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***The Current* podcast**

"What did the US achieve in the Venezuela operation?"

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Episode Summary:

Scott Anderson and Caitlin Talmadge discuss the legal, tactical, and strategic angles of the recent U.S. military operation to capture Venezuelan President Nicolás Maduro and his wife. Anderson, a fellow in Governance Studies and general counsel for Lawfare, and Talmadge, Foreign Policy nonresident senior fellow and professor at M.I.T., explore what the stunning tactical success of the operation means for U.S. strategic goals in the region and around the world.

TALMADGE: I would argue that there has been absolutely no regime change here. No institutions have been changed. It's a leadership decapitation explicitly designed it seems to avoid regime change. And so the question is, you know, if the administration is really seeking significant policy changes from Venezuela, can it get those from institutions that are still run in the country by Maduro's handpicked successors? And if it can't, then what is it going to do?

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ANDERSON: This is *The Current*, part of the Brookings Podcast Network. My name is Scott Anderson. I'm a fellow in Governance Studies at Brookings and general counsel and senior editor for Lawfare. And I'm here with Caitlin Talmadge, a nonresident senior fellow in Foreign Policy at Brookings and an associate professor of political science at the Massachusetts Institute of Technology.

Today we're going to talk about the Trump administration's decision to use military force to remove Nicolás Maduro from power in Venezuela this past weekend and what comes next. Caitlin, it's great to see you.

TALMADGE: Yeah, it's great to be here with you. Looking forward to the discussion.

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ANDERSON: So I want to start this conversation talking about what this operation tells us about the American way of war. This was a really unique operation, different, even if you compare it to Panama in 1989, 1990, and other similar U.S. military operations of regime change the last several decades. So what does it tell us about how military strategy has evolved?

TALMADGE: I think it's a really important question, yeah. If we step back from this operation, in in some ways it it feels unique and it feels stunning, and it also feels familiar in certain ways. Because I think it is a case where U.S. Special Operations Forces have performed this incredible tactical feat of going in, intervening militarily, and extracting this authoritarian leader without any American casualties or even it seems much, much lost in terms of equipment. And so it's very impressive at the tactical level.

And at the same time, I think as has been made increasingly clear over the last several days, we don't actually have a coherent story about how this tactical success is actually going to translate into the achievement of U.S. strategic and political objectives.

And when viewed from that lens, it actually sounds, as I said, sort of like a familiar story because, the last 20 years of American military operations in many ways embodies that exact paradox, which is to say tactical excellence, victory at the tactical level, very impressive operations, but an unclear relationship or translation from those tactical victories and tactical

effectiveness into the strategic and political outcomes that the United States is seeking and that make Americans safer.

And so it really stood out to me that this does embody that American way of war.

[2:39]

ANDERSON: It's really, really astounding to see such a minimalist military operation in a lot of ways. You know, a two to three hour military operation being now framed as a tool that's going to allow the Trump administration to "run Venezuela," to use the terminology that President Trump embraced. You compare that to Iraq, which Defense Secretary Hegseth has expressly drawn a contrast saying we're flipping the script on that conflict. It's kind of amazing, but it does ask big questions about how successful can this sort of minimalist strategy be?

TALMADGE: I think that's very true and it also raises questions about the legality of the operation and how we should be thinking about the authorities under which it was conducted. And I know this is something where you have expertise. Can you talk a little bit about what legal authority or under what legal authority — is it domestic? is it international? — we should be thinking about this operation and what standards it does or doesn't meet?

[3:29]

ANDERSON: Yeah, absolutely. And it's a really interesting story that we're all still guessing at. Because really the Trump administration hasn't really put forward a very clear statement about what the legal basis for the president's actions under domestic or international law is so far. But we can make some educated guesses at least.

The international law justification, as far as we can tell, appears to be a self-defense justification under Article 51 of the UN Charter. And the reason it pretty much has to be that is because that's actually really the only exception to the prohibition the UN Charter, international law otherwise put on the use of military force absent UN Security Council authorization, which does not exist here.

