

# CAN WE/SHOULD WE DEFEND OURSELVES AGAINST TERRORISTS GROUPS LIKE ISIS/ISIL?

## Key sections from within The Constitution of the United States...

We the People of the United States, in Order to form a more perfect Union, **establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity**, do ordain and establish this Constitution for the United States of America.

### Article I Section 8 [concerning the Congress of the USA].

The Congress shall have Power...

**To declare War**, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections **and repel Invasions**;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them **as may be employed in the Service of the United States**, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

### Article II Section 1 [concerning the President of the USA].

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:

—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

**Article II Section 2** [concerning the President of the USA].

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States;

**Article VI** [concerning law and the representatives of the United States of America].

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land;

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution;

**NOTE:** One question not clearly addressed within the current Constitution is how “We the People of the United States” should “**provide for the common defense**” and our “**Liberty**” (from all forms of oppression) when we are terrorized, attacked, or when others declare war on us.

However, it does say who will be the Commander-in-Chief when our armed forces are called into actual Service of the United States; which nowadays seems to be on a continual basis (even though the founders did not embrace having a standing army at all times). One might easily argue that when others take action to threaten or to attack the United States, or its citizens, directly or indirectly, or declare war on the United States, then the Commander-in-Chief is, as a matter of fact and duty, **called into the Service of the United States** (if not by the citizens or Congress then by our very enemies) in the capacity in which he/she is to serve... as Commander-in-Chief of the United States armed forces. The same might also be said of every last U.S. Citizen.

**SUMMARY:** When a bunch of radical Islamic terrorists, or anyone else, threatens any or all of the Citizens of the United States of America or **our system of Justice**, or they threaten to **impede our Tranquility and/or our general Welfare, and our Blessings of Liberty** via a declaration of war, “holy war” or Jihad (referring to a struggle against those who do not believe in the Islamic God (Allah)) then there is no reason we and/or our Commander-in-Chief should need approval of Congress to defend ourselves, because we already have approval of the Constitution itself to do just that... **provide for the common defense.**

## 50 U.S. Code § 1541 - Purpose and policy

### (a) Congressional declaration

It is the purpose of this chapter to fulfill the intent of the framers of the Constitution of the United States and **insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities**, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

### (b) Congressional legislative power under necessary and proper clause

Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws **necessary and proper** for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer hereof.

### (c) Presidential executive power as Commander-in-Chief; limitation

The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to

- (1) a declaration of war [or a declaration of war by our enemies],
- (2) specific statutory authorization [made by Congress], or
- (3) a national emergency created **by attack upon the United States, its territories or possessions, or its armed forces.**

**NOTE:** When a terrorist group (such as ISIS/ISIL, the Taliban, al-Qaeda, Hamas, Hezbollah, Muslim Brotherhood, Palestine Liberation Front, Islamic Jihad Movement in Palestine, Boko Haram, etc.) or another country (such as Germany, Japan, Russia, China, North Korea, Iran, Iraq, Cuba, etc.) declares war on the USA then the President is empowered by 50 U.S. Code § 1541 (C)(1) and/or (3), like it or not, to respond as the situation so dictates. At the very least the Commander-in-Chief should take any necessary action needed to eliminate any such threat if they feel an attack is near or if any USA armed forces personnel might be in harm's way while serving anywhere in the world.

**PUBLIC LAW 107–40—SEPT. 18, 2001**

107th Congress

Joint Resolution

To authorize the use of United States Armed Forces against [all of] those responsible for the [all/any] **recent attacks launched against the United States**.

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, **such** [similar] **acts** render it both necessary and appropriate that the United States exercise its **rights to self-defense** and to **protect United States citizens both at home and abroad**; and

Whereas, in light of the threat to the national security and foreign policy of the United States **posed by these grave acts of violence**; and

Whereas, **such acts continue to pose an unusual and extraordinary threat to the national security** and foreign policy of the United States; and

Whereas, the President has authority [as Commander-in-Chief] under the Constitution to take action to deter and prevent **acts** of international terrorism against the United States:

Now, therefore, be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "**Authorization for Use of Military Force**".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) IN GENERAL.

—That **the President is authorized to use all necessary and appropriate force against those [Islamic] nations, [Islamic] organizations, or [Islamic] persons** he determines **planned, authorized, committed, or aided the [Islamic] terrorist attacks** that occurred on September 11, 2001, **or harbored such [Islamic] organizations or [Islamic] persons**, in order **to prevent any future acts of international [Islamic] terrorism against the United States by such [Islamic] nations, [Islamic] organizations or [Islamic] persons**.

**Note:** One might argue we are at war against al-Qaeda as the primary “organization” that planned the original attacks on 9/11. That war itself will last for years until all within al-Qaeda specifically are destroyed. However, the wording of the authorization also carries over into any (nation or) other organization, or even any persons, who aid or harbor (past, present or future) even a single member of al-Qaeda or any other organization which takes sides with al-Qaeda, which could mean just about any Muslim who sides with or supports al-Qaeda, its affiliates and/or its offshoots. People who march in the streets in support of al-Qaeda or anyone taking sides with al-Qaeda also fall under the blanket of this authorization.

Because al-Qaeda at one point had ties with, and spawned, what is now called ISIS/ISIL they both now fall within the bounds of this authorization. The same might be said for any other terrorist organization that has interacted with al-Qaeda in a positive or supportive manner.

<http://www.vox.com/cards/things-about-isis-you-need-to-know/what-is-isis>

<http://www.vox.com/cards/isis-myths-iraq/crazy-irrational>

<http://en.wikipedia.org/wiki/Al-Qaeda>

One key goal of al-Qaeda and ISIS/ISIL, both of which are composed primarily of Sunni Muslim sects, such as the Wahhabis of Saudi Arabia, is the eventual imposition of strict “sharia law” throughout the entire world. That fact alone is enough to bind them historically to the same roots of the same tree; birds of a feather so to speak. Wahhabi jihadists abroad “...receive ideological and material backing from within the kingdom...” of Saudi Arabia, and America knows this, with Hillary Clinton having called Saudi donors “...the most significant source of funding to Sunni terrorist groups worldwide”.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.

—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.

—Nothing in this resolution super cedes any requirement of the War Powers Resolution.

**NOTE:** The word [Islamic] was added to the above so that the reader might better be able to understand how the above resolution may easily apply to such groups for as long as it takes in order to protect us from said groups, etc. Note also that anyone or any group which sides with or grants safe harbor to any group that attacked or attacks the U.S. might also be considered to “aid” such group(s).

## **Legal Research and Interpretation of the War Powers Act**

<http://www.loc.gov/law/help/war-powers.php>