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# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

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## TCP: Congress Must Decide War Authority

WASHINGTON, D.C. -- Virginia Sloan, president of The Constitution Project, a bipartisan legal watchdog group, offered the following comment in response to President Obama's [request to Congress](#) for a new Authorization to Use Military Force in order to combat Islamic State militants:

"President Obama's request is a step forward in the sense that the political branches should be working together on this solemn issue. But seeking congressional authorization to wage war is not just prudent, it is a constitutional requirement. Congress must decide whether this war should continue and, if so, on what terms."

Last June, a bipartisan group of members of The Constitution Project War Powers Committee [urged Obama](#) to seek congressional approval before initiating military action in Syria or Iraq, a call they renewed in [August](#). The American-led campaign against the group, which the president's request calls the Islamic State of Iraq and the Levant or ISIL, began with limited air strikes in Iraq on August 8, but has quickly grown into what the Obama administration [acknowledges](#) may require a multi-year effort to destroy it.

In November, a [broad coalition](#) of groups joined The Constitution Project in asking Congress to make it clear in any new legislation that neither the 2001 nor 2002 AUMFs apply to actions against ISIL.

"There is no evidence that when Congress authorized the invasion of Afghanistan in 2001 -- targeting those responsible for the September 11 attacks -- or the invasion of Iraq in 2002 -- targeting the then government of Iraq and its claimed development of weapons of mass destruction -- Congress intended to delegate to whoever might be president more than a decade later the sole authority to decide that the United States should join in a new war; one that at the time had not begun, was not foreseen, and involves parties who did not exist. If Congress fails to tackle the 2001 AUMF and the 2002 Iraq AUMF in any new ISIL-focused AUMF it risks simply adding to a tangled and ambiguous web of war authorities from which a president could pick and choose without explanation," the groups wrote.

Politico [reports](#) that lawmakers and administration officials have said consideration of the

president's request could take weeks, or even months.

An earlier [TCP report](#) recommended improvements needed to restore the proper roles of all three branches of government in decisions about the use of force abroad.

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### [About The Constitution Project ®](#)

*Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.*

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