

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

Nash Sauter

December 2020

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” 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 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.

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 legal and legislative interpretations of those resolutions has shaped the foreign policy decisions of the Obama and Trump Administration.

2 References