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## *United States Bombs Iran's Nuclear Facilities*

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On June 22, 2025, the United States attacked three nuclear facilities in Iran. This action followed difficult negotiations during the spring of 2025 between the Trump administration and Iranian leaders over Iran's nuclear program. On June 13, as the progress of these negotiations looked dubious, Israel launched its own preemptive strikes against Iran and its nuclear program. Israel urged the United States to join in the attacks, as the United States possesses "bunker buster bombs" that could damage Iranian facilities located deep underground. After mixed signaling, President Donald J. Trump authorized the June 22 strike. The United States claims that its strike was consistent with international law as lawful collective self-defense of Israel, but this position rests on the tenuous legality of Israel's own strikes as lawful individual self-defense. Also disputed are the legality of the strike under U.S. domestic law and the scope of the damage caused by the United States. Following the strike, Iran responded several days later with a token attack on U.S. military bases in Qatar. At the time of this writing, a ceasefire of sorts is in place, but the possibility of further hostilities remains high.

For many years, U.S. presidents have sought to prevent Iran from building nuclear weapons. Iran has been a non-nuclear party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) since 1970,[1] but it has not complied with its treaty obligations, is strongly suspected of pursuing nuclear weapons, and has long been watched closely by the International Atomic Energy Agency (IAEA), which is the watchdog for the NPT.[2] A decade ago, in 2015, the Obama administration worked with other major countries in painstakingly negotiating an arrangement with Iran known as the Joint Comprehensive Plan of Action (JCPOA), which reduced significant sanctions on Iran in exchange for Iran's curtailment of its nuclear program over a fifteen-year period.[3] The first Trump administration reneged on this deal, leading Iran to redouble its efforts toward nuclear weapons.[4] Subsequent efforts by the Biden administration to restore the Obama-era deal were unsuccessful. During the decade between 2015 and 2025, U.S. administrations also sought to reduce or punish Iran's actions elsewhere in the Middle East, including its support for Hezbollah, Hamas, and the Houthis. Perhaps the most dramatic—and legally contentious—U.S. activity in this regard was an air strike in 2020, authorized by President Trump during his first term in office, that killed Qasem Soleimani, the leader of the Quds Force of Iran's Islamic Revolutionary Guard Corps, as he was traveling in Iraq.[5]

When President Trump took office for the second time in January 2025, U.S. intelligence reports suggested that Iran could convert its existing enriched uranium into weapon-usable

[1] Treaty on the Non-Proliferation of Nuclear Weapons, July 1, 1968, 729 UNTS 161.

[2] For a timeline of Iran's interactions with the IAEA, including the IAEA's finding of Iranian non-compliance with the NPT in September 2005, see IAEA, IAEA and Iran: Chronology of Key Events, *at* https://www.iaea.org/newscenter/focus/iran/chronology-of-key-events [https://perma.cc/M5VE-JZ7V].

[3] *See generally* Kristina Daugirdas & Julian Davis Mortenson, Contemporary Practice of the United Staes, 109 AJIL 649 (2015).

[4] *See generally* Jean Galbraith, Contemporary Practice of the United States, 112 AJIL 514 (2018).

[5] *See* Jean Galbraith, Contemporary Practice of the United States, 114 AJIL 313, 313 (2020).

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uranium within days.[6] But these reports also concluded that Iran was at least a year away from being able to maneuver this uranium into a ballistic warhead and that it had not made a final decision to create a nuclear weapon.[7]

In early February, President Trump announced a policy of "maximum pressure" on Iran, stating that "[w]e must deny Iran all paths to a nuclear weapon and end the regime's nuclear extortion racket."[8] He also signaled a wish to negotiate with Iran over its nuclear program, sending a letter to that effect in March to Iran's supreme leader, Ayatollah Ali Khamenei.[9] President Trump indicated that the United States would resort to force if negotiations failed.[10] After some delay and hesitation, Iran agreed to negotiations, which commenced on April 12 and were facilitated by Oman.[11] Multiple rounds of negotiations in April and May failed to produce an agreement. As June arrived, the outlook for successful negotiations looked bleak.[12] Separately, on June 12, the IAEA found Iran in non-compliance with its international legal duties due to "many failures to uphold its obligations since 2019 to provide the Agency with full and timely cooperation regarding undeclared nuclear material and activities at multiple undeclared locations in Iran."[13]

