

Resolved: On balance, the current Authorization for Use of Military Force gives too much power to the president.

To begin I would like to offer a definition for “too much power”, as stated in this resolution. The Authorization for Use of Military Force, or AUMF, will be considered to give too much power to the President if it allows for unreasonable or unnecessary action or if it serves as a way to avoid checks and balances, rather than expedite reasonable plans. Today my partner and I will show that AUMF evidently gives the President too much power by meeting the aforementioned criteria.

For my first contention, **the AUMF clearly allows for unreasonable and unnecessary action** because of the broad and vague language used in the AUMF. Looking at the AUMF, published on Sept. 18, 2001, which is *Public Law 107-40*, we can see that Section 2 states that “**The President is authorized to use all necessary and appropriate force against those... he determines planned,** authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.” As stated by *Asha Snaker from Countable*, this is a broad authorization that has absolutely no limits or restriction on geography, or type of action. It leaves the determination of what is considered necessary and appropriate force completely up to the President. In the same section it is stated that the president can act likewise “in order to prevent any future acts of international terrorism against the United states...” *Cornell Law School* defines international terrorism as activities that involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States... and occur primarily outside the territorial jurisdiction of the United States. By looking at this broad definition of terrorism, the President can essentially bypass the checks in place just by calling a threat terrorism. It is clear that the AUMF allows for the potential of unnecessary and unreasonable action based on how vague the terminology is, and how it is up solely to the President’s interpretation. We must look at what we know, and we know that the President has been acting virtually unchecked for nearly 17 years, which brings me to my second contention.

The AUMF actively allows the President to avoid checks and balances. Looking at the AUMF, *Public Law 107-40* again, section 2b states that “nothing in this resolution supersedes any requirement of the War Powers Resolution”. The War Powers Resolution which is *Public Law 93-148* passed on November 7, 1973, states in Section 2a that “it is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities...” Section 2c maintains that it is Congress’s sole power to declare war and section 3 states that “The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities.” It is clear that this resolution was passed to ensure that the president does not act unilaterally. But as *Heather Timmons of Quartz Media* stated in July of 2017, the US president’s role as “Commander in Chief” is technically limited by Congress, which holds the power to “declare war.” But that’s something Congress hasn’t done since WWII, and plenty of presidents have engaged in military action since then. The AUMF undermines the role of congress by allowing for the distinction of a conflict and a war. Congress has the sole power to declare a war, while the President can act alone in the state of a conflict. The issue is that there are almost no

meaningful differences between the terms. The *Merriam Webster Dictionary* definition of War even uses “conflict” in the first definition, stating that war is a state ... armed hostile conflict between states or nations. As *Ivan Eland from the World Posts* elaborates, “a few gray areas of the U.S. Constitution exist, but the war power isn’t one of them. [Almost all] of the war powers lie with the people’s branches of government. The American founders intentionally created this... arrangement, because they did not like the militarism of the European monarchs of the day.” The AUMF should not be used to empower presidents to bypass congress and pursue large military objectives unchecked.

For my third contention, **the AUMF is being used outside its intended scope.** This draws back to the vague wording of section 2a of the AUMF, and lack of a sunset clause or limits. I have shown that the wording of the AUMF clearly allows for it to be used to justify unreasonable and unnecessary action and to avoid the checks and balances implemented into the constitution, but these aren’t all hypothetical situations. The AUMF was intended to allow for quick and responsive action to imminent threats. It has accomplished that. But it has also justified a war lasting 17 years, against multiple nations and organizations. This is the situation in which a formal war should be declared, this is the situation in which congress should be involved. It is clearly too much power if a President can act unchecked for 17 years at the expense of the American people.

In a country whose foundations were built upon overthrowing England’s absolute tyranny, it is worth being wary about presidential and executive branch overreach. It is clear that the current AUMF allows for unreasonable and unnecessary military action, the avoidance of check and balances and undermining of congressional power, and that it is being used beyond its intended scope to justify conflicts that should be subject to the regulations and balances of a formal war. It is for these reasons we urge your affirmative ballot.