



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO END THE ENDLESS WAR IN AFGHANISTAN, TO REPEAL THE 2001 AUTHORIZATION FOR USE OF MILITARY FORCE, TO TAKE NO ACTION TO EMPLOY MILITARY FORCES OF THE UNITED STATES IN ACTIVE DUTY COMBAT UNLESS THE UNITED STATES CONGRESS HAS PASSED AN OFFICIAL DECLARATION OF WAR OR HAS TAKEN AN OFFICIAL ACTION OR RENEWED ACTION TO AUTHORIZE THE USE OF MILITARY FORCE, AND TO EXECUTE A PRUDENT FOREIGN POLICY.

WHEREAS, Article I, section 8, of the Constitution of the United States vests in the United States Congress the exclusive power to declare war; and

WHEREAS, despite the clear language of the Constitution of the United States, the United States Congress has abdicated its constitutional duty, too often vesting the power to make war solely in the Executive Branch; and

WHEREAS, the first President, George Washington, wrote: "The Constitution vests the power of declaring war in Congress; therefore no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject and authorized such a measure"; and

WHEREAS, the father of the Constitution of the United States and the fourth President, James Madison, wrote: "The Constitution supposes, what the history of all governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it... It has accordingly with studied care vested the question of war in the Legislature"; and

WHEREAS, the author of the Declaration of Independence and the third President, Thomas Jefferson, wrote: "We have already given in example one effectual check to the dog of war by transferring the power of letting him loose from the Executive to the Legislative body..." and "Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty

to await their authority for using force in any degree which could be avoided"; and

WHEREAS, another constitutional framer and the first Secretary of the Treasury, Alexander Hamilton, wrote: "The Congress shall have the power to declare war"; the plain meaning of which is that it is the peculiar and exclusive duty of the United States Congress, when the nation is at peace, to change that state into a state of war; and

WHEREAS, contrary to these clear intentions of the Founding Fathers, the United States Congress has not declared war in over 70 years, and the nation has since gone to war repeatedly at the direction of the Executive Branch; and

WHEREAS, even when the United States Congress has passed authorizations for the use of military force in the past 70 years, they have featured broad and unspecific language that has consistently empowered the Executive Branch to engage in open-ended war with little to none of the oversight and debate about our foreign policy that the Founding Fathers intended; and

WHEREAS, less than one-fifth of current members of the United States Congress voted on the 2001 Authorization for the Use of Military Force, the authority for sending American troops into war in Afghanistan; and

WHEREAS, the United States was justified in its initial response to the 9/11 attacks, and through their valiant efforts our military long ago accomplished our principal strategic goals of bringing the perpetrators to justice, decimating core Al-Qaeda, and severely punishing the Taliban; and

WHEREAS, the United States' continued nation-building attempts in Afghanistan ever since have resulted in the longest war in American history, now old enough that children of our first war fighters can join the military and be deployed to the same war zone their parents served; and

WHEREAS, due to its broad and unspecific language, the 2001 Authorization for the Use of Military Force has been invoked over 41 times to deploy United States troops to over 19 countries since 2001, far beyond the intended scope of its sponsors; and

WHEREAS, the decision to put an American troop in harm's way is among the most important votes a Legislator can take; and

WHEREAS, Montana is home to Malmstrom Air Force Base, nearly 9,000 active duty and reserve military personnel, and over 92,000 veterans, giving it the third-highest percentage of veteran residents of any

state; and

WHEREAS, the United States' post-9/11 wars have carried a heavy price, including more than 7,000 service members lost, over 53,000 wounded, an estimated 1.1 million veterans who have developed service-connected disabilities, and over \$6.4 trillion spent; and

WHEREAS, the costs of these open-ended conflicts include an increase in Post-Traumatic Stress Syndrome, faced by nearly a quarter of Iraq and Afghanistan veterans, and veteran suicides, which have increased a shocking 43% between 2005 and 2017 to nearly 17 a day; and

WHEREAS, over two-thirds of American veterans support bringing our troops home from Afghanistan, according to 2021 polling.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the President of the United States and the United States Congress be urged to take no action to employ military forces of the United States in active-duty combat unless and until the United States Congress has passed an official declaration of war or has taken an official action or renewed action to authorize the use of military force save in instances when our forces must respond to attack.

(2) That the President of the United States and the United States Congress be urged to repeal the 2001 Authorization for the Use of Military Force and to ensure any future authorizations feature geographic and mission-specific language on their intended scope, regular reporting on their use, and automatic sunsets to require their periodic review, debate, and approval by recorded vote.

(3) That the State of Montana call on the President of the United States and the United States Congress to continue to follow through on the progress made since February 2020 toward a full withdrawal from Afghanistan, and to end any periods of endless or perpetual armed conflict with no clear conditions of conclusion or connection to our vital national interests that risk the lives of our military members.

(4) That the State of Montana reaffirm its support of our armed forces who have sworn to protect and defend our nation's freedom and prosperity.

(5) That the Secretary of State send a copy of this resolution to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and

the members of the Montana Congressional Delegation with the request that this resolution be officially entered into the congressional record.

- END -

I hereby certify that the within bill,  
HJ 9, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

HOUSE JOINT RESOLUTION NO. 9

INTRODUCED BY R. MARSHALL, D. BEDEY, J. FULLER, C. HINKLE

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