



## Saudi Arabia: Under Congressional Scrutiny

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There has been a debate in Washington about the nature of the US-Saudi relationship which recently has been fraught with tension due largely to the Iran nuclear deal, but also the diminution of American influence and credibility among its Arab allies.

The Kingdom of Saudi Arabia has come under close congressional scrutiny in Congress where questions have arisen once again about Saudi Arabia's role in the 9/11 terrorist attacks and US arms sales to the Kingdom. Legislation has been introduced in the House and Senate (**HR3815**) and (**S2040**) which would allow US victims of terrorist to sue the Saudi government. Congress also has introduced legislation which would impose unprecedented restrictions on arms sales to the Kingdom.

***Limit US Munitions to Saudi Arabia.*** On April 20, Representatives Ted Lieu (D-California) and Ted Yoho (R-Florida), along with 112 cosponsors, introduced **HJRes90, a joint resolution to provide limitations on the transfer of certain United States munitions from the United States to Saudi Arabia.** The resolution has been referred to the House Foreign Affairs Committee (HFAC).

**HJRes90** is the companion bill to the Senate resolution, **SJRes32**, introduced by Senators Chris Murphy (D-Connecticut) and Rand Paul (R-Kentucky) on April 13. In an appearance before the Brookings Institution on April 21, Murphy acknowledged the strategic importance of the US-Saudi relationship but asserted that it needs to be "revised." He criticized the Kingdom for its human rights abuses and its support for Wahhabism, and Saudi military objectives which run counter to US interests. He believes his legislation has "a lot of interest" but conceded passage could be an uphill battle. Other observers, however, have noted that the bill is unlikely to be enacted into law. While there is concern in Congress about the Kingdom's role in Yemen, human rights and extremism, most members understand the strategic importance of the bilateral relationship and believe Murphy's legislation will only create further tensions. Murphy's bill currently has no cosponsors and the House resolution has only two cosponsors. Therefore, it is unlikely that this arms sale resolution will be enacted into law.

By far, however, the most damaging legislation for the Kingdom is the **Justice against Sponsors of Terrorist Acts (JASTA)**, commonly called the Saudi 9/11 bill. Speculation about Saudi Arabia's support for al Qaeda terrorists recently arose leading to legislation that would allow victims of the terror attacks to sue the Kingdom.

On February 3 the Senate Judiciary Committee approved **S2040** by voice vote. The measure is now pending on the Senate floor. However, Senator Lindsey Graham (R-South Carolina) has placed a hold on the legislation, thereby preventing Senate floor consideration – for now.



House Speaker Paul Ryan (R-Wisconsin) also has questioned the wisdom of considering the legislation. Senate Minority Leader Harry Reid (D-Nevada) supports passage, putting him at odds with President Obama.

It is unclear when or if the legislation will come to the Senate floor. Reportedly both Senator Jeff Sessions (R-Alabama) and Graham are pushing for a compromise on the bill, but whatever compromise is being considered has not been made public. On the House side, Speaker Paul Ryan (R-Wisconsin) has expressed doubts about the bill, lessening the chances for House passage. According to credible sources, there is “weariness” among some members over the theory that the Kingdom was somehow involved in the 9/11 attack. Many simply do not believe that the Kingdom, a longstanding US ally, would be involved or sanction such a heinous act of terrorism.

Supporters of the legislation and family members of the 9/11 victims also want 28 classified pages relating to Saudi Arabia, contained in a joint congressional investigation by the House and Senate Intelligence Committees following the 9/11 attacks, declassified. Former Senator Bob Graham (D-Florida), who served as Senate Intelligence Committee Chairman during and after 9/11 is a longstanding proponent of declassifying these pages. In 2004 he wrote a book entitled *Intelligence Matters: The CIA, the FBI, Saudi Arabia and the Failure of America’s War on Terror*. Appearing on NBC’s *Meet the Press* recently, Graham said the Administration will decide by June whether to release the classified pages of the Report dealing with links between the Kingdom and the 9/11 attacks. Director of National Intelligence Director James Clapper also said the Administration is considering the release of the classified pages. It is not known, however, if the Administration will release all or a portion of the classified pages.

It should be noted that former New Jersey Governor Thomas Kean and former US Representative Lee H. Hamilton (D-Indiana) recently published an Op-ed in *USA Today* <http://www.usatoday.com/story/opinion/2016/04/27/911-report-28-pages-saudi-arabia-kean-hamilton/83597386/> stating the 28 pages do not contain the “smoking gun”. Kean and Hamilton, co-chairmen of the 9/11 Commission, found no evidence that Saudi Arabia funded the attacks. In the Op-ed Kean and Hamilton wrote that the 28 pages were not drafted by the Commission, but were a part of a prior report by a congressional panel investigating intelligence failures related to the 9/11 attacks. The 9/11 Commission was created in part to complete the work of the Joint Intelligence Committees investigation, but the 28 pages in the 2002 report were never the Commission’s to declassify. Lost amid all the innuendo about Saudi involvement is the fact that the 28 pages were based almost entirely on raw, unvetted material received by the FBI, as possible leads for further investigation – all of the uninvestigated. These leads in the 28 pages were investigated by the 9/11 commission. The results of the investigation are contained in the Chapters 5 and 7 of the 9/11 Commission Report released in July 2004 and are not classified. In short, the 9/11 Commission found there was no evidence of Saudi involvement.