We know the Trump administration has made an Article 51 argument in regards to the maritime strikes it's been pursuing, where essentially it said narcotics trafficking by Tren de Aragua is the equivalent of an armed attack on the United States. That's a highly, highly controversial proposition; I would argue a really destabilizing one for the international system as it opens the door to all sorts of things being the basis for a potential military response. But regardless, that's essentially what it's argued.

And it's also said Tren de Aragua is acting as an agent of Nicolás Maduro. So it's not hard to see how they would then take the leap and say, well, because TDA, Maduro's agent, was attacking us we can pursue a military response under Article 51 against the state of Venezuela as well.

I don't think many countries are going to co-sign that. But it is at least an argument being put forward that looks like and preserves the broad contours of international law. And I think the Trump administration is going to eventually put forward an argument along those lines. Because allies, if they're ever even going to acquiesce or move on from this, let alone accept it, they're going to need some sort of explanation as to why it's consistent with international law, even if they don't agree with it.

The domestic legal constraints, meanwhile, are a little different. They really dovetail with that minimalist, low-profile military operation as you described it. Because the executive branch has long maintained that the president has pretty broad authority to use military force at his own discretion without authorization from Congress so long as it's in the national interest. It's a highly deferential kind of subjective standard that is easy for the president to meet. And so long it is, and here I'm using a bit of a term of art, a "nature, scope, duration" that is less than a war for constitutional purposes.

Which all essentially means, is this going to lead to a major armed conflict? And a line for what that means is usually something close to like the Korean War, the Vietnam War. It's a super, super high bar the executive branch has drawn. And this sort of minimalist operation really does fall below that bar if you accept it. Because even if you had soldiers captured, if it were a failed operation, maybe then the United States would take an additional step to, you know, have to liberate them. It's not clear it would lead to the kind of multi-year occupation or scale of intervention of force that Korea or Vietnam was, or anything approaching that.

And frankly, Venezuela is a much weaker state. There are limited ways it can respond militarily to the United States. And so there's just really not many universes where it actually could even force the United States into that sort of conflict if it wanted to as a response.

So just as is often the case, the president thinks he doesn't need to go to Congress for this. And the truth is, the executive branch is claiming the president only really needs to go to Congress for really big extended armed conflicts. That view may not be right, but it's one the courts have never interrupted, and courts, because they rarely engage on war powers issues, the executive branch basically gets to articulate its own sense of where the law is and then rely on that for military operations and, and that's what we saw here.

[6:54]

TALMADGE: But can I ask you a little bit more on those points? Because one of the things that I heard Secretary Rubio say along the lines of what you're talking about this weekend on one of the Sunday shows was that congressional authorization wasn't required because this was not an invasion. Exactly as you're saying. Of course, that seems to imply the counterfactual that if the administration were to engage in a large-scale operation like a military invasion, that it is then acknowledging it would actually require a congressional authorization.

So first of all, am I reading that right? Secondly, do you think that they actually would seek congressional authorization or would get it if they were trying to do a larger scale invasion?

And the reason I'm asking you this legal question is because I think it relates back to next steps in potential military operations — the topic we were getting at at the beginning. And you know, they're very much related. So I'm curious for your thoughts on that.

[7:45]

ANDERSON: Absolutely. It, it's a great question. And I read Rubio's statement to say exactly the same thing, although part of me thinks that maybe that was not an intentional acquiescence that he made, conceding that in fact they would need authorization for that.

Although he's not the first administration we've heard say that. Susie Wiles, chief of staff, said something very similar in an interview with a reporter to *Vanity Fair* just a few weeks ago, basically saying if we went into Venezuela, we would need congressional authorization. And maybe she meant not in literally, like, this operation, but in as in an occupation sort of format.

That would raise a really, really different set of questions, which I think does still cabin the quote unquote "second wave" that President Trump has promised in Venezuela if things don't go his way, it limits the toolkit available. Because if somehow all the threats the Trump administration has leveled don't persuade the actors in Venezuela to go along with its agenda and meet its demands, then presumably to get them, it's going to have to exercise a much more detailed, ground-level degree of force, and that's going to mean ground troops and intervention and occupation.

