



Reckless Endangerment: President Trump and the Use of Military Force

By Peter Juul and Ken Gude May 1, 2017

During his first 100 days in office, it has become clear that President Donald Trump views military force as his primary—if not only—foreign policy tool. From a botched special operations raid in Yemen to a cruise missile strike against an Assad-regime airfield in Syria, Trump has proven more than willing to order America’s armed forces into action. Moreover, his administration’s proposed “hard-power budget” cuts U.S. State Department funding by more than one-quarter to help pay for a \$54 billion increase in military spending.¹

President Trump’s reliance on military force at the literal expense of America’s other foreign policy tools is bad policy. No U.S. foreign policy failure this century has been due to insufficient military power. Having chosen to buy more ammunition rather than fully fund the Department of State—something his own secretary of defense, James Mattis, advised against when he served as the commander of American forces in the Middle East—Trump is painting America into a dangerous corner.² In crisis situations, he will be faced with a stark choice between using military force or backing down.

Making this situation worse is the president himself. Mercurial in nature and largely ignorant when it comes to complex foreign policy issues, President Trump does not appear to have any method at all to govern the use of force and lacks a clearly articulated end goal for the use of force. As a result, Trump has failed to articulate coherent reasons for his decisions to use force—not even in his head-spinning policy reversal in Syria—leaving his national security team unable to speak with one clear public voice on these decisions.

At the same time, President Trump has failed to nominate or appoint the officials necessary to run the State Department and much of the Pentagon, preferring instead to hand difficult diplomatic tasks to his son-in-law, Jared Kushner.³

Taken together, President Trump’s impulsive attitude toward the use of force and his demotion of diplomacy significantly increase the chances that the United States or its allies will be drawn into armed conflict by accident or miscalculation. With no clear foreign policy approach in sight, an erratic commander in chief has put the United States in a strategically dangerous position without precedent.

Lessons from Trump's first 100 days

The dangers inherent in President Trump's reliance on military force have become clear over the course of his first 100 days in office. Beyond overseeing ongoing military campaigns in Iraq, Syria, and Afghanistan, Trump has authorized or threatened force on numerous occasions in or against a number of countries since taking office:

- **Yemen:** Trump authorized a botched special operations raid in late January that left a Navy SEAL and several civilians dead.⁴ His administration also discreetly escalated the American air campaign against Al Qaeda in the Arabian Peninsula in early March.⁵ In addition, Secretary Mattis has requested authorization to give greater military assistance to the Saudi-led coalition fighting Houthi rebels in Yemen.⁶
- **Syria:** Trump ordered a cruise missile strike against an Assad-regime airfield in retaliation for the regime's April 4 sarin nerve agent attack on civilians. The week before the sarin attack and American retaliation, Secretary of State Rex Tillerson and U.S. Ambassador to the United Nations Nikki Haley both stated that the United States no longer sought Assad's removal from power, sending a mixed signal at best.⁷
- **Somalia:** Trump eased Obama-era restrictions on the use of force in Somalia, giving military commanders more freedom of action against the Al Qaeda-affiliated al-Shabab terrorist group.⁸ Dozens of American soldiers have since deployed to Somalia on a mission to train and equip the Somali National Army.⁹
- **North Korea:** In response to Pyongyang's continued development of ballistic missiles and nuclear weapons, the Trump administration has threatened to use force against North Korea, either to pre-empt or retaliate for a missile or nuclear weapons test. Vice President Mike Pence, for instance, proclaimed that the "era of strategic patience is over" during a recent trip to South Korea, while after North Korea's early April missile test, Secretary Tillerson declared, "The United States has spoken enough about North Korea."¹⁰

Taken together with policies designed to loosen restrictions on U.S. military action, these early decisions by the Trump administration to use or threaten force reveal a set of disturbing and dangerous policymaking patterns. So far, these patterns fall into four major areas of concern.

