



Committee on International Justice and Peace

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August 29, 2017

The Honorable Jeff Flake
Member, Senate Foreign Relations Committee
Russell 413
Washington, DC 20510

The Honorable Tim Kaine
Member, Senate Foreign Relations Committee
Russell 231
Washington, DC 20510

Dear Senator Flake and Senator Kaine:

As Chair of the Committee on International Justice and Peace of the United States Conference of Catholic Bishops, I commend you for introducing S.J. Res. 43, a bill that seeks to update the Authorization for Use of Military Force (AUMF) that was passed in 2001 and to improve Congressional oversight over when and where U.S. military force can and should be used to counter forces hostile to the United States.

We understand that your bill would repeal the 2001 AUMF because it has been used to justify U.S. actions taken in conflicts and with groups beyond the scope of its original intent. Instead, S.J. Res. 43 specifies extremist groups, “al-Qaeda, the Taliban, the Islamic State of Iraq and Syria, and associated persons or forces,” and advances a mechanism whereby Congress approves or disapproves of U.S. military actions. In addition, the bill has a sunset clause of five years, ensuring that Congress will be able to review and evaluate actions taken under this legislation and have the opportunity to consider future strategies.

The measures proposed in S.J. Res. 43 appear generally consistent with some elements of the “just war” tradition. That tradition requires that military responses to acts of terrorism must be in accord with sound moral principles, which would include consideration of proportionality of response, right intention (redressing a wrong suffered), non-combatant immunity, and legitimate authority. The “just war” tradition affirms that force should be used only as a last resort and with the goal of re-establishing peace. S.J. Res. 43 concerns the principles of “non-combatant immunity” and “legitimate authority.” In the case of non-combatant immunity, S.J. Res. 43 seeks to clarify who the United States defines as an enemy and to better ensure that U.S. military action is not taken against those for whom there is insufficient justification. In terms of legitimate authority, the Constitution has given Congress the power to declare war. S.J. Res. 43 would require regular oversight of the Executive branch when the use of force is authorized in a given country and against particular combatants. These measures are a step toward ensuring greater accountability by our policy makers so that the United States is not in a state of permanent war.

Again, I thank you for introducing S.J. Res. 43 and, in so doing, encouraging a much-needed debate within Congress about the ethical dimensions of U.S. involvement in conflicts and the role of Congress in overseeing the use of military force.

Sincerely yours,

Most Reverend Oscar Cantú

Bishop of Las Cruces

Chair, Committee on International Justice and Peace