

The Khashoggi Showdown: Executive-Congressional Dynamics and the U.S.-Saudi Relationship

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Brief Analysis

The administration's handling of the situation has exacerbated distrust among lawmakers and opened the door to wider questioning of the bilateral relationship.

The deadline for the Trump administration's response to congressional inquiries about the murder of Saudi national and *Washington Post* journalist Jamal Khashoggi came and went on February 8, offering little clarity on whether the United States will take further punitive action against the kingdom or any of its officials. A closer look at the mechanics of the ongoing dispute highlights broader disagreements between the two branches of government regarding America's role in the Middle East, with potential unforeseen effects on a host of policy imperatives.

INVOKING THE MAGNITSKY ACT

Amid mounting evidence of a Saudi government role in the murder, then-chairman of the Senate Foreign Relations Committee Bob Corker (R-TN) and Ranking Member Bob Menendez (D-NJ) sent [a letter to President Trump \(https://www.foreign.senate.gov/press/chair/release/corker-menendez-graham-leahy-letter-triggers-global-magnitsky-investigation-into-disappearance-of-jamal-khashoggi\)](https://www.foreign.senate.gov/press/chair/release/corker-menendez-graham-leahy-letter-triggers-global-magnitsky-investigation-into-disappearance-of-jamal-khashoggi) on October 10 invoking the Global Magnitsky Human Rights Accountability Act. The law requires the president, upon a bipartisan request, to determine whether a foreign person is responsible for an extrajudicial killing, torture, or other gross human rights violation against an individual exercising freedom of expression. It sets a 120-day timeline for a presidential determination and authorizes—but does not require—the imposition of sanctions on any persons determined by the president to bear responsibility. When President Obama signed the Global Magnitsky Act in 2012, he expressed concern about potential congressional overreach, noting that he would maintain his discretion to “decline to act on such requests when appropriate.”

On November 20, Corker and Menendez escalated the pressure with [a follow-up letter \(https://www.foreign.senate.gov/press/chair/release/corker-menendez-demand-determination-on-saudi-crown-prince-role-in-murder-of-jamal-khashoggi\)](https://www.foreign.senate.gov/press/chair/release/corker-menendez-demand-determination-on-saudi-crown-prince-role-in-murder-of-jamal-khashoggi) asking President Trump to “specifically address” whether Saudi crown prince Muhammad bin Salman (aka MbS) was complicit in the murder plot. That demand set the stage for an executive-congressional confrontation.

THE ADMINISTRATION’S RESPONSE

While administration officials called on the Saudi government to conduct a timely and transparent investigation into Khashoggi’s death, the president also insisted—most clearly in a November 20 statement—that the kingdom’s purchases of U.S. weaponry and its commitment to countering Iran require “steadfast” bilateral partnership. Moreover, the administration is concerned that explicitly assigning blame to MbS would undermine a range of other U.S. interests, given the centralized nature of Saudi decisionmaking and the crown prince’s integral role in driving economic and social reform initiatives across multiple ministries.

In a private letter sent to select lawmakers at the February 8 deadline, Secretary of State Mike Pompeo pointed out that seventeen Saudis had already been sanctioned on November 15 for their role in the murder, including a very close advisor to MbS. In announcing the sanctions, which were imposed under the executive order implementing the Global Magnitsky Act, Treasury secretary Steven Mnuchin acknowledged that the U.S. investigation would continue, and that the administration “will hold accountable each of those we find responsible.”

Yet Pompeo’s letter did not address the specific request to determine whether MbS himself was culpable. Given the designation of the crown prince’s close advisor, many lawmakers and Saudi watchers were skeptical of any outcome that did not connect the murder to MbS in some way, whether through approval or foreknowledge. The White House further aggravated Democratic and Republican lawmakers alike by publicly releasing its own February 8 statement, essentially rejecting Congress’s role in demanding accountability for the murder and using language quite similar to President Obama’s (“The president maintains his discretion to decline to act on congressional committee requests when appropriate”).