Demoting diplomacy

President Trump's reliance on the military as his primary foreign policy tool should come as no surprise. His budget director, Mick Mulvaney, characterized the Trump administration's first budget outline as a "hard-power budget, and that was done intentionally."¹¹ That

budget would cut the State Department's baseline funding by 28 percent while increasing military spending by \$54 billion—a figure larger than President Barack Obama's entire \$52.8 billion State Department budget, which included money for contingency operations in Iraq, Afghanistan, and Syria.¹²

Trump's budget serves as the clearest signal of his foreign policy priorities and his lack of understanding about how America succeeds on the world stage. His personnel policy, or lack thereof, is another sign. Most senior State Department positions remain unfilled, and Secretary Tillerson has isolated himself from an increasingly demoralized State Department bureaucracy.¹³ Tillerson himself has presided over what eminent international relations scholar Robert Jervis calls a “startling diminution” of his own position and “perhaps the entire department that he heads.”¹⁴ In the place of America's diminished diplomatic corps, Trump has turned to his son-in-law—and foreign policy novice—Jared Kushner to serve as a “shadow secretary of state” with a portfolio of preposterous breadth, including Israeli-Palestinian peace, China, and Mexico.¹⁵

By deliberately demoting diplomacy and relying on military force as its primary foreign policy tool, the Trump administration ties its own hands and paints the United States into dangerous corners. In crisis situations such as the ongoing standoff with North Korea over its ballistic missile and nuclear weapons programs, the Trump administration will find itself facing an unenviable choice between using force to back up its bellicose rhetoric and backing down without achieving American objectives. If and when President Trump chooses to use force, his administration will find itself unable to connect military action to any broader political objective or strategic purpose without a functional State Department. Worse, Trump will also end up making the United States act alone rather than in concert with friends and allies thanks to his failure to use diplomacy to build and sustain coalitions.

Impulsive decision-making

President Trump's decision to launch a limited cruise missile strike against the Assad regime in Syria came after more than a year of statements on the campaign trail and in office that strongly suggested that Trump took little issue with President Bashar al-Assad staying in power in Damascus and believed the United States had no reason to intervene against him. His position was echoed by Secretary Tillerson and Ambassador Haley in the week before the April 4 attack.¹⁶

Moreover, as a private citizen, Trump vehemently opposed President Obama's proposed retaliatory strikes against the Assad regime when it used sarin nerve agent to kill 1,300 Syrians in August 2013.¹⁷ Similarly, candidate Trump exhibited a cavalier attitude toward chemical weapons use, objecting that “everyone goes crazy” when “Saddam Hussein throws a little gas.”¹⁸ The Iraqi dictator most notoriously used chemical weapons against Iraqi Kurds at Halabja in 1988, killing as many as 5,000 civilians.

But after seeing images of children killed by sarin on television, Trump undertook a dramatic policy reversal.¹⁹ In the space of a week, the Trump administration went from accepting Assad's continuation in power to launching 59 cruise missiles at one of Assad's airfields.

President Trump's late January authorization of a special operations raid in Yemen provides corroboration of his casual attitude toward decisions to use force. Trump reportedly authorized the raid—in which a Navy SEAL and several civilians died—over dinner with key national security advisers, as well as Steve Bannon and Jared Kushner.²⁰ He also reportedly heard the suggestion that President Obama would not have ordered the raid as a reason to go forward.²¹

The use of military force is the most serious decision a president can make. But President Trump gives every indication that he makes decisions, including the use of force, based on his own impulses and emotions. No matter how experienced or professional his foreign policy and military advisers may be, President Trump bears ultimate responsibility for decisions to use force. His first 100 days in office show just how dangerous his reckless decision-making process can be when it comes to issues as grave as the use of force.

No clear strategy, message, or vision

Neither President Trump nor his national security team have put forward a coherent strategy to justify the use or threat of force. This incoherence has been most clearly on display in Syria and North Korea, where Trump and his advisers have almost always contradicted one another when it comes to justifying American military moves. Such mixed messages make it impossible for the administration to connect the use or threat of force to any rational political or diplomatic objective. Making matters worse is the White House's clear disdain for diplomacy—a destructive dynamic that makes coercive diplomacy unworkable.

