

March 8, 2018

Dear Senator,

We, the undersigned organizations, strongly urge you to support S.J.Res. 54, introduced by Senators Lee (R-UT) and Sanders (I-VT), along with Senators Chris Murphy (D-CT) and Rand Paul (R-KY). This important legislation invokes section 5(c) of the War Powers Resolution of 1973 to require a debate and vote on ending unauthorized U.S. military involvement in Yemen's civil war. U.S. participation in the Saudi and United Arab Emirates (UAE)-led coalition's military operations in Yemen has not been authorized by either a congressional declaration of war nor a specific statute. Further, by providing technical, logistical and other military support for the Saudi and UAE-led coalition in Yemen, the U.S. has facilitated numerous violations of international humanitarian law in Yemen and the creation of the largest humanitarian crisis in the world.¹ It is imperative that the Senate reasserts Congress' constitutional authority as the sole body that can declare war by passing S.J.Res. 54.

Since March 2015, the U.S. has provided the Saudi and UAE-led coalition in Yemen with political and military support, including targeting intelligence, mid-air refueling, and other logistical support. U.S. personnel reportedly work alongside Saudi and other counterparts in the coalition's joint command center for targeting assistance and other purposes.² CENTCOM has publicly confirmed that the U.S. continues to provide mid-air refueling to the coalition, despite having no information on the objectives, flight plans, or targets of the refueled missions and no way to verify whether such missions comport with the laws of armed conflict or U.S. national security objectives.³ U.S. weapons sold to Saudi Arabia have been misused repeatedly in airstrikes on civilians and civilian objects, which are the leading cause of civilian casualties in the conflict⁴ and have destroyed Yemen's vital infrastructure.⁵ This destruction of infrastructure has exacerbated the world's largest hunger crisis in which 8.4 million civilians are on the brink

¹ "Statement by UNICEF Executive Director, Anthony Lake, WFP Executive Director, David Beasley and WHO Director-General, Dr. Tedros Adhanom Ghebreyesus, following their joint visit to Yemen," Reliefweb, July 26, 2017.

<https://reliefweb.int/report/yemen/statement-unicef-executive-director-anthony-lake-wfp-executive-director-david-beasley>

² "Mattis defends U.S. efforts to prevent civilian casualties in Yemen", Washington Post, December 29, 2017, <https://www.washingtonpost.com/news/checkpoint/wp/2017/12/29/mattis-defends-u-s-efforts-to-prevent-civilian-casualties-in-yemen/>; "Saudi Arabia Tries to Ease Concerns Over Civilian Deaths in Yemen," New York Times, June 14, 2017.

https://www.nytimes.com/2017/06/14/world/middleeast/saudi-arabia-arms-training-yemen.html?mcubz=3&_r=0

³ "The U.S. Military Can't Keep Track of Which Missions It's Refueling in Yemen War," The Intercept, September 18, 2017.

<https://theintercept.com/2017/09/18/the-u-s-military-cant-keep-track-of-which-missions-its-fueling-in-yemen-war/>

⁴ "Press Briefing Note on Yemen," Spokesperson for the UN High Commissioner for Human Rights, September 19, 2017. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx>

⁵ "Yemen: US-made bomb kills and maims children in deadly strike on residential homes," Amnesty International, September 22, 2017.

<https://www.amnesty.org/en/latest/news/2017/09/yemen-us-made-bomb-kills-and-maims-children-in-deadly-strike-on-residential-homes/>

of starvation and created the conditions necessary for the largest cholera outbreak ever documented in modern history.⁶

Yet despite the fact that the U.S. is actively aiding and abetting coalition abuses, U.S. military involvement in the disastrous conflict in Yemen has never been publicly debated by the Senate. This war of attrition has been waged using U.S. weapons, military support, and personnel without consent of Congress for far too long. Congress has a constitutional and ethical duty to ensure any and all U.S. military operations comply with domestic and international law, and U.S. participation in the civil war in Yemen raises numerous legal and moral questions that must be resolved by Congress. With S.J.Res. 54, the Senate must send a clear signal that without congressional authorization, U.S. military involvement in Yemen's civil war violates the Constitution and the War Powers Resolution of 1973.

Section 8 (c) of the War Powers Resolution of 1973 defines the introduction of armed forces as the “the assignment of members of such armed forces to command, *coordinate, participate in the movement of, or accompany* the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.” U.S. mid-air refueling of coalition warplanes carrying out airstrikes against the Houthis clearly constitutes participation in the movement of Saudi-led military forces as well as accompanying them in active hostilities in Yemen. It is clear that U.S. logistical and targeting assistance for coalition airstrikes constitutes coordination of Saudi-led military forces engaged in hostilities against the Houthis in Yemen.

The president is the Commander-in-Chief of the armed forces, but his legal authority to deploy and commit U.S. troops to foreign conflicts is extremely limited. Article I, section 8, clause 11 of the Constitution gives Congress the exclusive power to declare war. Section 2(c) of the War Powers Resolution of 1973 requires a specific statutory authorization for any military involvement in armed conflicts other than in cases of self-defense. As Houthi/Saleh forces in Yemen are not in any way associated with Al Qaeda and do not pose an imminent threat to the United States, there is simply no existing statutory authority for the U.S. involvement in this conflict. S.J.Res. 54 provides a unique opportunity for Congress to reassert its constitutional duty as the sole body that can declare war. We urge you to take the first step in reasserting Congress' authority over declaring war by co-sponsoring the resolution and voting for it when it comes to the Senate floor.

Sincerely,

About Face: Veterans Against the War
Action Corps
African Middle Eastern Leadership Project (AMEL)

⁶ “More than 8 million Yemenis ‘a step away from famine’: U.N.”, Reuters, December 11, 2017, <https://www.reuters.com/article/us-yemen-security-un/more-than-8-million-yemenis-a-step-away-from-famine-u-n-idUSKBN1E528X>; “The war in Yemen has led to the worst cholera outbreak in the world,” Vox, July 21, 2017. <https://www.vox.com/world/2017/6/26/15872946/yemen-war-cholera-outbreak-saudi-arabia-us-airstrikes>

American Friends Service Committee
Americans for Democracy & Human Rights in Bahrain (ADHRB)
Antiwar.com
Arabian Rights Watch Association
Avaaz
Campaign for Liberty
Center for International Policy
Center for Peace Education, Philippines
Churches for Middle East Peace
CODEPINK
Come Home America
Common Defense
CREDO
Daily Kos
Demand Progress Action
Democracy for America
Foreign Policy for America
Freedom Forward
FreedomWorks
Friends Committee on National Legislation
Herd on the Hill
Indivisible
Institute for Policy Studies, New Internationalism Project
Just Foreign Policy
Military Families Speak Out
Minnesota Peace Project
MoveOn.org
MPower Change
Our Revolution
Peace Action
People Demanding Action
Popular Resistance
Presbyterian Church (USA)
Progressive Congress Action Fund
RootsAction.org
September 11th Families for Peaceful Tomorrows
STAND: The Student-Led Movement to End Mass Atrocities
The Nation
The Resistance Center for Peace and Justice

UndocuBlack Network
United for Peace and Justice
United Methodist Church, General Board of Church and Society
US Campaign for Palestinian Rights
Vet Voice Foundation
Veterans for Peace 115
VoteVets
War Resisters League
Win Without War
Women's Action for New Directions
World Beyond War
World Peace Foundation
Yemen Peace Project