

October 9, 2017

Dear Representatives Khanna, Massie, Pocan, and Jones,

We write to applaud your introduction of House Concurrent Resolution 81 to rapidly bring to an end the unauthorized U.S. participation in hostilities in Yemen's civil war alongside a coalition of militaries led by Saudi Arabia and the United Arab Emirates (UAE) against a Shiite rebel group, the Houthis, who have allied with the former president of Yemen, Ali Abdullah Saleh.

Launched in 2015, the Saudi-UAE-led war against the Houthi-Saleh alliance has directly led to the deaths of over ten thousand Yemenis.¹ An "unwarranted" blockade on imports of food and medicine enforced by Saudi warplanes and navy, according to Idriss Jazairy, United Nations Special Rapporteur on Human Rights and International Sanctions, is "one of the main causes of the humanitarian catastrophe" afflicting the country. "The blockade involves grave breaches of the most basic norms of human rights law, as well as of the law of armed conflict," he concluded, "which cannot be left unanswered."²

UN Secretary General António Guterres considered Yemen the "world's largest hunger crisis"—a "man-made crisis" in which "a child under the age of five dies of preventable causes in Yemen every ten minutes" despite the fact that "all those deaths could have been prevented." He concluded, "We are witnessing the starving and the crippling of an entire generation."³ The Saudi blockade has contributed to the dire reality that 17 million people—or 60 percent of Yemen's population—now confront food insecurity, with 7 million being pushed to the brink of starvation.⁴ U.S. Senator Chris Murphy of Connecticut argued that "the Saudis are deliberately trying to create a famine inside Yemen in order to essentially starve the Yemenis to the negotiating table"—and "the United States is participating."⁵ In addition to provoking near-starvation conditions for millions of Yemenis, the Saudi-led war is largely responsible for "the worst cholera outbreak in the world," according to the World Health Organization and UNICEF.⁶

U.S. responsibility in Saudi Arabia's famine-threatening war is not limited to the provision of weapons to Saudi Arabia and the UAE for use in Yemen, although this involvement alone led Obama administration lawyers to privately express concerns over U.S. co-belligerency under international law and the possible legal liability of U.S. officials for war crimes.⁷ Nor is U.S. culpability restricted solely to U.S. diplomatic shielding of Saudi Arabia and the UAE at the United Nations.⁸

Rather, as you note in your privileged resolution, the U.S. is directly participating in the coalition-led war in Yemen due to its reported intelligence assistance in targeting selection for Saudi and UAE warplanes conducting airstrikes, and through the U.S. provision of midair refueling services during those warplanes' bombing runs, according to *The New York Times* piece, "Support for Saudi Arabia Gives U.S. Direct Role in Yemen Conflict."⁹ *Foreign Policy* senior reporter Paul McLeary added that the Saudi coalition's "daily bombing campaign would not be possible without the constant presence of U.S. Air Force tanker planes refueling coalition jets."¹⁰ Since October, this refueling support for the Saudi-UAE bombing campaign in Yemen has reportedly doubled.¹¹ Although basic information regarding the extent of U.S. logistical assistance for Saudi

aerial targeting is not publicly available in spite of Congressional requests, *The New York Times* reported in June 2017 that “the Saudis will allow American military advisers to sit in the Saudi air operations control center in Riyadh,” deepening U.S. participation.¹²

Congress has never authorized U.S. participation in the Saudi-UAE war in Yemen against the Houthi-Saleh alliance, as Senate Foreign Relations Committee Chair Bob Corker has publicly acknowledged.¹³ Irrespective of debates regarding the expansive post-2001 U.S. war on Al Qaeda and ISIS, the Saudi-UAE war in Yemen against the Shiite Houthis is indisputably independent from, unrelated to, and unauthorized by the 2001 Authorization for Use of Military Force.

In fact, multiple news outlets have reported a “de facto” alliance between the Saudi coalition and Al Qaeda in Yemen against the Houthi-Saleh alliance, and that the Saudi-UAE war has strengthened the most dangerous franchise of this terrorist group.¹⁴ The State Department similarly acknowledged in a July 2017 report that “the ongoing conflict” has “enabled al-Qa’ida in the Arabian Peninsula (AQAP) and ISIS’s Yemen branch to deepen their inroads across much of the country.”¹⁵

When the Obama administration began participating in Saudi Arabia’s war in Yemen in 2015, the action was not justified on the basis of protecting the United States from a foreign threat, but rather was pursued to reportedly placate “gulf nations angered by Obama’s nuclear negotiations with Iran.”¹⁶ Although U.S. participation in Saudi Arabia’s war in Yemen is therefore not in response to an actual or imminent threat to the United States, this use of U.S. force has never been voted on by Congress, as required by the Constitution and the War Powers Resolution of 1973.