After the retaliatory attack against the Assad regime in Syria, for instance, Trump administration officials struggled to put forward a coherent rationale for the president's decision. Secretary Tillerson appeared to suggest continuity in the administration's Syria policy despite the strike, while Ambassador Haley and national security adviser H.R. McMaster took a more forceful line against the Assad regime.²² White House Press Secretary Sean Spicer went even further, suggesting that any attacks on civilians anywhere would be met with a military response.²³ Only Secretary Mattis appeared to have a clear sense of the strike's policy objectives, saying it was intended to deter Damascus from further chemical weapons attacks.²⁴

It is not clear whether President Trump shares the assessments of any of his senior national security advisers. Neither America's friends nor its adversaries can decipher President Trump's intentions, and both are likely to miscalculate without a clear sense of how the Trump administration will behave.

The Trump administration's threat to use force against North Korea over its ballistic missile and nuclear weapons programs suffers from similar incoherence. Trump himself threatened via tweet to "properly deal with North Korea" if China proved unable to do so, while Vice President Pence claimed that the Syria missile strike and the use of the so-called mother of all bombs in Afghanistan demonstrated the administration's willingness to use force.²⁵ At the same time, McMaster said that the United States would deal with the North Korea problem "short of armed conflict, so we can avoid the worst."²⁶ Further mixing these messages, the White House erroneously declared that it ordered the USS Carl Vinson carrier strike group—characterized by President Trump as "an armada"—to the region, but the ship and its escorts were actually sailing in the opposite direction before changing course only after several days and an embarrassing news story.²⁷

But the lack of a clear approach to govern the use of force is not just apparent in these high-profile cases. President Trump also quietly authorized an escalation of the air campaign in Yemen, with American strike aircraft hitting more targets in the first week of March than in any given year under President Obama.²⁸ Moreover, the Trump administration is contemplating providing increased support to a new United Arab Emirates-led offensive against Iran-backed Houthi militants.²⁹ However, the Trump administration has failed to articulate any sort of strategy for these military moves in Yemen, along with a similar relaxation of Obama-era restrictions on the use of force in Somalia. As a result, the United States finds itself deepening its military involvement in Yemen without a clear sense of what it aims to achieve through the use of force.

Without any discernable connection to political or diplomatic objectives, the use of force risks becoming an end in itself for President Trump and his administration. Combined with President Trump's reckless decision-making process, the lack of any sort of strategy to govern the use of force also increases the probability that the United States will wind up in an armed conflict through miscalculation or accident. Moreover, President Trump's reliance on the use or threat of force without a semblance of a strategy will put the United States in a series of dangerous and unenviable strategic positions around the world, obliged either to use force to no apparent end or back down without advancing American policy.

Legal questions

In support of its cruise missile strike in Syria, the Trump administration has taken an incredibly expansive view of its authority under both domestic and international law—a view that has drawn intense criticism from bipartisan legal experts. Although the administration has released no formal legal opinion justifying the Syria cruise missile, it has been reported that the Trump administration claims its actions are justified under domestic law by the Article II authority of the president as commander in chief and under international law to deter the use of weapons of mass destruction.³⁰

The Trump administration's guidance on its domestic legal rationale for the missile strikes claims, "The President has the power under Article II of the Constitution to use this sort of military force overseas to defend important U.S. national interests."³¹ This rationale virtually eliminates any constraints on the president's ability to initiate military action at any time and for any reason. Jack Goldsmith, former director of the Office of Legal Counsel in the Department of Justice during the George W. Bush administration, wrote that consideration of national interests "will always be present when the president is considering military intervention. Taken alone—and they are all we have here—these interests provide no practical limitation on presidential power."³²

