May 23, 2017

President Donald Trump  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500

Dear President Trump:

We write to once again draw your attention to your constitutional responsibility to consult and receive authorization from Congress before ordering use of U.S. military force, which would include any military action against North Korea that is not in response to an attack by that country. The mandate requiring Congressional consultation and authorization is prescribed in both the U.S. Constitution and the War Powers Resolution of 1973.

While both the Constitution and the War Powers Resolution of 1973 provide the Office of the President with the authority to act in cases of emergencies, both require an affirmative authorization from Congress before our nation engages in military action abroad against a state that has not attacked the U.S. or our assets abroad. As Section 2 of the War Powers Resolution of 1973 makes clear, absent a declaration of war or a specific statutory authorization approved by Congress, only a “national emergency created by attack upon the United States, its territories or possessions, or its armed forces” can justify military action undertaken without Congressional authorization.

Few decisions are more needing of debate than a move to launch attacks, or declare war, on a nuclear-armed state such as North Korea. Military action against North Korea was considered by the Obama, Bush and Clinton Administrations, but all ultimately determined there was no military option that would not run the unacceptable risk of a counter-reaction from Pyongyang. This reaction could immediately threaten the lives of as many as a third of the South Korean population, put nearly 30,000 U.S. service members and over 100,000 other U.S. citizens residing in South Korea in grave danger, and also threaten other regional allies such as Japan.

In such a volatile region, an inconsistent or unpredictable policy runs the risk of unimaginable conflict. That is why we strongly urge you to adhere to the diplomatic approach recently articulated by Secretary Tillerson, who stated that your Administration’s sole goal is to “seek a denuclearized Korean Peninsula,” and that you “do not seek regime change” and “do not seek a collapse of the regime,” both of which could lead down a path that could risk nuclear war. We support Secretary Tillerson’s statement that the preferred method for resolution is “direct talks with North Korea,” including persuading them to relinquish their nuclear
weapons by assuring them that they "do not need these weapons to secure the existence of [their] regime."

We respectfully request more information about the steps your Administration is taking to advance the prospects for direct negotiations that could lower the potential for catastrophic war and ultimately lead to the denuclearization of the peninsula. We would also urge the Administration to outline steps to address humanitarian issues of mutual concern such as the reunification of Korean and Korean American families as well as the repatriation of the remains of US servicemen left in North Korea following the War.

We look forward to receiving details about your plans for a negotiated resolution of the nuclear issue on the Korean Peninsula, and, in the event that your plans do include an ill-advised military component, we stand ready to exercise our constitutional duty to approve, or reject, any such military action.

Sincerely,

John Conyers, Jr.
Member of Congress

Barbara Lee
Member of Congress

James P. McGovern
Member of Congress

Jerry Nadler
Member of Congress

Peter Welch
Member of Congress

Bobby L. Rush
Member of Congress

Judy Chu
Member of Congress

Rosa L. DeLauro
Member of Congress

Luis V. Gutiérrez
Member of Congress

Steve Cohen
Member of Congress
Danny K. Davis  
Member of Congress

Eleanor Holmes Norton  
Member of Congress

Peter A. DeFazio  
Member of Congress

Louise Slaughter  
Member of Congress

Yvette D. Clarke  
Member of Congress

Adriano Espaillat  
Member of Congress

Bonnie Watson Coleman  
Member of Congress

Carol Shea-Porter  
Member of Congress

Raúl M. Grijalva  
Member of Congress

Mark Takano  
Member of Congress

Tulsi Gabbard  
Member of Congress

Mark Pocan  
Member of Congress

Michael E. Capuano  
Member of Congress

Nanette Diaz Barragán  
Member of Congress

Brenda L. Lawrence  
Member of Congress

Robert C. "Bobby" Scott  
Member of Congress
Don Beyer
Member of Congress

Dwight Evans
Member of Congress

Earl Blumenauer
Member of Congress

Ro Khanna
Member of Congress

Suzanne Bonamici
Member of Congress

Colleen Hanabusa
Member of Congress

Jamil Raskin
Member of Congress

Richard E. Neal
Member of Congress

Pramila Jayapal
Member of Congress

Frank Pallone, Jr.
Member of Congress

Alma G. Eshoo
Member of Congress

Ted W. Lieu
Member of Congress

Alma S. Adams
Member of Congress

Joyce Beatty
Member of Congress

Salud O. Carbajal
Member of Congress

Donald M. Payne, Jr.
Member of Congress
Alan Lowenthal  
Member of Congress

Niki Tsongas  
Member of Congress

Katherine M. Clark  
Member of Congress

Darren Soto  
Member of Congress

Bill Foster  
Member of Congress

Eddie Bernice Johnson  
Member of Congress

CC: Secretary of State Rex Tillerson