



March 20, 2018

Key Vote YES on the Yemen War Powers Resolution, S.J.Res. 54

On behalf of our activist community, I urge you to contact your Senators and ask them to vote YES on the Yemen War Powers Resolution, S.J.Res. 54. The resolution would simply reclaim Congress' rightful and required Article I powers by mandating the removal of unauthorized U.S. armed forces from hostilities in or affecting the Republic of Yemen not later than 30 days after the adoption of the resolution, absent a declaration of war or specific authorization for engagement in such activities.

James Madison, the "father of the Constitution," once wrote, "In no part of the constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature, and not to the executive department." Unfortunately, Congress has frequently abdicated its war-making power to the executive branch, allowing for liberal interpretation of existing statutory authorizations of military force to conflicts arguably not intended to be encompassed by them.

In Yemen, the executive branch has very clearly gone a step too far. By providing mid-air refueling, targeting assistance, and intelligence sharing to the Saudi-led coalition in its bombing of the Houthis in Yemen, the U.S. is directly involved in the conflict. In no way connected to al-Qaeda or the Islamic State, U.S. military force against the Houthis remains unauthorized, falling outside of the scope of the 2001 and 2002 AUMFs.

This is a simple fact that even Department of Defense Secretary James Mattis acknowledged in a letter penned to the Senate just last week, stating that "Neither President Obama nor President Trump authorized the use of U.S. military force against the Houthis." However, Mattis and the Department of Defense continue to claim that the U.S. is not engaged in hostilities, and thus the executive branch's actions do not extend beyond the scope of Article II powers.

Essentially, this argument posits that in order to be engaged in hostilities that Congress has rightful jurisdiction over, our armed forces must be in active combat on the ground. This notion is not only incompatible with the way modern military conflicts work, it also flies directly contrary to existing law governing such jurisdiction over war-making powers.

Section 8(c) of the War Powers Act of 1973, which S.J.Res. 54 invokes, defines the level of military involvement necessary to invoke its restraints as “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.” Intelligence sharing, mid-air refueling of Saudi planes used to bomb Yemen, and actual targeting assistance in these airstrikes undoubtedly meets these criteria.

If the Department of Defense truly thinks that these blatant violations of current law and of the Constitution are not such, they are delusional. However, the aggressive and constant backlash against this resolution from the Department of Defense suggests otherwise. They are very aware that their involvement in the Yemeni civil war extends far beyond the scope of their powers, and are fighting with all they have to keep a hold on this power grab. Congress, including all 100 senators who have this resolution to consider today, should be offended by this.

A power explicitly delegated to the deliberative bodies of Congress is being actively stripped from them, time and time again, even in an instance where the Department of Defense admits the unauthorized nature of the conflict. The people of the United States deserve to have their government respect the Constitution that protects our rights, and the men and women of our armed forces deserve to have their involvement in foreign conflicts vetted as statutorily and constitutionally mandated. The vote on the Yemen War Powers Resolution is a significant opportunity to affirm these basic principles.

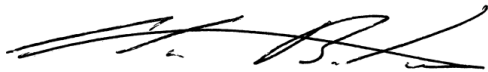
The sponsors and supporters of S.J.Res. 54 have faced significant criticism for disregarding the strategy behind U.S. involvement in backing the Saudi-led coalition in the conflict in Yemen, as well as even for being complicit in helping Iran by backing this resolution. Such claims are misguided and, quite frankly, disgusting. To question the patriotism and intentions of senators working actively to defend, day after day, one of the most important principles that our country was founded upon -- executive power to wage war only insofar as Congress declares or authorizes it -- is disingenuous.

Furthermore, the resolution is actually entirely agnostic as to the best path forward to return peace to the region. It simply recognizes that the activities U.S. armed forces are currently involved in are undeclared and unauthorized, and requires their removal absent a declaration of war or specific authorization. If the Department of Defense wants to continue waging war and fighting this conflict, they must convince both chambers of Congress that they should justly be doing so. And, if this involvement is as crucial to their mission in the Middle East as they argue it to be, they should have no problem doing so.

Adopting this resolution simply allows Congress to reassert its constitutional powers under Article I, and debate the necessity of military force abroad prior to giving the executive branch, and the commander-in-chief, the latitude to do so. The strategic debate on the path forward is to ensue afterward if necessary, but the need to defend Congress' war-making powers must not be ignored any longer. For these reasons, I urge you to contact your senators and ask them to vote YES on the Yemen War Powers Resolution, S.J.Res. 54.

FreedomWorks will count the vote for the S.J.Res. 54 on our 2018 Congressional Scorecard. The scorecard is used to determine eligibility for the FreedomFighter Award, which recognizes Members of the House and Senate who consistently vote to support economic freedom and individual liberty.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Brandon', with a stylized flourish at the end.

Adam Brandon
President, FreedomWorks