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THE 2002 NATIONAL SECURITY STRATEGY: THE FOUNDATION OF A DOCTRINE OF PREEMPTION, PREVENTION, OR ANTICIPATORY ACTION

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ABSTRACT

THE 2002 NATIONAL SECURITY STRATEGY: THE FOUNDATION OF A DOCTRINE OF PREEMPTION, PREVENTION, OR ANTICIPATORY ACTION

Troy Lorenzo Ewing
Old Dominion University, 2013
Director: Dr. Simon Serfaty

The terrorist attacks of September 11, 2001, initiated a strategic shift in American national security policy. For the United States, terrorism was no longer a distant phenomenon visited upon faraway regions; it had come to America with stark brutality.[1] Consequently, the administration of President George W. Bush sought to advance a security strategy to counter the proliferating threat of terrorism.

The ensuing *2002 National Security Strategy* articulated the willingness of the United States to oppose terrorists, and rogue nation-states by merging the strategies of "preemptive" and "preventive" warfare into an unprecedented strategy of "anticipatory action," known as the Doctrine of Preemption (DoP).

During the Global War on Terrorism, the DoP was used to protect the United States against terrorism; however, it initiated "spillover effects" that influenced other political domains in the

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1 Arthur F. Lykke, Military Strategy: Theory and Application (Carlisle, Pa.: U.S. Army War College, 1993), 3-8.

international community.[2] Many scholars argued the DoP leaned toward unilateralism, while others asserted the strategy was in line with the United States' historical tradition of using military force to influence global events favorable to its strategic objectives.[3] Accordingly, this dissertation examines the post-9/11 global security environment from 2001 through 2008 to analyze the strategic characteristics of the DoP, and the geo-political conditions that stimulated its maturation as a strategy of anticipatory action.

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2 The Global War on Terrorism was officially ended by the Obama administration in March 2009 and replaced with "Overseas Contingency Operation." See Scott Wilson and Al Kamen, "Global War on Terror' Is Given New Name," Washington Post, accessed May 10, 2012, www.washingtonpost.com/wp-dyn/content/article/2009.

3 Robert Kagan, Of Paradise and Power: American and Europe in the New World Order (New York: Random House, 2003), 61.

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ABBREVIATIONS

A

AQU	acquiesce
ATK	attack
ATKd	defender attack
ATKt	terrorist attack
AUC	United Self-Defense Forces of Colombia

B

BBC	British Broadcasting Corporation

C

CIA	Central Intelligence Agency
CNN	Cable News Network
CSIS	Center for Strategic and International Studies
CWO	change of world order

D

DIME	diplomatic, informational, military, and economic
DoD	Department of Defense
DoP	Doctrine of Preemption

E

ELN	National Liberation Army
EU	European Union

F

FARC	Revolutionary Armed Forces of Colombia

G

GAO	Government Accountability Office
GWOT	Global War on Terrorism

H

HA	alternative hypothesis
HPSCI	U.S. House of Representatives Permanent Select Committee on Intelligence
H0	null hypothesis

I

IRBM	intermediate-range ballistic missile
IAEA	International Atomic Energy Agency
IAI	Islamic Army in Iraq
IC	Intelligence Community
IISS	International Institute for Strategic Studies

ISI	Islamic State of Iraq
	J
JAMI	Islamic Front of Iraqi Resistance
	M
MAD	mutually assured destruction
MRBM	medium-range ballistic missile
	N
NATO	North Atlantic Treaty Organization
NIE	National Intelligence Estimate
NSC	National Security Council
NSS	National Security Strategy
	O
OEEC	Organization for European Economic Cooperation
	P
PIPA	Program on International Policy Attitudes
PMESII	political, military, economic, social, infrastructure, and information.
PNAC	Project for the New American Century
PRC	People's Republic of China
	S
SALT	Strategic Arms Limitation Talks
SSCI	Select Committee on Intelligence
StQ	status quo
SIPRI	Stockholm International Peace Research Institute
	U
UAV	unmanned aerial vehicle
UN	United Nations
UNSC	United Nations Security Council
U.S.	United States
U.S.S.R.	Union of Soviet Socialist Republics
	W
W	war
WMD	weapons of mass destruction

CHAPTER I

INTRODUCTION

"For much of the last century, America's defense relied on the Cold War doctrines of deterrence and containment. In some cases, those strategies still apply, but new threats also require new thinking."

