

The Hon. Tim Kaine
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Washington, D.C. 20510

The Hon. Todd Young
185 Dirksen Senate Office Building
Washington, D.C. 20510

The Hon. Chris Murphy
136 Hart Senate Office Bldg.
Washington, D.C. 20510

The Hon. Mike Lee
363 Russell Senate Office Building
Washington, D.C. 20510

July 10, 2024

Dear Senators Kaine, Young, Murphy and Lee:

We are grateful for your longstanding efforts in support of both ending U.S. participation in the war in Yemen, as well as your defense of Congress’s war powers, including your joint letter on [January 23, 2024](#) raising important questions of law and policy regarding the Biden administration’s unauthorized airstrikes in and around Yemen. We strongly agree with you that “Congress must carefully deliberate before authorizing offensive military action,” in light of the fact that there is “no current congressional authorization for offensive U.S. military action against the Houthis.” We write today to urge you to take necessary actions to defend the role of Congress in authorizing war and military action, as the framers of our Constitution intended, and to introduce a Yemen War Powers Resolution to this end.

At a [February Senate Foreign Relations hearing](#), Senator Murphy noted that “this looks to me like war in every bit of the constitutional sense.” Senator Young, for his part, expressed dismay about the lack of clarity from the Department of Defense’s witness on a number of basic questions about the administration’s authority to participate in hostilities in Yemen and the Red Sea. Senator Kaine educated administration officials that under U.S. law and the Constitution, “the defense of other nations' commercial ships, in no way — and it is not even close — that's

not self-defense,” nor is “taking offensive actions and striking targets within Yemen,” regardless of whether it “might be strategically a smart thing to do.”

Unfortunately, about six months after the strikes began, there is scant evidence that the strikes have been either strategically smart or successful, as you correctly predicted when you wrote that the unauthorized strikes “will not deter the Houthi attacks.” In early May, Avril Haines, director of national intelligence, [told](#) the Senate Armed Services Committee that the Houthi Red Sea activities will “remain active for some time, and Houthi military capacity to launch these attacks is not “likely to change in the near future,” concluding that the US strikes have been ineffective in stopping “the Houthis from going down this road.” Far from being deterred, the Houthis have actually expanded the range of their attacks, with an attack [in late April](#) targeting an Israeli-linked ship sailing 375 miles off the coast of Yemen. More recently, Houthi attacks have shown a “significant increase in effectiveness,” according to security firm Ambrey, including through the use of drone boats and double-tap strikes. Houthi military officials have [announced plans](#) for further escalation of their attacks if no ceasefire is reached in Gaza. All of this was foreseen by experts, who widely predicted [that](#) the US strikes would only strengthen the Houthis’ narrative, [contributing](#) to greater popularity [both at home](#) and [across the Muslim world](#), and helping them [enlist tens of thousands](#) of new fighters.

To our knowledge, the administration has not even made a good faith attempt to engage with the valid constitutional concerns and substantive policy critiques you have raised alongside dozens of [House members](#), [experts](#), and [advocates](#). This leads us to believe that the administration has effectively conceded that it does not have valid legal and constitutional authority to engage in these strikes.

The strikes have nonetheless continued unabated for months, with hundreds of missiles launched in Yemen, including an attack on May 30th that [killed](#) at least 16 people and injured about 42 people. [According to the Yemen Data Project](#), there was a 73 percent increase in US-led strikes in June, leading to 11 recorded casualties. This flagrant and ongoing violation of Congress’s war powers risks setting a precedent that can undermine the clear intent of the framers of our Constitution and undermine the hard-fought progress made in recent years to restore the appropriate role of Congress over war and military action. This threatens to deny the American people critical congressional debate and oversight regarding this dangerous and strategically-dubious military action, and could be cited by the executive branch to attempt to

justify similar or even more expansive unauthorized military actions in other contexts in the future.

As a movement that is non-partisan and ideologically diverse, we believe it is critical to maintain the bipartisan application of these principles, to ensure that the law and mechanisms of the War Powers Resolution cannot be accused of being wielded for partisan purposes. This means that even under a Democratic administration, senators must act in bipartisan fashion when the executive oversteps its authority, just as Congress did during the previous Republican administration. Accordingly, we urge you to move swiftly to rein in these unauthorized and unconstitutional strikes by introducing a War Powers Resolution to remove U.S. participation from hostilities in Yemen, until or unless Congress authorizes such action.

Removing U.S. participation from hostilities in Yemen will remedy the constitutional violation and allow the U.S. to focus its attention on the most appropriate course of action to end the Red Sea attacks. As Senator Kaine [explained to CNN in late January](#), “the only thing that's shown there to be de-escalation” and a pause in Houthi Red Sea attacks was the “hostage release deal” that included “a pause in hostilities to get humanitarian aid to Gazans.” In April, Biden Administration Special Envoy for Yemen Tim Lenderking concurred with this view, [telling C-SPAN](#) that a ceasefire in Gaza would likely bring an end to the attacks on the commercial ships.

In summary, we encourage you to stand by your words in January, and to take the necessary next step to stop illegal, ineffective, and deadly unauthorized airstrikes in Yemen, by introducing a Yemen War Powers Resolution.

Thank you for your attention to this urgent concern.

Sincerely,

Action Corps

Action Corps Virginia

American Friends Service Committee

Antiwar.com

Avaaz

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Frente Antiimperialista Internacionalista
Friends of Sabeel North America (FOSNA)
Gandhi Alliance for Peace
Global Ministries of the Christian Church (Disciples of Christ) and United Church of Christ
Global Network Against Weapons & Nuclear Power in Space
Granny Peace Brigade
Green Party of Pennsylvania
Hands Off Yemen
Health Advocacy International
Historians for Peace and Democracy
Just Foreign Policy
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MADRE
Minnesota Peace Project
MPower Change Action Fund
National Iranian American Council
North Country Peace Group
Pax Christi USA
Peace & Social Justice Committee, 15th St. Meeting, Religious Society of Friends
Peace Action
Peace Action New York State
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South Country Peace Group

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Western New York Peace Center

Women for Weapons Trade Transparency

Women's International League for Peace and Freedom, US

World BEYOND War

World Can't Wait

Yemen Freedom Council

Yemen Relief and Reconstruction Foundation

Yemeni Alliance Committee