

Impacts of the AUMF Resolutions on Obama and Trump Administration Foreign Policy

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1 Introduction

In the days following the terrorist attacks against the United States on September 11th, 2001, both houses of Congress took to action and passed a bipartisan resolution titled S.J.Res.23: Authorization for Use of Military Force. As this joint resolution was created to address an urgent problem, being the national security of the United States, the resolution was passed through both chambers of Congress on September 14th and signed into law by President George W. Bush only four days later the 18th. Although the speed at which both parties came together to take action was a monumental achievement, this short time frame led to the resolution giving the President of the United States a broad set of war powers instead of any specifically defined actions. In the text of the resolution, it states that Congress will give the President the authority to “use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.”¹ At the time, this vague language and broad power was necessary since the threat was still being assessed and no one knew of an exact solution to the instability, damage, and national

¹“Authorization for Use of Military Force,” Pub. L. No. 107-40, S.J.Res. 23 (2001), <https://www.govtrack.us/congress/bills/107/sjres23/text>.

paranoia caused by the attacks. However, as time has gone on, the Presidents after George W. Bush have interpreted both this resolution as well as the 2002 AUMF, and to a lesser extent the 1991 AUMF, in wide variety of ways that go beyond the scope of the original intentions of the resolutions. This paper will operate under the following question: how have the AUMF resolutions shaped foreign policy approaches under the Obama and Trump Administrations?

The purpose of this paper is to investigate how the passing of the three AUMF resolutions, being the 1991 Gulf War AUMF, the 2001 9/11 AUMF, and the 2002 Iraq War AUMF, as well as the various judicial, legislative, and executive interpretations of those resolutions has shaped the executive branch foreign policy decisions and international relations approaches of the Obama and Trump Administrations. First, this paper will review the history and original intents of the AUMF resolutions. Although this paper will put the most focus into the 2001 AUMF, the 1991 AUMF and 2002 AUMF will also be reviewed and analyzed along with the effects that they have in combination with each other. Next, this paper will describe some of the various legal interpretations of the AUMF resolutions in order to set a framework to look at the executive action through. Then, this paper will look their uses under the Obama Administration as well as the various precedents set by those actions. Finally, it will examine the ways they've been used under the present-day Trump Administration in order to see if their uses have changed or stayed consistent with the Obama Administration precedents.

1.1 Research Process and Primary References

The most important source for this research paper will be the book *Counter-terrorism From the Obama Administration to President Trump: Caught in the Fait Accompli War* by Donna G Starr-Deelen. Starr-Deelen has taught Public International Law and Human Rights Law and has written several books regarding the evolving nature and role of terrorism across many presidential administrations. This book primarily focuses on the *fait accompli* war left behind by George W. Bush, meaning a war that was decided on before those affected can hear about it. This *fait accompli* was less on the grounds of the actual forces and conflicts of the war, but instead was the ideological war on terror caused by the “virtually irreversible policy choices President Bush made regarding the use of force and targeting,

detention, and interrogation methods.”² The book looks at how these irreversible choices affected the foreign policy approaches of the Obama Administration as well as the first few months of the Trump Administration. Although this book covers a much wider range of topics than the AUMF, it provides many historical accounts and political theories that will be instrumental in the understanding of the subject.

²Donna G Starr-Deelen, *Counter-Terrorism from the Obama Administration to President Trump: Caught in the Fait Accompli War*, 2018, 2.

References

Authorization for Use of Military Force, Pub. L. No. 107-40, S.J.Res. 23 (2001). <https://www.govtrack.us/congress/bills/107/sjres23/text>.

Starr-Deelen, Donna G. *Counter-Terrorism from the Obama Administration to President Trump: Caught in the Fait Accompli War*, 2018.