

United States Senate

WASHINGTON, DC 20510

January 7, 2020

The Honorable Mark T. Esper
Secretary of Defense
Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

General Mark A. Milley
Chairman of the Joint Chiefs of Staff
9999 Joint Staff Pentagon
Washington, D.C. 20318-9999

Dear Secretary Esper and General Milley:

We write to express our deep concern over the lack of information from the Department of Defense as it concerns the potential threat from Iran and what the Department is doing in response. We also write to condemn the President's comments threatening to target Iranian cultural sites. As the Department's leaders, we urge you to correct the few, incomplete, and evasive updates that the Department has provided, as well as make clear to the chain of command that they may only execute lawful orders.

Over the last few days, the Department of Defense has released information and the media has reported on the new deployment of at least 4,500 soldiers from the 82nd Airborne Division's Immediate Response Force and an unknown number of soldiers from the 75th Ranger Regiment. The administration has also provided a classified War Powers notification to Congress which is generic, vague, and entirely inconsistent in its level of detail when compared with prior notifications by this and earlier administrations. While recognizing the need for operations security, we similarly believe there is a requirement to be transparent with the American people about how many troops this Administration plans to deploy in support of contingency plans.

As such, we ask that you provide Congress with regular briefings and documents detailing the military units and members of the Armed Forces that:

- Have been deployed or are currently in the process of deploying to support contingency plans with respect to Iran;
- Are being notified of a possible deployment to support contingency plans related to Iran;
- Are having their tour in the U.S. Central Command area of responsibility extended;
- Are having their tours extended at supporting functional combatant commands; and
- Are DoD civilian personnel and contractors that are being deployed to support the aforementioned service members.

Please provide an initial response no later than January 10th, and please continue to update this request for information on an ongoing basis as new decisions are made.

We also note with grave concern the President's repeated comments that he may pursue retribution against Iran by ordering the military to target Iranian cultural sites. When members of the press noted that as a general matter, international law prohibits the deliberate targeting of cultural sites, the President responded, "And we're not allowed to touch their cultural site? It doesn't work that way." So far, no Department official has clarified the legality of strikes on cultural sites. As you know, directing such an attack would constitute an unlawful order, and any personnel executing the order could be prosecuted for war crimes. As a result, we urge you to underscore to the American people and the chain of command that international law prohibits the deliberate targeting of cultural sites, and that such an order would be unlawful and should not be followed.

As the Department's leaders, you have pledged under oath to be clear and accurate in your updates to Congress, as well as lawful in your conduct. Nothing could be more important at this moment. Thank you for your consideration of this request, and we look forward to your prompt response.

Sincerely,



Charles E. Schumer
United States Senator



Richard J. Durbin
United States Senator



Jack Reed
United States Senator