The president says he is not afraid of that, but I'm not a hundred percent sure I believe him. Both because the president's authority to deploy a large number of ground troops like you would need to occupy a country like Venezuela, about the same size as Iraq, is a of a scale where it does break past that nature, scope, duration threshold, or at least it certainly seems to. The executive branch has never said where that line is, so maybe they won't concede that point, but I think it'd be hard for it to to argue otherwise credibly.

And then perhaps more importantly, if you're talking about a long-term occupation, you're going to need supplemental appropriations from Congress. You're going to need legislation from Congress and authorization. And then you are also going to have that occupation last past the cycle where Congress enacts annual appropriations legislation and defense legislation that are omnibus bills where it's much easier for Congress to insert conditions the president doesn't like, that he then has to accept to get the authorities and the appropriations that he needs to do what he wants to do, in this case occupy Venezuela.

So really it's hard for presidents for both legal and political reasons, intersecting in a lot of ways, to engage in long-term ground campaigns like an

occupation without Congress. And that's a reality this president hasn't fully reconciled with. But he's going to have to if a second wave really becomes necessary.

[9:53]

TALMADGE: Right. And that, that actually feeds into some things I've been thinking about as well, because I do think that there's a disjuncture between the nature of the very limited surgical military operation that was conducted and what seemed to be very broad, ambitious policy goals by the United States regarding changing Venezuela's activities on drugs, on immigration, on oil, and so forth. And I I worry that there's a disjuncture there because exactly as you're saying, you know, typically in order to achieve those sorts of policy changes, you would want to have boots on the ground, or you would need to have boots on the ground if those were your ambitions.

I've been a little bit troubled since this operation happened to repeatedly hear it referenced as a "regime change," which to my ear as a political scientist when I hear the term "regime," you know, it has a very specific meaning. It means political institutions and the types of political institutions, whether they're democratic or authoritarian. And I would argue that there has been absolutely no regime change here. No institutions have been changed. It's a leadership decapitation explicitly designed, it seems, to avoid regime change. And there are, as you point out, legal reasons for do doing that. I think there are also military operational reasons for doing that, which is to say it's a lot easier and less resource intensive than doing, you know, an occupation in the style of Iraq, 2003 to 2011.

So, I get all of that. But the question is, is there a disjuncture between the military operation that has been put forward and even the option of a second wave, which, you know, there is a large U.S. force assembled in the Caribbean, but it's air and naval forces. It's not the sort of multi division, you know, combined arms ground forces that we typically associate with actual regime change, boots on the ground occupation type operations.

And so the question is, you know, if the administration is really seeking significant policy changes from Venezuela, can it get those from institutions that are still run in the country by Maduro's handpicked successors? And if it can't, then what is it going to do?

And so, the way that the United States is postured currently, and the rhetoric coming from the administration, I think is essentially saying, well, we're going to do another Maduro on you if you don't cooperate with us. But you know, how how many of these can you do? I guess is one question.

I mean, one military operational question that I have about the intervention and and the raid as it occurred is actually how much the lack of resistance on the part of the Venezuelan military was a choice versus was totally attributable to the tactical prowess of the United States? While I'm not questioning the latter in any way, I think it is remarkable how little resistance there was. I don't know if there was some sort of handshake where the

security forces in the military stood down. I don't know if the Russians withdrew technical assistance in running the air defense systems that they had given the Venezuelans. I mean, I'm just speculating here.

But my point is we don't actually know exactly how much was U.S. skill and how much was a Venezuelan military decision to not resist. Which means that if we are to run this again and again, and keep doing these sorts of operations, how many times are they going to go as well as they went with Maduro from a tactical perspective? So the idea that we're just going to keep doing raid after raid after raid, and that's, that's a credible coercive threat against this regime, I I worry about that.

So I think, you know, there's a high potential here for more U.S. military escalation chasing these broad objectives that really aren't backed by an appropriate posture for them.