A LONG LINE OF CONGRESSIONAL PRESSURE

The political collision course on Saudi Arabia did not start with Khashoggi. Over the course of 2017-2018, Congress debated multiple measures intended to restrict the U.S. role in supporting Saudi-led coalition operations in Yemen. These included resolutions of disapproval on weapons sales, calls for U.S. forces to withdraw from all operations not focused on al-Qaeda, and a certification related to the conduct of Saudi-led forces. Lawmakers also took action related to human rights issues, Riyadh’s handling of its ongoing diplomatic dispute with Qatar, and the lack of information regarding the administration’s negotiations with the Saudi government for a civil nuclear agreement. Meanwhile, the administration generally defended the status quo—a posture perceived as reflexively protecting the bilateral relationship and flatly refusing to engage with Congress on its concerns.

In the aftermath of Khashoggi’s disappearance, the shifting messages from Riyadh and the White House spurred bipartisan criticism of the administration’s response that eventually morphed into a wider debate about the strategic utility of the U.S.-Saudi relationship. Members of Congress zeroed in on MbS—not just his suspected role in the murder, but also his capacity for stable leadership in an increasingly unstable region. For example, Sen. Lindsey Graham (R-SC) vowed never to visit the kingdom so long as MbS holds power. In addition, the Khashoggi affair merged with wide-ranging congressional and activist concerns that the administration was deprioritizing human rights as a pillar of U.S. engagement, particularly in the Middle East.

Congress closed out 2018 with a series of Saudi-focused foreign policy actions. A bipartisan group of senators introduced sweeping legislation to dramatically scale back U.S. involvement in Yemen while making sanctions

mandatory on those determined to be responsible for Khashoggi's murder. The bill was remarkable in its message—Congress did not trust the administration to demand meaningful accountability for the murder or credibly drive toward a political settlement in Yemen.

Although that bill did not advance, other year-end actions addressed the same issues. The Senate passed one resolution demanding that U.S. forces be withdrawn from hostilities in Yemen, and another explicitly assigning blame for Khashoggi's murder to MbS. The latter was sufficiently inflammatory to instigate an official Saudi government rejection of the Senate's actions. Taken together, such developments emerging from a Republican-controlled Senate should have signaled the administration that pressure was building ahead of this month's Magnitsky deadline.

WHAT TO EXPECT THIS YEAR?

Congressional demands for accountability in the Khashoggi incident will not dissipate anytime soon; in fact, they will likely continue merging with Yemen issues and other bilateral concerns such as civil nuclear cooperation. The Democratic-controlled House is positioned to play a unique oversight role that could prove particularly uncomfortable for the White House and the Saudi government. In an ominous statement criticizing the administration's response to the February 8 deadline, House Foreign Affairs Committee chairman Eliot Engel (D-NY) noted, "The Administration's refusal to deal with this issue and keep Congress informed underscores the need to get to the bottom of what is motivating the Trump Foreign Policy."

Notably, the House passed a war powers resolution on February 13 demanding an end to U.S. military support of the Saudi coalition in Yemen. Many Republicans voted with the majority, and the bill's lead sponsor, Ro Khanna (D-CA), explicitly tied the measure to a broader indictment of Saudi policy: "This is one way we can send a message that we disapprove of what the Saudis are doing." The stage is now set for the Senate to pass the House bill in the coming days, and while President Trump will assuredly veto it, the fact that it will be sent to his desk by a divided Congress must be recognized for the sea change it represents. Tactical-level concerns with Saudi Arabia that were long handled behind closed doors have now escalated into public bipartisan consensus on reevaluating whether the relationship remains in America's interests.

To be sure, a divided Congress cannot force the administration to take specific actions or fundamentally alter President Trump's commitment to deepening the Saudi partnership. Yet perpetual hearings, investigations, bills, and public comments focused on Saudi Arabia could erode the relationship and push Riyadh to shore up its ties with countries that oppose U.S. interests.

Members of Congress—especially those committed to global U.S. leadership anchored in a network of alliances and partnerships—must fully reckon the consequences of a diminished Saudi relationship. Can the United States afford to decrease its leverage with Arab governments at a time when the administration aims to increase sanctions on Iran, when Congress hopes to place more sanctions on Russia, when economic tensions with China show no signs of dissipating, and when transatlantic relations are floundering? Can it afford the strategic costs of pushing estranged partners and dangerous adversaries closer together? Can it achieve its national security objectives in the Middle East without access to key leaders in Riyadh? Without prejudging the answers to these critical questions, the executive and legislative branches should urgently engage in an honest dialogue about an acceptable outcome, not only on Khashoggi's murder, but also on the future of the U.S.-Saudi relationship.

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