May 12, 2020

The Honorable Michael R. Pompeo
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20230

Dear Mr. Secretary:

In light of the recent International Criminal Court (ICC) decision to authorize the formal investigation of American military personnel for war crimes, we write to you with strong concern about potential consequences for the United States and our ally, Israel, should prosecutions result.

As the world’s only permanent international court, the ICC is intended as a court of last resort for the prosecution of the most serious international crimes, yet both Democratic and Republican administrations have refused to join the Court in part because they feared its politicization and misuse. While we support the ICC’s stated goal of ensuring accountability for the gravest crimes of concern to the international community, the Court’s recent announcements are examples of how politics have been infused into the judicial process and distorted the purposes for which the court was established.

The ICC is proceeding with its investigation of the United States and is considering a similar decision with respect to Israel even though neither the United States nor Israel are members of the ICC. The ICC does not enjoy legitimate jurisdiction in these cases. One of the main principles of the ICC is that, first and foremost, individual states should try cases within their jurisdiction while the ICC serves as a complementary institution which does not substitute its decisions for those of individual nations. In instances when war crimes are committed, we believe our nation and Israel are both able and willing to carry out investigations and prosecute offenders without ICC involvement.

With respect to the possible case against Israel, we are concerned that those pressing for action seek a court judgment in place of a negotiation process between Israelis and Palestinians. The ultimate sustainable solution to the Israeli-Palestinian conflict lies in the resumption of Israeli-Palestinian direct negotiations in pursuit of a two-state solution—not in the pursuit of cases at the ICC. These cases distract from and undermine our efforts to get the parties back to the table.
We urge you to marshal a diplomatic initiative with likeminded countries who are members of the ICC to call on the ICC to cease its politically motivated investigations into the United States and Israel. We look forward to working together to ensure the safety of Americans and Israelis while also encouraging accountability and justice.

Sincerely,

Elaine G. Luria  
Member of Congress

Mike Gallagher  
Member of Congress

Kevin McCarthy  
Minority Leader

Steve Scalise  
Minority Whip

Eliot L. Engel  
Member of Congress

Michael T. McCaul  
Member of Congress

Ralph Abraham, M.D.  
Member of Congress

Kelly Armstrong  
Member of Congress

Robert B. Aderholt  
Member of Congress

Jodey C. Arrington  
Member of Congress

/s/ Pete Aguilar  
Member of Congress

/s/ Rick W. Allen  
Member of Congress

/s/ Brian Babin, D.D.S.  
Member of Congress
Henry Cuellar
Member of Congress

Joe Cunningham
Member of Congress

John Curtis
Member of Congress

Rodney Davis
Member of Congress

Susan A. Davis
Member of Congress

Val Demings
Member of Congress

Ted Deutch
Member of Congress

Mario Diaz-Balart
Member of Congress

Jeff Duncan
Member of Congress

Neal Dunn
Member of Congress

Tom Emmer
Member of Congress

Anna G. Eshoo
Member of Congress

Adriano Espaillat
Member of Congress

Ron Estes
Member of Congress

A. Drew Ferguson, IV
Member of Congress
Josh Gottheimer
Member of Congress

Garret Graves
Member of Congress

Sam Graves
Member of Congress

Tom Graves
Member of Congress

/s/
Mark Green
Member of Congress

Glenn Grothman
Member of Congress

Michael Guest
Member of Congress

Brett Guthrie
Member of Congress

Jim Hagedorn
Member of Congress

Josh Harder
Member of Congress

/s/
Andy Harris, M.D.
Member of Congress

Vicky Hartzler
Member of Congress

/s/
Alcee L. Hastings
Member of Congress

Denny Heck
Member of Congress

Kevin Hern
Member of Congress

Jody B. Hice
Member of Congress
Brian Higgins  
Member of Congress  
/s/  
Clay Higgins  
Member of Congress  
/s/  
French J. Hill  
Member of Congress  
/s/  
Jim Himes  
Member of Congress  
George Holding  
Member of Congress  
/s/  
Trey Hollingsworth  
Member of Congress  
/s/  
Steven Horsford  
Member of Congress  
/s/  
Bill Huizenga  
Member of Congress  
Will Hurd  
Member of Congress  
Richard Hudson  
Member of Congress  
/s/  
Sheila Jackson Lee  
Member of Congress  
/s/  
Hakeem Jeffries  
Member of Congress  
/s/  
Bill Johnson  
Member of Congress  
/s/  
Dusty Johnson  
Member of Congress  
/s/  
Mike Johnson  
Member of Congress  
/s/  
Jim Jordan  
Member of Congress  
/s/  
David P. Joyce  
Member of Congress
John Joyce, M.D.
Member of Congress

John Katko
Member of Congress

Fred Keller
Member of Congress

Mike Kelly
Member of Congress

Trent Kelly
Member of Congress

Derek Kilmer
Member of Congress

Andy Kim
Member of Congress

Peter T. King
Member of Congress

Steve King
Member of Congress

Ann Kirkpatrick
Member of Congress

Raja Krishnamoorthi
Member of Congress

David Kustoff
Member of Congress

Darin LaHood
Member of Congress

Doug LaMalfa
Member of Congress

Conor Lamb
Member of Congress

Doug Lamborn
Member of Congress
Kenny Marchant  
Member of Congress

Roger Marshall, M.D.  
Member of Congress

Brian J. Mast  
Member of Congress

Ben McAdams  
Member of Congress

Tom McClintock  
Member of Congress

Patrick T. McHenry  
Member of Congress

Cathy McMorris Rodgers  
Member of Congress

Gregory Meeks  
Member of Congress

Grace Meng  
Member of Congress

Daniel P. Meuser  
Member of Congress

Paul Mitchell  
Member of Congress

Carol D. Miller  
Member of Congress

John Moolenaar  
Member of Congress

/s/  
Joseph D. Morelle  
Member of Congress

Debbie Mucarsel-Powell  
Member of Congress
Lucille Roybal-Allard  
Member of Congress

John Rutherford  
Member of Congress

Tim Ryan  
Member of Congress

Linda T. Sánchez  
Member of Congress

Adam B. Schiff  
Member of Congress

Bradley S. Schneider  
Member of Congress

/s/  
Kurt Schrader  
Member of Congress

David Schweikert  
Member of Congress

/s/  
Austin Scott  
Member of Congress

/s/  
David Scott  
Member of Congress

/s/  
F. James Sensenbrenner, Jr.  
Member of Congress

/s/  
Donna Shalala  
Member of Congress

Brad Sherman  
Member of Congress

/s/  
Mike Simpson  
Member of Congress

/s/  
Albio Sires  
Member of Congress

/s/  
Elissa Slotkin  
Member of Congress

/s/  
Adrian Smith  
Member of Congress
Lee Zeldin
Member of Congress