The following day, June 13, Israel launched a series of attacks against Iran aimed at damaging Iran's nuclear program. Israel had long shown an interest in force over diplomacy regarding this program; it had carried out covert attacks on Iran's nuclear facilities and nuclear scientists over the years, and it had opposed the JCPOA from before its inception.[14] Additionally, and reflecting the broader tensions between Israel and Iran, in 2024 Israel twice carried out overt strikes in Iran aimed at damaging its military sites—steps taken following

[6] *See* David E. Sanger & Julian E. Barnes, *Iran Is Developing Plans for Faster, Cruder Weapon, U.S. Concludes,* N.Y. TIMES (Feb. 3, 2025), *at* https://www.nytimes.com/2025/02/03/us/politics/iran-nuclear-weapon.html.

[7] *Id.* (also noting that the Iranians were exploring the possibility of making a faster weapon using older technology, although this approach would not work effectively with a ballistic missile). Shortly before President Trump's inauguration, Iran had threatened to withdraw from the NPT if the world-wide sanctions that had predated the 2015 Obama-era deal were reimposed. *See* Kelsey Davenport, *The Coming Iranian Nuclear Challenge in 2025*, U.S. INST. PEACE: IRAN PRIMER (Jan. 13, 2025), *at* https://iranprimer.usip.org/blog/2025/jan/13/coming-iranian-nuclear-challenge-2025 [https://perma.cc/29EM-7ZDZ] (noting that Iran's threat related to the prospect that other major countries would trigger the snapback provision of Security Council Resolution 2231—a provision available for triggering until October of 2025—that would have the effect of re-imposing the world-wide sanctions on Iran that had been lifted as a result of the Obama-era JCPOA).

[8] National Security Presidential Memorandum on Imposing Maximum Pressure on the Government of the Islamic Republic of Iran, Denying Iran All Paths to a Nuclear Weapon, and Countering Iran's Malign Influence, 2025 DAILY COMP. PRES. DOC. 223 (Feb. 4, 2025).

[9] *See* David E. Sanger, Farnaz Fassihi & Luke Broadwater, *Trump Offers to Reopen Nuclear Talks in a Letter to Iran's Supreme Leader*, N.Y. TIMES (Mar. 7, 2025), *at* https://www.nytimes.com/2025/03/07/us/politics/trump-iran-nuclear-talks.html.

[10] *See id.* (quoting President Trump as saying that "There are two ways Iran can be handled: militarily, or you make a deal").

[11] *See* Steven Erlanger, *U.S. Nuclear Talks with Iran Move Forward, but Many Pitfalls Lie Ahead*, N.Y. TIMES (Apr. 13, 2025), *at* https://www.nytimes.com/2025/04/13/world/europe/us-nuclear-talks-iran.html.

[12] *See* David E. Sanger, *Iran Rejects Plan to Stop It from Enriching Uranium, Trump Says*, N.Y. TIMES (June 9, 2025), *at* https://www.nytimes.com/2025/06/09/us/politics/iran-nuclear-trump-proposal-uranium.html.

[13] IAEA Board of Governors, NPT Safeguards Agreement with the Islamic Republic of Iran: Resolution Adopted on 12 June 2025 During the 1769th Session, para. 3, IAEA Doc. GOV/2025/38 (June 12, 2025), *at* https://www.iaea.org/sites/default/files/25/06/gov2025-38.pdf; *see also id.*, para. 11 ("[s]tress[ing] [the IAEA's] support for a diplomatic solution to the problems posed by the Iranian nuclear programme, including the talks between the United States and Iran").

[14] Victoria Bisset, *How Israel and Iran's Conflict Went from Covert to All-Out Fighting*, WASH. POST (June 19, 2025), *at* https://www.washingtonpost.com/world/2025/06/19/iran-israel-conflict-history.

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Iranian missile attacks on Israel which in turn had followed the targeted killings by Israel of Iranian officials or allies.[15] The attacks launched by Israel on June 13, 2025, were apparently long in the making and had been delayed until that date because of the ongoing U.S. negotiations and in the hope of U.S. support.[16]

The Israeli strikes on June 13 and in the days that followed had numerous targets, including Iranian nuclear facilities, Iranian military sites, Iranian military leaders, top Iranian scientists, and an Iranian prison that housed political prisoners.[17] Significant civilian deaths were reported in addition to military casualties.[18] Iran responded by launching missiles at Israel. Many of these were intercepted and there were relatively few deaths, but there were numerous buildings that were severely or partially damaged, including residential buildings and a hospital that received a direct hit.[19]

