

WIPING OUT AN ENTIRE RELIGION: HOW ISIS WILL INEVITABLY ELIMINATE AN ANCIENT CULTURE UNLESS THE UNITED STATES EMPLOYS MILITARY AND DIPLOMATIC INTERVENTION

I. INTRODUCTION

Since the Ottoman Empire, the Iraqi minority group, the Yazidis, have faced more than seventy-two genocidal massacres and unless the United States provides more aid to this minority group, they face yet another massacre by the now infamous terrorist group, Islamic State of Iraq and Syria (ISIS).¹ Following in Al Qaeda's footsteps, ISIS denounced the Yazidi people as infidels because of their religious beliefs.² ISIS has ravaged through their villages, forcing thousands of Yazidis to flee to dangerous mountainsides, seek refuge with the Kurds, or flee to war-torn Syria.³ Shockingly, this is not the worst thing ISIS has

1. Raya Jalabi, *Who Are the Yazidis and Why is Isis Hunting Them?*, THE GUARDIAN, Aug. 11, 2014, available at <http://www.theguardian.com/world/2014/aug/07/who-yazidi-isis-iraq-religion-ethnicity-mountains> (describing Yazidi history including genocides as recent as 2007). Since the 18th century, the Yazidis have been at risk. *Id.* They still face large-scale massacres throughout Iraq to this day. *Id.* In 2007, more than 800 Yazidis were killed as a result of a string of car bombs throughout northern Iraq. *Id.* Now, they face even greater threat from the Islamic militant group, Islamic State of Iraq and Syria (ISIS) as they surround them in Iraq. *Id.* See Barbara Starr, Joshua Berlinger & Raja Razek, *U.S. Military Carries Out Airstrikes, Aid Drops to Iraqi Town Surrounded By ISIS*, CNN WORLD, Aug. 30, 2014, <http://www.cnn.com/2014/08/30/world/meast/isis-iraq-syria/> (discussing aid United States provided through airstrikes supplying necessities). See AMNESTY INT'L, *Ethnic Cleansing on a Historic Scale: Islamic State's Systematic Targeting of Minorities in Northern Iraq 17-20* (2014), available at https://www.es.amnesty.org/uploads/media/Iraq_ethnic_cleansing_final_formatted.pdf (detailing horrific events carried out by ISIS against minorities in Iraq); see also Michael Brendan Dougherty, *Iraq's Persecuted Religious Minorities Still Desperately Need Our Help*, THE WEEK, Dec. 8, 2014, available at <http://theweek.com/article/index/273161/iraqs-persecuted-religious-minorities-still-desperately-need-our-help> (discussing need for "real diplomatic, financial, and humanitarian aid").

2. Jalabi, *supra* note 1 (explaining Al Qaeda sanctioned Yazidi killing because they considered them devil worshippers). The Yazidi religion is a blend of Islam, Christianity, and Persian Zoroastrianism and they do not believe in hell. *Id.*

3. Jonathan Fowler, *UN Monitors Demand Action to Stop Yazidi 'Genocide'*, THE DAILY STAR LEBANON, Aug. 12, 2014, available at <http://www.dailystar.com.lb/News/Middle-East/2014/Aug-12/266962-un-monitors-demand-action-to-stop-yazidi-genocide.ashx#axzz3CmRtzOMz> (discussing dangerous conditions Yazidis faced on Sinjar Mountain). Sources reported that more than 20,000 people were on Sinjar

done to the Yazidis.⁴ ISIS has kidnapped, raped, and sold their women, some as young as fourteen, for as little as USD25.⁵ As the only power capable to prevent the extinction of the Yazidis at the hands of ISIS, the United States must step in.⁶

This Note explores the Yazidi people and the inhumane treatment they have received and continue to receive most recently by the Islamic militant group ISIS.⁷ Part II will discuss

Mountain without food or water. *Id.* Many people faced heat, sunstroke, death by thirst, and violence. *Id.* The temperature was at an average of 45-50 Celsius daily. *Id.* After coming down from Sinjar Mountain, some Yazidis escaped to refuge in Kurdish Iraq, but not without passing through war-torn Syria first. *Id.* While others opted to remain in the dangerous area of Syria instead of returning to Iraq because of their fear of ISIS. *Id.*

4. *See infra* note 5 (observing ISIS treatment of Yazidi women); Joel Siegel, *Thousands of Iraqis of the Yazidi Religious Sect Flee to Syria to Avoid ISIS Militants*, DAILY NEWS, Aug. 11, 2014, available at <http://www.nydailynews.com/news/world/yazidis-iraq-flee-syria-avoid-isis-militants-article-1.1899992> (highlighting Yazidi flight to war torn Syria, among other places).

5. Carol Kuruvilla, *Islamic State Militants Are Gang-raping, Selling Hundreds of Women Inside Iraqi Prison: Report*, DAILY NEWS, Aug. 29, 2014, available at <http://www.nydailynews.com/news/world/islamic-state-militants-gang-raping-selling-hundreds-women-report-article-1.1921553?cid=bitly> (characterizing horrible treatment Yazidi women facing inside Mosul's Budish Prison). Hundreds of Yazidi women are held in a prison where they are raped daily. *Id.* *See* Ford Sypher, *Rape and Sexual Slavery Inside an ISIS Prison*, THE DAILY BEAST, Aug. 28, 2014, available at http://www.thedailybeast.com/articles/2014/08/28/rape-and-sexual-slavery-inside-an-isis-prison.html?utm_medium=email&utm_source=newsletter&utm_campaign=cheatsheet_morning&cid=newsletter%3Bemail%3Bcheatsheet_morning&utm_term=Cheat%20Sheet (mentioning sale price of Yazidi women). The Daily Beast reports that ISIS has sold Yazidi women for as little as USD25 up to USD150. *Id.* Yazidi militants gave them the option to either convert to Islam and be sold as a bride or continue to be raped daily. *Id.* *See also* Starr, *supra* note 1 (discussing confirmation from Syrian Observation for Human Rights twenty-seven women sold for one-thousand dollars).

6. *See* Amir Taheri, *Beyond Bombs: To Stop ISIS, US Must Engage*, NEW YORK POST, Aug. 8, 2014, available at <http://nypost.com/2014/08/08/beyond-bombs-to-stop-isis-us-must-engage/> (opining need for US help in Northern Iraq regarding ISIS). While the United States has aided in airstrikes, refugees in northern Iraq need muscle, leadership, and influence. *Id.* *See also* Christopher Snyder, *US Must Halt 'Genocide' of Religious Minorities in Iraq, Yazidi Activist Says*, FOX NEWS (Aug. 19, 2014), <http://www.foxnews.com/world/2014/08/19/yazidi-activist-angry-over-possible-genocide-in-iraq/> (discussing U.S. Yazidi fears regarding family in northern Iraq if United States remains uninvolved).

7. *See* Jalabi, *supra* note 1 (discussing horrible history targeted at Yazidis). The Yazidis have faced horror dating back to the Ottoman Empire. *Id.* More recently, they faced horror from Al Qaeda. *Id.* Today, they face grave danger from ISIS. *Id.* *See also* Fowler, *supra* note 3 (detailing horrible treatment Yazidis currently face). Now, Yazidis are trapped on dangerous mountainsides, surrounded by the threat of ISIS and their men. *Id.* *See* Kuruvilla, *supra* note 5 (stressing ravage Yazidi women specifically face from ISIS). Not only is ISIS targeting the Yazidis as a whole, they are

the history of the Yazidi people and the genocides they faced because of their unique religious beliefs.⁸ Part II will also discuss U.S. foreign policy, prior U.S. intervention and its outcomes; both positive and negative.⁹ Part III will discuss the current genocide, perpetrated by ISIS, that the Yazidis are trying to avoid and the assistance the United States has provided in combating ISIS and aiding the Yazidi.¹⁰ Part IV of this Note will analyze the importance of U.S. intervention in this potential genocide, and why it is key to the safety of the Yazidi people.¹¹ Finally, Part V of this Note will conclude in highlighting the inhumane treatment of the Yazidis and the drastic shift that would occur should an international power, such as the United States, get involved and stop ISIS from continuing their horrific actions towards this ancient minority group.¹²

II. HISTORY

A. *Yazidi History from the Ottoman Empire to Present Day: How They Faced Genocides in 18th Century and Are Trying to Avoid Another Today*

1. *The Yazidi People and Their So-Called “Devil Worshipping”*

While the Yazidi’s exact point of origin is unknown, they are believed to have developed from an ancient religion known as the “Cult of Angels.”¹³ The Yazidis are a subset of the Kurd-

targeting the women specifically by raping them daily and selling them as sex slaves to ISIS men. *Id.*

8. *See infra* Part II (reviewing Yazidi ancient history and massacres).

9. *See infra* Part II (detailing U.S. assistance in various world conflicts through established foreign policy).

10. *See infra* Part III (examining current threat Yazidis face from ISIS and U.S. assistance).

11. *See infra* Part IV (analyzing U.S. intervention as necessity for Yazidi survival).

12. *See infra* Part V (concluding extinction ancient culture faces without help from international powers such as United States).

13. *See* Reid C. Pizler, *Essay: Peace Is Not the Absence of Conflict, but the Presence of Justice*, 29 N. ILL. U. L. REV. 335, 361 (2009) (recounting Yazidi history). There is great speculation as to who actually founded the religion of Yazidi, however, it is certain that it originated from the ancient faith of the Cult of Angels. *Id.* Of the three original branches of the Cult of Angels, the Yazidis are the only branch that remains. *Id.* *See also* KURDISTANICA.COM, CULT OF ANGELS (2008), <http://www.kurdistanica.com/?qN°de/101> (last visited Jan. 5, 2014) (explaining ancient religion known as Cult of Angels). The Cult of Angels is the origin of most non-Muslim faiths that the Kurds follow. *Id.* Scholars believe it is impossible to determine where and

ish people and primarily live in traditional Kurdish areas located in northern Iraq and northeast Syria.¹⁴ The Yazidis have been subject to many massacres throughout their history because of their blended religion, ancient traditions, and unique beliefs.¹⁵ Their religion is a blend of Mithraism, Mazdaism, and Zoroastrianism and has taken on elements of Christianity and Islam.¹⁶

when the Cult of Angels first originated and to what contributed to the belief, but the faith absorbed many of the other religions around it. *Id.* Although there are only three branches left, which are very isolated, they maintain the same basic beliefs. *Id.* At the core, is their belief in angelic beings, specifically seven of them, that “protect the universe.” *Id.* The specific beliefs are often kept private, not to be shared with non-followers, and are something the Yazidis hold very true. KURDISTANICA.COM, *supra*; Pizler, *supra*, at 365 (reviewing Yazidi traditions, including oral recitation and bloodlines). The Cult of Angels had a firm belief in the god Mathra, and share many features with Zoroastrianism. KURDISTANICA.COM, *supra*. See *infra* note 16 (discussing Mithraism and Zoroastrianism in regards to Yazidis). The Cult firmly believes in the social equality of all people. KURDISTANICA.COM, *supra*. The followers of the Cult of Angels also believe in the reincarnation of souls, an adoption from Hinduism. *Id.* Followers also believe that good and evil are “equally important and fundamental to the creation and continuation of the material world.” *Id.* The Cult of Angels does not believe in a physical hell or heaven, as they believe the good and evil from heaven and hell take place in the world around them and specifically through the reincarnation of their followers. *Id.* They do believe in a judgment day that will occur at the end of time. *Id.* The Cult of Angels has faced persecution and opposition from the Muslims because of the Muslims’ belief that the Cult is sexually promiscuous and shares their women at religious gatherings. *Id.* The Cult of Angels firmly denies such allegations, but has faced opposition still. KURDISTANICA.COM, *supra*. The Cult of Angels and its branches formerly reigned throughout the Kurds, and now an estimated “30-35% of all Kurds follow various branches of the Cult.” *Id.*

14. Pizler, *supra* note 13, at 361 (pointing to Yazidi primary origin locations). The Yazidis were the primary religion of the Kurdish people until they converted to Islam in the 10th Century, explaining their location in traditionally Kurdish areas. *Id.* The Yazidis also live in Kurdish areas in southeast Turkey, as well as in ex-Soviet states of Armenia and Georgia. *Id.* Some also live in the Ukraine and the Russian Federation and a large number of them have migrated to European countries such as Germany and Sweden. *Id.*

15. See Pizler, *supra* note 13, at 361-62; Jalabi, *supra* note 1 (listing genocides and massacres Yazidis have faced). Massacres were very popular with the Ottoman Rule throughout the 17th, 18th, and 19th centuries. Pizler, *supra*, at 361; Jalabi, *supra*. “Under Ottoman [R]ule in the 18th and 19th centuries alone, the Yazidis were subject to seventy-two genocidal massacres.” Jalabi, *supra*. The most recently massacre the Yazidis have suffered took place in Sinjar in 2007, where close to 800 Yazidis were killed in a string of car bombs. Pizler, *supra*, at 361-62; Jalabi, *supra*. This has been considered “one of the single deadliest events to take place during the American-led invasion” in northern Iraq. Jalabi, *supra*; see also Pizler, *supra*, at 363 and 365 (noting unique beliefs of Yazidis). The Yazidi culture is unique in that they do not allow new followers or converts, they lack one true holy text and therefore rely on oral recitation, and their necessity for proximity to one another. *Id.*

16. See Pizler, *supra* note 13, at 362 (clarifying combination of religions creating Yazidi); Jalabi, *supra* note 1 (discussing Yazidi as blended religion); see also *Mithraism*

Their beliefs in certain elements of Zoroastrianism have led some to believe they are in fact devil worshippers and persecute them for this reason.¹⁷ Fanatical Muslims believe Yazidi is “a faith dedicated to the worship of Satan” specifically because of their unique worship of the fallen angel, Melek Tawwus, or Malek Taus.¹⁸ In Muslim culture, the name *Melek* is associated with the name *Shaytan*, which is also the name used for Satan in

