

Opinion: Biden's Mideast airstrikes should inspire Congress to act on war powers

Editorial Board

THE BOMBING strikes ordered by President Biden against Iran-backed militia groups in Iraq and Syria last Sunday gave more impetus to an ongoing discussion in Congress about the limits of presidential war-making powers. The White House said Mr. Biden was legally justified in ordering the mission under his constitutional authority as commander in chief, because he was responding to drone attacks on U.S. targets by the militias. That position was endorsed by some senior Democrats, but others warned that there was a risk that hostilities would escalate with Iran and its proxies without any authorization by Congress.

As it happens, this discussion erupted as the Senate considers legislation, passed by the House this month with a large bipartisan majority, that would repeal the authorization for military action in Iraq that Congress approved in 2002. Like the authorization for military force, or AUMF, passed the previous year allowing intervention against terrorist groups in Afghanistan, the Iraq legislation was intended for a distinct purpose — the ouster of Saddam Hussein — but has since been used to justify other operations, including the war against the Islamic State. After President Donald Trump cited the Iraq AUMF as a basis for the controversial 2020 U.S. airstrike that killed Iran's most important general, Qasem Soleimani, at the Baghdad airport, efforts to repeal it gained momentum; there was concern the Trump administration would use it to justify a larger conflict with Tehran.

The current bill has White House backing and is likely to pass out of the Senate Foreign Relations Committee next month. But several Republican senators have raised concerns, asking that any vote be preceded by both public and classified hearings at which Biden administration officials explain “their legal analysis and their strategy to continue to protect the American people, our personnel and our allies and partners in the region.” Following Sunday's airstrikes, Sen. Jim Inhofe (R-Okla.), the senior GOP member of the Armed Services Committee, said they showed the need either to preserve the 2002 AUMF or replace it with legislation sanctioning action against the Iranian-backed militias.

Certainly, any offensive or sustained U.S. military action against Iran or its militias should have Congress's approval, but Mr. Biden clearly does not intend that. Other current operations in the Mideast, such as U.S. support for the Iraqi military, depend on bilateral agreements with governments. Meanwhile, the 2002 AUMF lingers as a relic that bears no relation to current security threats — and should not be used to justify action against them. Its repeal, along with two older AUMFs pertaining to the Middle East, would open the way to fresh legislation to replace that of 2001, which has been used to legalize military interventions continents away from Afghanistan, decades later. Sen. Tim Kaine (D-Va.) has worked on such a framework for years; it would authorize existing operations in places such

as Yemen and West Africa while requiring congressional approval for new missions and setting a time limit after which the authorizations would expire.

That larger reform, while badly needed, is likely to face steep obstacles in a polarized Congress. **But the repeal of the 2002 Iraq AUMF would be a step toward restoring Congress's proper role in military affairs.** Its proponents say they lack only a handful of Republican votes to overcome a potential filibuster; GOP senators who do not wish to hand Mr. Biden or future presidents a blank check in the Middle East should step forward.