

The following is the full text of a background statement from a senior administration official describing the Obama administration's theory regarding President Obama's legal authority to order a campaign of airstrikes against the Islamic State in Iraq and Syria, or ISIS (also known as the Islamic State in Iraq and the Levant, or ISIL), provided via e-mail to The New York Times on Sept. 12, 2014:

The President has authority to continue these operations beyond 60 days consistent with the War Powers Resolution because the operations are authorized by statute.

The 2001 AUMF authorizes the use of "all necessary and appropriate force against those nations, organizations, or persons" responsible for 9/11 and those who "harbored such organizations or persons." The Administration has interpreted the 2001 AUMF to authorize the use of force against AQ, the Taliban, and associated forces. Based on ISIL's longstanding relationship with al-Qa'ida (AQ) and Usama bin Laden; its long history of conducting, and continued desire to conduct, attacks against U.S. persons and interests, the extensive history of U.S. combat operations against ISIL dating back to the time the group first affiliated with AQ in 2004; and ISIL's position – supported by some individual members and factions of AQ-aligned groups – that it is the true inheritor of Usama bin Laden's legacy, the President may rely on the 2001 AUMF as statutory authority for the use of force against ISIL, notwithstanding the recent public split between AQ's senior leadership and ISIL.

The President may rely on the 2001 AUMF as statutory authority for the military airstrike operations he is directing against ISIL. As we have explained, the 2002 Iraq AUMF would serve as an alternative statutory authority basis on which the President may rely for military action in Iraq. Even so, our position on the 2002 AUMF hasn't changed and we'd like to see it repealed.

The President would welcome Congressional action to support the Administration's military efforts against ISIL. This support could take any number of forms. But to be clear, the President does not need a new authorization in order to continue to take action against ISIL.