Definition, ENCYCLOPAEDIA BRITANNICA, <http://www.britannica.com/EBchecked/topic/386080/Mithraism> (last visited Sept. 24, 2015) (providing definition of Mithraism religion). Mithraism is a pagan, pre-Zoroastrian religion based on the worship of the Iranian god Mithra, the god of “sun, justice, contract, and war.” *Id.* The religion was based on loyalty to the emperor and was widely followed until the acceptance of Christianity by Emperor Constantine. *Id.* Philosophers took on aspects of this religion and created the Zoroastrian religion. *Id.* In creating Zoroastrianism, philosophers denounced the “heathen aspects” of Mithraism and focused on the worship of one god, Mithra, the god of sun. *Id.* See also *Mazdaism Definition*, THE FREE DICTIONARY, <http://www.thefreedictionary.com/Mazdaism> (last visited Sept. 24, 2015) (defining Mazdaism religion). Mazdaism is also an ancient Iranian religion based on the worship of Ahura Mazda “as the source of all light and good.” *Id.* Today, scholars use the word Mazdaism and Zoroastrianism interchangeably. *Id.* See also BRITISH BROAD. CORP., *Zoroastrianism at a Glance*, in ZOROASTRIANISM (2009), <http://www.bbc.co.uk/religion/religions/zoroastrian/ataglance/glance.shtml> (last updated Oct. 2, 2015) (explaining Zoroastrianism history). Zoroastrianism is “one of the world’s oldest monotheistic religions.” *Id.* At one point in history, it was “one of the most powerful religions.” *Id.* Today, it is one of the world’s smallest. *Id.* Zoroastrians are often wrongly believed to be “fire-worshippers.” *Id.* Instead, they believe that “the elements are pure and that fire represents God’s light or wisdom. *Id.* Further contributing to their belief as “fire-worshippers” is the fact that they worship collectively in a fire temple. *Id.* The Yazidis have taken on this aspect of the worship of fire as a “manifestation from God” from the Zoroastrians, leading some to believe they are devil worshippers. Jalabi, *supra*. Also contributing to the belief that they are devil worshippers are the elements from Mithraism and Mazdaism in the worship of the god of sun and the source of all light and good. See ENCYCLOPAEDIA BRITANNICA, *supra*; THE FREE DICTIONARY, *supra*. The Yazidis have also taken elements of Christianity and Islam such as baptism and circumcision. Jalabi, *supra*. They have remained a non-Abrahamic religion, classifying it as a sect. *Id.*

17. See Jalabi, *supra* note 1 (addressing so-called devil worshipping taken on from Zoroastrianism); *supra* note 2 and accompanying text (detailing terrorist group sanctioned killing Yazidis as devil worshippers). The specific adoption of the Zoroastrianism belief in the worship of fire, has directly lead some to believe the Yazidis to be devil-worshippers. Jalabi, *supra* note 1.

18. See Pizler, *supra* note 13, at 366 (considering terrorist group sanctioned Yazidi killing as devil worshippers). Muslims believe that through the worship of Tawwus, the Yazidis are worshipping the devil and therefore refuse to accept that the Yazidis are *Ahlul-Kitab* or “people of the book.” *Id.* Because of this, fanatical Muslims have outright targeted the Yazidis and sanctioned their killing. *Id.* See Jalabi, *supra* note 1 (recognizing consequences Yazidis face from Tawwus worship). In worshipping the fallen angel who was “forgiven and returned to heaven by God,” the Yazidis have been given “an undeserved reputation for being devil-worshippers.” *Id.* This worship has become life-threatening to their entire culture. *Id.*

the Quran.¹⁹ This unique worship of Melek Tawwus has led to extreme hatred of the Yazidis from other religious groups as well.²⁰ Although there is little evidence that Yazidis are devil worshippers, their beliefs in elements of Zoroastrianism and Melek Tawwus contribute to this stereotype and their further persecution.²¹

2. *The Solitary Religion of Yazidi and Its Effects*

While the Yazidis have adopted some customs of Christianity and Islam, for the most part they have remained faithful to their ancient beliefs.²² Although the Yazidis have no official “Holy Book” to which they refer, they do have two sacred books that they look to: the *Kitab el-Jelwa*, or the Book of Revelation, and the *Meshef Resh*, or The Black Book.²³ As the Yazidis lack one true “Holy Book,” their traditions and beliefs have mostly been passed down orally.²⁴ While their religion is maintained only through their followers being near, the massacres and genocides have torn their religion apart in more ways than one.²⁵ As many Yazidis fear for their lives, they have fled

19. See Pizler, *supra* note 13, at 366 (explaining Muslims’ belief in Yazidi as satanic religion); see also *supra* note 18 (detailing Yazidi Tawwus worship).

20. See Pizler, *supra* note 13, at 366 (exposing Sunni and Shi’a hatred of Yazidis). The name Yazidi is associated with Moa’aweya Ben Suffian, Yazid, who murdered the grandson of Muhammad, Al-Husayan. *Id.* The Sunni and Shi’a hold that this man is “one of the most hated men in history” and thus have “an unfavorable opinion” towards the Yazidis as well. *Id.*

21. *Id.* at 363 (indicating lack of evidence suggesting Yazidi worship devil); *supra* note 15 (detailing Zoroastrianism and its origins contributing to belief Yazidi as devil-worshippers); *supra* note 18 and accompanying text (examining fanatical Muslims’ views toward Yazidis).

22. See *supra* note 16 and accompanying text (discussing Yazidi as blended religion).

23. Pizler, *supra* note 13, at 366 (recognizing two sacred texts to which Yazidis occasionally refer). The Yazidis look to the *Kitab el-Jelwa*, or the Book of Revelation, and the *Meshef Resh*, or The Black Book. *Id.* The *Meshef Resh* is the most important book to the Yazidis, it contains their accounts of “the creation of the world, the origin of man, and the story of Adam and Eve.” *Id.*

24. *Id.* at 365 (characterizing Yazidi as oral culture). The most essential points of the Yazidi culture are “hidden in their oral-based text and prayers.” *Id.* The Yazidis believe that the transmission of their religion orally, has brought a “nonliteral understanding of the religion.” *Id.*

25. See Pizler, *supra* note 13, at 361 (discussing Yazidi locations); Cale Salih, *Islamic Extremists Pose New Risks for Religious Minorities in Iraq*, N.Y. TIMES, June 24, 2014 (describing ISIS treatment as threat to Yazidi religion). Baba Sheikh, the spiritual leader of the Yazidis, stated that because the Yazidi people have had to flee to Europe, the very existence of their religion is in jeopardy. *Id.* Furthermore, the as-

to European countries or other regions of the Middle East.²⁶ Their displacement has weakened their faith and community, jeopardizing the maintenance and existence of their entire religion.²⁷

Along with their unique beliefs, the Yazidis do not engage in attempts to gain more followers nor do they accept any converts.²⁸ The belief that one who does not respect his own religion will never respect any other is central to the Yazidi's disallowance of converts.²⁹ As a result, not only is their religion one based off oral recitation, it is also one based off ancient bloodlines.³⁰ This unique practice places great emphasis on the fact that this religion is one that is self-contained, making displacement even more devastating to their culture.³¹ The Yazidis belief in maintaining ancient bloodlines and self-containment combined with the disallowance of new converts is causing the Yazidi religion to disappear.³²

simulation of Yazidi youth in Europe threatens the continuation of their religion. *Id.* Sheikh stated "this makes it hard to protect the faith." *Id.*

26. Salih, *supra* note 25 (noting displacement effects on Yazidi religion); Fowler, *supra* note 3 (summarizing Yazidi flight to areas in Iraq and Syria).

27. See Salih, *supra* note 25 (considering Baba Sheikh's fear of Yazidi religion ending). As the Yazidis are forced to flee outside of Iraq, the existence of their religion is threatened. *Id.*

28. See Pizler, *supra* note 13, at 365 (explaining original Yazidi traditions regarding converts and new followers). The Yazidis have no plans to bring new followers into their faith. *Id.* The Yazidis have a high respect for all religions and expect the same in return. *Id.*

29. *Id.* (examining Yazidi beliefs towards converters as disrespectful). The Yazidi religion is one based off truth. *Id.* The Yazidis "maintain that every religion reflects a truth." *Id.* With that, the Yazidis believe, comes a respect for one's own religion and if one converts, that is disrespectful and will not be accepted in the Yazidi religion. *Id.*

30. See Simon Tomlinson & Tom McTague, 'ISIS Want to Impregnate Yazidi Women and Smash Our Bloodline': Fears Grow for the 300 Women Kidnapped from Sinjar, MAILONLINE, Aug.14, 2014, available at <http://www.dailymail.co.uk/news/article-2724658/Were-not-leaving-Yazidis-refusing-come-mountain-300-women-stolen-ISIS-impregnated-smash-blond-bloodline.html> (elucidating threat ISIS poses to Yazidi bloodline). ISIS kidnapped an estimated 300 Yazidi women with the goal to make them have a Muslim child, as stated by Chairman of the Kurdish Centre in London, Adnan Kochar. *Id.* Kochar stated that ISIS believes that "if they can't kill all Yazidis, they will try to smash the bloodline." *Id.*

31. See Salih, *supra* note 25 (noting displacement effects on Yazidi religion). As the Yazidi faith "strongly discourages" marrying outside the faith, the Yazidis flight to Europe and subsequent assimilation, places the survival of their religion in jeopardy. *Id.*

32. *Id.* (describing threat to Yazidi's existence through assimilation); Pizler, *supra* note 13, at 365 (discussing Yazidi tradition in rejecting converts).

3. *How the Yazidis Have Survived More than Seventy-Two Massacres*

Living in Kurdish territories, such as northern Iraq, the Yazidis have grown accustomed to the mountainous terrain.³³ Using their location to their advantage, the Yazidis hide in the mountains when they are under siege or attack.³⁴ This minority group has been the target of many massacres and attacks, dating back as early as the Ottoman Empire.³⁵ During the rule of the Ottoman Empire alone, the Yazidis were subject to seventy-two genocidal massacres.³⁶ Prior to the current attacks from ISIS, the Yazidis were most recently attacked in 2007 during multiple coordinated truck bombs in Iraq in which 500 Yazidi people died.³⁷

Along with utilizing the terrain, the Yazidis created strong ties with others in the region, especially the Muslim Kurds, who

33. See *supra* note 14 and accompanying text (illustrating Yazidi people located throughout Kurdish territories throughout world). See Pizler, *supra* note 13, at 366 (detailing Yazidi mountain use for survival throughout history); Fowler, *supra* note 3 (discussing Yazidi flight up Mount Sinjar during recent ISIS attacks).

34. Pizler, *supra* note 13, at 366 (demonstrating Yazidi's mountains use for shelter during attacks throughout their history). Throughout their history, the Yazidis have preferred to erect their shelter and shrines in mountainous terrain as it provided them with a "unique defense mechanism." *Id.*

35. *Id.* at 361 (reviewing attacks during Ottoman rule). Jalabi, *supra* note 1 (tracing attacks during Ottoman Empire); Tomlinson & McTague, *supra* note 30 (explaining persecution faced by Yazidis throughout their 4,000 year history).

36. Jalabi, *supra* note 1 (examining genocides Yazidis faced during Ottoman rule alone). See Tomlinson & McTague, *supra* note 30 (recounting persecution Yazidis faced throughout their history). "Successive waves of persecution – they claim to have survived 72 genocides – by the Ottoman Turkish rulers of what is now Iraq, by Saddam Hussein and now by Islamic militants, have reduced the number of Yazidis from millions to an estimated 700,000." *Id.*

37. Jalabi, *supra* note 1 (indicating 2007 car bomb attacks in which around 800 Yazidis died); Pizler, *supra* note 13, at 361-62 (outlining attacks in Sinjar during 2007); Damien Cave & James Glanz, *Toll in Iraq Bombings Is Raised to More than 500*, N.Y. TIMES, Aug. 22, 2007 (detailing 2007 attack on Yazidis resulting in large death toll). In 2007, a "series of truck bombs hit two poor villages near the Syrian border." *Id.* See Campbell Robertson, *Followers of Ancient Faith Caught in Iraq's Fault Lines*, N.Y. TIMES, Oct. 14, 2008 (highlighting 2007 truck bomb attack). The explosions from the truck bombs were so deadly that those closest vanished without a trace. *Id.* See Salih, *supra* note 25 (focusing on sanctioned Yazidi killing through truck bombs in 2007). Prior to the devastating truck bombs in 2007, an ISIS predecessor, Al Qaeda issued a "fatwa," or religious decree, ordering all followers to kill Yazidi people. *Id.* That same year, multiple coordinated truck bombs went off around known Yazidi areas, which killed 500 people and injured 1,500. *Id.* Al Qaeda carried out smaller attacks on Yazidis prior to these coordinated bombs as well, all the while denouncing them as infidels. *Id.*

provide some safety and protection.³⁸ With their strong belief in maintaining peace and respect for all religions, they have been fortunate enough to create relationships with other groups that have allowed for the maintenance of their culture.³⁹ As part of this relationship with the Muslim Kurds, they have created a “life-long obligation of mutual assistance and support.”⁴⁰ Through the combination of their relationships founded on respect and their use of the mountainous terrain, the Yazidis have been able to survive for 4000 years, despite adversities.⁴¹

B. *The History of U.S. Intervention in Humanitarian Issues Around the World*

1. *The Foreign Assistance Act of 1961*

The U.S. Department of State, the leading agency responsible for foreign conduct, maintains in its mission statement to “shape and sustain a peaceful, prosperous, just, and democratic world and foster conditions for stability and progress for the benefit of the American people and people everywhere.”⁴² To uphold this statement and aid the President in carrying out foreign policy, Congress reorganized foreign policy and passed The Foreign Assistance Act of 1961 (The Act) on September 4, 1961 to “administer long-range economic and humanitarian assistance to developing countries.”⁴³ The Act sets out the objectives

38. Pizler, *supra* note 13, at 366 (acknowledging Yazidi and Kurdish relationship which enabled Yazidis to survive). The Yazidi’s respect for all religions gave them the opportunity to create relationships with other groups of people, ensuring peace and safety. *Id.*

39. *Id.* (detailing belief in respect to all religions and relationship with Muslim Kurds).