For now, the furor over the 9/11 bill appears to have quieted down. Speculation exists that supporters of the JASTA legislation may be waiting to learn if the Administration will



declassify some or all 28 pages. Of course, these supporter surmise there is something sinister in the 28 pages, why else would they be declassified. If the Administration refuses to declassify the 28 pages, it will reinforce the belief by the bill's supporters that the Kingdom was involved. If, however, the pages reveal no Saudi role in the terrorist attacks – assuming they are declassified -- supporters will have little ammunition to push for passage of the bill.

### **Forces Pushing the Legislation**

There are a number of actors pushing for passage of the legislation. As noted former Senate Intelligence Committee Chairman Bob Graham has reiterated his belief that Saudi Arabia was involved in the 9/11 attacks. Two House members, Stephen Lynch (D-Massachusetts) and Walter Jones (R-North Carolina), who have seen the classified pages, are also behind the push for passage. In addition, there are a number of neo-cons who blame the Kingdom's export of extremist Islamic ideology as well as funding of violent Islamist groups, including extremist rebels fighting the regime of Bashar al-Assad. Religious freedoms groups as well, condemn the Kingdom's lack of religious freedom. Several members of Congress opposed to Saudi policy in Yemen are also supporting the legislation. The families of the 9/11 victims are behind the legislation. In 2002, the families filed a lawsuit in federal court against the Government of Saudi Arabia for its alleged role in funding and support al-Qai'da. The lawsuit died for lack of evidence but the renewed interest may resurrect that lawsuit. The most recent public figure to demand disclosure is Rudi Giuliani, the Mayor of New York at the time of the 9/11 attacks. Just last week Democratic presidential candidates, Hillary Rodham Clinton and Bernie Sanders came out in support of the bill. Politically, Clinton probably had no choice as she was New York's senator at the time of the attack and is under former constituent pressure from the victims' families.

While it is true that the Kingdom has a history of supporting extremist movements, it uses them as military tools to achieve narrow political ends such as fighting the Soviets in Afghanistan and more recently, fighting Bashar al-Assad in Syria. Meanwhile, the US and the Kingdom have been close allies for decades, and the reasons are not just limited to oil. The US and the Kingdom have shared enemies in the Soviet Union, Iraq, and more significantly, in Iran. Taking into account these reasons, it is difficult to imagine any reason why the Kingdom would support a terrorist attack on the US, its most important ally in the West.

Supporters of the legislation, however, ignore these facts and are determined to prove there is a link between the 9/11 attacks and the Kingdom. How successful these efforts will remain questionable. While supporters tout the "bipartisan" nature of the legislation the fact that both the Senate and House bill have so few co-sponsors; 23 for the Senate bill, and 21 for the House, would belie the "strong bipartisan" support claimed by the proponents of the legislation.



## **Saudi Efforts to Defeat the Legislation**

The Kingdom has undertaken an intensive lobbying effort to defeat the legislation. The Kingdom has an army of lobbyists, a total of eight American firms, to stop Congress from passing the legislation. In 2015 the Kingdom spent over \$9 million in lobbying fees. That's a lot of muscle power to defeat a bill which does not have overwhelming support.

If lobbying efforts fail, there is always room for threats. In that vein, Foreign Minister Adel al-Jubeir visited Washington in April and told the Administration and members of Congress that Saudi Arabia will sell off \$750 billion in treasury securities and other assets in the US held by the Kingdom if Congress passes the legislation. Most observers view this as an idle threat but it is a sign of the existing tensions between the US and Saudi Arabia. However, if the Saudi were to carry out the threat, the action might cause global market disruption for which the Saudis would be blamed. The action could potentially destabilize the American dollar, and the Saudi riyal which is pegged to the dollar. More important, threats by the Kingdom will only increase the strains in the US-Saudi relationship. The recent visit by President Obama does not appear to have allayed these tensions.

## **What Does This Mean for US-Saudi Relations?**

Tensions between the two countries have been simmering since the 9/11 terrorist attacks when suspicion arose in certain circles about Saudi involvement. Strains also increased following the US invasion of Iraq in 2003.

When President Obama visited Saudi Arabia on April 20, 2016, he was greeted at the airport by the Governor of Riyadh and Foreign Minister Adel al-Jubeir. Some viewed this as a chilly reception demonstrating the tensions between the US and Saudi Arabia. The Saudis denied there was any negative symbolism involved in the greeting. Skeptics remain dubious.

Clearly, President Obama has not enjoyed the warm relationship cherished by his predecessor former President George W. Bush. The recent interview in the *Atlantic* where President Obama referred to Saudi Arabia and other Gulf countries as "free riders" unwilling to secure chaotic zones like Libya, did little to ease the tensions. Clearly, the signing of the Iran nuclear deal unnerved the Kingdom, which has deep concerns about Iranian hegemony in the Gulf region, and was seen as yet another sign of distance in the US-Saudi relationship.

Passage of the legislation will only exacerbate existing tensions. The US and Saudi Arabia need each other. The bilateral relationship is a historical one based on mutual security issues and the free flow of oil. For these reasons, most observers believe the legislation will not be enacted, or passed in some modified form, acceptable to both the Kingdom and the Obama Administration.