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Progressive Foreign Policy Debrief

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SL: Shredding the President's Blank Check for War

The Takeaway:

- On Tuesday, Senators Chris Murphy (D-CT), Bernie Sanders (I-VT), and Mike Lee (R-UT) introduced the National Security Powers Act: a historic legislative package to tackle the expanding presidential powers that enable endless war.
- This bill offers critical structural reforms to help democratize foreign policy by ensuring Congress has a greater say in consequential issues of war and peace.
- Curbing presidents' ability to unilaterally embroil us in devastating global conflicts and reasserting Congress' national security powers is key to ending our forever wars and giving power back to the people.

The National Security Powers Act: Shredding the President's Blank Check for War

There's good news this week for those of us in the fight to end endless wars. The [National Security Powers Act](#) (NSPA), [introduced](#) by Senators Chris Murphy (D-CT), Bernie Sanders (I-VT), and Mike Lee (R-UT) on Tuesday, is an opportunity to [fundamentally rebalance](#) how decisions are made about the U.S. involvement in armed conflict around the world. Years of sustained and enthusiastic grassroots pressure have set the stage for this historic legislation, building momentum in Congress to push back on executive overreach. Now, the moment is ripe for reform.

An ever-expanding presidency

The decision to put U.S. troops in harm's way, to conduct airstrikes that may kill civilians, or to sell weapons for abusive foreign governments — we all know these are not choices to make lightly. So why should they be up to just one person or one branch of government? Over the past few decades, president after president has seized more power for the executive branch, largely shutting the U.S. people out of consequential decisions affecting their peace and security, and that of people around the globe.

The result? Foreign interventions, military operations, security cooperation, and weapons sales that occur without a declaration of war or congressional approval. Just to name a *few* examples: Bush Sr.'s interventions in [Panama](#) and [Somalia](#), Obama's airstrikes in [Yemen](#) and [Libya](#), and Trump's [assassination](#) of Iranian military general Qasem Soleimani...oh, and ongoing U.S.

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complicity in the Saudi-led intervention in Yemen through billions of dollars worth of [arms sales](#) to Saudi Arabia and the UAE (not to mention years of now-curbed U.S. refueling of Saudi-led coalition aircraft bombing in Yemen — without congressional authorization). With recent, legally-dubious [bombings](#) in Syria and Iraq, Biden is poised to continue this trend...and if Trump taught us anything, it's that we never know what successive presidents could do with ever-expanding national security powers abroad *and* at home. That is, if we don't change outdated, poorly written laws now.

In case you snoozed through history class (it's ok, it happens)

In the U.S. Constitution, the president and Congress are supposed to [share war powers](#). Article I of the Constitution grants Congress the sole power to “declare war,” whereas Article II gives the president the right to use military force for defensive purposes, such as if the United States were to be attacked or face an immediate attack. This division was explicitly written into the Constitution to allow the president to act quickly in the case of a truly imminent threat, and to ensure that the body most accountable to the people — Congress — would have to publicly debate and vote on whether the U.S. should use military force in other cases.

So, what's the deal with this presidential mission creep?

All in the fine print

There are two key issues at heart: the first is that for decades, presidents have taken advantage of legal loopholes to use military force without seeking approval from Congress. After the disastrous Vietnam War, Congress passed the [War Powers Resolution](#) (WPR) of 1973 in an attempt to put a check on the executive branch's use of force. The WPR requires the president to notify Congress after deploying armed forces to respond to an imminent attack, and limits how long the president can do so without a vote in Congress. Sounds nice in theory, but in practice, Congress has rarely enforced its power (as it is currently interpreted to require a veto-proof majority of congressional support to end U.S. wars), allowing the executive branch to continue expanding its use of lethal force around the world as it sees fit.

The executive branch's [legal rationale](#) to do so is pretty dubious: its argument boils down to claiming the president can use military force without congressional approval because the president has done so in the past, and Congress hasn't stopped it. While it's true that Congress has been ceding its war powers to the presidency (because some members of Congress don't want to take tough votes on issues of war and peace), it's still a faulty logic that would not hold up anywhere else. “Sir, why did you steal this?” “Well, I'm allowed to steal because I've stolen before and no one stopped me.” Try that one in court.

A tight grasp on power

The second key issue is that presidents have abused war and national security powers granted to them by Congress through statutory authorizations. The 2001 and 2002 [Authorizations for the](#)

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[Use of Military Force](#) (AUMFs) initially authorized the president to invade Afghanistan and Iraq, respectively. But nearly 20 years later, they're still on the books. They have since been used as justification for presidents to wage wars all over the world, including against groups that didn't even exist in early 2000s, with zero public debate.

To boot, presidents also get at least [123 statutory powers](#) when they declare a national emergency. And, *conveniently*, presidents like to renew years-old — sometimes decades-old — national emergency declarations. In the Trump era, we were all gaslighted by his declaration of an “[emergency](#)” at the U.S. southern border, granting himself the powers to get funding for his racist border wall even after Congress denied it *twice* but couldn't muster a veto-proof majority. While special powers to respond to a true national emergency are warranted, they can easily become just another excuse for a presidential power grab.

