

Open Letter to All Members of Congress, the Bush Administration and the U.S. Armed Forces From the Society of American Law Teachers

There are increasing indications that the Bush administration intends to take military action against Iran. The Society of American Law Teachers, the largest membership organization of law professors in the United States, issues this Open Letter to All Members of Congress, the Administration and the U.S. Armed Forces to reiterate their duty to respect and obey the law, and their affirmative duties under the law to prevent military action and to refrain from ongoing threats to peace. In issuing this statement, SALT joins the National Lawyers Guild and a host of other national and international organizations which have expressed similar concerns.

The United States is bound under the United Nations Charter to settle international disputes by peaceful means and to refrain from the threat or use of force against the territorial integrity of any state or from acting in any other manner inconsistent with the purpose of the United Nations. (Article 2 sections 3 and 4). While Article 51 of the charter recognizes the inherent right of individual or collective self defense, such a right exists only if an armed attack occurs and is allowed only until the Security Council can take measures necessary to maintain international peace and security. Any other type of military action by the United States would not be in compliance with the UN Charter.

The UN Charter, as a treaty ratified by the US, is part of the Supreme Law of the United States under Article VI §2 of the United States Constitution. If the President and Congress fail to abide by the law as provided in the Constitution they violate their sacred oaths of office.

Military action against Iran that is not a response in self-defense to an armed attack or pursuant to a United Nations Security Council authorization would be prohibited under Article 2(4) of the UN Charter.

If the United States or any other nation were to act outside of its UN obligations it would risk starting a war of aggression and committing a crime against peace. Furthermore, the sending of aircraft carriers combined with recent threatening statements would be a violation of Principle VI of the Nuremberg Principles which makes crimes against peace punishable under international law. Crimes against peace include: planning, preparation, initiation or waging a war of aggression in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy to accomplish these acts.

The United States and all countries that have signed the UN Charter are required to abide by their obligations under it. It is in the interests of all countries of the world that the United Nations be a viable multilateral institution capable of carrying out the mission of its charter to preserve peace and promote development and human rights. Actions which violate that charter undermine it. Actions by the US which violate the charter prevent the UN from acting effectively; they also undermine the credibility of the United States in the world community. The US cannot demand

that other countries obey the terms of the UN Charter while it is violating those very provisions with impunity.

The War Powers Act, which requires congressional approval of military action, must be read consistently with our obligations under the UN Charter and international law not to engage in wars of aggression. We urge:

1. The President, Vice President, and all other members of the Executive Branch to exercise restraint and halt actions that are inconsistent with the United States' international obligations;
2. Members of the United States Armed Forces to comply with the United States' international law obligations; and
3. Congress to immediately pass a binding resolution reaffirming the United States' legal obligations and informing the President and the administration that it will not concur in any proposed invasion of or military action against Iran done in contravention of our international obligations.