The Trump administration initially emphasized that the United States was not involved in the Israeli attacks. Secretary of State Marco Rubio described Israel's strikes as "unilateral," emphasized that the United States is "not involved in strikes against Iran," and warned Iran against "target[ing] U.S. interests or personnel."[20] Over the week that followed June 13, President Trump publicly vacillated on whether the United States would seek further negotiations with the Iranians or instead launch its own strikes.[21]

On June 22, the United States bombed three nuclear facilities in Iran. This attack—called "Operation Midnight Hammer"—involved a combination of stealth bomber planes that had departed eighteen hours earlier from Missouri and missiles launched from 34U.S. submarines.[22] The stealth bombers dropped "bunker buster bombs" on Fordow and Natanz, two Iranian nuclear enrichment facilities.[23] Dropped from a great height, these

[15] *See id.* (describing the April 2024 and October 2024 strikes).

[16] *See* Julian E. Barnes, Eric Schmitt, Maggie Haberman & Ronan Bergman, *Trump Waved Off Israeli Strike After Divisions Emerged in His Administration*, N.Y. TIMES (Apr. 16, 2025), *at* https://www.nytimes.com/2025/04/16/us/politics/trump-israel-iran-nuclear.html.

[17] *See* David Rising, *Hundreds of Thousands Mourn Top Iranian Military Commanders and Scientists Killed in Israeli Strikes*, ASSOC. PRESS (June 28, 2025), *at* https://apnews.com/article/israel-iran-war-nuclear-06-28-2025-f53ad5751d7427deab42111e1ca7751d (noting that "Israel claimed it killed around 30 Iranian commanders and 11 nuclear scientists, while hitting eight nuclear-related facilities and more than 720 military infrastructure sites").

[18] *See id.* (noting one estimate of over 1,000 deaths, including over 400 civilians).

[19] *See* Adam Rasgon, *Iranian Missile Hits Hospital in Southern Israel*, N.Y. TIMES (June 19, 2025), *at* https://www.nytimes.com/2025/06/19/world/middleeast/iran-missile-israel-hospital.html.

[20] White House Press Release, Statement from Secretary of State Marco Rubio (June 12, 2025), *at* https://www.whitehouse.gov/briefings-statements/2025/06/statement-from-secretary-of-state-marco-rubio [https://perma.cc/S8M9-TST6].

[21] *E.g.*, Michael D. Shear, Matina Stevis-Gridneff & Zolan Kanno-Youngs, *Trump to Leave G7 Summit Early to Deal with Israel-Iran Conflict*, N.Y. TIMES (June 16, 2025), *at* https://www.nytimes.com/2025/06/16/world/middleeast/trump-israel-iran-g7-summit.html (describing how Trump debated whether to sign—and ultimately signed—a G7 statement calling for a diplomatic solution to preventing Iran from getting a nuclear weapon); Adam Rasgon, Natan Odenheimer, Tyler Pager & Michael Levenson, *Iranian Missile Hits Israeli Hospital as Trump Appears to Put off U.S. Action*, N.Y. TIMES (June 19, 2025), *at* https://www.nytimes.com/2025/06/19/world/middleeast/israel-hospital-iran-trump.html (describing Trump's statement that he would decide "within the next two weeks" about whether to bomb Iran).

[22] *See* Farnoush Amiri & Meg Kinnard, *How the US Bombarded Iranian Nuclear Sites Without Detection*, AP (June 22, 2025), *at* https://apnews.com/article/iran-fordo-us-strike-trump-israel-nuclear-sites-320a85327f94ed7496f09564261f3148.

[23] *See* Thomas Mackintosh & Nadine Yousif, *What We Know About US Strikes on Three Iranian Nuclear Sites*, BBC NEWS (June 23, 2025), *at* https://www.bbc.com/news/articles/cvg9r4q99g4o.