The U.S. House of Representatives has avoided a floor vote on any aspect of U.S. participation in this unauthorized war for at least a year, since an amendment to ban the transfer of cluster munitions to Saudi Arabia over its conduct in Yemen narrowly failed by a vote of 204-216.¹⁷ Over the intervening period, humanitarian conditions have only worsened in Yemen. Your privileged resolution to withdraw unauthorized U.S. forces from actual or imminent hostilities between the Saudi-UAE-led coalition and the Houthi-Saleh alliance is therefore both welcome and long overdue, as leading aid experts warn that Yemen is approaching “a famine of Biblical proportions.”¹⁸

By invoking provisions of U.S. law allowing for the introduction of a privileged resolution to withdraw unauthorized U.S. forces from this conflict, you are reasserting the rightful role of Congress as the constitutionally mandated branch of government that must both declare war and retain oversight over it. We, the undersigned, encourage all U.S. Representatives to vote yes to this resolution. This measure strengthens U.S. governance to better comport with the Constitution, assists in reducing a genuine threat to national security posed by the expansion of Al Qaeda in the Arabian Peninsula, and promises to assist in ending the senseless suffering of millions of innocent people in Yemen.

Sincerely,

[Affiliations for identification purposes only]

Bruce Ackerman
Sterling Professor of Law and Political Science
Yale University

Hon. Barbara K. Bodine
U.S. Ambassador to Yemen, 1997-2001
Director, Institute for the Study of Diplomacy, Edmund Walsh School of Foreign
Service, Georgetown University

Laurence H. Tribe
Carl M. Loeb University Professor and Professor of Constitutional Law
Harvard Law School

Hon. Mickey Edwards
Member of Congress (R-OK), 1977-1993
Aspen Institute

Jody Williams
Nobel Peace Laureate (1997)

Alberto Mora
Former General Counsel, United States Navy
Senior Fellow, Carr Center for Human Rights Policy
Harvard's John F. Kennedy School of Government

Bruce Fein
Fein & DeValle, PLLC;
Associate Deputy Attorney General to President Ronald Reagan, 1981-1982

Kristen Breitweiser
9/11 Widow and Activist
September 11th Advocates

Monica Gabrielle
9/11 Widow and Activist
September 11th Advocates

Hon. Dr. Ron Paul
Member of Congress (R-TX), 1997-2013

Margaret L. Satterthwaite
Professor of Clinical Law
NYU School of Law

Jason Pye
Vice President of Legislative Affairs
FreedomWorks

Stephen Walt
Robert and Renee Belfer Professor of International Affairs
Harvard University's John F. Kennedy School of Government

Asli Ü. Bâli
Professor of Law
Faculty Director, Promise Institute for Human Rights
Director, UCLA Center for Near Eastern Studies

Ariel Dulitzky
Clinical Professor of Law and Director, Human Rights Clinic, University of Texas
School of Law
Former Chair, United Nations Working Group on Enforced or Involuntary
Disappearances

James Silk
Binger Clinical Professor of Human Rights
Yale Law School

Philip G. Alston
John Norton Pomeroy Professor of Law
New York University

Paul R. Pillar
Georgetown University
Former National Intelligence Officer for the Near East and South Asia

Gabor Rona
Lecturer in Law
Columbia Law School

Col. Lawrence Wilkerson (ret.)
Distinguished Visiting Professor of Government at the College of William and Mary
Chief of Staff to Secretary of State Colin Powell

Danny Glover
Actor, humanitarian

Mark Ruffalo
Actor, filmmaker, social justice activist

Eve Ensler
Tony Award-winning playwright, performer, and activist

Tom Morello
Musician, political activist

Martin Sheen and Janet Sheen
Social justice advocates

Brie Larson
Academy Award-winning actor

Alice Walker
Poet and writer

Hon. Dennis Kucinich
Member of Congress (D-OH), 1997-2013

Jeffrey D. Sachs
University Professor of Sustainable Development
Columbia University

Rashid Khalidi
Edward Said Professor of Modern Arab Studies
Columbia University

Noam Chomsky
Institute Professor & Professor of Linguistics Emeritus
Massachusetts Institute of Technology

Juan Cole
Richard P. Mitchell Collegiate Professor of History
University of Michigan

Dani Rodrik
Ford Foundation Professor of International Political Economy
Harvard's John F. Kennedy School of Government

