

# Frequently Asked Questions (FAQs) on U.S. Operations in the Caribbean Sea and Pacific Ocean and War with Venezuela

## 1. Who is on the boats that the U.S. military has been attacking in the Caribbean Sea and Pacific Ocean? What are they transporting?

We know very little about the people killed in these strikes or what they were transporting. The president has *claimed* that these boats are carrying known drug traffickers of cocaine and fentanyl from Venezuela. According to *public reports*, one of the people killed was Chad Joseph, a 26-year-old from Trinidad and Tobago, who told his family he would be taking a boat ride back to his home but never arrived. The wife of a Venezuelan a fisherman also *said* that her husband had “gone to work one day and had never returned.” And the family of *Alejandro Carranzaa*, a Colombian fisherman, has *filed a formal complaint* in the Inter-American Court of Human Rights.

Even Trump administration officials have *acknowledged* that they don’t know the identities of those who they are killing and haven’t provided any evidence of narcotics found on the boats. It’s worth noting that Venezuela is a *relatively minor player* in the regional drug trade and *does not produce* significant quantities of *cocaine* or *fentanyl*. Indeed, recent U.S. government estimates suggest that *less than 10%* of cocaine shipments bound for the United States transit through Venezuela.

## 2. How has the Trump administration justified the boat strikes?

The Trump administration *claims* that the United States is in an armed conflict – the technical term for war – with certain “designated terrorist organizations” on a secret list who are trafficking in illegal narcotics. The administration asserts that those being killed are “unlawful combatants” or “unprivileged belligerents” who the U.S. military is lawfully targeting under the law of armed conflict (also known as the laws of war and international humanitarian law).

## 3. Is the United States at war/in an armed conflict with drug cartels?

No. As experts, including a *former Pentagon associate general counsel* have made clear, these strikes are not part of an armed conflict. An armed conflict with a non-state group (known as a “non-international armed conflict”) *requires the group to be* (1) an “organized armed group” who operates in a manner akin to the military forces of a state and (2) engaged in protracted

armed violence with opposing forces. Examples of non-international armed conflicts include the conflicts with al Qaeda and the Taliban following the 9/11 attacks and the conflict with ISIS in Iraq and Syria.

Neither of the criteria for a non-international armed conflict are met here. The people being targeted on boats are suspected of committing crimes but they are not an organized armed group that is fighting the U.S. military. These are civilian criminal suspects who are being summarily executed without due process.

#### **4. How are the boat strikes different from other drone strikes abroad in the so-called “war on terror”?**

While FCNL opposes the drone strikes conducted during the post-9/11 wars, there are still important differences between those strikes and current military operations in international waters. Drone strikes conducted as part of hostilities with al Qaeda, the Taliban, and their “associated forces” were largely part of armed conflicts with organized armed groups engaged in protracted armed violence with U.S. forces abroad. In these conflicts, the legal threshold for non-international armed conflict was met.<sup>1</sup> There is also domestic authorization for the post-9/11 wars, as Congress passed the 2001 Authorization for Use of Military Force (AUMF), which authorized force against those responsible for the 9/11 attacks and those who harbored them.<sup>2</sup>

In contrast, the United States is *not in an armed conflict* with the groups it is targeting in international waters. These are not organized armed groups engaged in protracted armed violence against U.S. forces. These are, at best, civilian criminal suspects who should be addressed through the judicial system with due process.

It is also worth noting that these strikes cannot be made lawful through the passage of an AUMF. *Rep. Sara Jacobs* (CA- 51) put it well, saying that even if Congress did authorize these strikes, they “would still be illegal under U.S. and international law because we are not in an armed conflict with these cartels. And so, this is just murder.”

#### **5. What laws do the boat strikes violate?**

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<sup>1</sup> While operations in countries such as Afghanistan and Iraq met the legal threshold for non-international armed conflict, this threshold was *not met* in countries like Yemen, where the United States has conducted hundreds of lethal strikes. As such, experts have *questioned* whether the laws of war should apply to these operations or if the appropriate body of law is international human rights law, which has much stricter standards governing the use of force.

