

March 2026

To: Senator John Curtis, Senator Mike Lee, Congressman Blake Moore, Congresswoman Celeste Maloy, Congressman Mike Kennedy, and Congressman Burgess Owens

Re: Illegality under international law of the U.S.-Israeli attack on Iran; the unconstitutionality of the war under U.S. domestic law; and the current Israeli law violations throughout the Middle East

Dear Members of the Utah congressional Delegation:

We call upon members of the Utah congressional delegation to:

- Sign onto forthcoming **War Powers Resolutions** in the U.S. House and Senate to stop the war on Iran;
- **Refuse to fund** President Trump’s illegal war (i.e., withhold the \$200 billion being requested by the Pentagon);
- Sign onto the three **Joint Resolutions of Disapproval** in the Senate ([S.J.Res.136](#), [S.J.Res.137](#), [S.J.Res.138](#)) to block nearly \$660 million in bomb sales to Israel; and
- Urgently press the Trump administration to curb ongoing and massive Israeli rights violations in Iran, Lebanon, Gaza, and the West Bank.

## I. “Operation Epic Fury” – An Illegal Act of Aggression Under International Law

The U.S. launched an illegal war of aggression against Iran on February 28, 2026 (“Operation Epic Fury”) – with Israel’s help and prodding – which lacks any shred of justification under international law. The Trump administration is trying to paint this as a war of “anticipatory self-defense,” claiming that Iran posed an “imminent threat” to the United States.

We already know that Iran did not pose an “imminent threat” to the U.S. Indeed, Joe Kent resigned from his position as head of the National Counterterrorism Center on March 17 [specifically stating](#) “Iran posed no imminent threat to our nation, and it is clear that we started this war due to pressure from Israel and its powerful American lobby.”<sup>1</sup>

Davit Khachatryan, an international lawyer, summarizes the basic rules of international law regarding aggression in a [March 4, 2026 on-line essay](#) published by the Center for International Policy:

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<sup>1</sup> Tulsi Gabbard, the U.S. Director of National Intelligence, [testified](#) as recently as March 2025 that Iran was not building a nuclear weapon and its supreme leader had not reauthorized the program suspended in 2003. Rafael Grossi, the Director General of the International Atomic Energy Agency (IAEA), [stated in June 2025](#) that the IAEA had not found “any proof” that Iran was endeavoring to obtain a nuclear weapon.

The legal analysis of Operation Epic Fury is straightforward. Article 2(4) of the United Nations Charter prohibits the threat or use of force against the territorial integrity or political independence of any state. Two exceptions exist: Security Council authorization under Chapter VII, and individual or collective self-defense in response to an armed attack under Article 51. Neither applies here.

The U.S. submitted a conclusory two-page [letter dated March 11, 2026](#) to the United Nations Security Council regarding Operation Epic Fury reserving the right “in accordance with Article 51 and customary international law to further act in our own self-defense and in the collective self-defense of our allies as partners.” No evidence of an “imminent threat” from Iran was provided. Rather, the letter catalogues past grievances against Iran.

The International Court of Justice (ICJ) has never recognized the doctrine of anticipatory self-defense.

Allen S. Weiner, senior lecturer in law and director of the Stanford Program in International and Comparative Law and the Stanford Center on International Conflict and Negotiation, had this to say about Operation Epic Fury in a [March 3, 2026 interview](#) published on the SLS Blogs website:

With regard to the right of self-defense, there are international legal scholars—and I count myself as a member of this camp—who believe that states can exercise the right of self-defense not only after they have sustained an armed attack, but where they face an *imminent threat* of attack. This is referred to by international lawyers as “anticipatory self-defense,” and President Trump gestured to this concept by stating that the U.S. attacks against Iran were aimed at “eliminating imminent threats from the Iranian regime.” The problem with this position is that **even if there is a right of anticipatory self-defense**, the predicate condition is strict; it requires an imminent threat of an armed attack by the adversary. The notion that Iran presents a general security threat to U.S. interests does not constitute a threat of imminent attack. Nor does the possibility that Iran might at some point in the future acquire either nuclear weapons or intercontinental missiles capable of reaching the U.S. homeland amount to a threat of an imminent attack. (emphasis added)

Agreeing that the doctrine of anticipatory self-defense is still contested, Prof. Weiner analyzes the necessary requirement of an “imminent threat of an armed attack.” Applying the facts to that standard, he concludes that there was no imminent threat from Iran.

Ben Rabinovitch wrote an essay titled “The Crime of Aggression and Pre-Emptory Self-Defence” published in the PKI Global Justice Journal of Queens University in Canada [on April 28, 2021](#). The essay is a useful survey of scholarly literature on the topic. The essay starts from the basic proposition that the UN Charter in Articles 2(4) and 51 limits “conventional” self-defense to circumstances where an “armed attack occurs.” Rabinovitch then goes on to analyze the following questions:

Does the inherent right of self-defence include a right of pre-emptive self-defence? What is the precise moment when a state may exercise its right of self-defence? When does self-defence become aggression?

