

Question to the Pentagon from Charlie Savage, NYT reporter, March 8, 2016:

Last April, in his ASIL speech, Stephen [Preston, then the Pentagon general counsel] said the US did not consider Al Shabab as a group to be targetable as an associated force under the AUMF, and was only taking action against individuals in Somalia who are deemed to be part of Al Qaeda. After the big bombing of the Shabab graduation ceremony, I am wondering: has that changed?

Answer from Lt. Col. Joe Sowers, a Department of Defense spokesman, March 10, 2016:

Then-General Counsel Preston's remarks in April 2015 continue to describe accurately how the Administration is applying the 2001 AUMF (Public Law 107-40) as authority for direct action against a limited number of targets in Somalia who, based on information about their current and historical activities, have been determined to be part of al-Qa'ida. As the Press Secretary noted in the statement announcing Saturday's strike in Somalia (see <http://www.defense.gov/News/News-Releases/News-Release-View/Article/687305/statement-from-pentagon-press-secretary-peter-cook-on-airstrike-in-somalia>), the camp was struck because the fighters who were to depart the camp posed an imminent threat to U.S. and African Union Mission in Somalia (AMISOM) forces in Somalia. The President has similarly reported that U.S. forces took a series of strikes to support U.S. and AMISOM forces in Somalia in June, July, and November 2015. (See <https://www.whitehouse.gov/the-press-office/2015/12/11/letter-president-war-powers-resolution>.) Such strikes in the tactical defense of U.S. and partner nation ground force units are not subject to the deliberate analysis that Mr. Preston described, but are considered to be "necessary and appropriate force" authorized by the 2001 AUMF. Lastly, as Mr. Preston noted in his May 2014 testimony before the Senate Foreign Relations Committee, "The fact that an al-Qa'ida-affiliated group has not been identified as an 'associated force' for purposes of the AUMF does not mean that the United States has made a final determination that the group is not an 'associated force.' We are prepared to review this question whenever a situation arises in which it may be necessary to take direct action against a terrorist group."