

**U.S. Senate Homeland Security and Governmental Affairs Committee
Subcommittee on Federal Spending Oversight and Emergency Management**

**“War Powers and the Effects of Unauthorized Military Engagements on
Federal Spending”**

June 6, 2018

Senator Gary C. Peters, Ranking Member

Opening Statement

Thank you, Mr. Chairman, for calling today’s hearing. I continue to be impressed with your willingness to have this Subcommittee tackle big issues, and no issue is bigger than War Powers.

Voting to send our sons and daughters to war is the most important, and the heaviest, responsibility that a member of Congress bears. We must never forget that while the sacrifice of war is borne by our servicemembers and their families, under Article I, Section 8 of the Constitution, the responsibility of asking for that sacrifice is ours.

And yet, today, our warfighters are serving in harm’s way in places that have never been named in any declaration of war and facing adversaries that cannot be found in any authorization of military force.

The Framers, in their wisdom, separated the power to declare war from the power to wage it. But, Mr. Chairman, as you have observed, the reality is that we are at war anywhere and anytime the President says so. In failing to assert our War Powers, we have effectively ceded them to the President.

Ceding war powers to the President is a way for us to play it safe. In avoiding a declaration of war, and in keeping force authorizations vague and malleable, we can blame the President when things go wrong.

But we must not shirk our Constitutional responsibility in favor of political expediency. We owe it to our servicemembers and their families to roll up our sleeves and have this debate.

This is not a partisan issue, nor is it new. Congress hasn’t declared war since World War II. President Obama did not seek congressional authorization for the use of military force in Libya, nor did President Trump seek congressional authorization for military action in Syria.

The 2001 Authorization of Use of Military Force against al-Qaeda has now been used by three Presidents to support combat in countries with no nexus to 9/11 and against organizations that

didn't even exist then. It offends common sense. That's why I supported Senator Paul's effort to repeal the 2001 and 2002 Authorizations for Use of Military Force.

The world has changed since we last declared war in 1942. Our adversaries often wear no uniform and swear allegiance to no nation. The technology of war has evolved in ways that would be unrecognizable to the Framers. Our military can impact world affairs in an instant with a drone strike directed remotely from inside the United States. How we authorize war must adapt to the changing threats and technologies.

But the principle of separation of powers that animated the drafters of the Constitution is a sound today as it was in 1789. The power to declare war and to authorize military force is Congress's most sacred responsibility. We must reclaim it.

I know that our witnesses have spent a lot of time considering these issues and I am eager to hear their views. I want to know more about the cost of Congressional inaction and ideas for reasserting our Constitutional authorities. I am heartened by the bipartisan engagement today and hopeful that we can find solutions together.

Thank you, and I yield back.