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bombs can penetrate deep into the earth before detonating enormous explosives on a delayed fuse.[24] Therefore, they could potentially reach Fordow, which is deep underground, and the portions of Natanz that are deep underground.[25] The third nuclear facility, Isfahan, was targeted with submarine-launched missiles focused only on inflicting surface-level damage, reportedly because the site's considerable depth would have thwarted even bunker buster bombs.[26]

The international legality of the U.S. bombings is sharply contested. As a matter of international law and where, as here, the Security Council has not authorized military intervention, the United States may only use force against another state in lawful individual or collective self-defense.[27] Article 51 of the UN Charter further provides that "[m]easures taken by [nations] in the exercise of this right of self-defence shall be immediately reported to the Security Council,"[28] and this is typically done through the submission of a letter to the Council. Immediately following the U.S. attack, and before the United States submitted an Article 51 letter, Iran submitted a letter to the Council that objected to "the unlawful use of force by the United States against the sovereignty and territorial integrity of the Islamic Republic of Iran" and requested that the Council convene an emergency meeting.[29]

At the emergency meeting, held on June 22, the United States stated that its attacks "sought to eliminate a long-standing but rapidly escalating source of global insecurity and to aid our ally Israel in our inherent right of collective self-defence, consistent with the UN Charter."[30] Other participants expressed different views regarding the desirability or the legality of the U.S. action (or both). UN Secretary-General António Guterres described the bombing as a "perilous turn."[31] Representatives from Algeria, China, Iraq, Pakistan, Russia, and Sierra Leone (as well as Iran) expressed skepticism—or total disbelief—about the legality of the U.S. bombing.[32] Only Israel offered clear support for the U.S. action, although some states expressed their opposition to Iran's development of nuclear weapons.[33]

Several days later, on June 27, the United States submitted its Article 51 letter to the Security Council. The letter described the United States as having "exercised the inherent

[24] *See id.*

[25] *See id.*

[26] *See* Natasha Bertrand & Zachary Cohen, *US Did Not Use Bunker-Buster Bombs on One of Iran's Nuclear Sites, Top General Tells Lawmakers, Citing Depth of the Target*, CNN (June 28, 2025), *at* https://www.cnn.com/2025/06/27/politics/bunker-buster-bomb-isfahan-iran.

[27] *See* UN Charter, Art. 51.

[28] *Id.*

[29] Letter Dated 21 June 2025 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Addressed to the Secretary-General and the President of the Security Council, UN Doc. S/2025/404 (June 23, 2025); *see also* Letter Dated 22 June 2025 from the Permanent Representative of the Islamic Republic of Iran to the United Nations Addressed to the Secretary-General and the President of the Security Council, UN Doc. S/2025/405 (June 23, 2025) (transmitting an additional letter from Iran's Minister for Foreign Affairs). The strikes occurred in the early hours of June 22 in Iran, but when it was still June 21 in the United States.

[30] UN Security Council Meeting Coverage, United States Bombing of Iran's Nuclear Facilities Marks "Perilous Turn" in Volatile Middle East, Secretary-General Warns Security Council During Emergency Meeting, UN Doc. SC/16095 (June 22, 2025).

[31] *Id.*

[32] *See id.* Iraq's concerns about legality included objections to "repeated violations of Iraq's airspace as breaches of its sovereignty and the UN Charter." *Id.*

[33] *See id.*

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right of collective self-defence and advanced vital [U.S.] interests in eliminating Iran's nuclear programme."[34] The letter noted the context of "more than four decades over which the Islamic Republic of Iran has launched unprovoked attacks against the United States and other [UN] Member States."[35] It also discussed Iranian hostility to Israel, including the 2024 missile attacks, and described Israel's strikes of June 13 as "the latest stage of this international armed conflict" in which "Israel responded to the threat posed by Iran's nuclear and ballistic missile program[s]."[36] The letter continued:

> In close coordination with the Government of Israel, the United States has taken necessary and proportionate action—directed solely against the Iranian nuclear programme—to defend Israel and also to protect our own security, citizens and interests, consistent with Article 51 of the Charter of the United Nations. The strikes taken on 22 June occurred because peaceful measures were exhausted . . . . Iran refused to negotiate in good faith or to cease enriching uranium beyond the threshold needed for peaceful, civilian power generation . . . .
>
> The United States remains committed to pursuing a deal with the Iranian government . . . . But President Trump has also warned that the consequences for any Iranian [military] response will be dire. Accordingly, . . . [the United States] reserves the right to take such additional actions as may become necessary in its inherent right of self-defence to respond to future attacks or threats of attacks against [U.S.] nationals and [U.S.] personnel and facilities, or in the collective self-defence of its allies and partners.[37]

Since the defense of Israel is the core of the justification offered by the United States for its attack, the legality of its actions depends on whether it can properly invoke collective self-defense on Israel's behalf. This depends in turn on whether Israel's attack on Iran's nuclear facilities constituted a lawful exercise of self-defense.[38]