Equally worrying are the Trump administration's international law claims. The administration apparently argues that the strikes were "justified and legitimate as a measure to deter and prevent Syria's illegal and unacceptable use of chemical weapons."³³ Marty Lederman, a deputy assistant attorney general during the Obama administration, writes that the Syria strikes "violate Article 2(4) of the United Nations Charter, which requires the U.S. and all other signatory states to 'refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.'"³⁴ Marko Milanovic, vice president of the European Society of International Law, agrees and adds the important point that "[i]nternational law does not permit forcible reprisals that would breach Article 2(4), even if the purpose of the reprisal is to induce the other party to comply with its legal obligations."³⁵

The Trump administration is claiming the power to take military action without congressional authorization or approval from the U.N. Security Council or even a multilateral alliance such as NATO. Trump is not even seeking approval, and he is acting in circumstances so broad that it would be difficult to contemplate a scenario in which domestic or international law would limit his use of military force. This is especially alarming when viewed in the context of the Trump administration's dramatic escalation of U.S. military engagement and the threats of military force in multiple theaters.

Recommendations and conclusion

President Trump seems unlikely to change his reckless and dangerous foreign policy decision-making process. As a result, it will be up to members of Congress to do what they can to restrain Trump's whims when it comes to the use of force. Even in the current polarized political environment, it may prove possible to forge bipartisan consensus on some of the following measures.

First, Congress can use the power of the purse to reject President Trump's draconian cuts to the State Department budget. Conservatives in Congress such as Sen. Marco Rubio (R-FL) and Sen. Lindsey Graham (R-SC) have already come out against the administration's proposed cuts, making a bipartisan coalition to preserve the State Department's budget more likely.³⁶ But halting the administration's proposed budget cuts cannot force President Trump to make the appointments necessary for functional diplomacy.

Second, Congress can use its oversight powers to investigate the Trump administration's decisions to use force. Determining why President Trump reversed himself so dramatically on Syria, for instance, could be an important topic for relevant congressional committees. Unlike with cuts to the State Department budget, however, partisan polarization makes real oversight of the Trump administration's foreign policy conduct less likely—as the behavior of House Intelligence Committee Chairman Rep. Devin Nunes (R-CA) regarding Russia's involvement in the 2016 election makes clear.³⁷ Still, it remains in the interest of the country for concerned members of Congress to make the attempt.

Third, Congress can legally require the Trump administration to produce reports on its policies toward various conflicts. At the height of the Iraq War, for instance, Congress required the George W. Bush administration and the Government Accountability Office to present regular benchmark reports on its strategy for the conflict.³⁸ Today, Congress could require the Trump administration to produce similar reports on the fight against the Islamic State in Iraq and Syria, for instance, or U.S. military involvement in Yemen's conflicts.

Finally, Congress can attempt to live up to its constitutional obligations and regulate the Trump administration's use of force. Despite requests from President Obama to authorize the use of military force against the Islamic State and efforts by Sen. Tim Kaine (D-VA) to push an authorization in the Senate, Congress has failed to meet its constitutional responsibilities in recent years.³⁹ With President Trump delegating wide swathes of functional authority to use force to military commanders and his administration claiming expansive legal authorities, congressional authorization of military force has become an even more important question. Even without a full-blown authorization for the use of force against the Islamic State, Congress could place legal restrictions on the use of force such as ruling out the use of conventional troops on the ground in Yemen.

In his first 100 days in office, President Trump has used or threatened force on numerous occasions in ways that portend strategic hazards for the United States moving forward. A presidential decision-making process driven by impulse and emotion, the absence of a clear strategy or message to guide American actions, the demotion of diplomacy, and fundamental questions about the legality of his actions all increase the danger that President Trump will blunder into an armed conflict due to miscalculation or accident. For a president who clearly views military force as his primary foreign policy tool, the patterns revealed by Trump's behavior in his first 100 days in office serve as an ominous warning sign for American citizens and foreign leaders alike.

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