The tides are turning

Particularly over the chaotic four years of Trump, there was unprecedented grassroots pushback against the executive overreach that has enabled U.S. complicity in the war in Yemen, brinkmanship with Iran, the border wall, and dangerous arms sales to dictators. This led to key votes in Congress, including a historic war powers [resolution](#) to end U.S. involvement in the war on Yemen and another WPR affirming the president has no authority to go to war with Iran; as well as multiple bipartisan majorities voting to end Trump's fake border emergency and corrupt arms sales to Saudi Arabia and the UAE through so-called emergency powers. Organizing pushed Congress to fight back, but the flaws in the law meant an inability to enact change. **That is why we need structural reforms to put the people — through their congressional representatives — back in the driver's seat when it comes to matters of war and peace.**

The National Security Powers Act builds on this momentum to curtail our endless warmongering, so let's break it down:

War authority

Imagine: what if the government actually had to tell the public who we're going to fight, where, and why, AND get permission from the legislative branch — BEFORE engaging in costly and destructive military action? What if we had to discuss publicly whether it's even a good idea to engage in said costly, destructive warfare? The NSPA would take huge strides to limit military operations without congressional consent by repealing all existing AUMFs. It would also require any new AUMF to have specific objectives, geographic limits, and an automatic two year sunset, requiring Congress to debate and vote if the war should continue.

Checking in to see if the strategy is actually working? *Revolutionary.*

Critically, the bill would also repeal and replace the 1973 War Powers Resolution, with a version that strengthens congressional oversight tools, requires affirmative congressional approval for

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military action, and automatically cuts off funding for military operations should the president try to go around Congress' will.

Weapons sales

Congress has never successfully [stopped an arms sale](#) to a foreign country by passing a resolution of disapproval with veto-proof majorities. And especially in recent years, it's not for lack of trying. There has been significant public and congressional opposition to arms sales — like recent sales to the [UAE](#) and [Israel](#) — yet any action by Congress has been thwarted.

The NSPA would flip the script: instead of requiring Congress to disapprove of arms sales (with a veto-proof majority) on a short timeline, it would require Congress to vote to *approve* sales before the president and industry move forward with them. While this wouldn't apply to arms sales to NATO and major non-NATO allies, it's a good start to ending the flow of U.S. weapons to human rights abusers around the world.

National emergencies

It's generally good practice not to call 9-1-1 for a car crash that happened 10 years ago. It's also good practice not to dial 9-1-1 as a prank call. Why can't we treat national "emergencies" the same way? Beyond the fake national emergencies of the Trump era, Biden has also renewed [decades-old](#) emergency declarations. The NPSA would prevent this scenario, by requiring that Congress vote to affirmatively authorize any declared emergency after 30 days, and again every year — for a *maximum* of five years.

While the National Security Powers Act is still in its early days and has yet to be moved forward in the Senate or introduced in the House, it's an exciting opportunity for reform, and a testament to the organizers, educators, and advocates from this movement who continue to push back on presidential power grabs and work to finally close the door on this era of endless war.

BURIED LEDES

We never thought ice cream could make people so angry, but Israel's political leaders proved us wrong (hint: it's not about the ice cream) when **Ben and Jerry's announced it will [cease](#) distribution of their products in the illegally occupied Palestinian Territories, including in Israeli settlements.**

Ted Cruz is being difficult (as usual) and working to [block](#) ALL of the Biden administration's national security nominees. **But he couldn't block Bonnie Jenkins, the first Black woman to become the United States' head diplomat for arms control and nonproliferation. Join us in celebrating this [historic appointment!](#)**

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Intelligence stuffed into waistbands? An FBI car chase? **Check out this wild story about how Daniel Hale, the “Second Snowden,” broke the secrecy on the United States’ [drone wars](#) and why we should care.**

...and on that note, let’s discuss how airstrikes in Somalia have not only failed to make people in the U.S. any safer, but have torn apart and devastated Somali families. **Read [here](#) as victims’ families speak candidly about their desire for justice amid Biden’s Pentagon launching its first Somalia strike since the president took office.**

Iran and the U.S. are still working out how to re-enter the JCPOA, and we just want to level with you: diplomacy is hard. But you know what the U.S. should absolutely, 100%, NOT do as it negotiates rolling back sanctions? [Openly consider more sanctions.](#)

The pressure’s on: after this week’s terrible ruling on DACA, **it’s time for Congress to get a move on and create more [pathways to citizenship.](#)**

So get this: the Dems win back control of the White House and both branches of Congress. After four terrifying years, Trump leaves. **And six months later, Senate Dems...support a [\\$37 billion increase](#) to Trump-era Pentagon spending in the midst of a global pandemic?** Yeah, we don’t get it either.

Look, if you’re gonna lobby for the UAE, just say so: this longtime friend of Trump’s was just [charged](#) for secretly influencing Trump’s policy in the Gulf during his 2016 campaign and presidency.

Sometimes, Congress really does get it right: **the House [voted](#) to evacuate 8,000 more people in Afghanistan who helped U.S. personnel during the war.** But this is just the first step. There are still currently at least 20,000 visa applicants trying to come to the U.S.

And finally, as wildfires rage on, our thoughts are with everyone experiencing first hand the devastating effects of climate change. **What might [your role](#) be in the climate movement?**