Noting that the ICJ has never ruled on the legality of pre-emptory self-defence, Rabinovitch then surveys the relevant scholarly literature. He divides legal opinion into two camps: “expansionists” (who argue for pre-emptory self-defence) and “restrictionists” (who argue against it). He points out that the Rome Statute of the International Criminal Court (ICC) defines the “Crime of Aggression.” Consequently, it is inevitable that the ICC will one day have to rule on the contours of this crime:

Although public international law tolerated the expansionist-restrictionist debate for decades, international criminal law can no longer evade the debate now that the ICC’s jurisdiction over the crime of aggression has entered into force. *Rome Statute Article 8bis* defines the “crime of aggression” as “the planning, preparation, initiation or execution, by a person... of an act of aggression.” *Rome Statute Article 8bis* also defines an “act of aggression” as “the use of armed force by a State... [in any] manner inconsistent with the Charter of the United Nations.” Consequently, a case involving the crime of aggression could conceivably force the ICC to determine whether pre-emptory self-defence is contrary to the *UN Charter*.

Rabinovitch then surveys scholarly literature breaking down the concept of pre-emptory self-defence into four different types: (1) “interceptive” self-defence; (2) “anticipatory” self-defence; (3) “pre-emptive” self-defence; and (4) “preventive” self-defence. Using detailed hypotheticals based on prior fact patterns, Rabinovitch concludes that the first two types of self-defence – namely interceptive and anticipatory – could be considered valid under international law. He concludes that pre-emptive and preventive self-defence should be deemed illegal under international law.

- “Interceptive self-defence occurs when a state uses force to obstruct an armed attack that has already launched, but has not yet physically arrived at its target.”
- “Anticipatory self-defence occurs when a state uses force to halt an imminent armed attack.”
  - Rabinovitch notes that expansionists support this version of self-defence, while restrictionists are more skeptical. Rabinovitch cites scholarly opinion for the proposition that for anticipatory self-defence to be legal, the threat of an armed attack must be “imminent” and “on the brink of launch.”
- “Pre-emptive self-defence occurs when a state uses force to halt a particular tangible course of action that the state perceives will shortly evolve into an armed attack against it.”
- “Preventive self-defence occurs when a state uses force to halt a serious future threat of an armed attack, without clarity about when or where that attack may emerge.”

It is clear that the U.S. does not satisfy the definitions of “interceptive” or “anticipatory” self-defense. Rather, the U.S. justifications for Operation Epic Fury” resemble “pre-emptive” or “preventive” self-defense, both of which are rejected as invalid.<sup>2</sup>

## II. “Operation Epic Fury” – Unconstitutional Under U.S. Domestic Law

Prof. Allen S. Weiner noted in his March 3, 2026 interview:

There are ... issues about whether the U.S. attack against Iran is consistent with domestic law regarding the allocation of powers between the President and the Congress regarding decisions to use force. Article I, Section 8, Clause 11 of the Constitution confers the power to “declare War” on the Congress, but the President is the Commander-in-Chief and U.S. Presidents have, over the centuries, exercised the use of force abroad more than 100 times without congressional authorization.

Regarding the War Powers Resolution, Prof. Weiner stated:

[T]he [War Powers Resolution](#) [is] a statute the Congress adopted in 1973, at the end of the Vietnam War, in an effort to ensure that Presidents did not commit the United States to war without congressional authorization. The War Powers Resolution requires the President to notify the Congress whenever U.S. troops are “involved in an attack or hostilities.” The law provides that if Congress does not, within sixty days after receiving such a notification (or ninety days if the President avails himself of procedures providing for an extension of that deadline), declare war or otherwise authorize the use of force, the President is legally obligated to “terminate” that use of force. Although the Executive Branch has consistently since 1973 asserted that the War Powers Resolution constitutes an unconstitutional infringement on the President’s Commander-in-Chief powers, most presidents have at least submitted the reports required by the law when U.S. forces are introduced into hostilities.

**We call upon members of the Utah congressional delegation to sign onto War Powers Resolutions in the U.S. House and Senate to stop the war on Iran.**<sup>3</sup> Politico [reported on](#)

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<sup>2</sup> Conservative legal scholar John Yoo – the [author of the famous "torture memos"](#) during the George W. Bush administration – rightly catalogues criticism of the war on Iran [in an on-line essay published by the American Enterprise Institute](#) in which he then goes on to try to justify it. Notably, he admits that anticipatory self-defense is *not yet recognized* as an established doctrine in international law. Mr. Yoo correctly states the current international law of aggression: the UN Charter limits its use to (1) self-defense in the case of an armed attack; or (2) approval by the UN Security Council. Neither of these conditions existed on February 28 when the U.S. and Israel attacked Iran. Mr. Yoo argues for an *expansion* of the law. He is not arguing that the Trump administration complied with the *current* state of the law.

<sup>3</sup> Polls show that majorities of the electorate oppose the U.S./Israeli war on Iran. [A Reuters/Ipsos poll](#) conducted March 17-19, 2026 found that 59% of Americans disapprove of U.S. military strikes against Iran, compared with 37% who approve. [An Economist/YouGov poll](#) released March 17, 2026 similarly found 56% of Americans strongly or somewhat disapprove of Trump’s handling of the situation in Iran compared to 36% who approve.