40. *Id.* (examining Yazidi and Kurdish relationship and importance to Yazidi existence throughout history).

41. *See id.* (discussing Yazidi and Turkish relationship and terrain use to survive); *see also* Tomlinson & McTague, *supra* note 30 (explaining reduction of Yazidis from millions to 700,000 because of attacks and maintenance through bloodlines only).

42. *See* DEP’T OF STATE & U.S. AGENCY FOR DEV. (USAID), STRATEGIC PLAN FOR FISCAL YEARS 2014 TO 2017 6 (Apr. 2, 2014), <http://www.state.gov/documents/organization/223997.pdf> [hereinafter FY 2014-2017 STRATEGIC PLAN] (stating Department of State and USAID mission statement).

43. *See id.* at 6 (considering purpose of Foreign Assistance Act of 1961 (The Act)). In the same year, President John F. Kennedy established the U.S. Agency for International Development (USAID) to administer the non-economic and non-military portions of any U.S. assistance along with the Department of State. *Id.* *See also* HISTORY.COM, *Apr. 3, 1948: Truman Signs Foreign Assistance Act, COLD WAR*, <http://www.history.com/this-day-in-history/truman-signs-foreign-assistance-act> (last visited Sept. 24, 2015) (discussing Foreign Assistance Act of 1948). President Truman signed

and guidelines for U.S. foreign policy with regards to assisting other countries, especially in humanitarian crises.⁴⁴ The Act lays out the principal goals to take into consideration in the execution of any and all foreign policy.⁴⁵ Furthermore, in The Act,

the first Foreign Assistance Act, popularly known as “The Marshall Plan”, in 1948 to revitalize Western Europe after World War II. *Id.* See also U.S. AGENCY FOR INT’L DEV., A HISTORY OF FOREIGN ASSISTANCE (2002), http://pdf.usaid.gov/pdf_docs/PNACP064.pdf (providing detailed history of U.S. foreign assistance). In 1961, U.S. foreign policy was reorganized as a result of the dissatisfaction with the Foreign Assistance Act of 1948. *Id.* By 1960, the American people showed little support for the existing foreign assistance plans that were in place. *Id.* To better meet the American people’s needs, the Eisenhower Administration and Congress created a plan that would focus U.S. foreign assistance on developing nations. *Id.* President Kennedy made U.S. foreign policy a platform of his campaign, ensuring the American people that he would create a new plan. *Id.* President Kennedy justified the creation of a new program based off three theories:

(1) “America’s unprecedented response to world challenges” were largely unsatisfactory and ill-suited for the needs of the U.S. and developing countries, (2) the economic collapse of developing countries “would be disastrous to our national security, harmful to our comparative prosperity, and offensive to our conscience,” and (3) the 1960s presented an historic opportunity for industrialized nations to move less-developed nations into self-sustained economic growth.

Id. The Act created under President Kennedy resulted in two main programs:

(1) a Development Loan Fund program whose primary purpose was to “develop economic resources and increase productive capacities (i.e. a significant amount of capital infrastructure), and (2) a Development Grant Fund to focus on “assisting the development of human resources through such means as programs of technical cooperation and development” in less developed countries.

Id. The new Act places great emphasis on an effort providing long-term, country-by-country planning to “achieve economic growth and democratic, political stability in the developing world to combat both the perceived spread of ideological threats . . . and the threat of instability arising from poverty.” *Id.*

44. See generally Foreign Assistance Act of 1961, Pub. L. No. 87-195, 75 Stat. 424 (2003), available at <https://www.usaid.gov/sites/default/files/documents/1868/faa.pdf> (detailing guidelines and objectives government should carry out during foreign policy decisions). The “principal objective of the foreign policy of the U.S. is the encouragement and sustained support of the people of developing countries in their efforts to acquire knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives.” *Id.* at part 1, ch. 1, § 101.

45. *Id.* (listing goals of the Act considered during foreign policy decisions). [U.S.] development cooperation policy should emphasize five principal goals:

(1) the alleviation of the worst physical manifestations of poverty among the world’s poor majority;
 (2) the promotion of conditions enabling developing countries to achieve self-sustaining economic growth with equitable distribution of benefits;

Congress emphasizes that American ideals are best upheld in a world in which other nations uphold similar ideals and rights, and continues to affirm “traditional humanitarian ideals of the American people.”⁴⁶

The Act outlines specifically in Part II the manner in which the United States shall promote peace and security.⁴⁷ The United States shall provide military assistance and aid to areas dealing with internal and external aggression.⁴⁸ Further, The Act states that the United States shall “exert maximum efforts” to “protect complying countries against violation and invasion.”⁴⁹ The Act creates a set of guidelines for the Department of State, along with the United States Agency for International Development (USAID), and the President to follow in executing foreign policy, allowing for American ideals to be upheld while also establishing peace throughout the world.⁵⁰

-
- (3) the encouragement of development processes in which individual civil and economic rights are respected and enhanced;
 - (4) the integration of the developing countries into an open and equitable international economic system; and
 - (5) the promotion of good governance through combating corruption and improving transparency and accountability.

Id.

46. *Id.* (describing goals behind The Act to carry out humanitarian ideals of United States). Congress “renews its commitment to assist people in developing countries to eliminate hunger, poverty, illness, and ignorance.” *Id.*

47. *Id.* part II, ch. 1, § 501 (detailing when and how to carry out assistance in compliance with The Act). *See also* A HISTORY OF FOREIGN ASSISTANCE, *supra* note 43 (detailing guidelines of original Act). As it was originally enacted, The Act “contained very few restrictions on how assistance may be provided, and contained only general prescriptions on the kinds of factors to be taken into account.” *Id.* As a result, The Act was met with some resistance, specifically in 1971. *Id.* The Senate, for the first time in U.S. history, rejected a foreign aid authorization dealing with funds for fiscal years 1972 and 1973. *Id.* There was great speculation that the bill was defeated as a result of the opposition of the Vietnam War, weight on military considerations rather than aid, and the concern that this type of development aid was in fact producing few foreign policy results for the United States. *Id.* As a result, the House Committee on Foreign Affairs created a new financial management structure to The Act through the 1973 amendments, which remain today. *Id.*

48. *Id.* (explaining military assistance United States may provide). Upon request, the United States shall furnish military assistance to friendly countries and international organizations. *Id.*

49. *Id.* (considering U.S. policy regarding use of maximum effort). The violations refer to United Nations and NATO treaties discussed throughout The Act. *Id.*

50. *See generally* Foreign Assistance Act of 1961 (indicating humanitarian crises arising throughout creation of The Act and amendments). Detailed in The Act, are humanitarian issues that arose in Africa, Poland, Israel, Asia, and Afghanistan, in which the President was permitted to send supplies and troops to uphold U.S. human-

2. *Carrying Out The Act: How the United States Has Dealt with Major Foreign Issues*

The Act specifically details the manners in which the United States was to handle specific crises in such areas as Africa, Poland, Israel, Asia, Afghanistan, among many others.⁵¹ The Act provides the policy considerations behind assisting in these particular crises and detailed instructions on how to carry out such assistance.⁵² Although this may address specific instances, these are step-by-step instructions on how U.S. foreign policy is to deal with future crises of poverty, disease, and inhumane treatment of women, children, and minorities, just to name a few.⁵³ While The Act does not amend to include all U.S. intervention specifically, it lists virtually any humanitarian issue the United States will be faced with.⁵⁴ Thus, the Department of State and the President should never be at a loss for how to carry out foreign policy, given that it is listed for them in The Act.⁵⁵

While The Act lists many specific instances, it is clear that the United States has become involved in its fair share of international humanitarian conflicts, with consequences, since The Act's last amendments.⁵⁶ Each President in recent history has

itarian ideals. *Id.* Furthermore, The Act sets forth a guideline on how to deal with areas stricken by disease and poverty. *Id.* The Act also sets forth guidelines on how to deal with vulnerable groups such as the poor, women, and children. *Id.*

51. *See generally* Foreign Assistance Act of 1961 (listing previous crises and guidelines for similar future crises for presidents to follow).

52. *See generally* Foreign Assistance Act of 1961 (explaining how to deal with specific crises). For example, The Act explains how to deal with the HIV/AIDS crises in Africa. *Id.* at part I, ch. 1, § 104A. The United States, collaboration with UNICEF and other organizations, is permitted "to provide assistance for the prevention, treatment, and control of HIV/AIDS." *Id.*

53. *See supra* note 52 (noting instructions The Act lays out for HIV/AIDS crises and similar crises).

54. *See generally* Foreign Assistance Act of 1961 (providing instructions for United States to follow in humanitarian crises). The Act provides instructions for the United States in issues dealing with combating diseases such as HIV/AIDS, assisting victims of torture, eliminating trafficking, assisting certain disadvantaged children, famine prevention and freedom from hunger, integration of women, prohibiting assistance of drug traffickers, disaster relief assistance, relief and rehabilitation in countries suffering from international disasters, assisting in international terrorism, controlling international narcotics, etc. *Id.*

55. *See generally id.* (instructing President and Department of State on foreign policy).

56. *See* Micah Zenko, *The Slippery Slope of U.S. Intervention*, FOREIGN POLICY, Aug. 11, 2014, available at http://www.foreignpolicy.com/articles/2014/08/11/the_slip

had to deal with humanitarian crises and military intervention overseas.⁵⁷ In each of these instances, Presidents, along with the Department of State and USAID, have had to follow The Act and maintain American ideals and policies while carrying out foreign policy in humanitarian crises.⁵⁸

As for the Presidents who have dealt with humanitarian crises, intervention has always exceeded the intended scope and time.⁵⁹ Despite costing the United States money, time, and resources and causing much debate, U.S. intervention has had success in “saving more lives than they cost.”⁶⁰ While there have

pery_slope_of_us_intervention_iraq_islamic_state_humanitarian_intervention (discussing consequences of U.S. involvement). U.S. involvement in other countries has always taken longer, cost more, and been more dangerous than originally expected. *Id.*

57. *See id.* (recounting recent presidents’ military and humanitarian intervention in great detail). Whether it be to deal with the overthrowing of Qaddafi in Libya as Obama did, airdrops to aid displaced Kurds along the Turkish-Iraqi border as both George H.W. Bush and George W. Bush did, peacekeeping in Somalia as Bush and then Clinton did, peacekeeping in the former Yugoslavia against Serbian military as Clinton did, more Serbian missile attacks with Clinton, current Afghanistan-Iraq intervention by Obama, protecting civilians in Benghazi by Obama, each president has had to deal with humanitarian crises and military intervention. *Id.*

58. *See* HUMANRIGHTS.GOV, U.S. CONGRESS, *Foreign Assistance Act of 1961*, July 1, 2003, available at <http://www.humanrights.gov/foreign-assistance-act-of-1961.html> (stating President and his departments must uphold The Act). *See also* FY 2014-2017 STRATEGIC PLAN, *supra* note 42, at 6 (explaining creation of USAID to aid in carrying out foreign policy in humanitarian crises). *See generally* Foreign Assistance Act of 1961 (detailing U.S. foreign policy guidelines and considerations for various humanitarian crises). *See also* BARACK OBAMA, PRESIDENTIAL MEMORANDUM – DELEGATION OF AUTHORITY UNDER SECTION 506(A) (1) OF THE FOREIGN ASSISTANCE ACT OF 1961 (2014), available at <https://www.whitehouse.gov/the-press-office/2014/09/10/presidential-memorandum-delegation-authority-under-section-506a-1-foreig> [hereinafter PRESIDENTIAL MEMORANDUM] (delegating financial and military assistance to Iraq to combat ISIS). In following the Act, the President issues a Presidential Memorandum delegating the Secretary of State authority under The Act to provide financial assistance, military assistance, or both to a country meeting the criteria laid out in The Act. *Id.* Specifically, on September 10, 2014, the President issued a memorandum directing the Secretary of State to allocate “\$25 million in defense . . . military education and training to provide immediate military assistance to the Government of Iraq . . . to aid their efforts to combat the Islamic State of Iraq[.]” *Id.*

59. *See* Zenko, *supra* note 56 (discussing normality of problems with humanitarian interventions). “The expansion of humanitarian interventions – beyond what presidents initially claim will be the intended scope and time of military and diplomatic missions – is completely normal.” *Id.*

60. *Id.* (citing Taylor Sebolt, discussing U.S. intervention successes in recent history). Taylor Sebolt, of the University of Pittsburgh reviewed seventeen U.S.-led humanitarian interventions in 2008, and found that nine had succeeded in saving the lives of those they were trying to protect. *Id.*

been some successes in the history of U.S. intervention, there have also been some failures.⁶¹ Based off the history of U.S. intervention, President Obama has stated that the United States needs “to be better prepared for post-conflict rebuilding and reconstruction before authorizing an intervention.”⁶² In taking into account successes and failures of U.S. intervention, along with policies and guidelines from The Act, the President and his agencies should be able to carry out foreign policy successfully.⁶³

III. FACTS

A. *The Hunt for Yazidis: The Yazidis Attempt to Escape Yet Another Genocide by Terrorist Group ISIS*

1. *How the Yazidi's Use of Mountainous Terrain Backfired*

The Yazidis have survived numerous genocides throughout their history by utilizing their mountainous terrain as a defense against their attackers.⁶⁴ In early August of 2014, however, their usual escape plan backfired as ISIS entered their villages.⁶⁵ ISIS tore through their villages and brutally slayed at least 500 Yazidis, including forty children.⁶⁶ Fearing the same fate, the remaining Yazidis fled atop Mount Sinjar.⁶⁷

As the Yazidis fled up the mountain, they thought they were escaping execution by ISIS, but little did they know, they were entering into horrible conditions that would also tempt

61. See Frontline, A Chronology of U.S. Military Interventions from Vietnam to the Balkans, <http://www.pbs.org/wgbh/pages/frontline/shows/military/etc/cron.html> (last visited Sept. 24, 2015) (summarizing notable U.S. military interventions and consequences, both positive and negative).

