

Congress must take away Trump's unlimited authority to wage war

By Tim Kaine

Opinions

Tim Kaine, a Democrat, represents Virginia in the U.S. Senate.

Congress, under the leadership of both parties over many years, has avoided tough votes on military action and given the president free rein to wage war wherever, whenever. The abdication is so complete that three administrations have used the post-9/11 authorization for the use of force against terrorists to justify sending our troops into more than a dozen countries.

And now President Trump believes he can launch missile strikes against Syria and broadly expand the global war on terrorism without seeking any congressional approval. If missile strikes against Syria can be carried out without authorization from Congress, there's nothing to stop the administration from attacking Iran or North Korea, as some of the president's advisers have publicly encouraged.

It is time for Congress to act. We should take back the unlimited authority the president believes he has. We should act in a bipartisan manner to define what military action the president can and can't take against terrorist groups. And we should clarify that military action against a sovereign nation, except to defend the United States from imminent attack, requires separate congressional approval.

Sen. Bob Corker (R-Tenn.) and I have negotiated and introduced a new military authorization designed to accomplish these goals. If passed, it would repeal the open-ended 2001 authorization that has provided no meaningful limitations on the who, when or where in the war on terrorism (as well as the outdated 2002 authorization used to justify the Iraq War). Under our proposal, Congress would vote to approve continued military action for four years against al-Qaeda, the Islamic State, the Taliban and designated combatants who are engaged with them in hostilities against the United States or our battlefield partners. This would establish an expedited procedure that Congress could use to swiftly review any change in whom or where we're fighting, and reject those changes if we choose. And it would establish an expedited procedure to revise, repeal or extend military action against these terrorist groups every four years.

The authorization is a true bipartisan compromise, sending a message to our troops that the fight against terrorists is not a Republican or Democratic issue. Some have argued the current version would expand the president's war-making ability. That's just false. Our proposal is a dramatic improvement over the current blank check that Congress has handed Trump.

For nearly 17 years, Congress has sat on its hands as presidents waged ever-expanding wars; this authorization forces a decision point for Congress to consider where and whom our military is fighting and offers a trigger for us to shut down any improper expansion of the mission.

Others have argued this bill would be a forfeiture of war powers to the president, exacerbating the current state of perpetual war. Again, this is not true. It replaces an open-ended forever war with a forced quadrennial congressional review. And, most important, it clarifies that the president cannot use this authorization to wage war on any nation — including Iran, North Korea and Syria.

This is about more than Congress reclaiming its constitutional power. It's about making sure we do not order our troops to risk their lives and health unless Congress has the guts to debate and then vote that a military mission is in the national interest.

Our refusal to undertake the task has broader ramifications. With an all-volunteer military, few children of members of Congress serve in wars. We don't have to pay for war because we have learned to simply put it on the credit card for future generations to pay, and we can outsource some of the war effort to private contractors. And if we can avoid voting on it, some believe they can completely escape moral accountability for war and its consequences.

Congress's efforts to escape accountability have given Trump the ability to wage war whenever he wants. I'm a senator from a state with deep ties to the military and I'm the father of a Marine, so this is personal to me. Our fear of being held responsible is petty when compared with the sacrifice we ask of our troops.