Daniel Larison
Senior Editor, *The American Conservative*

Thomas Pogge
Leitner Professor of Philosophy and International Affairs
Yale University

Danya Greenfield
Manager, Lifeline Embattled Civil Society Organization Assistance Fund
Freedom House

Jules Lobel
Professor of International and Constitutional Law
University of Pittsburgh Law School

Benjamin Davis
Professor of Law
University of Toledo College of Law

Peter Beinart
Contributing Editor, *The Atlantic*; Senior Columnist, *The Forward*
Associate Professor, City University of New York

Marjorie Cohn
Professor Emerita
Thomas Jefferson School of Law

Ria Singh Sawhney
Research Fellow, Center for Human Rights and Global Justice, NYU
New York University

Sonia E. Sachs
Director of Health Programs
Center for Sustainable Development
Columbia University

Mahmood Mamdani
Herbert Lehman Professor of Government
Columbia University

Vicente Navarro
Professor of Public Policy, Sociology and Policy Studies
Johns Hopkins Center for Global Health

Vijay Prashad
George and Martha Kellner Chair in South Asian History and Professor of International
Studies
Trinity College

Toby C. Jones
Associate Professor, Department of History
Director, Center for Middle Eastern Studies
Rutgers University, New Brunswick

Lindsay Stark
Associate Professor of Population and Family Health; Director of Research for the
Program on Forced Migration and Health
Columbia University

Catherine Lutz
Professor of Anthropology and International Studies
Brown University

Arang Keshavarzian
Associate Professor of Middle Eastern and Islamic Studies
New York University

Sara Pursley
Assistant Professor of Middle Eastern and Islamic Studies
New York University

Carolyn Eisenberg
Professor of U.S History and American Foreign Policy
Hofstra University

Suzanne W. Helburn
Professor Emerita of Economics
University of Colorado, Denver

Jillian Schwedler
Professor of Political Science, Hunter College and the Graduate Center
City University of New York

Stacey Philbrick Yadav
Associate Professor of Political Science
Hobart and William Smith Colleges

Mary Nolan
Professor of History
New York University

Rebecca E. Karl
Professor of History
New York University

Barbara Weinstein
Professor of History
New York University

John Womack, Jr.,
Robert Woods Bliss Professor of Latin American History and Economics, Emeritus
Harvard University

Adrienne Pine
Associate Professor of Anthropology
American University

Sarah Babb
Professor of Sociology
Boston College

Kate Gould
Legislative Director for Middle East Policy
Friends Committee on National Legislation

Will Picard
Executive Director
Yemen Peace Project

Kate Kizer
Director of Policy & Advocacy
Yemen Peace Project

Stephen Miles
Director, Win Without War

Paul Kawika Martin
Senior Director, Policy & Political Affairs, Peace Action

Robert Weissman
President, Public Citizen

Jodie Evans
Co-founder, CODEPINK

Robert Naiman
Policy Director, Just Foreign Policy

Laura Flanders
Broadcaster, author, host, *The Laura Flanders Show*

Norman Solomon
National Coordinator, RootsAction.org

Kathy Kelly
Co-coordinator, Voices for Creative Nonviolence

Michael Beer
Nonviolence International

John Cavanagh
Director, Institute for Policy Studies

Phyllis Bennis
Director, New Internationalism Project, Institute for Policy Studies

Matthew P. Hoh
Senior Fellow, Center for International Policy

Jeff Faux
Founder, Economic Policy Institute

Natasha Lycia Bannan
President, National Lawyers Guild

Howie Klein
Blue America PAC

Robert Greenwald
Brave New Films

Ray McGovern, former CIA analyst and Presidential briefer

Coleen Rowley, FBI agent (ret.) and former Minneapolis Division Legal Counsel

William Binney, Technical Director, NSA; co-founder, SIGINT Automation Research Center (ret.)

Bogdan Dzakovic
Former Team Leader, Air Marshal Program, Federal Aviation Administration
9/11 whistleblower

Elizabeth Murray, former Deputy National Intelligence Officer for the Near East,
National Intelligence Council and 27-year CIA veteran

Cian Westmoreland, U.S. Air Force Transmissions Systems Technician (2006-2010),
unmanned aircraft systems whistle-blower

Col. Ann Wright, US Army (Ret.), former U.S. diplomat who resigned in 2003 in
opposition to the Iraq War

Michael S. Kearns

Intelligence Officer, U.S. Air Force (Ret.); ex-Master SERE Instructor (Resistance to Interrogation)

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