62. See Zenko, *supra* note 56 (outlining President Obama's statement regarding future intervention).

63. *Id.* (recounting successes and failures of U.S. intervention); Frontline *supra* note 61 (considering successes and failures of U.S. intervention in timeline). See also FY 2014-2017 STRATEGIC PLAN, *supra* note 42, at 6 (explaining relationship between President, Department of State, and USAID and purpose). See generally Foreign Assistance Act of 1961 (laying out U.S. foreign policy guidelines and goals).

64. See *supra* Part II.A.3 and accompanying text (describing how Yazidis have survived their massacres).

65. See Jalabi, *supra* note 1 (arguing ISIS led displacement of Yazidis). The Yazidis were “forced to flee to Mount Sinjar in the Iraqi north-west region, or face slaughter by an encircling group of Islamic State (Isis) jihadists.” *Id.*

66. *Id.* (recognizing Yazidi death toll as result of ISIS attacks on village and subsequent escape attempts).

67. See *id.* (noting roughly 40,000 people on Mount Sinjar); Fowler, *supra* note 3 (stating 35,000 people fled to Mount Sinjar). Mount Sinjar is located in northern Iraq near the border of Syria where ISIS is heavily prevalent. *Id.*

their fate.⁶⁸ The Yazidis were trapped on the mountain without food, water, or shelter and suffered through blistering summer heat.⁶⁹ Many of them faced thirst, dehydration, sunstroke, heat-stroke, and even death.⁷⁰ Some Yazidis were able to escape to Kurdish Iraq, but were forced to pass through war-torn Syria first.⁷¹ While some Yazidis were temporarily able to escape ISIS, many were kidnapped as they were attempting to escape.⁷²

2. *Following the Quran According to ISIS: Why Yazidi Women Are Being Raped and Sold*

ISIS men have kidnapped hundreds of Yazidi women, believing that they are mere sex slaves and are inferior to them.⁷³ These women are being held in prisons, where they are faced with an ultimatum: convert to Islam or face horrible sexual assault daily.⁷⁴ For many this decision is impossible, as their faith requires them to marry within their religion to maintain bloodlines, therefore presenting them with the decision to either destroy an ancient religion or remain alive.⁷⁵ Those who choose to

68. See Fowler, *supra* note 3 (explaining Yazidi escape atop Mount Sinjar to avoid death by ISIS). With ISIS threats of slaughter in their mind, they escaped to Mount Sinjar facing similar fate because of the conditions. *Id.*

69. *Id.* (highlighting adversities Yazidis faced on Mount Sinjar). The Yazidis had to face temperatures as high as 40-45 Celsius daily on the mountain. *Id.*

70. *Id.* (indicating risks of illnesses Yazidis dealt with atop Mount Sinjar).

71. See *id.* (noting departure of Yazidis to Kurdish Iraq after coming down Mount Sinjar). While the goal of the Yazidis is to seek refuge with their Kurdish friends in Iraq, some have remained in Syria out of fear that ISIS will find them. *Id.*

72. See Starr et al., *supra* note 1 (discussing kidnapping of Yazidi women in Iraq); Conal Urquhart, *Iraq Crises: Isis Militants Plan to 'Marry' Captured Yazidi Women*, THE INDEPENDENT, Aug. 17, 2014 available at <http://www.independent.co.uk/news/world/middle-east/iraq-crisis-isis-militants-plan-to-marry-captured-yazidi-women-9674922.html> (providing coverage on ISIS kidnapping of Yazidi women in Sinjar).

73. See AMNESTY INT'L, *supra* note 1, at 20 (discussing ISIS view of women as inferior and spoils of war).

74. Kuruvilla, *supra* note 5 (discussing ultimatum Yazidi women are faced with).

75. See *id.* (discussing Yazidi choice to marry within religion). See Tomlinson & McTague, *supra* note 30 (analyzing Yazidi tradition to marry within religion and continue ancient bloodline). See also Leila Fadel, *For Yazidi Women, Escaping ISIS Doesn't Mean the Ordeal Is Over*, NPR (Dec. 10, 2014), <http://www.npr.org/blogs/parallels/2014/12/10/369636434/for-yazidi-women-escaping-isis-doesnt-mean-the-ordeal-is-over> (stressing turmoil Yazidi women face as they return home). The Yazidi's belief in maintaining ancient bloodlines is rooted so deeply that the women who have escaped are being subject to "virginity tests" and are being exiled from the culture if they are pregnant. *Id.* As abortion is illegal in Iraq and this culture does not allow women to bear children outside of their own, especially terrorists, these women are being faced with even more devastation after they escape ISIS. *Id.* To bear a child

convert have been either sold or handed off to ISIS leaders as wives or slaves.⁷⁶

ISIS has created a business in kidnapping these women and a system for selling off brides.⁷⁷ They are holding the women in Mosul prison, where they are tortured and raped daily.⁷⁸ For those that agree to convert, they are being separated into age groups, as young as fourteen, for the men to pick from.⁷⁹ Some of the women are simply handed over to their new husbands who promise them a beautiful life; others are sold for around USD1000, with some being sold for as little as USD25.⁸⁰

In ISIS's most recent issue of their propaganda magazine, *Dabiq*, they explain that the Yazidis are slaves and, in particular, their women are concubines.⁸¹ ISIS details in this issue that enslaving the families of non-believers, such as the Yazidis, and "taking their women as concubines is a firmly established aspect

created by rape, by a terrorist at that, is not the only problem these women face. *Id.* Once these pregnant Yazidi women return to their communities, they are ostracized. *Id.* The Yazidis strong ideals of honor and shame drive this ancient culture. *Id.* Publicly, the Yazidis will discuss the rape, but will not address the pregnant women that have returned home. *Id.* While there is no direct documentation evidencing any violence against these women, many women refuse treatment and deny their rape and pregnancy in fear that they will be ousted by their culture. *Id.*

76. Starr et al., *supra* note 1 (discussing sale of Yazidi women to ISIS leaders as wives or slaves); Urquhart, *supra* note 72 (explaining sale of Yazidi wives to ISIS men). See also *The Failed Crusade*, *DABIQ* 15-17 Oct. 12, 2014, (indicating revival of enslavement and women as concubines in compliance with Quran).

77. See *infra* notes 78-80 and accompanying text (discussing ISIS system of selling off Yazidi women).

78. Kuruvilla, *supra* note 5 (addressing location and treatment of Yazidis in Mosul's Budish prison).

79. Urquhart, *supra* note 72 (analyzing ISIS tactics to sell Yazidi women by separating them out for men to pick from).

80. *Id.* (stating promises made to Yazidi women should they become ISIS brides). Yazidi women are "promised a good life, with a house of their own" and a good Muslim husband. *Id.* See also Starr et al., *supra* note 1 (confirming from Syrian Observation for Human Rights twenty-seven women sold for USD1000); Sypher, *supra* note 5 (detailing sale price of Yazidi women as little as USD25). The Daily Beast reports that ISIS men have bought Yazidi brides for anywhere from USD25 to USD150. *Id.*

81. See *DABIQ*, *supra* note 76, at 14-17 (explaining ISIS view towards Yazidis, especially women, and revival of enslavement). In their propaganda magazine, ISIS specifically states that the Yazidis "continual existence to this day is a matter that Muslims should question as they will be asked about it on Judgment day." *Id.* at 14. ISIS believes, as stated in their publication, that the Yazidis must be captured and killed. *Id.* They further state that ISIS members should "sit in wait for them at every place of ambush." *Id.* The magazine goes on to find savior for the Yazidis stating that "if they should repent, establish prayer" they will let them go. *Id.*

of the *Shari'ah*.”⁸² Further, ISIS believes that if they do not adhere to such law they would be denying the Quran and separating themselves from Islam.⁸³ ISIS admits that “after capture, the Yazidi women and children were then divided” according to their law “amongst the fighters of the Islamic State who participated in the Sinjar operation.”⁸⁴ ISIS believes firmly that these women are happy that ISIS saved them from their culture, enslaved them, and forced them to be brides.⁸⁵

3. *The Betrayal and Abandonment the Yazidis Have Faced at the Hands of ISIS*

The Yazidis are facing displacement not only by ISIS, but also by their neighbors as well.⁸⁶ Even before ISIS called for assistance in their massacre of the Yazidi people, the Yazidi's Arab neighbors began to help.⁸⁷ Many Yazidis have spoken about the betrayal they have faced from those they had long-standing and respectful relationships with.⁸⁸ They speak about

82. *Id.* at 17 (discussing Shari'ah law and adherence to Quran and Shari'ah through enslavement). ISIS states that through great research, they have come to the conclusion that the Yazidis are considered to be non-believers and not originally of Muslim origin and as such, “their women could be enslaved.” *Id.* at 15.

83. *Id.* at 17 (stating ISIS belief in denial of Shari'ah law as abandonment of Islam). ISIS reminds its followers that “one should remember that enslaving the families” of the Yazidis and “taking their women as concubines is a firmly established aspect of the Shari'ah that if one were to deny or mock, he would be denying or mocking the verses of the Qur'an and the narrations of the Prophet, and thereby apostatizing from Islam.” *Id.*

84. *Id.* at 15 (clarifying allocation of Yazidi women to ISIS men). ISIS chose to divide the Yazidi women and children “amongst the fighters of the Islamic State who participated in the Sinjar operations.” *Id.*

85. *See id.* (detailing ISIS belief in happiness of female Yazidi converts). ISIS states that many of these women and children who have converted have “willingly accepted Islam and now race to practice it with evident sincerity after their exit from the darkness.” *Id.*

86. *See Siegel, supra* note 4 (discussing Yazidi flight to Syria out of fear of ISIS); Jalabi, *supra* note 1 (addressing Yazidi flight to Mount Sinjar to escape ISIS). *See also* Azam Ahmed, *Betrayal of Yazidis Stokes Iraqi Fears of Return to 2006 Sectarian Horrors*, N.Y. TIMES, Aug. 26, 2014 (recounting fear Yazidis and other northern Iraqis face as result of ISIS sanctioned massacres).

87. *See* Ahmed, *supra* note 86 (quoting Yazidi villager regarding Arab betrayal). Yazidi refugee, Qasim Omar, stated that “[b]efore ISIS came, the Arab villagers had already helped them.” *Id.* Omar went on to discuss his outrage and disbelief in this betrayal. *Id.* While many Yazidis have spoken about this betrayal, some have also noted the aid that their Arab allies have provided to prevent their persecution. *Id.*

88. *Id.* (pointing to betrayal some Yazidis faced by close neighbors). Mohsin Habash, a Yazidi refugee, spoke of how his family became separated, forcing some to attempt to seek refuge at Mount Sinjar, while others attempted to flee to Syria only to

the fact that their neighbors began flying the ISIS flag, driving the Yazidis out of their once peaceful villages.⁸⁹ Now, not only the Yazidis, but also many from throughout Iraq, fear they will never be able to return to their peaceful coexistence, all at the hands of ISIS and their call for war against the Yazidis.⁹⁰

Along with the betrayal the Yazidis have faced from their neighbors, an admired militia, the *peshmerga*, has also abandoned them.⁹¹ The *peshmerga* is the Kurdish government's militia.⁹² They are revered as "skilled and resolute fighters."⁹³ When ISIS entered the territory where Yazidis primarily domicile, however, the *peshmerga* fled out of fear.⁹⁴ Not only have the Yazidis been betrayed by those they once felt they had relationships with, they have been abandoned by potentially the

be stopped at ISIS run check points, and others remained at home in their villages with what they thought were trustworthy neighbors. *Id.* Habash discussed how many family members he lost at the hands of ISIS. *Id.* He also specifically spoke of the tragedy his family faced at the hands of their Arab neighbors. *Id.* As soon as ISIS entered their village, their neighbors betrayed them and handed them over to ISIS. *Id.* Habash also spoke of the Arabs he encountered along his flight that saved his life. *Id.* Another Yazidi refugee spoke of the disbelief he felt upon speaking with his best friend, an Arab, when he told them he was out "looking for Yazidis to kill." *Id.*

89. *Id.* (recalling Yazidi refugee who spoke of once trustworthy Arab neighbor flying ISIS flag). Yazidi refugees speak of seeing both the black ISIS flag and the white flag of peace being flown by their neighbors. *Id.*

90. *Id.* (noting fear of Northern Iraqis returning to sectarian horrors). Many realize that they will never be able to return to their peaceful coexistence and fear they will return to a sectarian lifestyle they faced in 2006 and 2007 when "neighbors turned against neighbors." *Id.* See also Dougherty, *supra* note 1 (observing need for more U.S. aid to help Yazidi and Christian displacement). Reverend Andrew White, who is known as "The Vicar of Baghdad" who once campaigned to keep Christians in Iraq during the turmoil, now urges them to flee as he believes there is nothing for them to come back to in Iraq now that ISIS has ravaged through, massacring the Yazidis. *Id.* See also DABIQ, *supra* note 76 (demonstrating ISIS hatred towards Yazidis). In their propaganda magazine, ISIS stated "their continual existence to this day is a matter that Muslims should question as they will be asked about it on Judgment Day" *Id.* at 14. The propaganda went on to order their killing wherever they are found unless they repent. *Id.*

91. See Ayesha Tanzeem, *American Yazidis Seek US Help for Iraqi Peers*, VOICE OF AMERICA (Aug. 13, 2014, 11:33 AM), <http://www.voanews.com/content/american-yazidis-seek-us-help-for-iraqi-peers/2411716.html> (discussing flight of *peshmerga* because of ISIS invasion).

92. *Id.* (noting strength of Kurdish military).

93. *Id.* (characterizing reputation of *peshmerga*).