—George W. Bush, June 2002[1]

BACKGROUND OF STUDY

The attacks of September 11, 2001 (now better known as simply "9/11"), on the World Trade Center, and the Pentagon demonstrated the United States' vulnerability to terrorist attacks. As of that horrific day, terrorism was no longer a distant phenomenon; it was a threat that had come to U.S. territory with a glaring harshness.

The profound reality of the terrorist threat blurred Washington's traditional concepts of national security policy. A key

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1 George W, Bush, Presidential Commencement Speech at West Point, June 1, 2002.

theme that emerged from this dilemma was the need for U.S. policymakers to go beyond conventional thinking relating to national security. America needed to develop a more comprehensive security strategy to address non-traditional challenges from transnational terrorists, and regimes that had, or were capable of developing weapons of mass destruction (WMD).[2]

Prior to 9/11, threats to the United States were cyclical, in scope, whereas distinctive national security strategies allowed policymakers in Washington to keep conventional enemies at a distance to varying degrees of opposition. The asymmetric magnitude of 9/11 immensely raised the stakes, and for the first time in history, an enemy overcame America's geographic advantages and inflicted massive devastation.

The attacks of 9/11 created a new awareness in the United States that stimulated a heighten perception of threat. This new dynamic generated fear in the American citizenry, provoked a national longing for retribution, and loosened domestic constraints on the use of U.S. national power to protect U.S. interests from terrorism. Consequently, the administration of President George W.

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2 Lawrence J. Korb and Michael Kraig. "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 32.

Bush faced the daunting challenge of instituting a security strategy to counter new threats of the 21st century. The resulting National Security Strategy (NSS), released in September 2002, focused on using U.S. national power, to "disrupt and destroy terrorist organizations," and "state sponsors of terrorism."[3]

National power is a country's ability to influence global events and achieve national security objectives.[4] The concept of national power in international relations is uniquely important; however, it can be an imprecise concept because nations are able to project national power by various means. For the purposes of this study, American national power is framed by the concept of diplomatic, informational (intelligence), military, and economic (DIME) elements of power.[5] [6]

The Carter administration first used the contemporary DIME construct in Presidential Directive 18. The directive, declared the

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3 George W. Bush, "The National Security Strategy of the United States of America," September 2002, 6.

4 Sam C. Sarkesian and others, U.S. National Security: Policymakers, Processes, and Politics (London: Lynne Rienner Publishers, 2002), 33.

5 David A. Deptula "Toward Restructuring National Security," Strategic Studies Quarterly (Winter 2007): 7. accessed January 10, 2010, ttp://oai.dtic.mil/oai/oai?verb=getRecord&metadataPrefix=html&identifier=ADA510489.

6 John R. Mills, "All Elements of National Power: Re-Organizing the Interagency Structure and Process for Victory in the Long War," Strategic Insights, Volume V, Issue 6 (July 2006), accessed May 10, 2011, http://oai.dtic.mil/oai/oai?verb=getRecord&metadataPrefix=html&identifier=ADA519822.

United States had an advantage over the Soviet Union because of its "economic strength, technological superiority, and popular political support," bolstered "by a combination of military forces, political efforts, and economic programs."[7]

The Reagan administration's National Security Council expanded on this concept in National Security Decision Directive 32. President Regan's directive advocated for "[bolstering] the influence of the U.S.," through "a full range of diplomatic, political, economic and information efforts." that "contain and reverse the expansion of Soviet control, and military presence throughout the world."[8]

Under the administrations of George H.W. Bush, and William Jefferson Clinton, the DIME concept matured. During their administrations, numerous military doctrinal publications and national security journals use the DIME construct. The Department of Defense Joint Staff Officer's Guide provides the following DIME depiction:

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7 James E. Carter, Jr., Presidential Directive, "NSC-18, United States National Security Strategy," August 24, 1977, accessed November 20, 2012, http://www.jimmycarterlibrary.gov/documents/pddirectives/pd18.pdf.

