

April 26, 2023

Dear Member of Congress,

The undersigned organizations write to express our support for [H.Con.Res.30](#), a war powers resolution that would remove the United States Armed Forces from Somalia within one year of passage, excluding the U.S. Armed Forces assigned to protect the United States Embassy. If enacted, lawmakers would have one year to debate and pass specific authorization if they wish to allow U.S. Armed Forces to remain in the country.

The Constitution and the War Powers Resolution of 1973 is clear: the President can only introduce U.S. Armed Forces into hostilities or “into situations where imminent involvement in hostilities is clearly indicated by the circumstances” through a declaration of war, specific statutory authorization, or in response to an attack on the U.S. or armed forces. None of these requirements are met in the current situation in Somalia. Therefore, U.S. troops cannot be placed in harm's way in Somalia unless and until Congress explicitly authorizes them to be deployed there for a specific mission. In recent years, servicemen and women have been [injured](#) and [killed](#) in Somalia. Somali forces that U.S. armed forces have been tasked to advise, assist and accompany have been under [increased attack](#) by al Shabaab, putting them at further risk.

On May 16, 2022, President Biden [announced](#) a reversal of the previous administration's withdrawal of U.S. armed forces from Somalia and reestablished a persistent military presence of roughly 500 troops in the country to combat Harakat Shabaab al-Mujahidin, commonly referred to as al-Shabaab. The Biden Administration, as have previous administrations, has argued that such introduction is covered under the Authorization for Use of Military Force of 2001 (2001 AUMF), which Congress passed nearly 22 years ago to pursue those responsible for the September 11th attacks.

Al-Shabaab emerged in 2006, five years after the September 11th attacks and after 2001 AUMF was enacted. The organization was not involved in the planning or execution of the September 11 attacks. The 2001 AUMF's language is explicitly focused on the entities responsible for those attacks, only authorizing force “against those nations, organizations, or persons [the President] 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.”. The past three administrations have erroneously applied the 2001 AUMF to al-Shabaab under a [legally dubious](#) argument that they should be considered “associated forces” to those responsible for the September 11th attacks given their affiliation with al-Qaeda. This affiliation did not begin until 2012 – more than a decade after the September 11th attacks.

This interpretation has been disputed by many prominent legal scholars, [including](#) former Obama Administration officials Luke Harig (former Senior Director for Counterterrorism at the National Security Council (NSC) & Deputy Director for Counterterrorism Operations in the Office of the Secretary of Defense) and Oona Hathaway (former Obama-era Special Counsel to the General Counsel at the U.S. Department of Defense).

Applying the 2001 AUMF to al-Shabaab is a significant overreach of its intended scope, as the authorization was designed to address a specific attack on the United States and not to serve as a blanket justification for military action across the globe against then non-existent organizations for an indefinite period. There is no evidence that members of Congress voting in September 2001 intended to authorize the deployment of U.S. Armed Forces to Somalia on May 16, 2022. To further illustrate the point, many of the U.S. service members put in harm's way by this deployment, and even the al-Shabaab members they are fighting against, were not even born before the 2001 AUMF was enacted.

The view that the 2001 AUMF has been interpreted and used far too broadly is shared by many in Congress. Key lawmakers, including House Foreign Affairs Committee Ranking Member Gregory Meeks, have repeatedly [promoted](#) a much broader repeal and replacement of the 2001 AUMF with specific statutory authorizations, arguing that current 2001 AUMF use “goes far beyond Congress’ original intent to authorize operations against Al-Qaeda in Afghanistan.” The replacement AUMF in Rep. Meeks’ legislation explicitly does not include authorization to use force against al-Shabaab. Additionally, in response to a 2021 U.S. military operation in Somalia specifically, Senators Chris Murphy and Ben Cardin [made clear](#) that if the Biden Administration wants to be involved in hostilities in the country, it must come to Congress for explicit authorization.

The bill is also consistent with the Biden Administration’s own stated broader policy objectives. A March 16, 2023 [statement](#) of administration policy stated that “President Biden remains committed to working with the Congress to ensure that outdated authorizations for the use of military force are replaced with a narrow and specific framework more appropriate to protecting Americans from modern terrorist threats.”

A vote for this resolution does not, in itself, require members to take a position on what U.S. policy in Somalia should be going forward, as Congress will have one year from the passage of this legislation to determine the role, if any, of U.S. Armed Forces on the ground in Somalia.

Sincerely,

Action Corps

Antiwar.com

Democracy for the Arab World Now (DAWN)

Demand Progress Action
FreedomWorks
Just Foreign Policy
Libertarian Institute
Peace Action
Peace Direct
Quincy Institute for Responsible Statecraft
RootsAction.org
Veterans for Peace
World BEYOND War