94. See *id.* (illustrating ISIS threat to even most powerful in region). Sources claim that the *peshmerga* "simply left when Islamic State militants reached areas where Yazidis lived." *Id.*

only force present in the region that could have provided them with safety.⁹⁵

B. Minimal U.S. Intervention in Yazidi-ISIS Conflict

1. U.S. Aid Through Airstrikes Alone

While the Yazidis were trapped on Mount Sinjar without food, water, or shelter, President Obama authorized air strikes in which the United States provided “humanitarian aid” to the Yazidi.⁹⁶ Australia, France, and England aided in these airstrikes as well.⁹⁷ Obama further authorized airstrikes to aid the Kurdish forces attempting to rescue Yazidis and stop ISIS.⁹⁸ President Obama declared in September that the United States would participate in a “broad cooperation in the effort against the terror group.”⁹⁹ Since this promise, airstrikes have continued, and other international powers have promised to aid the United States in combating ISIS by carrying out their own airstrikes.¹⁰⁰

2. U.S. Plan for Military Aid and Current Nominal U.S. Training

In September of 2014, President Obama authorized Secretary of State John Kerry to allocate money towards military as-

95. See *supra* notes 86-90 and accompanying text (admonishing betrayal from neighboring Arabs); Tanzeem, *supra* note 91 (detailing abandonment by *peshmerga* in wake of ISIS invasion).

96. Starr et al., *supra* note 1 (observing U.S. airstrikes of humanitarian resources to help Yazidis on Mount Sinjar).

97. *Id.* (listing other international powers who contributed to airstrikes).

98. *Id.* (describing “coordinated airstrikes” against ISIS to help Kurds push forward).

99. Ashley Fantz, *Who’s Doing What in the Coalition Battle Against ISIS*, CNN WORLD (Oct. 7, 2014), http://www.cnn.com/2014/10/06/world/meast/isis-coalition-nations/index.html?iid=article_sidebar (highlighting roles international powers play in fight against ISIS).

100. *Id.* (indicating role of each international power in war on ISIS). Regional allies include Saudi Arabia, United Arab Emirates, Turkey, Egypt, Qatar, Iraqi Kurdistan, and Bahrain. *Id.* Western allies include the United Kingdom, Australia, France, Germany, Canada, and the Netherlands. *Id.* See also Botelho & Walsh, *U.S. Begins Manned Airstrikes from Turkey Targeting ISIS*, CNN WORLD (Aug. 13, 2015), <http://www.cnn.com/2015/08/12/world/us-turkey-syria-airstrikes/> (illustrating recent manned airstrikes against ISIS). On Saturday, August 15, the United States conducted its first manned airstrike against ISIS from a Turkish base. *Id.*

sistance and education to help Iraq battle ISIS.¹⁰¹ Aside from providing light arms to Kurdish forces, the United States has provided little more than airstrikes.¹⁰² President Obama approved a plan that would place 3,000 American troops on the ground to help advise and train Iraqi forces.¹⁰³ As it stands, the approved plan calls for officials to help train roughly 24,000 Iraqi troops.¹⁰⁴ Iraqi forces are planning a “major offensive” in the springtime against ISIS, with its goal being to “restore the Iraqi government’s control over major population centers in northern and western Iraq and its border with Syria by the end of 2015.”¹⁰⁵ At this time, President Obama has authorized 320 troops at the al-Asad air base in Iraq to help train Iraqi forces, but has declared that there will be no U.S. troops fighting on the ground in Iraq.¹⁰⁶

101. See PRESIDENTIAL MEMORANDUM, *supra* note 58 (discussing Presidential Memorandum President Obama issued regarding ISIS).

102. See Tanzeem, *supra* note 91 (portraying U.S. Yazidis meetings with American officials and their plea for more assistance in Iraq). The U.S. government did confirm at a meeting with Yazidis in the United States that they have provided light arms to the *peshmerga*, the Kurdish military. *Id.* Justin Logan, a director of foreign studies at the Cato Institute, stated that the “administration is hesitant about giving them heavier arms.” *Id.* According to Logan, the administration is concerned with arming “non-state groups inside of Iraq” and the influence it could have on the Kurdish government. *Id.* See Missy Ryan, *Iraq’s Kurds Appeal for New U.S. Arms to Combat Islamic State*, WASH. POST, Nov. 12, 2014 (illustrating need for heavier arms to attack ISIS). While the United States has been the forerunner in supplying arms to the Kurds, they have provided only light or medium arms, including “ammunition, automatic weapons and artillery rounds.” *Id.* The Kurds are in need for heavier arms to combat ISIS. *Id.* The Kurds plead with the United States, insisting that the fight has changed and they do not stand a chance against ISIS with the weapons provided. *Id.* See also Michael R. Gordon, *Iraq’s Leader Requests More Aid in Fight Against ISIS*, N.Y. TIMES, Dec. 3, 2014 (reviewing details of meeting of nearly sixty nations discussing ways to combat ISIS). Secretary of State John Kerry insisted that U.S.-led airstrikes have aided Iraq in slowing ISIS down. *Id.* Kerry also confirmed that air missions over Iraq have provided all aid. *Id.*

103. See *id.* (discussing approved plan to place troops in Iraq to help Iraq combat ISIS).

104. See *id.* (outlining plan to help Iraqi troops). At the meeting, Iraq’s leader called to nearly double this task force before mounting any offense against ISIS. *Id.*

105. See *id.* (indicating Iraqi plan to combat ISIS).

106. See Mark Thompson, *U.S. Troops Now Under ‘Frequent’ Attack at Iraqi Base*, TIME, Jan. 5, 2014 (discussing U.S. troops at Iraqi base and threat they face). While the President has not authorized troops on the ground in Iraq, there are troops stationed at the al-Asad base in northern Iraq training Iraqi forces. *Id.* There are roughly 2,000 U.S. soldiers currently stationed throughout Iraq and the President has dispatched another 1,000. *Id.* However, currently there are only 320 troops stationed at al-Asad air base training the Iraqi 7th Infantry Division to combat ISIS: no other U.S. soldiers are training the Iraqis. *Id.* Al-Asad air base was the second-biggest U.S.

In 2014, President Obama also authorized a program to train a group of Syrian rebels, costing USD500 million, to fight against ISIS.¹⁰⁷ The U.S. military has trained roughly fifty-four Syrian rebels at this time.¹⁰⁸ Of those fifty-four trained Syrian rebels, as of September 2015, only “four or five” of the trainees “remain in the fight against ISIS.”¹⁰⁹ In July, the trainees reentered northern Syria and were immediately ineffective in their fight.¹¹⁰ Upon reentering Syria, the trainees were attacked by the Nusra Front, the dominant Islamic terrorist group in the region.¹¹¹ This has been a major setback for this program and it is

base in Iraq during the war on Iraq. *Id.* It is located about 100 miles west of Baghdad in the Sunni-dominated Anbar province in the Syrian Desert. *Id.* See Tanzeem, *supra* note 91 (noting administration’s concerns with providing aid to Iraq). Director of foreign Studies at the Cato Institute, Justin Long, echoed the sentiment that President Obama, Secretary of State John Kerry, and Pentagon spokespeople have all been adamant about: no U.S. troops will be put on the ground in Iraq. *Id.* Long further explained that placing troops to fight in Iraq as opposed to merely provide training, is a “slippery slope” for the United States. *Id.* He went on to explain that the airstrikes protect the United States from any harm that ISIS may cause if they insert themselves on the ground in Iraq. *Id.* See also Peter Baker, Helene Cooper, & Michael R. Gordon, *Obama Looks at Adding Bases and Troops in Iraq, to Fight ISIS*, N.Y. TIMES, June 11, 2015 (explaining President Obama’s openness to new bases and troops). At this time, no proposals have been officially presented to or by President Obama, however, he has made it clear that he is open to expanding the U.S. strategy in combating ISIS. *Id.*

107. See Eric Schmitt & Ben Hubbard, *U.S. Revamping Rebel Force Fighting ISIS in Syria*, N.Y. TIMES, Sept. 6, 2015 (summarizing U.S. program to train Syrian rebels).

108. See *id.* (discussing U.S. trained Syrian rebels). The fifty-four Syrian rebels were “supplied by the Syrian Opposition group Division 30.” *Id.* Officials from the Pentagon have stated that they are still “struggling to find recruits to fight the Islamic State without also battling the forces of President Bashar al-Assad of Syria . . .” *Id.* The Syrians participating in the program are set to receive “good weapons” and a monthly salary. *Id.*

109. See *id.* (quoting General Lloyd Austin in talks with Congress). General Lloyd Austin is the commander of U.S. Central Command spearheading the war against ISIS. *Id.*

110. See *id.* (describing U.S. trained Syrian rebels). A U.S. official has stated that the moment the trainees reentered Syria, they were ineffective. *Id.* The rebels were ill-prepared and unfit to fight against the Nusra front. *Id.* Those that are part of the U.S. training program, face little screening as there are very few volunteers for the program. *Id.* “Only dozens have been approved from among the thousands who have applied.” *Id.*

111. See *id.* (illustrating attack on Syrian rebels). When the trainees reentered Iraq, they were immediately attacked by an affiliate of Al Qaeda in Syria. *Id.* The encounter between the affiliate and the U.S. trained rebels, “revealed glaring deficiencies in the” training program. *Id.* Specifically: The rebels were ill-prepared for an enemy attack and were sent back into Syria in too small numbers. They had no local support from the population and had poor intelli-

unclear if it will be able to recover with such few trainees participating.¹¹²

Early in 2015, President Obama submitted a request to Congress for Authorization for the Use of Military Force (AUMF) in combating ISIS in northern Iraq and Syria.¹¹³ Congress has yet to authorize this request.¹¹⁴ Many politicians have expressed their views that President Obama will not receive the necessary amount of votes to grant the request.¹¹⁵ Even if Congress does not grant the request, however, President Obama still has the authority to use military force in northern Iraq and Syria in combating ISIS.¹¹⁶ President Obama has further hand-se-

gence about their foes. They returned to Syria during the Eid holiday, and many were allowed to go on leave to visit relatives, some in refugee camps in Turkey – and these movements likely tipped off adversaries to their mission. Others could not return because border crossings were closed.

Id.

112. *See id.* (recognizing setback in training program). General Austin has stated that he is exploring options on how to “retool” the program and get it back on track. *Id.* Of the others still in the process of training, many have fled home or have been captured in Turkey or have joined opposing forces. *Id.*

113. *See* Jim Acosta & Jeremy Diamond, *Obama ISIS Fight Request Sent to Congress*, CNN WORLD (Feb. 12, 2015), <http://www.cnn.com/2015/02/11/politics/isis-aumf-white-house-congress/> (considering President Obama’s request to Congress and backlash); Lauren Leatherby, *Whatever Happened to the Debate over Use of Force Against ISIS?*, NPR (June 17, 2015), <http://www.npr.org/2015/06/17/415203016/whatever-happened-to-the-debate-over-use-of-force-against-isis> (detailing Authorization for the Use of Military Force (AUMF) and timeline).

114. *See* Leatherby, *supra* note 113 (indicating frustrations with AUMF). Senator Tim Kaine has stated “[i]t’s inexcusable that Congress has let 10 months of war go by without authorizing the U.S. mission against [ISIS].” *Id.*

115. *See* Scott Wong, *GOP: Obama War Request Is Dead*, THE HILL, Apr. 13, 2015, <http://thehill.com/policy/defense/238619-gop-obama-war-request-is-dead> (recounting politicians’ views regarding AUMF as dead). Majority Leader of the House, Kevin McCarthy, stated that President Obama’s AUMF is “dead.” *Id.* He further stated that he does not believe that the AUMF could receive the necessary 218 votes to pass the lower chamber. *Id.* When the AUMF was initially presented to Congress, it was “pronounced dead on arrival by Republicans and Democrats alike.” *Id.*

116. *See* Leatherby, *supra* note 113, (covering de facto war history). At this stage, President Obama has not received formal authorization from Congress to employ troops or training, yet he has. *Id.* He is not the first president to do this. *Id.* “President Clinton deployed troops to Kosovo without congressional approval.” *Id.* “President Truman initiated the Korean War without congressional approval.” *Id.* President Obama may have more authority than Clinton and Truman, primarily because of the 2001 AUMF that President Bush initiated in the wake of September 11th. *Id.* *See* Wong, *supra* note 115 (discussing authority under 2001 AUMF). The 2001 AUMF authorizes the President to carry out military airstrikes against “ISIS extremists.” *Id.* *See also* Acosta & Diamond, *supra* note 113 (acknowledging 2001 AUMF authority). President Obama’s recent AUMF “does not repeal the 2001 military force

lected a retired Marine General, John Allen, to “lead a coalition fight against” ISIS.¹¹⁷

In June of 2015, President Obama spoke about the ongoing situation with ISIS at the G7 Conference in Germany.¹¹⁸ Along with Iraqi Prime Minister Haider al-Abadi, President Obama spoke on the continuing progress, as well as setbacks, in combating ISIS.¹¹⁹ He reiterated his pledge to train and bolster Iraqi troops to fight ISIS, but noted that there is no “complete strategy” at this time to train Iraqi troops to combat ISIS.¹²⁰ President Obama was met with hostility from politicians throughout the United States for this comment, yet he concluded his remarks at the G7 Summit, stating “[a]s long (Abadi) and the government stay committed to an inclusive approach . . . I am absolutely confident that we will be successful.”¹²¹

authorization that has served as the legal justification for the military campaign against ISIS and other U.S. military efforts to combat terrorism around the world.” *Id.*

117. See Nick Gass, *Report: Retired General Tapped to Lead ISIL Fight Stepping Down*, POLITICO, Sept. 22, 2015, available at <http://www.politico.com/story/2015/09/john-allen-islamic-state-fight-stepping-down-213928> (illustrating Allen’s role and subsequent step-down). Retired Marine General John Allen reportedly stepped down only a year after being hand selected by President Obama to lead the coalition against ISIS, over frustrations with the White House that he was being micromanaged. *Id.* “Allen served as the top American commander in Afghanistan and the deputy Marine commander in Iraq’s Anbar province,” where ISIS is primarily in control. *Id.*

118. See Kevin Liptak, *Obama: No ‘Complete Strategy’ Yet on Training Iraqis*, CNN WORLD (June 9, 2015), <http://www.cnn.com/2015/06/08/politics/obama-abadi-iraq-germany-g7/> (discussing G7 conference in Germany and Obama’s remarks regarding ISIS).