[March 20, 2026](#) that the U.S. House of Representatives would likely vote on another Iran war powers resolution “next week.” [Drop Site News has reported](#) that Senator Cory Booker and Senate Democrats plan to bring War Powers Resolutions “again and again and again” to continue to force colleagues on the record as the war drags on.

Additionally, Congress holds the “power of the purse” under the Constitution. Prof. Weiner noted: “[T]here is little doubt that the Congress could enact a law prohibiting the expenditure of any funds related to military operations against Iran. Congress has enacted such laws on a number of occasions in the past.”

As of this writing, the Pentagon has sent to the White House [a request for \\$200 billion](#) for the war on Iran. The White House has not yet sent this request to Congress. **We ask that the members of the Utah congressional delegation vote against this outrageous funding request.** This money is desperately needed here at home.

Finally, Senators Bernie Sanders, Chris Van Hollen, Peter Welch and Jeff Merkley introduced [on March 19, 2026](#) three Joint Resolutions of Disapproval ([S.J.Res.136](#), [S.J.Res.137](#), [S.J.Res.138](#)) to block any further arms sales to Israel. [According to Drop Site News](#), the motions specifically target three particular sales: \$298 million for 5,000 “defense articles” relating to 250-pound small-diameter bombs, \$209 million for 10,000 500-pound bombs and \$151.8 million for 12,000 1,000-pound bombs.<sup>4</sup> **We urge our Utah Senators to support these three Joint Resolutions of Disapproval.**

### **III. Ongoing Israeli Violations of International Law and Ceasefire Agreements**

Israeli violations in Iran, Lebanon, Gaza, and the West Bank continue. They must be stopped.

**Iran:** [As of March 13, 2026](#), Iran’s health ministry reported at least 1,444 people have been killed in Iran and 18,551 injured. The Iranian Red Crescent reports over 21,700 civilian sites have been bombed (including 17,353 residences, 4,122 commercial properties, 160 medical centers, 69 schools and 16 Red Crescent branches). This includes [the February 28, 2026 attack](#) on a school in Minab that killed 168 people, including over 100 children..

**South Lebanon:** [As of March 19, 2026](#), over 1,000 people have been killed in South Lebanon, according to the Lebanese Ministry of Public Health, including 79 women, 118 children, and 40 healthcare workers. [As of March 23, 2026](#), a reported 1.2 million people have been displaced in Lebanon since February 28, 2026. An Israeli cabinet minister is calling for Israel to annex southern Lebanon.

**Gaza:** On February 28, 2026, the first day of the U.S./Israel war on Iran, Israel closed all the border crossings into the Gaza Strip. As of March 19, 2026, all of those crossing except one – Kerem Shalom – remain closed. Humanitarian workers [report](#) that aid into the Gaza Strip is

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<sup>4</sup> According to the Institute for Middle East Understanding (“IMEU”) Policy Project [Memo #29](#), this is the fourth time since January 2025 the Trump administration has chosen to bypass congressional oversight and the informal review process to send more weapons to Israel.

reduced to a trickle. [HaAretz reported on March 19, 2026](#) that the number of trucks entering the Gaza Strip had fallen by 80 percent since the war against Iran began. Gaza is experiencing significant [food shortages](#) again and skyrocketing prices. As noted in the Institute for Middle East Understanding's March 9, 2026 [Palestine Policy Roundup](#):

According to President Trump's October 2025 Gaza plan, Israel is obligated to allow 600 trucks of humanitarian aid into Gaza per day. This continued obstruction of humanitarian aid is a violation of the agreement and a violation of Section 6201 of the Foreign Assistance Act, which necessitates an immediate end to US weapons deliveries to Israel.

[At the end of 2025](#), Israel ordered all international staff out and barred 37 nonprofit organizations from working in Gaza, including Doctors Without Borders. The only staff left are Palestinian.

**West Bank:** The BBC reported [on March 24, 2026](#):

Earlier this month, the EU and UK demanded that Israel halt the surge in settler violence against Palestinians which has taken place since the war in Iran began on 28 February. Since the start of the year, seven Palestinians have been killed by Israeli settlers and 18 by Israeli forces, according to the UN, with 15 of the killings taking place since the Iran war started.

[ReliefWeb](#) reported based on information available up to March 20, 2026:

[T]he West Bank has seen a dramatic escalation in military operations, particularly since the launch of "Operation Iron Wall" in January 2025, which has resulted in mass displacement of Palestinians and widespread destruction across refugee camps. Israeli forces have displaced approximately 40,000 people, with officials stating that residents will not be allowed to return for at least a year, while expanded checkpoints and military presence severely restrict movement between Palestinian cities.

International organisations and UN bodies have expressed increasing concern about systematic violations of international humanitarian law in the West Bank, including accelerating settlement expansion, land reclassification and forced displacement that multiple observers warn are driving de facto annexation dynamics.

In conclusion, we respectfully request that you take the four urgent actions as outlined at the top of this letter.

Sincerely yours,

The undersigned Utah constituents