

Congress of the United States
Washington, DC 20515

June 12, 2018

Dear Secretary Mattis:

As members of Congress closely following the war led by Saudi Arabia and the United Arab Emirates against Yemen's Houthi rebels—and the humanitarian crisis that the conflict has triggered—we are deeply alarmed by the prospect of intensified and prolonged hostilities. We urge you to use all available means to avert a catastrophic military assault on Yemen's major port city of Hodeida by the Saudi-led coalition, and to present Congress with immediate clarification regarding the full scope of U.S. military involvement in that conflict. We remind you that three years into the conflict, active U.S. participation in Saudi-led hostilities against Yemen's Houthis has never been authorized by Congress, in violation of the Constitution.¹

Just over a year ago, a bipartisan group of 55 members of Congress sent a letter to the Trump Administration raising serious concerns regarding a potential Saudi- and UAE-led coalition attack against the Houthi-controlled port of Hodeida, with the possible consent and support of the United States.² Though the offensive was ultimately forestalled, the *Washington Post* reports that you had “asked for approval of the rejected Hodeida operation, including additional surveillance, intelligence and operational assistance.”³

A renewed push by coalition forces to cut off and capture Hodeida led the *Washington Post* to editorialize, “The world's worst humanitarian crisis could get even worse,” and experts warn that such an assault would destroy the prospects for a peace settlement.⁴ Save the Children noted that a closure of Hodeida port would lead to a “devastating cut in the humanitarian and commercial supply chain just when it's needed most,” and that an assault on the city could displace “an additional 340,000 people.”⁵ In light of your April 2017 remarks that the war must be resolved “politically as soon as possible,” we urge you to use all tools at your disposal to dissuade the Saudi-led coalition from moving forward with this offensive and reject the provision of U.S.

¹ Ro Khanna, Mark Pocan and Walter Jones, “Stop the Unconstitutional War in Yemen,” *New York Times*, October 10, 2017. <https://www.nytimes.com/2017/10/10/opinion/yemen-war-unconstitutional.html>

² “Bipartisan Effort: 55 U.S. Representatives Call on Trump to Come to Congress Before Taking Military Action in Yemen,” Apr 11, 2017. <https://pocan.house.gov/media-center/press-releases/bipartisan-effort-55-us-representatives-call-on-trump-to-come-to>

³ Karen DeYoung and Missy Ryan, “Despite U.S. warnings, Yemeni forces backed by UAE advance toward crucial port,” *Washington Post*, June 4, 2018. https://www.washingtonpost.com/world/national-security/despite-us-warnings-yemeni-forces-backed-by-uae-advance-toward-crucial-port/2018/06/04/08a1af40-6765-11e8-bf8c-f9ed2e672adf_story.html

⁴ “The world's worst humanitarian crisis could get even worse,” *The Washington Post*, May 28, 2018. https://www.washingtonpost.com/opinions/global-opinions/the-worlds-worst-humanitarian-crisis-could-get-even-worse/2018/05/28/cadc952e-6040-11e8-b2b8-08a538d9dbd6_story.html; “Martin Griffiths, Special Envoy for Yemen makes his first briefing to the Security Council,” April 17, 2018. <https://reliefweb.int/report/yemen/martin-griffiths-special-envoy-yemen-makes-his-first-briefing-security-council-enar>

⁵ “Save the Children Statement on Hudaydah,” Save the Children, May 30, 2018. <https://www.facebook.com/notes/save-the-children-yemen/save-the-children-statement-on-hodeidah/1930895286930016/>

logistical, military and diplomatic support for any such operation.⁶ As the *Washington Post* editorial noted, the United States should “use its leverage to stop this reckless venture.”