With respect to perhaps the most similar historic parallel—Israel's bombing of Iraq's Osirak nuclear reactor in 1981—the Security Council had unanimously condemned this bombing as a "clear violation" of the UN Charter.[39] Similar to its explanation for the 1981 attack, Israel justified its June 2025 strikes as responding to "the threat of imminent Iranian attacks," noting Iran's public calls for the annihilation of Israel and stating that "[t]his was the last window of opportunity to prevent Iran from acquiring nuclear weapons, and takes place

[34] Letter Dated 27 June 2025 from the Chargé d'Affaires A.I. of the United States Mission to the United Nations Addressed to the President of the Security Council, UN Doc. S/2025/426 (June 27, 2025) [hereinafter U.S. Letter to UN Security Council of June 27].

[35] *Id.*

[36] *Id.*

[37] *Id.*

[38] For two distinct views, compare Marko Milanovic, *The Illegal Israeli-American Use of Force Against Iran: A Follow-Up*, EJIL:*Talk!* (June 23, 2025), *at* https://www.ejiltalk.org/the-illegal-israeli-american-use-of-force-against-iran-a-follow-up/ [https://perma.cc/9R96-L2TY], with Amichai Cohen & Yuval Shany, *A New War or a New Stage in an Ongoing War—Observations on June 13 Israeli Attack Against Iran*, Just Security (June 15, 2025), *at* https://www.justsecurity.org/114641/israel-iran-un-charter-jus-ad-bellum/ [https://perma.cc/G695-SPDU].

[39] SC Res. 487, para. 1 (June 19, 1981).

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after diplomacy proved ineffective."[40] The legal viability of this line of reasoning depends first on concluding that international law authorizes self-defense *prior to* an imminent armed attack and second on concluding that the traditionally strict criteria for imminence were met in this situation.

Israel's letter to the Security Council also referenced the 2024 Iranian missile strikes and described Israel as acting amid an "ongoing armed conflict" with Iran.[41] Some international law experts who agree that Israel is in a pre-existing armed conflict with Iran consider that Israel's legal right to self-defense follows inherently from the armed conflict, although its strikes would still need to be necessary and proportionate as acts of self-defense.[42] The time lag since Iran's last direct strikes on Israel in 2024 and the scale of Israel's June 2025 strikes raise significant questions about necessity and proportionality under this theory.

President Trump's authorization for the attack also faced criticism that it violated U.S. domestic law. The U.S. Constitution entrusts the power to "declare [w]ar" to Congress.[43] The extent to which presidents can unilaterally initiate uses of force that fall short of war is sharply contested, as indeed is the question of what falls short of "war." Moreover, the War Powers Resolution, enacted in 1973, contains further limits on the president's power to initiate uses of force, including requiring: prior consultation with Congress (where possible); prompt reports to Congress regarding any new hostilities; and a termination of hostilities within sixty days unless there is specific congressional authorization to continue hostilities.[44] The War Powers Resolution also provides for special procedures to allow Congress to promptly consider proposed legislation authorizing the hostilities or ordering their immediate cessation.[45]

In a letter to Congress dated June 23 that referenced the reporting obligations of the War Powers Resolution, President Trump justified the strikes as "limited in scope and purpose" and "taken to advance vital United States national interests, and in collective self-defense of our ally, Israel, by eliminating Iran's nuclear program."[46] President Trump asserted that "I acted pursuant to my constitutional authority as Commander in Chief and Chief Executive and pursuant to my constitutional authority to conduct United States foreign relations."[47]

[40] Identical Letters Dated 17 June 2025 from the Permanent Representative of Israel to the United Nations Addressed to the Secretary-General and the President of the Security Council, UN Doc. S/2025/390 (June 19, 2025) [hereinafter Israel's Article 51 Letter of June 17]; *see also* Letter Dated 8 June 1981 from the Permanent Representative of Israel to the United Nations Addressed to the President of the Security Council, S/14510 (June 8, 1981) (describing the Israeli strike as responding to a "mortal danger" that was "constructed against Israel alone" and where crucial stages of the atomic reactor's development were just ahead).

[41] Israel's Article 51 Letter of June 17, *supra* note 40. The U.S. letter to the Security Council made a similar reference. *See* U.S. Letter to UN Security Council of June 27, *supra* note 34 and accompanying text.

[42] *See* Cohen & Shany, *supra* note 38.

[43] US CONST., Art. 1, § 8, cl. 11.

