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**LAWYERS TELL SENATE: USE OF FORCE AGAINST IRAQ WITHOUT  
NEW SECURITY COUNCIL RESOLUTION IS UNLAWFUL;  
URGE CONGRESS TO UPHOLD U.N. CHARTER**

In a 4-page memo sent to key Senators and Representatives, international law specialists have told Congress that under the United Nations Charter the use of force by the United States against Iraq would be unlawful under present circumstances. The legal memo begins:

"The United Nations Charter is a treaty of the United States, and as such forms part of the 'supreme law of the land' under the Constitution, Article VI, Clause 2. The UN Charter is the highest treaty in the world, superseding states' conflicting obligations under any other international agreement. (Art. 103, UN Charter)."

The memo concludes:

**"Under the UN Charter, there are only two circumstances in which the use of force is permissible: in collective or individual self-defense against an actual or imminent armed attack; and when the Security Council has directed or authorized use of force to maintain or restore international peace and security. Neither of those circumstances now exist. Absent one of them, U.S. use of force against Iraq is unlawful."**

According to **John Burroughs**, Executive Director of the Lawyers' Committee on Nuclear Policy in New York City, "The implication for resolutions now being considered by Congress is that, as a matter of law, no resolution should be adopted which authorizes the United States to use force against Iraq in the absence of a new Security Council resolution clearly and specifically authorizing such use. Of course, even if there is a Security Council resolution at some point which authorizes use of force, it still remains a question for Congress to decide whether the use of force against Iraq is wise, moral, or otherwise advisable." **Jacqueline Cabasso**, Executive Director of the Western States Legal Foundation in Oakland, California added, "Adherence to the U.N. Charter is not optional. It's the law. The Bush Administration's unilateral headlong rush to war threatens not only unprecedented regional instability and potentially catastrophic loss of life, it threatens to do away with the existing international order."

**The United Nations Charter and the Use of Force Against Iraq** was issued by the Lawyers' Committee on Nuclear Policy, Western States Legal Foundation, **Michael Ratner** of the Center for Constitutional Rights, and Professor **Jules Lobel** of the University of Pittsburgh Law School. The Lawyers' Committee on Nuclear Policy and Western States Legal Foundation are the U.S. affiliates of the International Association of Lawyers Against Nuclear Arms.

Copies of the 4-page legal memo are available upon request or on-line at [www.lcnp.org/global/iraqstatement3.htm](http://www.lcnp.org/global/iraqstatement3.htm) or [www.wslfweb.org/docs/Iraqstatemt.htm](http://www.wslfweb.org/docs/Iraqstatemt.htm)

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