8 Ronald W. Regan, "National Security Decision Directive 32," United States National Security Strategy, May 20, 1982, accessed November 20, 2012, http://www.fas.org/irp/offdocs/nsdd/nsdd-32.pdf.

The U.S. National Security Strategy is a strategy of active engagement throughout the world. U.S. engagement abroad is carried out through the four elements of national power: diplomatic, informational, military, and economic (DIME).[9]

President George W. Bush's 2003 *National Strategy for Combating Terrorism* references all of the elements in the DIME construct. It stresses the United States "must fight terrorist networks, and all those who support their efforts to spread fear around the world, using every instrument of national power—diplomatic, economic, law enforcement, financial, information, intelligence, and military.[10]

The DIME elements of power are significant to this study because they represent the most notable attributes of U.S. national power. All the DIME elements of power work together; however, diplomacy is the first and principal means by which the U.S. achieves its foreign policy objectives. In the 2002 NSS, President Bush called

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9 Department of Defense, JFSC Pub 1, The Joint Staff Officer's Guide, Washington D.C., National Defense University, Joint Forces Staff College, 2000, 2-11.

10 George W. Bush, "The National Strategy for Combating Terrorism." February 2003, 1.

for the State Department to take the lead in managing bilateral U.S. relationships with other nations while the U.S. military used force to defend America's interests.[11] As a result, Secretary of State Condoleezza Rice outlined a vision for "transformational diplomacy," where U.S. diplomats would "work with our many partners around the world to build and sustain democratic, well-governed states that will respond to the needs of their people and conduct themselves responsibly in the international system."[12]

Intelligence is also an indispensable element of power that has enabled the successful advancement of nations for centuries. The U.S. intelligence community collects, processes, integrates, and analyzes information concerning foreign entities, and governments.[13] Accurate intelligence contributes to the implementation of military action, and the development of analytical processes and products associated with all the DIME elements of power. This process of collecting and disseminating intelligence data is vital to any government's ability to protect its interests.

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11 George W. Bush, "The National Security Strategy of the United States of America," September 2002, 30-31.

12 Condoleezza Rice, "Transformational Diplomacy," Remarks at Georgetown University, January 18, 2006, accessed November 5, 2012. http://2001-2009.state.gov/secretary/rm/2006/59306.htm.

13 Jeffrey Richelson. The U.S. Intelligence Community (Boulder, CO: Westview Press), 1995.

After 9/11, intelligence failures within the U.S. intelligence community were brought to light. As a result, the Bush administration, implemented the *Intelligence Reform and Terrorism Prevention Act* in 2004, which codified the need for collaborative national intelligence. Subsequently, the 2005 *National Intelligence Strategy* declared the primary role of the U.S. intelligence community was to integrate domestic and foreign dimensions of U.S. intelligence so that there were no gaps in understanding of intelligence analysis.[14] In the pages of the *National Intelligence Strategy*, Director of National Intelligence, John Negroponte stressed, "intelligence is America's first line of defense," and "intelligence can, and should be used to aid diplomacy," in addition to "ensuring victory [in war] in the event conflict is unavoidable."[15]

Although the international community is comprised of a variety economic elements that have brought unprecedented levels of economic power to Western civilization, the 2002 NSS security strategy did not place much emphasis on using economic power to

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14 Office of the Director of National Intelligence, *National Intelligence Strategy of the United States of America: Transformation through Integration and Innovation*, Washington, D.C.: Government Printing Office, 2005, 1.