[44] 50 U.S.C. §§ 1542, 1543, 1544(b). The Trump administration reportedly engaged in limited consultation with members of Congress prior to the strikes, apparently notifying the Democratic minority leader of the Senate just an hour before the bombs were dropped. *See* Sarah Ferris & Morgan Rimmer, *Trump Administration Briefed Top Republicans Before Iran Strikes, But Not Some Democrats*, CNN POLITICS (June 22, 2025), *at* https://edition.cnn.com/2025/06/21/politics/republicans-democrats-iran-strikes-briefings.

[45] 50 U.S.C. §§ 1545, 1546a.

[46] Letter Informing Congress of Action Taken Consistent with the War Powers Resolution, Public Law 93–148, H. Doc. 119-64, 119th Cong., 1st Sess. (2025) [hereinafter War Powers Resolution Reporting Letter of June 23, 2025].

[47] *Id.*

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Notably, President Trump did not claim to be acting under any existing congressional authorization—thus implying that the War Powers Resolution's sixty-day clock for termination of hostilities in the absence of an authorization would be applicable.[48] Although the letter is under-theorized, it appears to argue that the strikes did not rise to the level of a "war" for U.S. constitutional purposes and that the president could constitutionally use force to protect U.S. interests. This approach is consistent with the constitutional reasoning of presidential administrations (of both political parties) in recent years,[49] though it is unclear whether it reflects the proper constitutional scope of unilateral presidential war powers. The letter further stated that "[t]he United States took this necessary and proportionate action consistent with international law, and the United States stands ready to take further action, as necessary and appropriate, to address further threats or attacks."[50]

Shortly after Israel began its attacks on Iran, a Democratic senator introduced a bill that would have barred U.S. hostilities with Iran (except in defense against an imminent attack or if a specific authorization was subsequently passed).[51] After the June 22 strike, the Senate took up this bill, pursuant to the War Powers Resolution's special procedures for speedy consideration. The Senate rejected advancing the bill by an almost entirely party-line vote of 53–47, illustrating the strong control that President Trump has over his party.[52]

In addition to sharp debates about the legality (and wisdom) of the strikes, there has also been considerable disagreement over their effectiveness. In the immediate aftermath of the strikes, President Trump proclaimed that "Iran's key nuclear enrichment facilities have been completely and totally obliterated."[53] Several days later, the White House put out a press release stating that "Iran's Nuclear Facilities Have Been Obliterated – and Suggestions Otherwise are Fake News."[54] ("Take it from those who actually know," the press release stated, and then offered a long line of quotations beginning with one from President

[48] By contrast, following the targeted killing of Soleimani in 2020, the Trump administration claimed that this strike fell within the scope of the 2002 law that Congress had passed to authorize the Second Gulf War against Saddam Hussein's Iraq. *See* Galbraith, *supra* note 5, at 320–21. A majority of members of Congress disagreed with this interpretation. *See id.* If hostilities with Iran continue, then, as a matter of domestic law, the Trump administration will need to do one of three things: get specific congressional authorization for its hostilities with Iran; disavow the sixty-day clock of the War Powers Resolution as unconstitutional; or show that these hostilities have indeed been authorized by a pre-existing congressional statute. The first of these options would be politically challenging, while the remaining two options would require highly dubious legal reasoning.

[49] *See generally* April 2018 Airstrikes Against Syrian Chemical-Weapons Facilities, 42 Op. O.L.C. 39 (2018); Authority to Use Military Force in Libya, 35 Op. O.L.C. 20 (2011); *see also* Jacob Katz Cogan, Contemporary Practice of the United States, 118 AJIL 366, 371–72 (2024) (describing the debate between the Biden administration and members of Congress over the domestic legality of strikes undertaken against Houthi military targets in 2024). As of the time of this writing, there is no publicly available memo from the Office of Legal Counsel justifying the constitutionality of the June 22 strikes against Iran.

[50] War Powers Resolution Reporting Letter of June 23, 2025, *supra* note 46.

[51] S.J. Res. 59, 119th Cong., 1st Sess. (June 16, 2025).

[52] *See* Robert Jimison, *Senate Blocks War Powers Resolution to Limit Trump's Ability to Strike Iran Again*, N.Y. TIMES (June 27, 2025), *at* https://www.nytimes.com/2025/06/27/us/politics/trump-war-powers-iran-strike.html.

[53] *Transcript of Trump's Speech on US Strikes on Iran*, AP (June 21, 2025), *at* https://apnews.com/article/trump-iran-speech-transcript-text-ff4b286992309ec1337e04260247bb1e.