Additionally, in light of recent *New York Times* revelations that “late last year, a team of about a dozen Green Berets arrived on Saudi Arabia’s border with Yemen, in a continuing escalation of America’s secret wars,” we seek immediate clarification on U.S. participation in the coalition’s war against the Houthis. Despite “virtually no public discussion or debate,” according to the *Times*, “Army commandos are helping locate and destroy caches of ballistic missiles and launch sites” of Houthi rebels in Yemen—activities which “appear to contradict Pentagon statements.”⁷ In light of these operations, please explain the following remarks, which include sworn testimony and classified briefings by Pentagon officials to Congress:

- During a classified Senate briefing in March 2018, Senators “pressed Pentagon officials about the military’s role in the Saudi-led conflict,” yet Defense Department representatives stated that “American forces stationed in Saudi Arabia only advised within the kingdom’s borders and were focused mostly on border defense.”⁸
- On March 13, 2018, Gen. Votel, Commander of U.S. Central Command, told the Senate Armed Services Committee that CENTCOM is “authorized to help the Saudis defend their border. We are doing that through intelligence sharing, through logistics support and through military advice that we provide to them,” yet, he added, “we’re not parties to this conflict.”⁹
- At the request of Majority Leader Mitch McConnell, William Castle, Acting General Counsel of the Department of Defense, sent a letter to the Senate asserting that U.S. support “does not involve any introduction of U.S. forces into hostilities.”¹⁰
- On March 14, 2018 you wrote to the Senate that “neither President Obama nor President Trump authorized the use of U.S. military force against the Houthis. Our support takes the form of intelligence sharing, military advice, and logistical support, including air-to-air refueling. This non-combat support is focused on improving coalition processes and procedures, especially regarding compliance with the law of armed conflict and best practices for reducing the risk of civilian casualties.”¹¹

We are concerned that in the midst of a Senate effort to exercise its constitutional authority to end unauthorized hostilities—including U.S. targeting and refueling assistance for Saudi-led airstrikes against Yemen’s Houthis—the Pentagon may have concealed key information from

⁶ “Bipartisan Group of 16 Lawmakers Threaten to Block U.S. Military Escalation in Yemen if not Briefed by Pentagon,” May 3, 2017. <https://pocan.house.gov/media-center/press-releases/bipartisan-group-of-16-lawmakers-threaten-to-block-us-military>

⁷ Helene Cooper, Thomas Gibbons-Neff and Eric Schmitt, “Army Special Forces Secretly Help Saudis Combat Threat From Yemen Rebels,” *New York Times*, May 3, 2018.

<https://www.nytimes.com/2018/05/03/us/politics/green-berets-saudi-yemen-border-houthi.html>

⁸ *Ibid.*

⁹ Eric Schmitt and Thomas Gibbons-Neff, *New York Times*, “Before Saudi Visit, Congress Questions U.S. Support for Yemen Campaign,” March 18, 2018, <https://www.nytimes.com/2018/03/18/us/politics/trump-saudi-yemen.html>

¹⁰ Akbar Shahid Ahmed, “Legal Scholars Trash Pentagon’s Effort To Prevent Senate Debate On Yemen War,” *Huffington Post*, March 6, 2018. https://www.huffingtonpost.com/entry/legal-scholars-trash-trump-pentagon-effort-to-prevent-senate-debate-on-yemen-war_us_5a9f0d99e4b002df2c5e895d

¹¹ Letter to Congressional leaders, March 14, 2008. <http://apps.washingtonpost.com/g/documents/world/defense-secretary-jim-mattis-letter-to-congressional-leaders/2837/>

members of Congress regarding the full extent of on-the-ground U.S. military participation in the Saudi coalition-led war.

