



Syria and the Illusion of Limited War

Louis Fisher



September 10, 2013



President Obama and his national security staff discuss the situation in Syria, August 30, 2013.

The war in Syria, President Obama assures us, will be short. It will not, he says, “be an open-ended intervention.” There will be no “boots on the ground,” and the military action is “designed to be limited in duration and scope.” “The American people,” he notes, “have the good sense to know we cannot resolve the underlying conflict in Syria with our military.”

But wars have their own momentum. They don’t follow the whims of presidents and military planners. Consider Libya. Obama predicted that military operations there would take days, not weeks. The operations lasted seven months. When the UN Security Council passed a resolution authorizing military action, the primary objective was to protect innocent civilians, particularly those living in Benghazi. Heavy use of cruise missiles, armed drones, and aircraft did extensive physical damage and killed civilians. At first the administration said it would not side with rebel forces fighting Muammar Gaddafi, but it soon did, supplying arms, funds, and training. Regime change was not the initial goal, but the military intervention led to the capture and killing of Gaddafi.

Perhaps in order to control a possible escalation of the war—or at least assuage popular fears that there are no brakes—Obama has sought

Congress's approval for action in Syria, and the plan on the table, as agreed to by the Senate Foreign Relations Committee, appears to provide the constrained approach that Obama has been pushing for. But a close look reveals that the authorization is broad indeed.

The bill enables the president to use armed forces

as he determines to be necessary and appropriate in a limited and tailored manner against legitimate military targets in Syria, only to: (1) respond to the use of weapons of mass destruction by the Syrian government in the conflict in Syria; (2) deter Syria's use of such weapons in order to protect the national security interests of the United States and to protect our allies and partners against the use of such weapons; and (3) degrade Syria's capacity to use such weapons in the future.

Before exercising military authority, the president must notify Congress that he has used "all appropriate diplomatic and other peaceful means to prevent the deployment and use of weapons of mass destruction by Syria." That is a curious provision given President Obama apparently has decided that the only method of holding President Assad accountable is through the use of military force, even though non-military measures are available.

Section 3 seemingly imposes further limits, affirming that the bill "does not authorize the use of the United States Armed Forces on the ground in Syria for the purpose of combat operations." Yet there is wiggle room, as Secretary of State John Kerry detailed at a Foreign Relations Committee hearing. U.S. soldiers may be needed "in the event there was a threat of a chemical weapons cache falling into the hands of Al Nusra" and other extremist groups, he said. Military action against Assad might weaken his ability to control chemical weapons, exposing the civilian community to great hazards and forcing Obama to order U.S. troops into Syria to avoid a humanitarian catastrophe.

The authorization currently under debate speaks only to Syria. But if Obama carries out military strikes against Syria, he could not prevent armed combat from spilling over into neighboring states, including Lebanon, Iraq, Turkey, Jordan, and Israel. Iraqis have already entered Syria—Shiia to assist Assad and Sunni to support rebel groups. A U.S. attack on Syria could accelerate the number of Iraqis crossing the border.

If a wider war developed, Obama could invoke his independent authority as Commander in Chief, notwithstanding statutory restrictions. As he noted in Sweden on September 5, "As Commander-in-Chief, I always preserve the right and the responsibility to act on behalf of America's national security." Were military operations to threaten American allies, including Jordan and Turkey, Obama might order U.S. troops to protect those countries. Such decisions would violate the statute but would be consistent with the twelfth whereas clause of the bill, which states, "The President has authority under the Constitution to use force in order to defend the national security interests of the United States."

Section 4 of the bill provides that military action "shall terminate 60 days after the date of the enactment of this joint resolution," except that Obama may extend the authorization for a single period of 30 days if he certifies to Congress that an extension is necessary to fulfill the

purposes of the statute due to “extraordinary circumstances and for ongoing and impending military operations against Syria.” He could then argue that he must exceed even the additional 30 days if extraordinary circumstances demand it. He would be in violation of the statute, but could insist that it is his constitutional duty to protect U.S. soldiers and allies.

Obama’s authority could be widened by Section 5, which refers to efforts to “isolate extremist and terrorist groups in Syria to prevent their influence on the future transitional and permanent Syrian government” and to “limit support from the Government of Iran and others for the Syrian regime.” The first provision could require U.S. troops on the ground, while the second might justify military actions against Iran.

Attempts by the United States to weaken Assad and degrade his military capabilities might result in his overthrow, as was the case with Gaddafi. What happens if rebel forces, including jihadist groups, gain political control? One possible and even likely result is the slaughter of Alawites and Christians, who have been protected by the Assad regime. Obama would be under pressure to call on U.S. troops to prevent those atrocities. Certainly the actions taken would exceed his public intent to conduct a limited military operation.

Of all the components of the bill that signal potential for widening U.S. military efforts, that twelfth whereas clause may be the most significant. It is an extraordinary claim: the president may use his own judgment to decide what constitutes the nation’s “security interests” and order military actions unilaterally. The Constitution’s framers understood that the president might have to use military force to “repel sudden attacks,” particularly if Congress were not in session, but that power is limited to defensive actions. Syria has not threatened the United States or subjected it to attack. What President Obama contemplates is an offensive action. Under the Constitution, only Congress possesses the authority to take the United States from a state of peace to a state of war.

President Obama has appropriately sought that authority from Congress. Some lawmakers may be inclined to protect his credibility and vote in favor of the resolution. The better judgment is to protect America’s credibility and not authorize a war that projects so many terrible downsides: for the United States, for Syria, and its neighboring countries.

Photograph: Official White House Photo by Pete Souza