

THE AUMF CRESCENT

Both
Moon
of
Alabama
and
Jack
Goldsmith



have analyses of the Authorization to Use Military Force the White House proposed to Congress yesterday.

The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in connection with the use of chemical weapons and other weapons of mass destruction in the conflict in Syria in order to –

- 1. prevent or deter the use or proliferation (including the transfer to terrorist groups or other state or non-state actors), within, to or from Syria, of any weapon of mass destruction, including chemical or biological weapons or components of or materials used in such weapons; or*
- 2. protect the United States or its allies and partners against the threats posed by such weapons.*

Moon of Alabama focuses on how the use of “as he determines to be necessary and appropriate” turns the AUMF into a very broad authorization.

It is clear from this wording that such a resolution would allow nearly everything far beyond the “punitive” few cruise missile strikes against Syrian forces the administration marketed so far. It could easily be used for an outright blockade of Iran or even a “preemptive” strike against Iran’s industries in the name of “deterrence” and “protecting” Israel.

Goldsmith focuses even more closely on the several other places where this AUMF could be used.

(1) Does the proposed AUMF authorize the President to take sides in the Syrian Civil War, or to attack Syrian rebels associated with al Qaeda, or to remove Assad from power? Yes, as long as the President determines that any of these entities has a (mere) connection to the use of WMD in the Syrian civil war, and that the use of force against one of them would prevent or deter the use or proliferation of WMD within, or to and from, Syria, or protect the U.S. or its allies (e.g. Israel) against the (mere) threat posed by those weapons. It is very easy to imagine the President making such determinations with regard to Assad or one or more of the rebel groups.

(2) Does the proposed AUMF authorize the President to use force against Iran or Hezbollah, in Iran or Lebanon? Again, yes, as long as the President determines that Iran or Hezbollah has a (mere) a connection to the use of WMD in the Syrian civil war, and the use of force against Iran or Hezbollah would prevent or deter the use

or proliferation of WMD within, *or to and from*, Syria, or protect the U.S. *or* its allies (e.g. Israel) against the (mere) threat posed by those weapons. Again, very easy to imagine.

Given my continuing obsession with the still extant Iraq War AUMF, let's consider the geography of this proposed AUMF together with the other active AUMFs, the Iraq and Afghanistan ones.

Put all three of them together, and the government would have authorization to use military force in Syria, Lebanon, Shia-governed and increasingly violent Iraq, Iran, Afghanistan, and parts of Pakistan (plus Yemen, with its Houthi insurgency on Saudi Arabia's southern border). The President would have authorization to use military force in an unbroken band of land from Israel's border east to nuclear-armed Pakistan, with both the counter-Saudi Shia block and Sunni al Qaeda related terrorists included within the AUMFs. This, to fight a war that Israel and the Gulf states have allied (if you can call it that) to fight.

President Obama claims he only wants to engage in limited strikes. He has promised there would be no boots (aside from JSOC and CIA ones, presumably) on the ground.

But he has proposed something that could be potentially far broader.