



Written by [Gary Benoit](#) on August 5, 2026

Massie: Trump Violating the War Powers Act of 1973

The New York Times [reported](#) on July 23 that President Donald Trump's Defense/War Department had lowered the number of American soldiers killed in the Iran War from 18 to 14. Eliminated from the list were four service members whose "deaths occurred after President Trump declared a cease-fire in the war in April."

But why? "Let me explain this absurd ruse: The Pentagon is pretending there have been two Iran wars separated by a brief cease-fire," Representative Thomas Massie (R-Ky.) [posted](#) on X the next day. He continued: "The reality: By going more than 90 days without congressional authorization @SecWar IS BREAKING THE LAW and must be held accountable."



AP Images
Thomas Massie

Flouting the War Powers Act

Massie is referring to the [War Powers Act of 1973](#), which states in Section 5(c): "At any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the president if the Congress so directs by concurrent resolution." It also requires in Section 5(b) that the president remove U.S. forces within 60 days unless Congress passes a declaration of war or authorizes the action — though he is allowed up to an additional 30 days if he "certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces."

On July 27, [Fox News quoted Massie](#) saying:

For the first time since the law was enacted, a concurrent resolution has passed in accordance with 5(c) of the law, but the White House has ignored it. It seems they've assumed the law is unconstitutional, but no court has ever found that to be the case, so the law remains on the books while the White House flouts it....

They've also violated section 5(b) of the law, but rather than ignore the law, they've perpetuated a ruse that the 60-day limit on Presidential military activity does not apply with respect to the Iran war, because each time they effect a temporary ceasefire, the statutory clock restarts. We believe no court would agree with this absurdity, and this should be litigated as well.

Because of the Trump administration's violation of the War Powers Act, Massie is joining Democrats in supporting a new resolution to sue the executive branch over the Iran War. See a PDF of the resolution



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[here](#).

Trump's Actions Still Unconstitutional

Yet, it must be kept in mind, Trump's actions in attacking Iran would still be unconstitutional even if the War Powers Act of 1973 did not exist. The Constitution delegates to Congress the power to declare war, and Trump sought no such declaration or authorization before launching his attack.

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