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Holding Assad accountable

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By [Louis Fisher](#)

Louis Fisher, scholar in residence at [The Constitution Project](#), discusses an important letter detailing the potential costs of a Syrian intervention by President Obama, as well as roadblocks placed by the President in his own path.

President Obama has encountered a series of roadblocks after deciding to use military force against Bashar Assad's Syria for its use of chemical weapons against civilians. Many of those obstacles resulted from statements made by the President and prominent administration officials; a principal one was the failure to talk candidly and plainly to Congress and the American public about the likely scope of planned military attacks.

Repeatedly, Obama and other officials called the military actions as limited, tailored, surgical, and proportional, and they downplayed the level of violence.

The adjectives were unpersuasive because the administration contemplated sending in dozens of cruise missiles into Damascus, followed perhaps by aircraft bombings. Many lawmakers and their constituents found the administration's over-optimistic and

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unrealistic word play to be deliberate efforts to mislead and deceive.

Administration officials never acknowledged the probable downsides of military intervention. Instead, they left the impression that an attack could be carried out in a matter of days without risk of greater involvement.

One of the few plain speakers was General Martin E. Dempsey, chairman of the Joint

Chiefs of Staff. Dempsey was asked by Senator Carl Levin to describe what might happen if the United States applied military force against Syria. His letter of July 19, 2013, stated his understanding that Senator Levin wanted his “best military advice on how military force could be used in order to decide whether it should be used.”

A military view about Syrian intervention

As to limited stand-off strikes against military targets, Dempsey predicted costs in the billions, with the risk that “the regime could withstand limited strikes by dispersing its assets.” Retaliatory strikes “are also possible, and there is a probability for collateral damage impacting civilians and foreigners inside the country.”

In order to establish a no-fly zone, the United States would have to shoot down adversary aircraft, strike airfields, aircraft on the ground, and supporting infrastructure. The estimated costs could be \$1 billion a month. Risks included “the loss of U.S. aircraft, which would require us to insert personnel recovery forces.” Also, a no-fly zone might fail to “reduce the violence or shift the momentum because the regime relies overwhelmingly on surface fires—mortars, artillery, and missiles.”

Regarding chemical weapons, the United States could destroy portions of Syria’s “massive stockpile, interdicting its movement and delivery, or by seizing and securing

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program components.” That option would also require a no-fly zone, “as well as air and missile strikes involving hundreds of aircraft, ships, submarines, and other enablers.”

Thousands of special operations forces and other ground forces would be needed “to assault and secure critical sites.” The cost of this operation would also average over \$1 billion a month.

General Dempsey warned that an inability of the part of the United States “to fully control Syria’s storage and delivery systems could allow extremists to gain better access.” The risk is similar to the no-fly zone, “with the added risk of U.S. boots on the ground.”

The letter to Senator Levin concluded with lessons learned over the past decade: “It is not enough to simply alter the balance of military power without careful consideration of what is necessary in order to preserve a functioning state.”

The U.S. government must anticipate and be prepared for “the unintended consequences of our action.” If the Assad regime collapsed “in the absence of a viable opposition, we could inadvertently empower extremists or unleash the very chemical weapons we seek to control.” The decision to use force, Dempsey said, “is no less than an act of war.” Once the administration took military action, “we should be prepared for what comes next. Deeper involvement is hard to avoid.”

WEIGHING THE LONG-TERM COSTS

Neither President Obama nor anyone in his administration spoke about the financial costs and political risks of using military force against Syria. After reports of the use of chemical agents on August 21, President Obama was prepared to carry out military actions against Syria. He claimed constitutional authority to act unilaterally, without congressional approval.

Although he predicted that the operation would not be open-ended, General Dempsey in

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a letter to Representative Eliot Engel, on August 19, anticipated a deeper involvement. The United States could destroy the Syrian Air Force, but “it would also escalate and potentially further commit the United States to the conflict. Stated another way, it would not be militarily decisive, but it would commit us decisively to the conflict.”

The use of military force could change the military balance in Syria, “but it cannot resolve the underlying and historic ethnic, religious, and tribal issues that are fueling this conflict.”

By the end of August, President Obama decided to seek authorization from Congress. In remarks in Sweden, on September 4, he insisted that “in the face of such barbarism the international community cannot be silent.”

The question, he said, is “after we’ve gone through all this, are we going to try to find a reason not to act.” As the President frequently liked to point out, that was a false choice. No one recommended being silent and not acting. The choice was whether action must be done militarily—the administration’s policy—or handled through non-military methods. The current possibility of bringing international control over Syria’s chemical weapons is one example.

In his evening remarks on September 10, President Obama continued to present a false choice: “If we fail to act, the Assad regime will see no reason to stop using chemical weapons.”

Action is required, but not necessarily a military attack on Syria. If it came to that, he said he would “not put American boots on the ground in Syria” and pursue “an open-ended action like Iraq or Afghanistan.” He would “not pursue a prolonged air campaign like Libya or Kosovo.”

As the analysis by General Dempsey underscores, those predictions could be seriously in error if war took an unanticipated direction.

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“I don’t think we should remove another dictator with force—we learned from Iraq that doing so makes us responsible for all that comes next,” the President said.

However, he neglected to identify a second example: his decision to remove Colonel Moammar Gadhafi and the resulting political and economic deterioration of Libya.

Louis Fisher is Scholar in Residence at [The Constitution Project](#) and author of Presidential War Power (3d ed. 2013). For four decades he worked at the Library of Congress as Senior Specialist in Separation of Powers at the Congressional Research Service and Specialist in Constitutional Law at the Law Library.

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