

# Reining in the Yemen Conflict: The US Congress and War Making Powers

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Theme: [Media Disinformation](#), [US NATO War Agenda](#)

*We keep hearing it. Secretary of State Mike Pompeo is firm on the view that the Yemen conflict should conclude. “We all want this conflict to end,” he never tires of [saying](#). “We all want to improve the dire humanitarian situation.” Then comes the nub, poking, irritating and undeniable: “But the Trump administration fundamentally disagrees that curbing assistance to the Saudi-led coalition is the way to achieve these goals.”*

The Yemenis might be suffering and heading to oblivion, but the issue of resolving the conflict was not to handicap the Saudi-led coalition. Certain allies need succour and encouragement. To that end, the US would continue to give “the Saudi-led coalition the support needed to defeat Iranian backed rebels and ensure a just peace.” Such an attitude sits poorly in the humanitarian stakes, given that [US assistance](#) to the Saudi and Emirati aerial campaign has been indispensable in targeting civilian objects (schools, funerals, weddings, water treatment plants and medical clinics). An enforced coalition naval blockade has also sparked a broader crisis of starvation and disease, a [famine](#) that may prove to be one of the worst in living memory. These are not exaggerations.

A further absurdity also arises. Not only does continued US backing of Saudi Arabia in Yemen’s travails fail to pass the test of national interest, an argument can be made that it is distinctly against it. Al Qaeda in the Arabian Peninsula (AQAP) has profited from the conflict, receiving sponsorship from Coalition forces. In short, a sworn enemy of US influence is being subsidised by Washington’s dizzyingly daft policy on the subject, one supposedly designed to combat those very same foes.

The blood-soaked logic of Pompeo and company has not done so well in Congress. Of late, enthusiasm has waned for the US sponsored effort which has remained, as many before, unauthorised by legislators. US lawmakers, who tend to pass their time in hibernation on the subject of controlling executive power, have generally been all too indifferent in making referrals to the War Powers Act of 1973.

In recent times, a certain change has taken place. The House and Senate have been going through the process of passing respective resolutions that, when finalised, may well see a halt in US funding to the war effort in Yemen. It is, in truth, ordinary rather than audacious, but in President Donald Trump’s America, the ordinary is now proving remarkable.

Moves began with the passage of [H.J. Res. 37](#) on February 13 directing President Donald Trump “to remove US Armed forces from hostilities in or affecting Yemen within 30 days unless Congress authorizes a later withdrawal date, issues a declaration of war, or specifically authorizes the use of the Armed forces.” The resolution does not affect

continued operations against Al Qaeda, but expressly prohibits the provision of inflight fuelling for non-US aircraft that perform any functions related to the conflict.

The Senate resolution, [S.J. Res. 7](#), is of similar wording. As Senator Bernie Sanders, who co-sponsored the resolution in the Senate along with Utah Republican Mike Lee, explained to fellow members,

“The bottom line is that the United States should not be supporting a catastrophic war led by a despotic regime with an irresponsible foreign policy.”

What is different about the approaches this time around is the availing of procedures by Congress that were added to the War Powers Resolution in 1983. In the Senate, the provision [enables](#) resolution sponsors to neutralise filibusters, force votes and remove obstruction. All this, despite opposition from the leadership in Congress or individual senators.

The resolutions in question have also been amended to permit the US president to continue sharing intelligence if deemed in the national interest. This provision, in of itself, permits Trump a back door to continue supporting the Saudi coalition. The Defense Department has also put forth the view that US support in the conflict hardly falls within the definition of “hostilities” pursuant to the War Powers Resolution. The joint resolutions, to that end, would have no legal consequence, and would, as the General Counsel of the DoD [iterated](#) in February, also “undermine our ability to foster long-term relationships, increase interoperability, promote burden sharing, and build strong security architectures throughout the world.” Such torturous words are fittingly confessional, demonstrating the sheer depth of the US commitment to the conflict even as officials seek to deny it.

The scene is now set for President Trump to consider a veto. This he has made clear, with the White House claiming that the premise of H.J. Res 37 is flawed. The [statement issued](#) in rebuking supporters of the resolution insist that US support to the Saudi-led coalition is minimal at best. “The provision of this support has not caused United States forces to be introduced into hostilities.” Ever slippery, though, the statement goes on to acknowledge that “support is provided pursuant to licenses and approvals under the Arms Export Control Act, statutory authorities for Department of Defense to provide logistics support to foreign countries, and the President’s constitutional powers.”

As ever, when the executive fears a curb on its broad powers, the threat of constitutional instability is thrown about. Given that US support for Saudi Arabia and allied countries in the Yemen conflict is premised on the use of executive constitutional powers, the resolution “would raise serious constitutional concerns to the extent it seeks to override the President’s determination as Commander in Chief.” More to the point, it is time for Congress to step up to the plate and be counted in matters of war.

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