



Written by [Warren Mass](#) on October 22, 2014

Obama Executive Order Authorizes Using Reserves to Fight Ebola in Africa

President Obama issued an executive order on October 16 authorizing the secretaries of Defense and Homeland Security to call up reserve units to active duty to provide support for civilian-led humanitarian assistance operations fighting the Ebola virus in West Africa. The anti-Ebola operation is called Operation United Assistance.



A report in *USAToday* quoted from Obama's statement that though he had no "philosophical objection" to barring West Africans from traveling to the United States from Western Africa, the president said he would continue to listen advisors who say "a flat-out travel ban is not the best way to go."

USAToday also quoted a statement from Air Force Lt. Col. Thomas Crosson, identified as a Pentagon spokesman: The executive order "doesn't mean that we are deploying these forces, but it gives us the option to do so if we need to."

Commenting on the situation of Amber Joy Vinson, the second nurse who tested positive for Ebola after providing care to Thomas Duncan, who died of Ebola last week at Texas Health Presbyterian Hospital in Dallas, Obama said: "It's very important to make sure we are monitoring and tracking anyone who was in close proximity to this second nurse."

However, said the president, his biggest priority was "dealing with this problem at the source" — the outbreak in Liberia, Guinea, and Sierra Leone.

A strict constitutionalist would say that our government's responsibilities to control a health epidemic end at our borders, which must be secured, and that if necessary, quarantine zones should be put in places around countries that might send infected persons to the United States. But our president's track record indicates that he is the loosest type of constructionist.

Speaking at a White House press briefing on October 16, Press Secretary Josh Earnest made a statement that suggested that the administration regarded dealing with the Ebola crisis at home as secondary to fighting it in Africa:

What the President directed out of [a White House] meeting is a commitment on the part of the federal government to ensure that we're doing everything necessary to detect, isolate and treat Ebola patients when they materialize at health care facilities in this country, and that we do that in a way that protects health care workers and the broader American public. That is a core priority. At the same time, the President wants to ensure that those efforts *do not distract from* the very important work that's being done in West Africa. [Emphasis added.]



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Let us repeat: It is important that detecting and treating Ebola patients here in the United States, for which the CDC has responsibility, *does not distract from* our government's work in Africa, where our government has no responsibility? Incredible!

Earnest continued:

Our experts tell us that the only way to completely eliminate risk from the Ebola virus to the American public is to stop this outbreak at its source. And that's why CDC officials have been on the ground in West Africa for seven months now dealing with this specific Ebola outbreak.

When a reporter asked if the administration might reconsider the idea of a temporary travel ban from the afflicted region, Earnest replied: "At this point, Jim, that's not something that we're considering."

Earnest offered the administration's reasoning for avoiding a ban: "If we were to put in place a travel ban or a visa ban, it would provide a direct incentive for individuals seeking to travel to the United States to go underground and to seek to evade this screening and to not be candid about their travel history in order to enter the country."

Earnest said, "It's also important for us to keep this line of transportation open because commercial transportation is critical to ensuring that supplies and equipment can get to the region."

When the reporter countered: "Nobody is talking about banning going into; it's coming out of the region that's the issue," Earnest stood his ground, saying: "If you're a commercial air carrier — I know nothing about the commercial airline industry — but ostensibly, you're not going to fly a bunch of planes to West Africa and then fly them out of there while they're empty."

It seems that a number of charities might be found that would pay the cost for air shipments of medical supplies to West Africa to aid Ebola patients. We found several listed in an online article entitled "Aid Organizations Working in Ebola Regions," including the CDC Foundation, the International Federation of Red Cross and Red Crescent Societies, Direct Relief, Medecins Sans Frontieres/Doctors Without Borders, and the World Food Programme.

Obama cites "the Constitution and the laws of the United States of America, including sections 121 and 12304 of title 10, United States Code," as his authority to issue this order.

Regarding sections 121 and 12304 of title 10, the United States Code, Section 121 states: "The President may prescribe regulations to carry out his functions, powers, and duties under this title."

Section 12304 pertains to "Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency." It states that "when the President determines that it is necessary to augment the active forces for any named operational mission ... he may authorize the Secretary of Defense and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy to order any unit, and any member not assigned to a unit organized to serve as a unit of the Selected ... or any member in the Individual Ready Reserve mobilization category and designated as essential under regulations prescribed by the Secretary concerned, under their respective jurisdictions, to active duty for not more than 365 consecutive days."

That this law was passed in response to the ongoing "war on terror" is evident from language that the above-mentioned powers "includes authority to order a unit or member to active duty to provide assistance in responding to an emergency involving":

(1) a use or threatened use of a weapon of mass destruction; or



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(2) a terrorist attack or threatened terrorist attack in the United States that results, or could result, in significant loss of life or property.

The danger in granting such open-ended authority to the president — who now cites Section 12304 as his authority to call up the reserves to deal with a health crisis that does not fit either of the above definitions, and that also exists outside the confines of the United States — is obvious. Basically, Obama says the law means what he says it means and can be used however he sees fit.

Reserve troops that might be sent to Africa might be put to better use guarding our nation's borders, to prevent the influx of illegal aliens, some of whom carry communicable diseases. As for the best place to fight Ebola, following the old maxim that an ounce of prevention is worth a pound of cure, perhaps more consideration should be given to preventing persons from West African nations, where it is rampant, from traveling to our country.

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