

July 23, 2026

Dear Members of Congress:

We, the undersigned civil liberties, human rights, good governance, faith-based, anti-war, Iranian-American, veteran, and military family organizations, write to thank you for the landmark passage of H.Con.Res.86, Congress's first successful invocation of the War Powers Act's hostilities-termination provision in that law's 53-year history. As the administration escalates its hostilities against Iran rather than complying with the legal requirements of the War Powers Act and H.Con.Res.86, we urge you to use the legal and political tools at your disposal to reaffirm Congress's constitutional prerogatives and draw the unauthorized Iran War to a close.

Under our Constitution, Congress, not the president, has the authority to decide when, where, and against whom the nation goes to war. The Founding Generation intentionally vested in Congress the powers to declare war, to raise and maintain the military, and to make rules governing the military. They concluded that the executive was "not safely to be trusted" with the power of war. Their decision was a structural safeguard for American democracy and for the American people, U.S. servicemembers, and all those who bear the costs of war. In 1973, our predecessors in the 93rd Congress reaffirmed this foundational decision and the Constitution by enacting the War Powers Act. In so doing, they rejected presidents' usurpation of congressional power during the Vietnam War and other Cold War conflicts and established an enduring mechanism to enforce the constitutional allocation of war authority.

Through H.Con.Res.86, this Congress has already acted to reassert its constitutional role and the absence of presidential power to prosecute the Iran War. This remarkable showing of bipartisan opposition to the war, however, has not been enough. The White House has proclaimed that the resolution "lack[s] the force of law and should be deemed unconstitutional," it has reneged on public promises to seek a lasting peace, and it has escalated the Iran War instead of terminating its unauthorized hostilities. Congress must now stand firm in enforcing the legal requirements of the War Powers Act and H.Con.Res.86.

First, lawmakers must maintain that H.Con.Res.86, which explicitly directed the removal of U.S. armed forces from hostilities against Iran, is legally binding. Eminent scholars ranging from John Hart Ely to Louis Fisher have endorsed the binding nature of such resolutions, and no court has ever struck down the War Powers Act's hostilities-termination provision. In the absence of directly relevant case law, the White House asserts that a 1983 case about concurrent resolutions *in immigration law* calls into question the legal force of H.Con.Res.86. But the 93rd Congress knew that concurrent resolutions were on shaky footing in immigration law and similar contexts in which Congress might try to claw back power delegated to the president. The 93rd Congress used a concurrent resolution in the War Powers Act because war powers are fundamentally different. The War Powers Act's mechanism, and thus H.Con.Res.86, do not claw back delegated power; they recognize the president's absence of power to prosecute an

unauthorized war and the necessary constitutional implication that *ultra vires* hostilities must cease. As one lawmaker explained in 1973, “what we are saying [through a concurrent resolution] is that the Constitution is binding and the President is bound by the Constitution.”

Second, lawmakers must make clear that the War Powers Act’s § 5(b) 60-day “clock” for the Iran War expired and thus required the president to withdraw U.S. armed forces from hostilities on May 1. To be sure, the president had no authority to initiate offensive hostilities against Iran on February 28, and each day of unauthorized war-making has been inconsistent with the War Powers Act’s restatement of congressional and presidential power in § 2. But under the plain terms of § 5(b)’s 60-day clock, every day of hostilities since May 1 has been an unambiguous violation of the law. By passing H.Con.Res.86, Congress confirmed this, finding that hostilities had persisted throughout the so-called “ceasefire” period notwithstanding the White House’s baseless assertion that all hostilities ended—and the War Powers Act clock reset—when the president announced a ceasefire on April 7.

Third, lawmakers, in consultation with experienced constitutional litigators, can play an important role in litigation to enforce the War Powers Act and H.Con.Res.86. This may include helping to identify appropriate plaintiffs, advancing House and Senate resolutions to explicitly authorize congressional litigation over the unlawful Iran War, or, in the House, calling for a vote of the Bipartisan Legal Advisory Group to authorize litigation under Rule II(8)(b). Lawmakers should also be prepared to contribute to any legal challenge brought by servicemembers’ families or other appropriate plaintiffs through amicus briefing and related litigation support.

Fourth and finally, lawmakers should exercise Congress’s appropriations power by denying the president’s request for \$87.6 billion in supplemental funding for “operational costs” and “urgent needs related to Operation Epic Fury,” and by enacting legislation to bar the administration from using funds to continue the Iran War. These funding actions are an additional enforcement tool that would complement the legal requirements of the War Powers Act and H.Con.Res.86.

Congress has already directed the removal of U.S. armed forces under the War Powers Act, and the President must comply. Our democracy, the American people, and particularly U.S. servicemembers deserve a Congress that will fight for the rule of law and an end to the unauthorized Iran War.

Sincerely,

American Friends Service Committee
Antiwar.com
Brennan Center for Justice at NYU School of Law
Campaign for Peace, Disarmament and Common Security
Center for International Policy
Center for Victims of Torture
The Chamberlain Network
CommonDefense.us
Defending Rights & Dissent

Demand Progress
Democracy for the Arab World Now (DAWN)
Friends Committee on National Legislation
Government Information Watch
Hindus for Human Rights
Indivisible
Institute for Policy Studies, New Internationalism Project
Issue One
Just Foreign Policy
The Libertarian Institute
Maryknoll Office for Global Concerns
Military Families Speak Out
Minnesota Peace Project
MoveOn
MPower Change Action Fund
Muslim Justice League
The National Immigration Law Center
National Iranian American Council Action
Palestine Justice Network, Presbyterian Church (U.S.A.)
Peace Action
Ploughshares
Quincy Institute for Responsible Statecraft
September 11th Families for Peaceful Tomorrows
United Church of Christ
United for Peace and Justice
Veterans For Peace
Win Without War