And at the same time, we have this other type of escalation that could occur within Venezuela itself, which is to say there's clearly some sort of understanding that the administration thinks that it has reached with the interim president, Delcy Rodríguez. My question is, what understanding has Delcy Rodríguez reached with the Interior Ministry and the military, and are they willing to go along with the same sorts of deals that, you know, she thinks or seems to think she has made with the administration, the same understanding of who's going to run Venezuela.

And, you know, is there a prospect that we see attempts to unseat her? We see, you know, coups or power struggles within Venezuela? Those could descend into civil war. All of these raise the prospect of further political instability, economic instability, which again gets back to the broader point of how does this intervention actually produce the long-term strategic and political outcomes that are aligned with making the United States more secure? Because if we end up with more coups and assassinations and raids and civil war, that that's not going to make the oil companies want to come in, that's not going to decrease migration from Venezuela.

And so, again, we have this exquisite military operation but, you know, where are we going to be weeks or months or years from now with respect to our broader objectives?

[14:29]

ANDERSON: I couldn't agree more. And I do think the administration, to the extent it's trying to compensate for this, it is that it is stated a set of goals and objectives that is somewhat narrow and that some of which it doesn't seem to actually care about, the more ambitious ones, which is it essentially made four sort of demands. First is oil concessions: both stopping selling to foreign rivals and to give the United States essentially a share in access to Venezuelan oil. That is, I think, easier for an administration, uh a Rodríguez administration, to play along with to some extent, as long as it doesn't get too onerous.

Two is to kick out Cubans and Iranians and other agents of hostile powers. Again, I think that's an easier one for the Rodríguez regime to play along with.

Three, the really hard one is progress on narcotics trafficking, because that gets at the lifeline of a lot of these groups that by the Trump administration's own account are operating throughout the Venezuelan government, Venezuelan society. So there's is a lot of truth to that, even though it may be a little hyped up in a number of points.

And how do you uproot something that fundamental? You can't just expect a potentially weak leader to disrupt it. And and most accounts as I understand them of Maduro's role in this whole scheme is not that he was the glue holding it all together, it's that he was the figurehead atop of an apparatus with a lot of power centers and individuals still able and with interest to do things beneath him. And you're not disrupting any of that. So you can't get them to take away their lifeblood there.

But then again, the other thing that we have to bear in mind is the Trump administration defines what the standard is on this. We don't have great data about what the drug traffic is. So they can declare victory even if they don't really have one.

And the last condition is someday — and they're very clear about this, there's no timeline, thus we want to have democratic elections. And then the opposition movement, which the Trump administration has technically recognized in the United States, has technically recognized as the legitimate de jure government of Venezuela since 2019, even though it's not putting them in power now, then they'll have a chance to compete and and do an election. And that's something that I think a lot of Americans like to see as a principled basis. A lot of people in the global community would like to see on a principled basis. But it's clearly number four. It's actually not even framed as a demand in the statements that are attributed the administration. It's an afterthought.

And the fact there's no timeline there, that it's is an afterthought, it's not one of these clear demands, in my mind makes me think it's something they may not really care about. And if it goes to the wayside, we may end up just with the Maduro regime sans Maduro, and then the Trump administration will declare a victory.

[16:43]

TALMADGE: Yes. And maybe that's the best case scenario at least in the interim. You know, I I do worry that their rhetoric right now is writing checks that U.S. military posture and political attention can't really cash. And so, it does make you wonder if they plan to, as you said, declare victory and go home, although they won't actually have achieved substantive change in many of these areas, not least of which is the last one you mentioned, which is, you know, democracy and and actual progress toward regime transition and liberalization in Venezuela, which of course would also be beneficial for the economy, which again is something that you would think the president

would care about, given the interest in in oil. So it's it's a little bit of a moving target.

ANDERSON: Well, Caitlin, this has been a phenomenally interesting discussion. Thank you so much for having it with me.

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TALMADGE: Yeah, this has been great.

ANDERSON: To learn more about Brookings expert analysis about the Venezuela situation, visit our website, Brookings dot edu.