119. See *id.* (focusing on talks between President Obama and Iraqi Prime Minister). President Obama stated at the conference “[t]he challenges we face continue to be significant. We have seen successes, but we have also seen setbacks.” *Id.*

120. See *id.* (providing President Obama’s remarks regarding strategy against ISIS). During final remarks at the G7 conference, President Obama stated “[w]e don’t yet have a complete strategy because it requires commitments on the part of the Iraqis.” *Id.* President Obama went on to blame “recruitment as a key stumbling block facing the central government in Iraq.” *Id.* U.S. Defense Secretary Ash Carter stated previously that the “lack of will” amongst the Iraqi military has caused setbacks in the training. *Id.* See also Jon Hilsenrath & Janet Hook, *Defense Secretary Opens Possibility to Strategy Shift on Iraq*, WALL STREET J., May 24, 2015, available at <http://www.wsj.com/articles/defense-secretary-opens-possibility-on-strategy-shift-on-iraq-1432480411> (pointing to Defense Secretary’s opinions regarding U.S. strategy against ISIS). Defense Secretary Ash has also stated that a strategy shift is necessary to defeat ISIS. *Id.*

121. See Liptak, *supra* note 118 (considering response to President Obama’s remarks). The Republican National Committee responded by saying “[w]hat has President Obama been doing for the past 10 months?” *Id.* Senate Armed Services Committee Chairman John McCain, responded that this was “alarming.” *Id.*

IV. ANALYSIS

A. *Yazidi Need for More than Just Airstrikes*1. *Increased and Immediate U.S. Military Assistance*a. *Iraq's Request for Reconstruction and Military Troops*

While the United States has provided some aid to those troubled by ISIS, it has done so primarily through airstrikes.¹²² These airstrikes provide minimal resources and allow Kurdish forces to make small gains against ISIS.¹²³ Although this is helpful, the United States is yet to combat ISIS in regards to the Yazidis specifically, allowing ISIS to continue to target the minority group.¹²⁴ The Yazidi people are in desperate need of leadership, diplomacy, and strength to keep their ancient religion alive.¹²⁵ Furthermore, the resources provided in the airstrikes are not stopping the sex trafficking and enslavement that is occurring amongst the Yazidi women and ISIS men.¹²⁶ Therefore, in order to combat ISIS, the United States must provide more than mere airstrikes to allow this ancient culture to survive.¹²⁷

122. See *supra* notes 96-100 and accompanying text (clarifying U.S. aid to those troubled by ISIS through airstrikes); Tanzeem, *supra* note 91 (discussing light arms United States provided for Kurdish troops to ward off ISIS).

123. See *supra* notes 96-100 and accompanying text (recounting airstrike operations United States carried out against ISIS and for Yazidis); Dougherty, *supra* note 1 (detailing Yazidi's need for real intervention from United States in form of diplomacy, among other things).

124. See *supra* note 96 and accompanying text (scrutinizing minimal U.S. airstrikes provided for Yazidi people); Tanzeem, *supra* note 91 (detailing light arms given to Kurdish military *peshmerga*).

125. See Taheri, *supra* note 6 (analyzing Yazidi need for more U.S. intervention). Although the airstrikes have helped the Yazidis, they are truly in need of U.S. strength and influence. *Id.* There are few, if any, powers present in the Middle East, especially in Iraq, that are capable of dealing with such a crisis that is occurring amongst the Yazidis. *Id.*

126. See *supra* Part III.A (examining Yazidi's current situation with ISIS); Dougherty, *supra* note 1 (calling attention to grave danger Yazidis confront without aid from United States). The Yazidi people are still living in fear of their lives, hiding in mountains and dangerous terrain from ISIS militants ready to massacre them or kidnap the women as sex slaves. *Id.*

127. See Taheri, *supra* note 6 (discussing need for more than just airstrikes from United States). U.S. troops on the ground or drone strikes are not the only way that the United States may be able to aid the Yazidi people and prevent their extinction. *Id.* As one of, if not the most, powerful countries in the world, the United States is capable of creating a system of government, persuading allies to intervene, supplying weapons and necessities, and even helping persuade the people of Iraq to coexist and create a unified system of government. *Id.* See Tanzeem, *supra* note 91 (relating arms

In a meeting of nearly sixty countries, the Prime Minister of Iraq, Haider al-Abadi, pled for help in the form of military training and reconstructing the towns devastated as a result of ISIS.¹²⁸ While President Obama has already authorized the spending of USD25 million in order to train and educate military troops in Iraq and has a plan set in place to discharge 3,000 U.S. troops, Prime Minister Abadi plead for more.¹²⁹ Not only does he ask for more military assistance, he asks for immediate assistance.¹³⁰ Prime Minister Abadi expressed his fears that his people will be displaced through the winter if the towns are not reconstructed and humanitarian aid is not provided.¹³¹ U.S. Secretary of State John Kerry agreed, asserting that merely reclaiming a town will do no good, if the town cannot be rebuilt to put the people back in it.¹³² While this request for additional aid is not directly on behalf of the Yazidi people and their predicament, the immediate reconstruction and assistance would di-

provided to Kurdish forces and concern of slippery slope). Giving Kurdish, or any other Iraqi troops, heavy weaponry is a grave concern for the United States as it is a slippery slope and may lead to even more chaos. *Id.*

128. See Gordon, *supra* note 102 (describing multi-nation meeting regarding ISIS situation in Iraq). Secretary of State John Kerry responded to Mr. Abadi's request for reconstruction with hopes that other "oil-rich Arab states might bear most of the cost." *Id.* He went on to state that the United States should contribute to the reconstruction because it is part of our nation's foreign policy. *Id.* However, it is clear through his statements that he hopes others will bear the brunt of the cost. *Id.*

129. See *supra* notes 101-106 and accompanying text (spelling out President Obama's plan to train Iraqi soldiers and current number of U.S. troops in Iraq); Gordon, *supra* note 102 (discussing Iraqi Prime Minister's plea for more military assistance immediately). Mr. Abadi has confirmed that he has already sent a request to NATO for "defense capacity building support." *Id.* NATO officials have responded saying that the request would need to be reviewed and any efforts provided would have to be "complementary to the considerable efforts already undertaken by the U.S.-led coalition and individual NATO allies." *Id.*

130. See Gordon, *supra* note 102 (indicating Iraqi Prime Minister's immediate concern for his people and request for assistance). During his meetings, Prime Minister Abadi has expressed a "pressing need" for assistance in reconstruction and also humanitarian aid, so that those displaced by ISIS may be able to survive the winter. *Id.*

131. See *supra* note 130 (discussing Iraqi need for immediate assistance for displaced civilians in face of winter).

132. See Gordon, *supra* note 102 (specifying Iraqi Prime Minister Abadi's request for more than military aid). Secretary Kerry stated in meetings with American and other officials: "[i]t won't do any good, obviously, if you simply reclaim a town and the folks in that town have worse or less opportunities than they may have had before and life is even harder." *Id.* Given Kerry's sentiments, it would seem as though the Obama Administration understands that more than mere military training and airstrikes will be necessary to aid the people of Iraq. *Id.*

rectly benefit the Yazidi because ISIS has ravaged through all of their villages and left them with nowhere to go in Iraq.¹³³

During the G7 Conference in Germany, President Obama spoke about the current situation in Iraq with regards to ISIS.¹³⁴ Although it had been about a year since ISIS became a major threat, especially in regards to the Yazidis, President Obama stated “[w]e don’t yet have a complete strategy” to train Iraqi forces to combat ISIS.¹³⁵ The Defense Secretary expressed similar views that a strategy shift is needed to better combat ISIS in Iraq.¹³⁶ President Obama spoke alongside Iraqi Prime Minister Haider al-Abadi at the Conference, echoing his promise to provide training for Iraqi forces.¹³⁷ He stopped, however, at pledging an increase in heavier arms, as the Iraqi Prime Minister has pleaded for multiple times.¹³⁸

President Obama has “tasked his national security team with continually assessing the mission against ISIS.”¹³⁹ He has tasked John Allen, a retired Marine General, to lead the fight against ISIS.¹⁴⁰ Allen has recently resigned, however, from his position, reportedly over his “frustration” with the White House

133. See *supra* note 86 and accompanying text (noting overwhelming displacement of Yazidis due to ISIS destroying their villages).

134. See Liptak, *supra* note 118 (describing G7 Conference and President Obama’s comments regarding ISIS).

135. See *id.* (indicating President Obama’s remarks regarding strategy). President Obama made comments that there is no “complete strategy” in place yet but he would “share a final training plan for the Iraq military with the American people as soon as his military brass comes up with one.” *Id.*

136. See Hilsenrath & Hook, *supra* note 120 (discussing Defense Secretary’s opinions regarding U.S. strategy against ISIS). Critics and allies alike have called for a strategy shift regarding U.S. strategy towards ISIS. *Id.* Specifically, people are calling for “[m]ore aggressively arming Sunni tribes and *peshmerga* forces who oppose Islamic State” *Id.*

137. See Liptak, *supra* note 118 (detailing President Obama’s talks with Iraqi Prime Minister).

138. See *id.* (illustrating President Obama’s hesitations regarding heavier arms in Iraq). See also Gordon, *supra* note 102 (detailing Iraqi Prime Minister’s repeated requests for heavier arms from United States).

139. See Liptak, *supra* note 118 (considering President Obama’s statements at G7 conference regarding ISIS). President Obama did not announce any new lethal aid and remained vague on U.S. strategy in Iraq, instead insisting that his national security team was assessing the situation. *Id.*

140. See Gass, *supra* note 117 (reviewing President Obama’s chosen leader regarding fight against ISIS). In 2014, President Obama personally selected Retired Marine General John Allen to lead the coalition fight against ISIS. *Id.*

and the differing opinions on approaching ISIS.¹⁴¹ Politicians in Congress have echoed Allen's frustrations, especially in regards to the AUMF President Obama submitted, and have made it perfectly clear that his request will not be granted.¹⁴² Many call for a request granting the United States broader terms and fewer limitations.¹⁴³

b. Slippery Slope in Providing Arms and Troops to Iraq

During the peak of the situation in Iraq, the Obama administration confirmed that it had begun providing "light weapons to the *peshmerga*."¹⁴⁴ While many call for the United States to provide heavier arms, the administration fears that the already

141. See *id.* (reviewing Allen's recent resignation). Retired General John Allen recently announced that he would leave his position as leader of coalition against ISIS in early November. *Id.* No official announcement has been made, however, reports cite at least four administration officials confirming his resignation. *Id.* "Allen's decision to leave comes a little more than a year after the Obama administration selected him to coordinate the global effort against the terrorist group." *Id.* Allen is reportedly frustrated with the White House and its micromanaging and "failure to provide enough resources." *Id.* Sources have also stated that his wife's health has been a reason for his resignation as well. *Id.* See Wong, *supra* note 115 (discussing majority House Leader's opinion regarding AUMF). Majority House Leader, Kevin McCarthy, stated that he does not believe the President will be able to receive the requisite amount of votes to pass the AUMF. *Id.* In response to McCarthy's statements, strongly in opposition of the AUMF, it is "unlikely that Obama's war powers measure will even get a vote on the House floor." *Id.*

142. See Wong, *supra* note 115 (delineating politicians' frustrations with President Obama's AUMF). "Republican hawks argued that language restricting 'enduring offensive ground combat operations' could tie the hands of military commanders. Liberals griped that language could lead to an open-ended ground presence in Middle East once again." *Id.* See also Acosta & Diamond, *supra* note 113 (weighing response to President Obama's AUMF). According to the text of President Obama's AUMF, "the joint resolution would limit the President's authority to wage a military campaign against ISIS to three years and does not authorize 'enduring offensive ground combat operations.'" *Id.*

143. See Acosta & Diamond, *supra* note 113 (discussing opposition to President's AUMF because limits United States strategy). House Speaker John Boehner stated that in order to defeat ISIS "we need a comprehensive military strategy and a robust authorization, not one that limits our options." *Id.* He went on to say that any AUMF that gets passed "must give our military commanders the flexibility and authorities they need to succeed and protect our people . . ." *Id.*

144. See Tanzeem, *supra* note 91 (addressing light arms United States has provided to *peshmerga*); Ryan, *supra* note 102 (detailing arms provided to Kurds to fight ISIS). Currently, the Kurds have received light and medium arms from the United States, which include "ammunition, automatic weapons, and artillery rounds." *Id.* They have asked the Pentagon for "armored vehicles and technology to counter improvised explosive devices, such as bomb-defusing robots," as well as heavier arms in order to stand a chance against ISIS. *Id.*

unstable government will suffer and devastation will occur.¹⁴⁵ The administration and various government officials, including Secretary of State John Kerry, have expressed their concern for the situation regarding the displacement and safety of minorities in Iraq and confirm that they are “constantly assessing the situation and adjusting its response.”¹⁴⁶ Their assessment, however, will most surely not include placing U.S. troops on the ground in northern Iraq.¹⁴⁷ All government officials view the discharge of U.S. troops on the ground in Iraq as a “slippery slope.”¹⁴⁸ The fear is that once troops are on the ground, greater entanglement occurs and U.S. troops could be injured or killed.¹⁴⁹

2. Diplomatic Intervention

While Iraqi Prime Minister Abadi calls for immediate and increased military intervention, many people fighting for the Yazidis in the United States and abroad call for a different sort of aid from the United States: diplomacy.¹⁵⁰ While the need for