15 Ibid, 2.

defeat global terrorism; therefore, economics is not a significant aspect of this study.[16]

Lastly, the 2002 NSS embraced the use of military force as the most essential DIME element of power. The security strategy described terrorism as the most serious threat facing the United States and affirmed America would use its military power to overcome this emerging threat.[17] It made it clear that the Doctrine of Preemption (DoP) would be a significant element in defeating terrorists during the Global War on Terrorism (GWOT).[18] The primary terrorist threat to the United States was from al-Qaeda, whose leader; Osama bin Laden, even before 9/11, issued anti-American fatwas that directed his followers to kill Americans anywhere.[19] [20]

Post-9/11, Washington's heightened perception of an emerging threat from al-Qaeda was reinforced by its spokesperson Sulaiman Abu Ghaith, who stated:

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16 George W. Bush, "The National Security Strategy of the United States of America," September 2002, 17.

17 Ibid, 15.

18 The term "GWOT" was officially ended by the Obama administration in March 2009 and replaced with "Overseas Contingency Operation." See Scott Wilson and Al Kamen, "Global War on Terror' Is Given New Name," *Washington Post*, accessed May 10, 2012, www.washingtonpost.com/wp-dyn/content /article/2009.

19 Osama bin Laden's 1996 Fatwa, accessed August 10, 2011, www.pbs. org/newshour/terrorism/international/fatwa_1996.html.

20 Osama bin Laden's 1998 Fatwa, accessed August 10, 2011, www.pbs. org/newshour/terrorism/international/fatwa_1998.html.

> We have not reached parity with them. We have the right to kill 4 million Americans—2 million of them children—and to exile twice as many and wound and cripple hundreds of thousands. Furthermore, it is our right to fight them with chemical and biological weapons, so as to afflict them with the fatal maladies that have afflicted the Muslims because of the [Americans] chemical and biological weapons.[21]

Because of this proliferating threat, the United States loosened its constraints on the use of national power to protect its interests. As a wartime strategy, the DoP operationalized political assertions written in the 2002 NSS. The strategy was based on hard power, and was characterized as a distinct American method of dealing with threats to its security.[22] In this context, Robert Kagan supports this premise and claims America's extraordinary military power shapes its political view of global security. He maintains that the United States perceives the world as an environment filled with potential threats to

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21 Sulaiman Abu Ghaith, "'Why We Fight America': Al-Qa'ida Spokesman Explains September 11 and Declares Intentions to Kill 4 Million Americans with Weapons of Mass Destruction," The Middle East Media Research Institute Special Dispatch No. 388 (June 12, 2002).

22 George W. Bush, "The National Security Strategy of the United States of America," September 2002, ii.

be controlled by military force, while others in the international community may prefer to use soft power and diplomacy to manage threats.[23]

Washington's reliance on hard power has been evident since the attacks of 9/11, and one can make a strong case that America may continue to use hard power if the threat of terrorism continues to jeopardize U.S. national security, and disrupt global peace and stability. The 2002 NSS reinforces this assertion by declaring the following:

> [The United States] will not hesitate to act alone, if necessary, to exercise our right of self-defense by acting preemptively against such terrorists, to prevent them from doing harm against our people and our country."[24] The greater the threat, the greater is the risk of inaction—and the more compelling the

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23 Robert Kagan, *Of Paradise and Power: American and Europe in the New World Order* (New York: Random House, 2003), 61.

24 George W. Bush, "The National Security Strategy of the United States of America," September 2002, 6.

case for taking anticipatory action to defend ourselves. (italics added)[25]

Although the pages of the 2002 NSS uses the term "preemption" to refer to combatting perceived threats under a "range of circumstances," the DoP is essentially an amalgamation of traditional "preemptive" and "preventive" strategies.

