



PRESS RELEASES

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Date

January 5, 2026

New York City Bar Association Statement

The New York City Bar Association condemns, in the strongest possible terms, the blatantly illegal actions by President Donald J. Trump in ordering the use of U.S. military force in the nation of Venezuela to seize its President, Nicolás Maduro Moros, to assert control of its oil reserves, and to “run” the country until a new leader satisfactory to President Trump is selected. As we explain below, this unprovoked use of military force by our President violates both our Constitution, which reserves the power to declare war to Congress, and the War Powers Act of 1973, which makes clear that the President may not authorize military actions, except in defense of military personnel or facilities, without Congressional approval. The President’s actions also brazenly violate the United Nations Charter, a binding treaty which the U.S. has ratified and which prohibits the threat or use of military force against any nation except in self-defense or as authorized by the Security Council.^[1]

The Trump administration’s claim that its Venezuelan operation was merely for the purpose of arresting Maduro to face charges initially brought in 2020 and

augmented in a superseding indictment[2] unsealed on January 3, 2026 must be seen for what it plainly was—a pretense to carry out an unlawful regime change in a foreign nation and to seize its principal natural resource for commercial or strategic advantage.[3]

As a matter of U.S. law, Section 8 of the War Powers Resolution of 1973 grants the President the exclusive power to commit the United States or its armed forces to hostilities without prior congressional approval. The President's statutory authority to authorize a military invasion of a foreign nation without the approval of Congress is unconstitutional.

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Under Article I, Section 8 of the United States Constitution, the President—the Commander in Chief—has the power to commit the United States or its armed forces to hostilities without prior congressional approval. The President's statutory authority to authorize a military invasion of a foreign nation without the approval of Congress is unconstitutional.

The illegality of these actions under international law is equally clear. 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. Under the United Nations Charter, a nation may not use force on the sovereign territory of another country without its consent, a valid claim of self-defense, or authorization by the United Nations Security Council.[4] None of those conditions are satisfied here.

The Administration's reliance on "self-defense" to justify its actions in Venezuela—premised on alleged drug trafficking linked to the Venezuelan government—has no basis in international law.[5] The self-defense exception in Article 51 of the Charter is narrow and applies only in response to an actual or imminent armed attack. Drug trafficking, however devastating, does not constitute an armed attack under any recognized interpretation of international law.[6] Accepting such a theory would undercut the Charter's central prohibition and convert self-defense from a limited exception into a standing license for unilateral war. As Professor Oona Hathaway, a professor of International Law at Yale Law School and director of the Yale Law School Center for Global Legal Challenges, recently explained, if drug trafficking could justify an attack, so too could communicable diseases, migration flows, or economic harm—leaving no meaningful legal limit on the unilateral use of force.[7]

Nor does the Administration's invocation of a criminal arrest warrant salvage the legality of this operation. Arresting an individual to stand trial is a law-enforcement function, not an act of self-defense. While the United States has, at times, used force abroad without U.N. Security Council authorization—such as in certain cases either with the consent of the target state or in response to an armed attack.^[8] Without the consent of the target state, the use of force is prohibited without the consent of the Security Council.

The Administration's claim of self-defense is illegitimate. The Administration's use of force is illegitimate. The City of New York has repeatedly condemned the Administration's use of force. The City of New York has repeatedly condemned the Administration's use of force.

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The Administration also claims to have captured Maduro and his wife in order to prosecute charges brought in the Southern District of New York. Even if the United States does not recognize Maduro as Venezuela's legitimate leader and argues that he is subject to criminal prosecution and not entitled to head-of-state immunity, an issue that will be before the court, that also does not justify military intervention. As Professor Hathaway has emphasized, questions of criminal jurisdiction and recognition of head-of-state immunity are analytically distinct from—and cannot justify—the use of armed force.^[10]

Nor is there any legal basis for the United States to “run” Venezuela.^[11] The administration's statements describe an unlawful military occupation and intervention in sovereign affairs and the act of pillage—conduct that international law has long prohibited, even in wartime. The Administration's statements belie any suggestion that this operation is designed to protect the Venezuelan people or their human rights – including the right to participate meaningfully in their own government. Rather President Trump touts his desire to dominate their territory and resources.

It is equally unauthorized under domestic law: the President has no constitutional authority to govern a foreign country, and any sustained occupation or administration would necessarily require congressional authorization and appropriations that the President plainly does not possess.