145. See Tanzeem, *supra* note 91 (noting concern in providing heavier arms to Kurds in fear of their already weak infrastructure will collapse). The Administration worries “about arming non-state groups inside of Iraq and the influence that could have on the viability of the central government that has already taken a beating in recent weeks,” said Director of foreign studies at the Cato Institute, Justin Logan. *Id.* The government in the region is “semi-autonomous.” *Id.* The Kurds have adamantly expressed their desire to be independent from Iraq and in doing so have created a partially self-governing government located in Irbil. *Id.*

146. See *id.* (providing U.S. government’s view on minorities’ situation in northern Iraq and assurance).

147. See *id.* (detailing adamancy of U.S. government in not placing troops in northern Iraq). “Obama, Secretary of State John Kerry, [and] Pentagon spokespeople” are all quite clear about one thing: “not putting American troops back on the ground in Iraq.” *Id.*

148. See Tanzeem, *supra* note 91 (recognizing “slippery slope” of placing U.S. troops on ground in Iraq); Zenko, *supra* note 56 (discussing “slippery slope” of discharging U.S. troops in Iraq). When the United States chooses to discharge U.S. troops on the ground, “it does not have control over the decline of slipperiness of that slope.” *Id.*

149. See *id.* (highlighting U.S. government’s fear of entanglement in placing troops on ground in Iraq). At this time, the U.S. government feels safest in remaining in the air, where they are insulated from most risks. *Id.*

150. See *supra* Part IV.A.1 (discussing Iraqi Prime Minister request for immediate assistance to help displaced Iraqis); see also Dougherty, *supra* note 1 (illustrating Yazidi need for real diplomacy and humanitarian aid); Tanzeem, *supra* note 91 (describing requests of Yazidis living in America to find way to protect Yazidis in Iraq); Fadel, *supra* note 75 (recognizing need for aid regarding women who escaped ISIS but now face trouble with Yazidi culture); Taheri, *supra* note 6 (listing requests from Iraqi leaders for United States in form of diplomatic intervention).

military assistance is recognized and justified, many call for U.S. diplomacy instead.¹⁵¹ Many Iraqi leaders have called for the cooperation of various sects throughout the region to rally against ISIS and provide peace.¹⁵² These leaders are hopeful that, as the only power capable of providing the leadership necessary for stability in Iraq, the United States will assume an active role and, among other requests, “help persuade the factions to speed up the formation of a government.”¹⁵³ If the sects are able to come together and form a cohesive government, with the diplomatic assistance and leadership of the United States, ISIS may be pushed out and stability may return to Iraq; both of which would end the devastation to the Yazidis.¹⁵⁴

Some also believe that the United States is partly to blame when it comes to the current crisis in Iraq.¹⁵⁵ The U.S.-led invasion of Iraq, some believe, led to a “power vacuum that has been filled by totalitarian Islamists.”¹⁵⁶ These “totalitarian Islamists” have preyed on the minorities, tortured them, and

151. See Taheri, *supra* note 6 (acknowledging need for U.S. diplomacy over military assistance in wake of Yazidi crisis). While the airstrikes and military training are helpful in this situation, what is needed more than “American muscle” is serious American diplomacy. *Id.* Iraqi leaders ask that the United States appoint a senior political and/or military coordinator, urge the factions to create a government as quickly as possible, persuade the Arab Sunni to end aid to ISIS “in exchange for a US commitment to help reconciliation in Iraq,” persuade the Kurds to hold off on their plans for independence until after ISIS is defeated, and lastly, supply weapons to fight ISIS. *Id.*

152. See *id.* (detailing Iraqi leaders calls for peace and cooperation amongst sects throughout region).

153. See *id.* (noting Iraqi leaders plea for United States to assume an active role in crisis). Iraqi leaders across the entire region are calling for a number of things that they believe only the United States is capable of achieving. *Id.* They hope that the United States will be able to “send a strong message of support for Iraq’s democratic process by appointing a senior political/military coordinator for the duration of the current crisis.” *Id.* They also believe that “the U.S. still has the clout to persuade Arab Sunni allies to end all aid to Daesh [ISIS] in exchange for a U.S. commitment to help reconciliation in Iraq.” *Id.* They also hold that “America is also the only power that can persuade the Kurds to put plans for an independence referendum on hold until Daesh [ISIS] is destroyed.” *Id.*

154. See *id.* (focusing on Iraqi leaders’ hopes for United States as active player in restoring peace in Iraq); *supra* Parts III.A.1-3 (discussing devastation Yazidis have faced at hands of ISIS militants).

155. See Dougherty, *supra* note 1 (discussing U.S. responsibility for situation in Iraq).

156. See *id.* (detailing mess left behind by Iraq War after U.S.-led invasions). The United States had a goal of democracy for Iraq when it invaded. *Id.* When the United States retreated from Iraq, it left the region and the people in a state of turmoil with fanatical extremists on top and minorities suffering extreme hardship. *Id.*

forced them into sex slavery, conversion, exile, and even death.¹⁵⁷ In order to take some responsibility, the United States should provide minorities in Iraq with “real diplomatic, financial, and humanitarian aid.”¹⁵⁸ ISIS may be stopped, but with the aid of the United States, the defeat may be more immediate and cost-effective.¹⁵⁹

B. Need for Long-Term Aid: Yazidis of the United States Beg for the Safety of Their People

Yazidis living in the United States have demonstrated and chanted outside of the White House in hopes of gaining recognition and bringing peace and safety to their family members and fellow Yazidis in Iraq.¹⁶⁰ Groups of Yazidis living in the United States have met with representatives from the White House, State Department, and USAID in hopes of prompting the U.S. government to provide both immediate and long-term aid to the Yazidis displaced in Iraq.¹⁶¹ While the Yazidis in the United

157. *See id.* (illustrating despair and turmoil minorities face in Iraq and hands of “totalitarian Islamists”). The Yazidis have faced all of these forms of abuse at the hands of ISIS and will continue to do so unless the United States gets involved and utilizes its diplomatic expertise. *Id.*

158. *See id.* (commenting on need for diplomacy as only real way to aid these minorities). Not only will U.S.-led diplomacy aid the Yazidis, it is the responsibility of the United States after the damage it left behind in Iraq. *Id.*

159. *See* Taheri, *supra* note 6 (contemplating possibility of faster and cheaper defeat of ISIS with U.S. intervention).

160. *See* Tanzeem, *supra* note 91 (discussing Yazidis in America and their plans to help those still in Iraq). The Yazidis held a demonstration outside of the White House in which they chanted their thanks to the United States for the airstrikes against ISIS and the aid provided to their people on Mount Sinjar. *Id.* While they chanted their profound thanks they also chanted something more resonating: “USA do more . . . Save minorities.” *Id.*

161. *See id.* (reviewing meetings between Yazidis in United States and various U.S. officials regarding Yazidis in Iraq). The Yazidis have had several small meetings with White House officials, the State Department, and the U.S. Agency for International Development. *Id.* Yazidis came from across the country, including: Washington D.C. area, Arizona, Nebraska, and Texas. *Id.* During these meetings, they have asked for military assistance in the form of airstrikes to both attack and deliver humanitarian aids and also long-term aid in the form of the creation of a plan so that the United States or the United Nations will always protect the Yazidis. *Id.* One Yazidi at the meeting, Dakhil Shammo Elias from just outside of Mosul, where ISIS has taken control, has been happy to report that through the U.S.-led efforts some of the Yazidis have come out of hiding and been able to return home. *Id.* However, Elias has reported that Yazidis with children live in greater fear and will not return to their villages. Tanzeem, *supra* note 91 (pointing to Yazidi fear of returning home). Elias confirms that their fear is based on the kidnapping, enslavement, and rape that ISIS militants have carried out against Yazidi women. *Id.* Elias stated that there were

States have shown their appreciation for the U.S.-led airstrikes through their meetings and demonstrations, they plead for more from the U.S. government.¹⁶² They ask for a long term solution to keep their families safe through the formation of an organized plan in which the Yazidis will have the protection of the United States, United Nations, and other powers in the future to avoid any further attacks.¹⁶³ Their highest priority right now is the safety of their families and fellow Yazidis remaining in Iraq and to look for a way for a strong nation such as the United States to get involved and provide long term safety for these people.¹⁶⁴

C. *Keeping in Line with U.S. Foreign Policy*

1. *Refugee Relief Assistance*

President Obama has already begun to utilize The Act, as seen in his Presidential Memorandum in which he authorized the spending of millions to train and provide military education to Iraq.¹⁶⁵ President Obama authorized the use of such funds

even reports that a market was set up in ISIS controlled Tel Afar in which Yazidi women have been sold. *Id.*

162. *See supra* note 160 (discussing Yazidi chanting in United States both in appreciation and in despair).

163. *See* Tanzeem, *supra* note 91 (stressing U.S. Yazidis' hope for long-term aid for Iraqi Yazidis). The Yazidis in the United States have pleaded for long-term aid for the Yazidis in the form of protection by the United States, United Nations, or some other powerful entity. *Id.* These people hope that if any other crisis occurs that threatens the Yazidi's existence again, there will be a plan in place in which protection and safety will be provided. *Id.* The Yazidis in the United States have been happy to hear talks about setting up U.S.-led refugee camps in nearby countries with the assistance from allies of the United States. *Id.*

164. *See id.* (emphasizing U.S. Yazidi hopes for safety for their people immediately and long-term). Currently, the Yazidis in the United States have expressed hope and appreciation for the steps the United States has taken to do more long-term for the Yazidis: setting up camps, communicating with allies, and providing humanitarian aid. *Id.* Elias stated that he and the other Yazidis understood from President Obama that he would not stop until the Yazidis in Iraq were safe and that he was committed to helping. *Id.* Elias and the other Yazidis expressed hope for the future but despair regarding those still in Iraq, stating that the Yazidis have lost all trust. *Id.* Their one goal is safety and through their meetings they have been promised that immediately and long-term, and are hopeful that it will pan out. *Id.*

165. *See* PRESIDENTIAL MEMORANDUM, *supra* note 58 (presenting President Obama's authorization to provide aid to northern Iraq to stop ISIS). On September 10, 2014, the President issued a memorandum directing the Secretary of State to allocate "\$25 million [USD] in defense and military education and training to provide immediate military assistance to the Government of Iraq" and "to aid their efforts to combat the Islamic State of Iraq." *Id.*

and training under section 506(a)(1) of The Act.¹⁶⁶ While this Memorandum authorized the use of funds for military purposes, President Obama could utilize other sections of The Act, in order to specifically deal with the humanitarian crisis occurring amongst the minorities in Iraq.¹⁶⁷

President Obama could provide assistance that would help the Yazidi specifically under sections 491-93 of The Act, which have been referred to as “Refugee Relief Assistance,” among other names.¹⁶⁸ Sections 491-93 of The Act authorize the President to aid those suffering from international disasters, whether they are natural or manmade.¹⁶⁹ These sections were utilized in

166. See Foreign Assistance Act of 1961 § 506 (illustrating section’s requirements and President’s authority). Section 506 entitled “Special Authority,” part (a)(1) states:

If the President determines and reports to the Congress in accordance with section 652 of this Act that –

(A) an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization; and
(B) the emergency requirement cannot be met under the authority of the Arms Export Control Act or any other law except this section; he may direct, for purposes of this part, the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not to exceed \$100,000,000 in any fiscal year.

Id.

167. See *infra* notes 169-172 (suggesting potential use of sections 491-93 of The Act in order to help Yazidis).

168. See *infra* notes 169-172 (indicating sections of The Act which may aid in current situation); Foreign Assistance Act of 1961 § 491 n.554 (describing section of The Act as Refugee Relief Assistance); see also Foreign Assistance Act of 1961 § 492 n.559 (discussing other names used when appropriating funds). Funds have also been appropriated under these sections of The Act under the headings: “International Disaster Assistance,” “U.S. Emergency Refugee and Migration Assistance Fund,” “Non-proliferation, Anti-Terrorism, Demining and Related Programs,” “Peacekeeping Operations,” and “Iraq Relief and Reconstruction Fund.” *Id.*

169. See Foreign Assistance Act of 1961 §§ 491-493 (authorizing President to provide aid in any “natural and manmade disasters.”). Section 491 states:

(a) The Congress, recognizing that prompt U.S. assistance to alleviate human suffering caused by natural and manmade disasters is an important expression of the humanitarian concern and tradition of the people of the U.S., affirms the willingness of the U.S. to provide assistance for the relief and rehabilitation of people and countries affected by such disasters.

(b) Subject to the limitations in section 492, and notwithstanding any other provision of this or any other Act, the President is authorized to furnish assistance to any foreign country, international organization, or private voluntary organization, on such terms and conditions as he may determine, for international disaster relief and rehabilitation, in-

1972, to provide relief and humanitarian aid for refugees in East Pakistan, and the same may be done today.¹⁷⁰ Should the President utilize such sections, he may appropriate such funds deemed suitable in the fiscal year and up to USD50 million in order to provide humanitarian assistance.¹⁷¹ The President is also authorized to “appoint a Special Coordinator for International Disaster Assistance” who would “promote maximum effectiveness and coordination” between those affected and U.S. agencies.¹⁷²

2. *Repeating History: Humanitarian Involvement Will Cost the United States*

Throughout U.S. history, the United States has involved itself in quite a few international humanitarian conflicts, all with their own consequences affecting the United States.¹⁷³ Each time the President has made a decision to aid another country, the United States has exceeded the original timeframe, budget, and resources allocated.¹⁷⁴ This time will be no different and

cluding assistance relating to disaster preparedness, and to the prediction of, and contingency planning for, natural disasters abroad.

(c) In carrying out the provisions of this section the President shall insure that the assistance provided by the U.S. shall, to the greatest extent possible, reach those most in need of relief and rehabilitation as a result of natural and manmade disasters.

Id.

170. *See id.* at n.554 (explaining authorization of money and resources to aid refugees in 1972 under § 491 of The Act). In 1972, the President was authorized, under section 491, to appropriate USD250 million to provide assistance “for the relief and rehabilitation of refugees from East Pakistan and for humanitarian relief in East Pakistan.” *Id.* This became known as “Refugee Relief Assistance.” *Id.*

171. *See id.* § 492 (allowing President to appropriate funds to assist in rehabilitating people after international disasters).

