
Center on Conscience and War
Center for Victims of Torture
CODEPINK
Council for a Livable World
Council on American-Islamic Relations
Defending Rights & Dissent
Demand Progress Action
Foreign Policy for America
Friends Committee on National Legislation
Government Information Watch
Hindus for Human Rights
Human Rights First
Maryknoll Office for Global Concerns
Mennonite Central Committee U.S.
Missionary Oblates

MPower Change Action Fund
National Campaign for a Peace Tax Fund
National Council of Churches
National Religious Campaign Against Torture
Pax Christi USA
Presbyterian Peace Fellowship
R Street Institute
Saferworld (USA)
Secure Families Initiative
United Church of Christ, Justice and Local Church Ministries
The United Methodist Church — General Board of Church and Society
Win Without War
Yemeni Alliance Committee
Yemen Relief and Reconstruction Foundation
Zomia Center

CC:

The Honorable Speaker Nancy Pelosi
The Honorable Mitch McConnell
The Honorable Kevin McCarthy
The Honorable Patrick Leahy
The Honorable Richard Shelby
The Honorable Rosa DeLauro
The Honorable Kay Granger
The Honorable Jon Tester
The Honorable Betty McCollum
The Honorable Ken Calvert