[54] White House Press Release, Iran's Nuclear Facilities Have Been Obliterated – and Suggestions Otherwise Are Fake News (June 25, 2025), *at* https://www.whitehouse.gov/articles/2025/06/irans-nuclear-facilities-have-been-obliterated-and-suggestions-otherwise-are-fake-news [https://perma.cc/GYG8-CCCY].

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Trump.)[55] Other sources, however, suggest that the damage was major but not existential, and that Iran could be back to its pre-strike status within months.[56]

In the aftermath of the U.S. strike, Iran retaliated on June 23 with an attack on a U.S. military base in Qatar.[57] Iran gave Qatar warning of this attack, and all the Iranian missiles were intercepted.[58] Qatar objected strongly to this "blatant violation of the sovereignty and airspace of . . . Qatar, international law and the Charter of the United Nations."[59] President Trump appeared to recognize this attack as a token response that did not warrant further escalation.[60] That same evening, he announced that a ceasefire had been reached between Iran and Israel.[61] After some messiness regarding the timing of its implementation, the ceasefire took effect.[62]

As of the time of this writing, the ceasefire is still in effect. Yet the underlying tensions that provoked the confrontation remain. The Trump administration has expressed its commitment to keeping Iran from getting a nuclear weapon and reiterated its willingness to turn to force if diplomacy fails. For its part, Iran has reiterated that it may withdraw from the NPT, especially if France, Germany, or the United Kingdom use power delegated to them under Security Council Resolution 2231 (the Resolution implementing the JCPOA) to restore the world-wide sanctions that existed against Iran pursuant to pre-JCPOA Security Council resolutions.[63] And even if the United States and Iran were to reach a negotiated

[55] *Id.*

[56] *See* Warren P. Strobel et al., *U.S. Initial Damage Report: Iran Nuclear Program Set Back by Months, Not Obliterated*, WASH. POST (June 25, 2025), *at* https://www.washingtonpost.com/national-security/2025/06/24/us-iran-bomb-assessment-nuclear-sites-not-destroyed; *see also* John Hudson & Warren P. Strobel, *Intercepted Call of Iranian Officials Downplays Damage of U.S. Attack*, WASH. POST (June 29, 2025), *at* https://www.washingtonpost.com/national-security/2025/06/29/trump-iran-nuclear-damage-intercepted-call (reporting that it is unclear how much, if at all, Iran's stockpile of enriched uranium was destroyed and also unclear how much the strikes damaged the actual facilities as opposed to the access to them).

[57] *See* Sean Seddon & Gabriela Pomeroy, *What We Know About Iran's Attack on US Base in Qatar*, BBC NEWS (June 24, 2025), *at* https://www.bbc.com/news/articles/cdjxdgjpd48o.

[58] *Id.*

[59] Identical Letters Dated 23 June 2025 from the Permanent Representative of Qatar to the United Nations Addressed to the Secretary-General and the President of the Security Council, UN Doc. S/2025/409 (June 24, 2025) (also noting Qatar's disapproval of "Israeli escalation" and calling for "dialogue" as the "only way to overcome the current crises"); *see also* Letter Dated 23 June 2025 from the Permanent Representative of Kuwait to the United Nations Addressed to the President of the Security Council, UN Doc. S/2025/413 (June 24, 2025) (containing expressions of support for Qatar's views from Kuwait, the United Arab Emirates, Bahrain, Saudi Arabia, and Oman).

[60] *See* Megan Messerly, Nahal Toosi & Joe Gould, *Trump Signals Deescalation in Response to Iranian Strike on US Air Base in Qatar*, POLITICO (June 23, 2025), *at* https://www.politico.com/news/2025/06/23/trump-convenes-situation-room-meeting-as-iran-claims-attack-on-us-base-in-qatar-00418756.

[61] Isabel Kershner, Aaron Boxerman, Maggie Haberman & Michael Levenson, *Cease-Fire Between Israel and Iran Appears to Hold After Trump Rebuke*, N.Y. TIMES (June 24, 2025), *at* https://www.nytimes.com/2025/06/24/world/middleeast/israel-iran-ceasefire-trump.html.

