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October 24, 2024

President Joe Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Re: War crimes and your unconstitutional, impeachable presidential war

Dear Mr. President:

Nothing is more dangerous to self-government than inert people.

In that spirit, we write to protest your further usurpation of the congressional war power in directing the use of the Navy's AEGIS ballistic missile defense system against Iran in furtherance of your support of a forthcoming offensive Israeli attack on Iran, an act of war under international law. The precedent will lie around like a loaded weapon ready for use at presidential whim to advance partisan political ambitions. You have invited blowback by inciting hatred of the United States throughout the Middle East.

The fear of pointless, self-ruinous presidential wars inspired the Constitution's authors unanimously to entrust the war power exclusively to Congress in Article I, section 8, clause 11. James Madison characterized that entrustment as the crown jewel of the Constitution. Further, in seeking the Democratic party nomination for president in 2007 appearing on Chris Matthews' *Hardball*, you warned President George W. Bush that you would lead the charge to impeach him if he attacked Iran without a congressional declaration of war. Shouldn't you be held to your own impeachment standard?

Members of Congress salute the same flag, say the same pledge of allegiance, and sing the same national anthem as members of the Executive Branch. They are as keen to defend the national security of the United States. Congress can act swiftly if a genuine emergency presents itself. It declared war against Japan one day after Pearl Harbor. Congressional judgments over war and peace can be trusted more than presidents because congressional powers shrink during wartime while the former's powers mushroom, tempting the President to fabricate excuses for war.

If you have a case for initiating war with Iran, Congress is but a few blocks away. If you can't convince Congress to declare war on Iran, then your case is probably flawed. Extraconstitutional presidential wars have customarily shipwrecked.

As an urgent companion matter, we further protest your unconditional supply of weapons to Israel to support terrorist war crimes throughout Lebanon, including your support of consumer goods like pagers or walkie-talkies into booby-trapped instruments of war. Defenseless Lebanon is a United States ally. Its limited armed forces are equipped exclusively with United States

weapons. Yet you are supporting Israel's criminal war of aggression against our Lebanese ally and endangering the lives of 83,000 Americans residing in Lebanon, the American University of Beirut, and the Lebanese American University. You have the constitutional power and duty to protect Americans residing abroad. *Durant v. Hollins*, 8 F. Cas. 111 (S.D.N.Y. 1860). But you have abdicated that power and duty to give Israel a green light to kill civilians and destroy civilian property on an industrial scale in Lebanon vastly disproportionate to any articulated, legitimate military objective—even attacking the UNIFIL peacekeepers. You know that killing for the sake of killing or instilling terror among civilians is not a legitimate military tactic under international law.

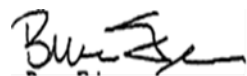
As for Gaza, specialists in estimating disaster area casualties and on-the-scene medical observers (See the Sunday *New York Times* piece titled [“65 Doctors, Nurses and Paramedics: What We Saw in Gaza”](#) by Feroze Sidhwa, October 13, 2024) lead us to believe the death toll in that tiny defenseless blockaded enclave may be nearing 400,000. The injury toll is much higher.

The following comparison is too close for comfort. IG Farben executives were found guilty of war crimes after World War II for selling Zyklon B gas to the Third Reich. You are unconditionally transferring weapons to Israel knowing of their likely use to commit war crimes in Lebanon, Gaza, and the West Bank, and emboldening Israel to shred any remnant of international law. In the process, you are violating the Foreign Assistance Act, the Arms Export Control Act, the Defense Department Leahy Amendment, 10 U.S.C. 362, the prohibition on assistance to a country blocking delivery of United States humanitarian aid, 22 U.S.C. 2378-1, the War Crimes Act, and the Glenn Amendment that sanctions countries that have exploded a nuclear device, 22 U.S.C. 2799aa-1(b), whether or not they are signatories to the Nuclear Non-Proliferation Treaty. All federal laws you have sworn to uphold!

Courage is the highest virtue because without it no others are possible. Display the courage to confess error and end military aid to Israel until it returns to international law. Otherwise, you personally will have sounded the death knell to any rules-based international order.

We look forward to your considered response.

Sincerely,



Bruce Fein, Esq.



Ralph Nader, Esq.



Lou Fisher