172. *See id.* § 493 (considering Special Coordinator President may appoint and responsibilities). The Special Coordinator is responsible for providing maximum efforts and cooperation and also for creating and updating any contingency plans for disaster relief. *Id.*

173. *See* Zenko, *supra* note 56 (reviewing prior U.S. involvement in humanitarian conflicts and consequences). The United States has involved itself in conflicts from Libya to Yugoslavia, each time spending more time, money, and resources than originally predicted. *Id.*

174. *See id.* (discussing U.S. involvement of recent presidents in great detail and consequences). U.S. involvement in other countries has always taken longer, cost more, and been more dangerous than originally expected. *Id.* From just the early nineties alone, U.S. presidents have had little success in humanitarian intervention in Libya, Somalia, Bosnia, Croatia, and Serbia. *Id.* *But see* Frontline, *supra* note 61 (comparing both successes and failures of U.S.-led intervention). While there have

already has begun to prove so.¹⁷⁵ In order to avoid repeating history, the U.S. government needs an extensive plan in which some end date and end goals are articulated so it is clear when the United States should leave Iraq.¹⁷⁶

D. Recommendations for U.S. Involvement in Northern Iraq to Save the Yazidis

1. Utilize The Act to Provide Humanitarian Aid

Although the President has already utilized The Act to some extent, there are other provisions which would allow for more aid that would specifically save the Yazidi people.¹⁷⁷ If the President does not begin to utilize such sections and employ humanitarian aid, the entire Yazidi culture may become extinct.¹⁷⁸ As has been done before in Iraq and other places throughout the world, the President may appropriate funds, coordinators, and most importantly relief for these people suffering from the manmade disaster that is ISIS.¹⁷⁹

In utilizing his scheme made with his constituents and in following The Act, the President may save one of northern

been failures in Vietnam, Iran, Beirut, Panama, and Somalia, the U.S.-led Persian Gulf War, specifically Operation Desert Storm, proved to be a success. *Id.* During 1990 and 1991, in order to force Iraq out of Kuwait, President George Bush deployed more than 500,000 U.S. personnel to the Persian Gulf through a coalition formed with allies. *Id.* Operation Desert Storm set a new standard for U.S. intervention, proving that while an overwhelming amount of force was involved, it proved to achieve all necessary objectives. *Id.* The United States maintained support at home and amongst allies throughout, validating the choices made by the U.S. officials at the time. *Id.* Therefore, while most U.S.-led intervention has ended in failure, there has been some success throughout U.S. history, recently in the Persian Gulf War. *Id.*

175. *See id.* (indicating dangers of entering into Iraq and repeating past regarding humanitarian involvement). When the United States began its airstrikes, President George H.W. Bush stated that the United States would have presence in Iraq for “days, not weeks or months.” *Id.* The former President is already wrong. *Id.*

176. *See id.* (demonstrating necessity of strategy in order to achieve some end results in Iraq). The United States needs a plan establishing end goals to ensure that they do not become too heavily involved and overuse resources. *Id.*

177. *See supra* Part IV.C.1 (detailing President Obama’s use of The Act and potential future uses). While President Obama has already utilized The Act in authorizing the use of military forces, other sections of The Act, specifically sections 491-493, would allow for President Obama to authorize assistance in dealing with civilians, specifically the Yazidis, as they are casualties of a manmade international disaster. *Id.*

178. *See supra* Part II.A and accompanying text (summarizing past Yazidi genocides and threat to culture today).

179. *See supra* Part IV.C.1 and accompanying text (considering present ability and prior use of The Act to deal with humanitarian crises).

Iraq's oldest minority groups from extinction at the hands of ISIS.¹⁸⁰ The United States is one of, if not the only power capable of handling such a task and if they do not act soon, it may be too late.¹⁸¹ The Yazidis have already faced such unbelievable hardship and without the help of the United States, they will continue to face such hardship until they are no more.¹⁸²

2. *Create a Comprehensive Scheme Before Entering*

Before the President authorizes any U.S. troops on the ground or any further military training or even humanitarian aid, a comprehensive scheme should be put into place.¹⁸³ The President, along with USAID and other agencies, in following The Act, should create an all-inclusive plan laying out end goals for northern Iraq.¹⁸⁴ Upon such point that northern Iraq reaches said goals, the U.S. government will know that it is appropriate to remove all forces in northern Iraq.¹⁸⁵ If the President does this before entering too deeply into Iraq, time, money, and lives may be saved, both for the United States and the Yazidi.¹⁸⁶

180. See *supra* Part IV.C.1 and accompanying text (highlighting ability for President Obama to rehabilitate Yazidis in accordance with The Act); Part III.A (detailing threat Yazidis have faced at hands of ISIS).

181. See Taheri, *supra* note 6 (noting fact of United States as only power capable of aiding northern Iraq). The United States may be seen as the only power capable of uniting the sects and establishing order amongst northern Iraq as it “still enjoys a reservoir of goodwill with all Iraqi communities.” *Id.* Therefore, it would be wise for the United States to assume an active role in the current crisis. *Id.* The United States has the clout to urge the factions to create a new government quickly, “especially now that even Iran has indicated readiness to accept a compromise.” *Id.* Furthermore, the United States has the clout to persuade the Arab Sunni to cease aid to ISIS in exchange for a U.S. commitment to carry out reconciliation in Iraq. *Id.* “America is also the only power that can persuade the Kurds to put plans for an independence referendum on hold until [ISIS] is destroyed.” *Id.* ISIS may be stopped, but their defeat may be more imminent with U.S. support. *Id.*

182. See *supra* Part III.A (articulating current devastation Yazidis face at hands of ISIS and will continue to without U.S. aid).

183. See *supra* note 176 and accompanying text (portraying importance of setting plan in place to deal with situation to avoid chaos). The United States should set a plan in place in order to avoid repeating past mistakes where time, money, resources, and lives were lost. *Id.*

184. See Zenko, *supra* note 56 (showing need for plan to avoid consequences). The United States should establish an “articulated end state” in their comprehensive strategy before entering Iraq. *Id.*

185. See *id.* (contending importance of plan before entering Iraq).

186. See *id.* (discussing resources potentially lost should United States become too involved with Iraq). It has been predicted that should the United States become

Their scheme should include establishing a democratic government, combating ISIS, continued training, aid for the women who have escaped from ISIS, and persuading the various sects to coexist once again.¹⁸⁷ U.S. troops on the ground, fighting for northern Iraq may not be the answer, but training and providing weapons may be.¹⁸⁸ Although providing heavier arms is a concern for the United States, it may be what is necessary in order to combat ISIS.¹⁸⁹ The President and his officials must sit down, examine all that has occurred in the past, determine the future goals for the United States and Iraq, and create a comprehensive plan that will benefit all, especially the Yazidis.¹⁹⁰ They must focus on the fact that in order to save the Yazidis, ISIS must be stopped and diplomacy must be employed.¹⁹¹ The

involved with the situation in northern Iraq, it will be “messier, longer, and more expensive than Washington wants to admit.” *Id.* Based off U.S. history, U.S. involvement in northern Iraq will be costly to the United States and there will be long-term consequences that most U.S. officials have yet to embrace. *Id.*

187. *See* Taheri, *supra* note 6 (explaining goals of Iraqi leaders including democratic government and persuading sects to coexist); Fadel, *supra* note 75 (arguing for Yazidi women’s need for aid once they escape from ISIS). The Yazidi women who have escaped ISIS and continue to do so need aid and rehabilitation. *Id.* The women are escaping to a society where they are no longer welcome, as Iraq does not allow abortions and Yazidis refuse the return of impure women. *Id.* The Yazidis will not allow the women who have been through a nightmare to return if they have been impregnated by terrorists and will not pass “virginity tests.” *Id.* The Yazidi culture holds so strongly their belief in maintaining ancient bloodlines, that any impregnation outside of their culture, even the cruelty that these women have faced at the hands of ISIS, is grounds for exile. *Id.* These women are traumatized by the events that ISIS has put them through and are returning home to even more traumatization. *Id.* Therefore, even if the United States steps in and stops ISIS, the aftermath these women will face is something that should be dealt with. *Id.* The Yazidi leaders are uncomfortable discussing the topic of rape and the return of these women, and therefore are not establishing a plan for their return to the community. *Id.*

188. *See* Tanzeem, *supra* note 91 (highlighting slippery slope of providing arms to forces and troops in Iraq); Gordon, *supra* note 102 (maintaining need for U.S. military training in Iraq).

189. *See* Tanzeem, *supra* note 91 (considering Yazidi’s plea for more regarding safety in Iraq and concern for slippery slope regarding arms). While the Yazidis present in the United States plea for the United States to provide greater immediate and long-term safety to the Yazidis in Iraq, President Obama, his administration, and other officials express grave concerns in providing any more than they have already provided to forces in Iraq in fear of destabilizing an already weak government. *Id.*

190. *See* Zenko, *supra* note 56 (setting forth need for comprehensive plan in dealing with U.S. involvement in Iraq).

191. *See supra* Part III.A (observing horrific events Yazidis have faced at hands of ISIS). ISIS has ravaged through their villages, displaced them, raped and sold their women, and killed them. *See supra* Part III.A. Without the aid of the United States, the Yazidis have no chance in surviving the threat ISIS poses. *See supra* Part III.A;

United States is the only power capable of providing aid, resources, and leadership necessary to stop ISIS and save the Yazidis in a cost-effective and timely manner.¹⁹²

In order for such a scheme to be effective, the President, his agencies, hand chosen leaders, and Congress must all work together to create a uniform approach that all publicly support.¹⁹³ At this stage, President Obama has made efforts to do more in Iraq; however, Congress, as well as his own top lead government officials, have met him with adversity.¹⁹⁴ While President Obama has made efforts, such efforts have been narrow and ineffective in combating ISIS, especially in regards to the Yazidis.¹⁹⁵ In order for the United States to effectively combat ISIS and aid in the Yazidi's survival and maintenance, everyone involved must work cohesively to create an effective plan to tackle and defeat ISIS.¹⁹⁶

V. CONCLUSION

The United States is the only power capable of preventing the extinction of this ancient minority group, the Yazidis, at the hands of ISIS.¹⁹⁷ ISIS has ravaged through Yazidi villages, killing, kidnapping, torturing, and selling these people, believing

see also Taheri, *supra* note 6 (discussing need for more than military intervention). Iraq needs military intervention in the form of training and perhaps heavier weaponry, but what they really need is American-led diplomacy to regain control of Iraq, its government, and its people. *Id.*

192. *See id.* (addressing possibility United States may as only power capable of stopping ISIS in efficient manner). Iraqi leaders have expressed their requests for the United States to take an active role in the current crisis. *Id.* They hope that should the United States take on such role, they will be able to advise them on diplomacy and leadership and stop ISIS in a timely and cost-efficient manner. *Id.*

193. *See supra* notes 139-143 and accompanying text (describing public opposition politicians have expressed towards President Obama).

194. *See supra* notes 113-116 and accompanying text (summarizing President Obama's AUMF); *supra* notes 139-143 and accompanying text (discussing U.S. political opposition and Allen's resignation).

195. *See supra* note 143 and accompanying text (naming limitations President Obama's AUMF suggests).

196. *See supra* notes 139-143 (realizing separation between President Obama and leaders); *supra* notes 183-192 and accompanying text (affirming need for comprehensive scheme and suggestions).

197. *See* Taheri, *supra* note 6 (contending United States only power capable of defeating ISIS). Through the military power and diplomatic clout the United States possesses, the United States may provide training to those fighting and urge diplomacy amongst others. *Id.* With this, Iraq may defeat ISIS much faster, thereby saving the Yazidis. *Id.*

that the Quran is calling them to do such atrocities.¹⁹⁸ The United States has provided minimal aid, but now, the United States must utilize its diplomatic clout, military expertise, and resources to aid in the survival of the Yazidis.¹⁹⁹ The President must now take advantage of his ability to provide aid, resources, and leadership through the use of The Act, to aid these refugees and stop this manmade crisis that is ISIS.²⁰⁰ Through the creation of a comprehensive, detailed plan, the United States may avoid past mistakes, allowing for both a successful U.S. led intervention and the prevention of this genocide that ISIS is carrying out against the Yazidis.²⁰¹ ISIS may be stopped and the Yazidis may be able to avoid extinction and carry on their ancient culture, but only with the aid of the United States will such results come more immediately and cost-effectively for all those involved.²⁰²

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198. See *supra* Part III.A (expounding inhumane treatment Yazidis have faced at hands of ISIS). ISIS has ravaged through their villages, displacing them, threatening the survival of their entire culture. See *supra* Part III.A. They have also kidnapped, tortured, raped, and sold the Yazidi women, as they believe the Quran requires them to do. See *supra* Part III.A.

199. See *supra* Parts IV.A-B (discussing need for long-term U.S. diplomatic and military aid). Iraqi leaders have pled for United States to aid through military training, supply of heavier arms, and use of their clout to urge all those throughout Iraq to work together to defeat ISIS. See *supra* Parts IV.A-B.

200. See *supra* Parts IV.C.1, D.1 (describing use of The Act to help Yazidis). The President has already utilized The Act to provide some funds and resources to aid in the defeat of ISIS. See *supra* Part IV.C.1. He may, however, utilize The Act even further through the section commonly known as “Refugee Relief Assistance.” See *supra* Part IV.C.1. Through this, the United States may provide relief and humanitarian aid to refugees. See *supra* Parts IV.C.1, D.1.

201. See *supra* Part IV.D.2 (illustrating positive effects of comprehensive plan); *supra* Part II.B.2 (discussing use of The Act throughout U.S. history of The Act); *supra* Part III.A (highlighting inhumane treatment Yazidis have faced because of ISIS).

202. See Taheri, *supra* note 6 (indicating possibility of defeating ISIS with U.S. aid). The United States may be the only power capable of stopping ISIS and saving the Yazidis and with such aid, this may be done faster and cheaper. *Id.*