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Somalia, 1993

Staff Office-Individual:

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NSC/RMO PROFILE

RECORD ID: 9300869
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TO: LAKE

FROM: GROSSMAN, M

Somalia

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KEYWORDS: SOMALIA
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PERSONS:

SUBJECT: WAR POWERS CONSIDERATIONS IN SOMALIA

ACTION: PREPARE MEMO FOR LAKE

DUE DATE: 26 FEB 93 STATUS: S

STAFF OFFICER: JETT

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D O C U M E N T D I S T R I B U T I O N

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DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By KOE NARA, Date 04/17/17
2012-0689-F

COMMENTS: _____

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Department of State Guidelines,
September 11, 2006

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United States Department of State
Washington, D.C. 20520

By KDE NARA Date 01/17/17

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DECL: OADR

February 22, 1993

MEMORANDUM FOR ANTHONY LAKE
The White House

Subject: War Powers Considerations in Somalia

The legal offices of State, Defense and JCS, in consultation with the Justice Department, have considered the possible War Powers implications of the participation of U.S. forces in the next phase of UN operations in Somalia, and have reached the following conclusions:

-- The UN Participation Act authorizes the provision of non-combatant services by U.S. armed forces at the request of the UN for the support of Chapter VI (peacekeeping) activities. This would include the provision of non-combatant services (such as logistics, communications and intelligence) to the proposed UNOSOM II operation, but only if it is conducted under Chapter VI. The provision of combatant services, or the provision of any services under a Chapter VII (enforcement) mandate, would not be authorized under this Act.

However, U.S. armed forces personnel could be detailed to the UN for UNOSOM II under Section 628 of the Foreign Assistance Act, and (in our view) the President has independent constitutional authority, as Commander-in-Chief and Chief Executive, to order U.S. forces to participate in both combatant and non-combatant roles in support of UNOSOM II if he judged that to be necessary to protect vital U.S. national interests (such as those currently at issue). U.S. forces have, of course, participated in the UNITAF operation to date in Somalia on the basis of the President's constitutional authority.

-- The War Powers Resolution requires a report to Congress within 48 hours after the introduction of combat-equipped U.S. forces into foreign territory or airspace. President Bush satisfied this requirement by his report to Congress of December 10, 1992. No further report to Congress is required as a legal matter on the continued presence of U.S. forces in Somalia for the next phase of UN operations. However, you will want to consider whether it would be prudent, as a policy matter, to provide a further report describing the new phase of the operation, as a means of encouraging further Congressional support for our participation.

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