Doctrinally, preemption is the use of military force in the face of an "imminent" threat; however, preemption is not an innovation of the Bush administration, warring nations have used it for centuries. In the 2002 NSS, the Bush administration broaden the traditional meaning of preemption to also encompass prevention; where anticipatory military action is used against "inevitable" threats to ensure the possibility that those threats do not gather, or grow over time.[26]

There are clear differences between a preemptive use of force, and a preventive use of force. According to the *U.S. Department of Defense Dictionary of Military Terms*, a preemptive strategy is one

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25 Ibid, 15.
26 Ibid, 14-16.

based on incontrovertible evidence that an enemy attack or invasion is imminent, and is used when attacking first (or preemptively) would give a strategic advantage in an unavoidable conflict.[27] For instance, country (B) takes an imminent attack position against nation (A), and nation (A) decides that it is advantageous to attack preemptively before country (B) can launch its attack.

On the other hand, a nation would use a preventive strategy to mitigate the future degradation of its current strategic advantage. A preventive strategy is less urgent and focuses on a conflict that is not imminent but may be inevitable. This approach prevents an adversary from acquiring more strength, as a delay in conflict would involve greater risk in the future.

The terms imminent and inevitable provide a measure of distinction between preemptive and preventive uses of force.[28] In *Military Strategy: Theory and Application*, Dr. Arthur F. Lykke distinguishes between imminent and inevitable threats as they relate to preemptive and preventive war in the following manner:

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27 Joint Staff, J-7, *Joint Publication 1-02*, Department of Defense Dictionary and Associated Terms, Washington, DC: U.S., 2012.

28 Arthur F. Lykke, *Military Strategy: Theory and Application* (Carlisle, Pa.: U.S. Army War College, 1993), 38.

– A preemptive war is based on expectations and evidence that an enemy attack is imminent.[29]

– A preventive war is based on the belief that armed conflict, while not imminent, is inevitable, and that delaying such action would involve unacceptable risk.[30]

International law suggests that a preemptive use of force against an imminent threat is acceptable for anticipatory self-defense, whereas a preventive use of force against and inevitable threat is an act of aggression. This a principal issue concerning the debate over the use of the DoP. Critics of the DoP focus on the difference between preemption and prevention, to raise geopolitical inquiries on its legality, effectiveness, and its influence on established norms of international cooperation.

The Stanley Foundation commissioned and independent task force to analyze whether the United States should use a strategy of prevention.[31] The task force published a commentary, titled "Strategies

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29 Ibid, 386.

30 Ibid, 386.

31 Lawrence J. Korb and Michael Kraig, "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 7.

for U.S. National Security: Winning the Peace in the 21st Century." The report professes the Bush strategy of war has several advantages and disadvantages. The advantages are the following:

–It provides a coherent and vigorous response to an existential threat.[32]

–It leverages U.S. military and economic power.[33]

–It ensures that U.S. interests are not subordinated to nations or organizations whose goals may be different from the United States.[34]

–It enables the United States to act unilaterally for global ends.[35]

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32 Ibid, 10-11.
33 Ibid.
34 Ibid.
35 Ibid

The disadvantages are the following:

–It can lead to imperial overstretch or the de facto creation of an American empire that would create an eventual backlash against the United States and its allies by rising strategic competitors. [36]

–It may fail to take into account regional differences.[37]

–It relies almost exclusively on military instruments and ad hoc "coalitions of the willing" to solve international challenges.[38]

–It may not fully address the growing threat of failing states and transnational terror groups.[39]

–It risks creating a new international norm for the use of military force (for instance, preventive war and preemptive attacks may be used by nations such as India in regard to the

36 Ibid.
37 Ibid.
38 Ibid.
39 Ibid.

Kashmir dispute with Pakistan, or by China in regard to the dispute over Taiwan).[40]

–It implies a selective standard for nonproliferation efforts that many other nations are uncomfortable with—namely, by focusing almost solely on "rogue states" in its definition of the WMD threat, rather than viewing the weapons themselves as inherently destabilizing, and by stressing the need for prevention or preemption of rogue state WMD holdings while at the same time sharply de-emphasizing the need for universal arms control and disarmament efforts that would include the nuclear arsenals of the United States and its friends and allies.[41]