[62] *Id.*

[63] *See* Farnaz Fassihi, *Iran Warns It Could Exit Nuclear Treaty if Europe Reimposes Sanctions*, N.Y. TIMES (July 23, 2025), *at* https://www.nytimes.com/2025/07/23/world/middleeast/iran-europe-nuclear-talks-treaty.html. Consistent with the terms of the JCPOA, Resolution 2231 lifted pre-existing Security Council sanctions against Iran but contained an innovative "snapback" provision that effectively allowed any of the participant states to the JCPOA to reimpose these sanctions if it believed there was "significant non-performance" by Iran. *See* Kristina Daugirdas & Julian Davis Mortenson, Contemporary Practice of the United States, 109 AJIL 649, 652–54 (2015). The participant states to the JCPOA other than Iran initially were China, France, Germany, Russia, the United Kingdom, and the United States, but after the first Trump administration quit the JCPOA the United States was deemed by other nations to have lost its ability to invoke the snapback provision. *See* Kristen E. Eichensehr, Contemporary

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arrangement, it is far from clear what Israel would do. Moreover, these challenges are only a piece of the broader geopolitical tensions between the United States and Iran (and between Israel and Iran). More turmoil and perhaps more armed conflict lie ahead.

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## USE OF FORCE, ARMS CONTROL, AND NON-PROLIFERATION

### *Where Have All the (War) Powers Gone?*

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If, as Lincoln wrote, the framers of the Constitution intended that "no one man should hold the power"[1] of bringing the oppression of war upon the nation, modern American practice has veered sharply from that intent. Seldom has the concentration of the war power in presidential hands been more evident than during the so-called "Twelve Day War."

The United States and Israel worked as a "team" against Iran, in President Donald J. Trump's word.[2] Months before Israel's unprovoked and unannounced attack on Iran on June 13, 2025, President Trump mulled military strikes against Iran if Iran refused to enter into a new nuclear deal. "If they don't make a deal, there will be bombing," President Trump said in a telephone interview.[3] "It will be bombing the likes of which they have never seen before."[4] In the days following Israel's June 13 attack on Iran, President Trump considered dropping a 30,000-pound "bunker buster" bomb on Iran's fortified nuclear facilities. Heading to the Situation Room, President Trump averred that he was no longer "in the mood to negotiate" with Iran.[5] He threatened Iran's Supreme Leader, Ayatollah Ali Khamenei, saying "we know exactly where" he is, adding that "we are not going to take him out (kill!), at least for now."[6] On June 17, President Trump demanded Iran's "UNCONDITIONAL SURRENDER."[7] Still, he remained noncommittal. "You don't know that I'm going to even do it. You don't know. I may do it. I may not do it. I mean, nobody knows what I'm going to do," he said, adding that he "like[s] to make the final decision one

Practice of the United States, 115 AJIL 140, 142–45 (2021). The snapback provision is available for use during the first decade of the JCPOA—meaning that its availability expires in October 2025 (unless it is extended).

[1] Letter from Abraham Lincoln to William H. Herndon (Feb. 15, 1848), *at* https://classic-literature.co.uk/abraham-lincoln-letter-on-the-mexican-war-1848 [https://perma.cc/XEP8-HTY8].

[2] Brian Bennett & Nik Popli, *U.S. Joins Israel in Strikes on Iranian Nuclear Sites, Risking Wider War*, TIME (June 21, 2025), *at* https://time.com/7296469/u-s-strikes-iran-nuclear-trump-war [https://perma.cc/N5P6-Q9EQ] ("[W]e worked as a team like perhaps no team has ever worked before.").

[3] Barak Ravid, *Trump Threatens Iran with Bombs Unless Nuclear Deal Reached*, AXIOS (Mar. 30, 2025), *at* https://www.axios.com/2025/03/30/trump-iran-nuclear-deal-bombing [https://perma.cc/FY6J-T55E].

[4] Doina Chiacu & David Ljunggren, *Trump Threatens Bombing If Iran Does Not Make Nuclear Deal*, REUTERS (Mar. 30, 2025), *at* https://www.reuters.com/world/trump-says-there-will-be-bombing-if-iran-does-not-make-nuclear-deal-2025-03-30.

[5] Adam Rasgon, *Trump Offers Mixed Messages on Israel-Iran War*, N.Y. TIMES (June 17, 2025), *at* https://www.nytimes.com/2025/06/17/world/middleeast/trump-mixed-messages-israel-iran.html.

[6] David E. Sanger, *Trump Calls for Iran's "Unconditional Surrender" and Threatens Its Supreme Leader*, N.Y. TIMES (June 17, 2025), *at* https://www.nytimes.com/2025/06/17/us/politics/trump-iran-surrender-khamenei.html.

[7] *Id.*

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