History reinforces these conclusions. When the United States invaded Panama in 1989 and seized its de facto leader, the action was widely condemned as unlawful. A majority of the United Nations Security Council voted to condemn the invasion, although the United States vetoed the resolution.^[12] Shortly thereafter, the U.S. declared the invasion "a flagrant violation of the principle of state sovereignty and territorial integrity."

The President's actions also appear to be in violation of the U.S. practice and Republican tradition. The U.S. has worked over the years to establish a system based on unilateral action, in which nations, like

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the United States and others have fallen short in achieving an international system based on law, not force, the City Bar continues to stand in support for the international rule of law.

It is time for Congress to act. The City Bar has recently reported on the wide range of ways in which President Trump has grossly abused the powers of the Presidency and in which his actions have violated his Oath of Office to defend the Constitution and "take care that the Laws be faithfully executed."^[14] The actions by the President in Venezuela are now a step too far for Congress to ignore. The members of Congress, too, are bound by an oath to defend the Constitution and laws of the United States, including ratified treaties such as the United Nations Charter.^[15]

As we noted in our December report, there are specific actions, short of impeachment, that Congress should consider to address the current crisis, including a joint resolution condemning not only the abduction of Maduro but also any attempt to "run" or otherwise assert control over Venezuela's government or natural resources, including the oil industry that President Trump appears to be treating, again illegally, as spoils of war. Similarly, Congress should promptly act to restrict the use of any previously appropriated Defense Department or other funds for any such purpose. If those efforts fail because of a Presidential veto, Congress must turn to its remaining power, impeachment, to rein in a lawless President whose actions

now increasingly threaten not only our own democracy but, once emulated by others, peace and security throughout the world.

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About the Association

The mission of the New York City Bar Association is to equip and mobilize a diverse group of lawyers to defend the rule of law and access to justice throughout the world. v

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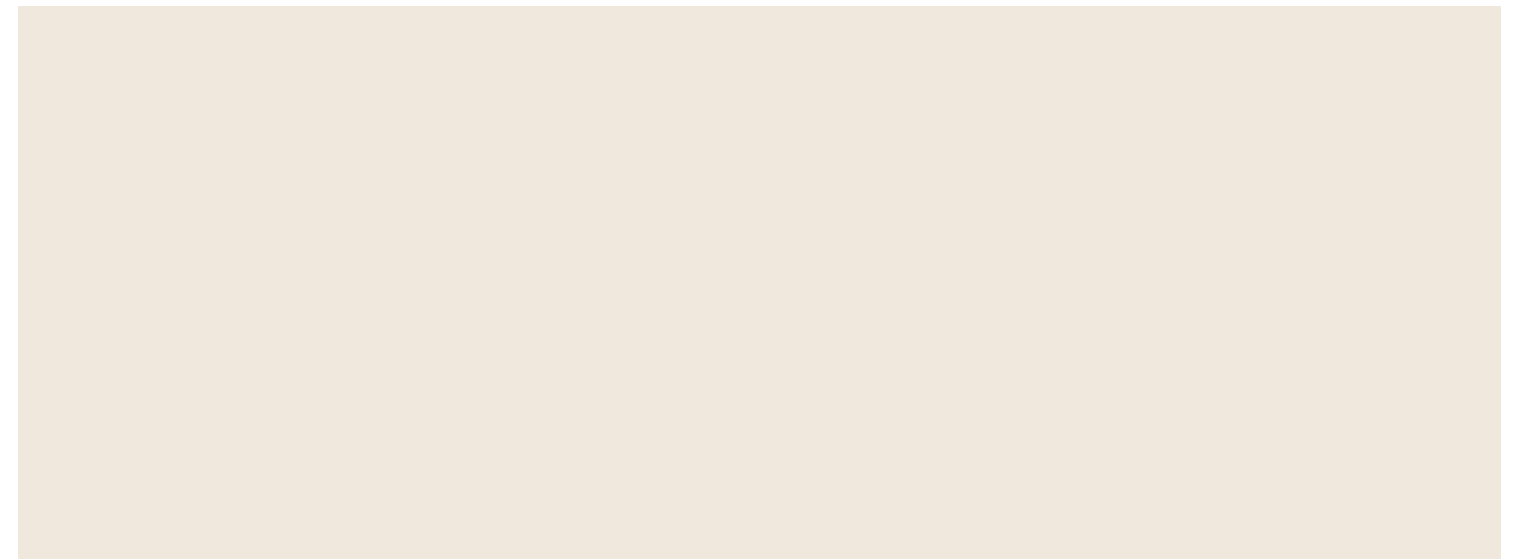
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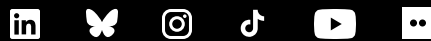


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