

Why Congress Can't Pass the Buck on Use of Force Against ISIS



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Twelve years ago this fall, Congress passed an authorization for the use of military force against the Saddam Hussein regime in Iraq. Sadly, that authorization was granted based on flawed intelligence, and with open-ended aims. Today, the White House is still using this same legal basis to underpin its fight against ISIS. But Saddam has been dead for 8 years, and the threat we face now is vastly different and totally unrelated to the one that sent us into Iraq in 2003. President Obama recently said he will engage with Congress on a new authorization. This time, Congress needs to get it right.

ISIS is a brutal terrorist organization that knows no limits and respects no law or moral code except its own. It has effectively erased the international border between Iraq and Syria, beheaded journalists, and forced women into marriage. Its expansionist plans threaten a fragile Iraq and its neighbors. Left unchecked, it could grow to threaten the United States at home.

In response, since August 8, the United States has conducted more than 470 airstrikes on ISIS targets in Iraq and over 380 in Syria.

It's hard to argue that the U.S. is not engaged in armed conflict, but beyond a few public statements and hearings on the administration's strategy, Congress has been largely absent in defining U.S. goals and objectives in Iraq and Syria.

Rather than abdicate its role in the decision-making process, Congress should consider and vote on a new, specific authorization for use of force against ISIS. In doing so, Congress can exercise its Constitutional duty, while avoiding the mistakes of past authorizations for use of force.

President Obama acknowledges that the Constitution vests in Congress, not the president, the power to declare war so that

the decision to go to war rests with the people's representatives, not with one person. With hundreds of combat missions launched on a weekly basis, U.S. citizens already killed at the hands of ISIS and an estimated \$1.1 billion already expended, there should be no doubt that, as Secretary Hagel has stated, "We are at war" with ISIS. Though the public largely supports the airstrikes, it remains divided on whether ground troops are necessary to defeat ISIS. And, after a dozen years of war, service members and the American people don't support another perilous, extended ground occupation in the heart of the Middle East. But even absent a ground intervention, the men and women flying combat missions and advising combat forces should know they have the backing of the American people by way of Congress's support.

In authorizing action, Congress has the opportunity to force clarity in the mission and strategy necessary to defeat ISIS. Unlike the 2003 invasion and occupation of Iraq, ostensibly to rid the country of WMD, we can avoid the broadly written authorization that opened the door to a decade-long military engagement for a mission that didn't exist. Here, Congress should require the administration to explicitly define the military and political goals of any near term actions.

What would a well-crafted authorization look like? It should include the following elements:

- **Specificity:** the authorization should be limited to ISIS and not used as an attempt to go after a wider range of terrorist groups.
- **Geographic limits:** The authorization should be limited to Iraq and Syria.
- **Avoiding a ground war:** The authorization should specify that no ground troops are to be used in direct combat operations. If a President were to deem it necessary to send ground troops, the Administration should return to Congress for further authorization.

- **Reporting requirements:** At regular intervals, the Administration should be required to report to Congress on the broader political, military and humanitarian plan for the military campaign, including the legal rationale for such action.
- **Expiration and Renewal:** The authorization should expire that so that each session of Congress would vote on authorizing continued action – for example, an 18 month limit.

Proposals from Rep. Adam Schiff (D-Calif.) and Sen. Tim Kaine (D-Va.) contain many of these provisions that provide a sound basis for future action while ensuring that a solid legal and policy backing is established.

All too often since the invasion of Iraq, U.S. policy has been shaped by a pursuit of means, not ends. The lack of clearly defined objectives has hamstrung the effective implementation of policies in that region. Military action must have clearly defined goals and come in the context of a broader political strategy that addresses the underlying drivers behind the growth of ISIS. Before the end of the year, lawmakers should work with the administration to clearly define such strategic ends and political objectives while considering and voting on a tailored authorization for military force. Congress can't miss this opportunity to provide a sound basis for what will continue to be a considerable military engagement against ISIS – one that requires clarity of intent, the support of the American people and the bold sacrifices of our men and women in uniform.

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