<sup>2</sup> FCNL opposed passage of the 2001 AUMF and advocates for its sunset. The 2001 AUMF has also been stretched far beyond what Congress authorized, with successive administration claiming it applies to “associated forces” of al Qaeda and the Taliban, as well as to ISIS. FCNL strongly opposes this expansion of the 2001 AUMF to apply to groups and in countries never authorized by Congress.

These strikes violate several provisions of the *International Covenant on Civil and Political Rights* (ICCPR), which the United States is a party to. These include the right to life (Article 6) and the right to due process (Article 9). The right to life is also as a *peremptory norm of international law* (referred to as *jus cogens*), meaning it is so fundamental that no state can legally ignore it or derogate from it under any circumstances.

Under domestic law, the strikes *violate the Constitution*, as Congress has not authorized them and there is no viable argument that the *president could use force under Article II* of the Constitution, which *permits limited force without congressional approval* to repel sudden attacks. The strikes also violate several domestic statutes, including the *1973 War Powers Resolution*, the assassination ban under *Executive Order 12333*, the *Title 18 of the U.S. Code* ban on murder on the high seas, and *Article 118 of the Uniform Code of Military Justice*, which prohibits the unlawful killing of human beings by members of the armed forces.

It has also been *reported* that there was a second strike on the boat targeted on September 2, 2025, which killed two survivors of the first strike. In addition to the laws mentioned above, this second strike also *violated* the Law of the Sea duty to rescue survivors of a shipwreck, if feasible. Killing survivors of a shipwreck, whether at peacetime or during war, is illegal.

## 6. What laws do the regime change operation in Venezuela violate?

The regime change operation in Venezuela violates the sovereignty of a foreign state. This is an act of war and constitutes a breach of *Article 2(4) of the United Nations Charter*, which prohibits the threat or use of force to violate the territorial integrity or political independence of any state. President Trump's *threats to use force in Venezuelan territory* prior to the takeover also arguably violate Article 2(4). There was also no justification that the actions were carried out in self-defense, as this requires an "armed attack" on the United States or an imminent threat of one. There is no evidence of an actual or imminent armed attack on the United States by Venezuela.

The strikes inside Venezuela and kidnapping of its head of state also violate Article 1 of the Constitution, which *vests in Congress* the authority to "declare war." There is also no authority for the operation under Article II of the Constitution, which *permits the president to use limited force* in self-defense to "repel sudden attacks," as there was no sudden attack by Venezuela on the United States.

## 7. How has the Trump administration justified the invasion of Venezuela and capture of President Nicolás Maduro and his wife?

The Trump administration has claimed that the regime change operation in Venezuela was not an act of war but rather, constitutes a law enforcement operation carried out by U.S. armed forces. They point to the criminal indictment for President Maduro and his wife, Cilia Flores, for

drug-related offenses. Following the operation, Attorney General Pam Bondi said that Maduro and his wife “will soon face the full wrath of American justice on American soil in American courts.”

## **8. Was the invasion of Venezuela a law enforcement matter? If not, why not?**

No. As legal expert and former State Department attorney Brian Finucane says, the claim that this operation, which *involved* more than 150 military aircraft, drones, and other technology, was a law enforcement operation is “a silly argument.” “Just because you drag along a couple DEA agents doesn’t transform this massive military operation as a whole into a law enforcement operation,” said Finucane.

There are *several other reasons* why the invasion of Venezuela cannot be characterized as a law enforcement matter:

- 1. No consent was obtained.** Any law enforcement operation on another state’s territory requires the consent of that state. The issue of an indictment for President Maduro has no bearing on this requirement. As no consent was obtained here, the operation constitutes a violation of Venezuela’s territorial integrity, in breach of Article 2(4) of the U.N. Charter. While it is accurate to claim that Maduro is not the “legitimate” head of state of Venezuela, he did exercise “effective control” over its territory. Under international law, only the officials who exercise “effective control” over the territory can grant consent for a law enforcement operation.
- 2. Maduro had head of state immunity.** Certain holders of high-ranking office, including the Head of State, Head of Government and Minister for Foreign Affairs, are immune from both civil and criminal prosecution in other states. This includes protection from arrest by other states while in office. Some argue there is an exception for Heads of State who commit serious war crimes and other atrocities. However, these crimes have not been charged in the U.S. case against Maduro. The fact that the Trump administration does not recognize the legitimacy of the Maduro government does not change this.
- 3. The use of lethal force in the operation was unlawful.** At least 80 people were killed during the attack, including civilians. Law enforcement operations require that deadly force is only used when necessary to prevent an immediate threat of death or grievous bodily injury. These strikes went well beyond this high threshold for harm.
- 4. There is no U.S. self-defense claim.** The administration has claimed that airstrikes conducted in Venezuela were defensive in nature, claiming “unit self-defense.” This defense is only available if U.S. actions in the country were lawful in the first place. They were not. This U.S. claim of “defensive” airstrikes in Venezuela is akin to a burglar arguing that they could shoot a homeowner if the homeowner defended themselves.

