

## **Army Captain sues Barack Obama over war against Islamic State**

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**Washington:** An Army Captain is suing US President Barack Obama, arguing that the war against the Islamic State is illegal because it has not been authorized by the Congress.

“Under the 1973 War Powers Resolution, when the President introduces US armed forces into hostilities... he must either get approval from Congress within sixty days to continue the operation, in the form of a declaration of war... (the) president did not get Congress’s approval for his war against IS in Iraq or Syria... the war is therefore illegal,” said Captain Nathan Michael Smith, a military intelligence officer, in court documents filed in the US District Court in Columbia on Tuesday.

The court documents say that the 1973 War Powers Resolution was enacted by Congress to prevent presidential overreach and protect Congress’s right to vote on whether and when to go to war.

The resolution was created after Presidents Lyndon Johnson and Richard Nixon escalated the war in Vietnam and extended it into Laos and Thailand as a general “war against communism”.

Captain Smith, 28, according to RT, was commissioned in 2010 and deployed to Afghanistan for eight months in 2012. He is from a three-generation family of military officers and has been deployed in Kuwait with the Combined Joint Task Force Operation Inherent Resolve, which is the campaign against the Islamic State.

“I joined the military in 2010 because I believe the US military is a force for good in the world... (like) everyone, I was taken aback when I saw IS sweep through Syria and Iraq, seizing city after city, town after town, with their beheadings and crucifixions, laying to waste all in their way.”

“They are an army of butchers. Their savagery is sickening,” wrote Captain Smith in the court papers.

“When President Obama ordered airstrikes in Iraq in August 2014, and in Syria... I was ready for action.. we were all cheering every airstrike and every setback for IS... I was also noticing that people at home were torn about whether President Obama should be carrying out this war... I began to wonder, “IS this the Administration’s war, or is it America’s war?” ...My conscience bothered me,” he added.

Obama administration officials, including Secretary of Defence Ash Carter, have repeatedly asserted that they have the legal authority to conduct the fight against the IS.

The Army Times reported that the Pentagon was operating under the broad permission “in order to prevent any future acts of international terrorism” against the US, in its fight against IS.

Smith argued that by providing support for an illegal war, he was violating his oath to “preserve, protect, and defend the Constitution of the US,” noting that the president “had failed to publish an opinion prepared by the Justice Department’s Office of Legal Counsel or the White House Counsel to justify the war against IS... instead left it to Administration spokespersons to provide ad hoc and ever-shifting legal justifications for a military campaign that is constantly changing its strategic objectives and escalating its use of force.”

The campaign against the IS has grown from airstrikes to deployed trainers to search-and-kill teams - and in late April to authorize 250 troops for ground operations in Syria.

Smith asked that the court declare that “the war against ISIS in Syria and Iraq violated the War Powers Resolution.”

- PTI