In violation of the War Powers Resolution of 1973, no specific statutory authorization exists for U.S. military personnel that coordinate, participate in the movement of, and accompany Saudi forces into hostilities against Yemen's Houthis, or into circumstances where an imminent threat exists that Saudi forces will become engaged in such hostilities.¹² The Houthis, reported the *Times*, "have not been classified by the American government as a terrorist group," and are not covered by any existing Authorization for Use of Military Force.¹³

The New York Times editorial board concluded that "the Pentagon and the Trump Administration apparently have misled Americans about growing military involvement in a war in Yemen that we should have nothing to do with."¹⁴ The Saudi-led coalition, the editorial board added, is "the main driver of the misery" in Yemen, "with its air bombardments against civilian areas, and a land, air and sea blockade that is keeping large quantities of food, fuel and medicine from reaching millions of people."¹⁵

We call on you to immediately disclose the full extent of the U.S. military role in the Saudi-led war against Yemen's Houthis, including the use of special operations forces; disclose any role that the Pentagon is currently performing, has been asked to perform, or is considering performing regarding an attack on the port of Hodeida; and issue a public declaration opposing this impending assault and restating the Administration's position that Saudi Arabia and other parties to the conflict should accept an immediate ceasefire and move toward a political settlement to resolve the conflict.

In light of a possibly disastrous offensive on Hodeida, we remind you that under Article I, Section 8 of the Constitution, Congress alone has the power to declare and authorize war, and the War Powers Resolution allows any individual member of Congress to force a debate and floor vote to remove U.S. forces from unauthorized hostilities. The Senate Foreign Relations Committee explicitly declared in 1973 that provisions of the War Powers Resolution were intended to "prevent secret, unauthorized military support activities" and avert "ever deepening ground combat involvement" in foreign conflicts, including via "U.S. 'advisers' to accompany" foreign armed forces into imminent hostilities.¹⁶ Your prompt responses will better enable us to exercise our exclusive constitutional responsibility to authorize and oversee the offensive use of U.S. military force.

Sincerely,

¹² U.S. Congress, War Powers Resolution of 1973, Section 8(c) 50 U.S.C. 1541–1548.

¹³ Cooper, Gibbons-Neff, Schmitt, "Army Special Forces Secretly Help Saudis," *New York Times*.

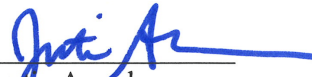
¹⁴ Editorial Board, "Why Are American Troops in the Yemen War?" *New York Times*, May 3, 2018. <https://www.nytimes.com/2018/05/03/opinion/american-troops-yemen.html>

¹⁵ Editorial Board, "America's Role in Yemen's Agony Can End on Capitol Hill," *New York Times*, March 19, 2018. <https://www.nytimes.com/2018/03/19/opinion/mohammed-bin-salman-america-yemen.html>

¹⁶ U.S. Congress, S.Rept. 93-220, p 24.



Mark Pocan
Member of Congress



Justin Amash
Member of Congress



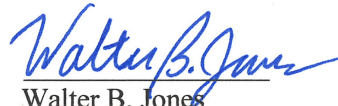
Ro Khanna
Member of Congress



Thomas Massie
Member of Congress



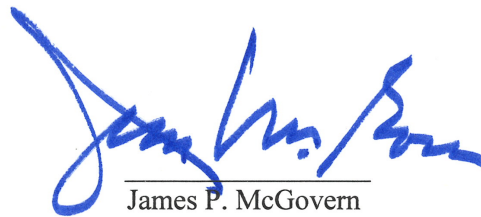
Barbara Lee
Member of Congress



Walter B. Jones
Member of Congress




Ted W. Lieu
Member of Congress



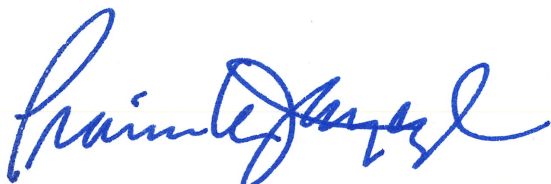
James P. McGovern
Member of Congress



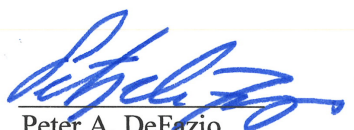
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Yvette D. Clarke
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Pramila Jayapal
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Peter A. DeFazio
Member of Congress



