

The Law that Gives the US President “License to Kill”

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On September 18, 2001, a week after September 11, the United States Congress unanimously approved Public Law 107-40 which stated: “The President is authorized to use all necessary and appropriate force against those nations, organizations or persons that he determines planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of terrorism against the United States by such nations, organizations or persons.”

The Law, which gave Republican President George W. Bush full war powers, was drafted by Democratic Senator Joe Biden, chairman of the Foreign Relations Commission.

Public Law 107-40
107th Congress

Joint Resolution

Sept. 18, 2001
[S.J. Res. 23]

To authorize the use of United States Armed Forces against those responsible for the 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 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 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,

Authorization for
Use of Military
Force.
50 USC 1541
note.

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.

President.

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

(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 supercedes any requirement of the War Powers Resolution.

Approved September 18, 2001.

LEGISLATIVE HISTORY—S.J. Res. 23 (H.J. Res. 64):
CONGRESSIONAL RECORD, Vol. 147 (2001):
Sept. 14, considered and passed Senate and House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 37 (2001):
Sept. 18, Presidential statement.



President Bush was thus authorized by Congress, in the name of the “war on terror”, to use military force not only against organizations or people but entire nations, whose guilt was decreed by the President himself, who passed the sentence without trial nor the possibility of appeal and ordered immediate execution by means of war. The only ones who have long called for the cancellation of this law are two senators, Democrat Tim Kaine and Republican Christopher Young, but their attempt has so far been unsuccessful.

The Law of September 18, 2001, still in force, was used after Republican President Bush by the Democrat Barack Obama, the Republican Donald Trump and the Democrat Biden (former Vice-president in the Obama Administration). It is estimated that it has been used by presidential order to “legitimize” in the last twenty years military operations carried out by the US armed forces in 19 countries around the world, including Afghanistan, Iraq, Libya,

Syria, Yemen, Tunisia, Kenya, Mali, Nigeria, Somalia, Cameroon, Niger.

Three weeks after the passing of the law, President Bush ordered to attack and invade Afghanistan, officially to hunt down Bin Laden protected by the Taliban; three months later, he ordered the opening of the Guantanamo prison camp, where alleged terrorists from various parts of the world were secretly deported and tortured; a year and a half later – prompted by a bipartisan resolution of 77 senators, promoted by Joe Biden – President Bush ordered to attack and invade Iraq with the accusation (later proved false) that it possessed weapons of mass destruction. The order was to use the knuckle duster to crush the resistance: this was confirmed by the images of the tortures in Abu Ghraib prison, which came to light in 2004.

Always on the basis of the 2001 law which authorized him to “use all necessary and appropriate force”, President Obama, ten years later, authorized the CIA to carry out covert operations in Libya in preparation for the NATO war that would demolish the Libyan State. According to the same “legal” procedure – the New York Times documented on May 29, 2012 – during the Obama administration the “kill list” was established, updated weekly, including people from all over the world secretly sentenced to death with the accusation of terrorism, who were eliminated for the most part with drone-killers after the President’s approval. The same procedure was followed in January 2020 by President Trump, who ordered the elimination of the Iranian General Qasem Soleimani, killed by a US drone at Baghdad airport. Similar attacks by US drones have been “legally” authorized in Afghanistan, Iraq, Libya, Pakistan, Somalia, Syria and Yemen.

Based on the authorization of President Biden, the most recent drone-killer attack was the one that hit a car suspected of carrying an ISIS bomb on August 29 in Kabul. An investigation by the New York Times (September 10) found that the car (followed for a long time by the drone pilot sitting thousands of kilometers away) was not carrying explosives but water tanks. A “Hellfire” missile was fired at this car in a densely populated neighborhood, killing ten civilians including seven children.

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Featured image: Vice President Joe Biden, Austin, and Command Sergeant Major Earl Rice, at an event marking the award of the Iraq Commitment Medal in December 2011

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