**9. The president has designated many drug cartels as “Foreign Terrorist Organizations” and “Specially Designated Global Terrorists.” Do these designations authorize the use of lethal force?**

Neither an FTO nor SDGT designation authorizes the use of lethal force. These designations *allow the government* to deport members of these groups, freeze their assets, or prosecute them for providing material support to terrorism. There are 100 FTO-designated groups around the world, including in Indonesia, Sri Lanka, and Ireland. Much as the U.S. is not at war with groups in these countries, it is also not at war with any FTO- or SDGT-designated Latin American drug cartel.

**10. The administration has a secret list of “Designated Terrorist Organizations” it is targeting and administration officials have labelled those killed “narcoterrorists.” What is the impact of these terms?**

The term “*Designated Terrorist Organization*” has no legal meaning. It is a new term that the administration started using after the strikes began but is not found or defined in any U.S. statute. Similarly, the term “narcoterrorist” has no legal meaning. Referring to a suspected narcotics smuggler as a narcoterrorist does not bring them under the scope of the 2001 AUMF. The AUMF authorized force against those responsible for the 9/11 attacks and those who harbored them. While it has been stretched to include so-called “associated forces” of al Qaeda and the Taliban, none of the groups being targeted meet the *definition of an associated force*.

**11. How are the boat strikes affecting narcotics trafficking and the U.S. overdose crisis?**

These strikes are doing *nothing to alleviate* the overdose crisis. Drug addiction is a public health issue and requires *public health solutions* that are peaceful and proven. While *CDC efforts led* to a decline in fentanyl overdose rates in 2024, this administration has been *gutting federal programs* for overdose prevention and addiction treatment.

**12. What is the 1973 War Powers Resolution and how can it stop these strikes and prevent war with Venezuela?**

Congress passed the War Powers Resolution (WPR) in 1973 over concern at President Nixon’s unilateral use of military force without Congressional approval. It provides a framework around the constitutional division of war powers between the executive and legislative branches.

Section 5(c) of the WPR provides that Congress can pass a resolution directing the president to remove U.S. forces from “hostilities” that have not been authorized by Congress. A *House Foreign Affairs Committee report* accompanying the WPR noted that the term “hostilities” was used instead because it was considered to be broader in scope than “armed conflict.” The report

said that “hostilities also encompasses a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict.” As such, Congress has the authority under the WPR to pass a resolution to end the boat strikes and the invasion of Venezuela.

### **13. What War Powers Resolutions did Congress vote on in 2025?**

Both the Senate and the House have voted twice on war powers resolutions concerning the boat strikes and preventing war in Venezuela. On October 8, the *Senate voted* 51-48 against *S.J.Res. 83*, a resolution to end hostilities against certain designated terrorist organizations from Sens. Adam Schiff (CA) and Tim Kaine (VA). On November 5 the *Senate voted* 51-49 against *S.J.Res. 90* from Sens. Kaine, Schiff, and Rand Paul (KY) to remove U.S. forces from hostilities “within or against Venezuela.”

On December 17, the House voted on two war powers resolutions. *H.Conn.Res. 61* from Reps. Gregory Meeks (NY-5), Adam Smith (WA-9), Jim Himes (CT-4), Bennie Thompson (MS-2) Jason Crow (CO-6), and Ilhan Omar (MN-5) was defeated by a vote of 217-210. It would have prohibited strikes against the “designated terrorist organizations” being targeted in international waters. *H.Conn.Res. 61* from Reps. Jim McGovern (MA-2), Thomas Massie (KY-4), and Joaquin Castro (TX-20) would have prohibited war “within or against Venezuela.” It was defeated by a vote of 213-211.