Debbie Dingell
Member of Congress



Earl Blumenauer
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Eleanor Holmes Norton
Member of Congress



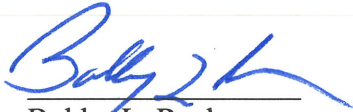
Gwen Moore
Member of Congress



Adriano Espaillat
Member of Congress



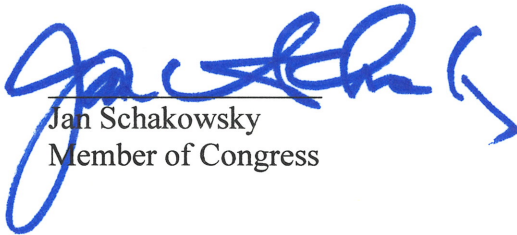
Judy Chu
Member of Congress



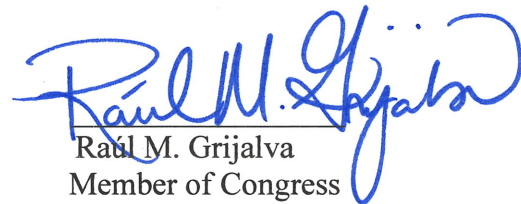
Bobby L. Rush
Member of Congress



Keith Ellison
Member of Congress



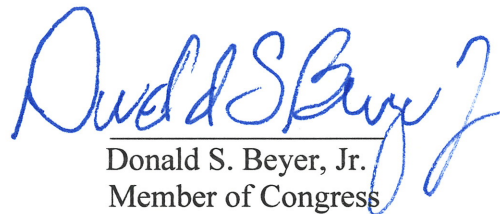
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Jamie Raskin
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Donald S. Beyer, Jr.
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Karen Bass
Member of Congress



Frank Pallone, Jr.
Member of Congress



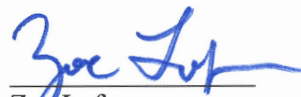
Beto O'Rourke
Member of Congress



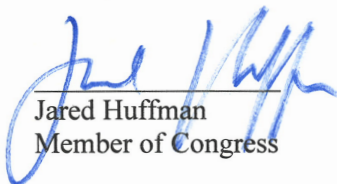
Alan Lowenthal
Member of Congress



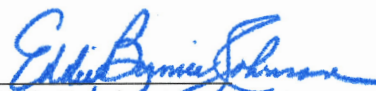
Betty McCollum
Member of Congress



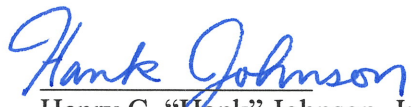
Zoe Lofgren
Member of Congress



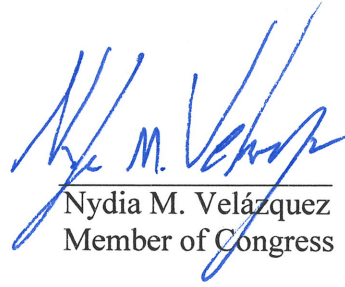
Jared Huffman
Member of Congress



Eddie Bernice Johnson
Member of Congress

Handwritten signature of Hank Johnson in blue ink.

Henry C. "Hank" Johnson, Jr.
Member of Congress

Handwritten signature of Nydia M. Velázquez in blue ink.

Nydia M. Velázquez
Member of Congress

cc:

Secretary of State Mike Pompeo

Gen. Joseph Votel, head of United States Central Command

William Castle, Acting General Counsel of the Department of Defense

Senate Majority Leader Mitch McConnell

Senate Minority Leader Chuck Schumer

Senate Foreign Relations Committee Chair Bob Corker

Senate Foreign Relations Committee Ranking Member Robert Menendez

House Speaker Paul Ryan

House Minority Leader Pelosi

House Foreign Affairs Committee Chair Ed Royce

House Foreign Affairs Committee Ranking Member Eliot Engel