With its advantages and disadvantages, the DoP indicated the United States was ready to combat threats to its national security. Many argue the principles of the DoP leaned toward unilateralism, and a willingness to act without the customary sanction of international bodies such as the United Nations (UN), or the

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40 Ibid.
41 Ibid.

unanimous approval of traditional U.S. allies. While others assert, the DoP openly conveys the traditional underpinnings of U.S. national security policy and lays a durable foundation for the use of military force. Robert Kagan articulates this point, when he accentuates the 2002 NSS was a restatement of over half a century of habitual American national security policy, during which the United States consistently sought to shape global events in ways favorable to American principles and interests.[42]

RESEARCH QUESTION

Topics of national security continue to be an important topic of interest in the field of international relations. Throughout its history, the United States has used its DIME elements of power to mitigate threats that arise in anarchic international system. John Mearsheimer writes about the international phenomenon of national power in *The Tragedy of Great Power Politics.* He writes, "International politics has always been a ruthless and dangerous business, and it is likely to

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42 Robert Kagan, Of Paradise and Power: American and Europe in the New World Order (New York: Random House, 2003), 61.

remain that way."[43] Mearsheimer also asserts great powers have the incentive and advantage of power to act aggressively in securing their national objectives in the international community.[44]

Indeed, one of the most famous edicts on the use of military power in global politics is Baron Carl von Clausewitz's *On War*, where the concept of military might is recognized as "a continuation of politics by other means."[45] As such, analyzing the DoP through the lens of international politics provides an intellectual bridge of understanding of international relations theory and the real-world application of U.S. national security policy.

The study of international relations has long been a leading proponent in developing conceptual frameworks that promote understanding of world politics. Scholars of international relations have continuously debated issues of war and peace. Accordingly, international relations theories have logical and subjective interpretations. Regardless of whether a theory supports a particular occurrence or not, most theories share a common characteristic of

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43 John Mearsheimer, The Tragedy of Great Power Politics (New York: W.W. Norton & Company, 2001) 2.

44 Ibid, 21-22.

45 Peter Paret, *Clausewitz and the State* (London: Oxford University Press, 1976), 25.

striving to interpret how humankind strives to satisfying its need for security.

Critics of the DoP argue that the strategy seeks out confrontation and threatens collective prosperity. On the contrary, supporters of the DoP assert the strategy's hard-power tactics represent a proven methodology that protects the long-term interests of the United States. The links between theory and policy implantation is touched upon throughout this study because the significance of the issues debated in scholarly circles are relevant to contemporary and forthcoming dialogue on global security. This in turn casts a long shadow on future studies of international relations.

Empirical, and theoretical views on the DoP profoundly reflect an inescapable link between the world of theory, and the application of national security policy. The diverging views on how to use military power demonstrate the intricacies of implementing national security strategies, and indicate the importance of investigating contemporary and historical debates on U.S. national security policy. As such, this body of work seeks to evaluate the DoP by analyzing a wide range of literature to respond to the following research question:

– Research Question: Was the Doctrine of Preemption a preemptive strategy, a preventive strategy, or an amalgamation of both strategies.

– Null Hypothesis: H0 = The Doctrine of Preemption was not a preemptive strategy, or a preventive strategy. It was an amalgamation of strategies of preemption and prevention.[46]

– Alternative Hypothesis: HA = The Doctrine of Preemption was solely a preemptive strategy, just as its name denotes.[47]

This study is a historical investigation of the global post-9/11 security environment, from 2001 through 2008. It centers on how the 2002 NSS merged what is traditional known in international law as a preemptive security strategy with a preventive strategy to create the DoP. To satisfy the research question this study focuses on several key issues. The research examines historical functions of U.S. national

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46 The null hypothesis (symbolized as H0) is a hypothesis set up to be nullified or refuted in order to support an alternative hypothesis. When used, the null hypothesis is presumed true until evidence indicates otherwise.

47 The alternate hypothesis (symbolized as HA) and the null hypothesis are the two rival hypotheses.

security policies from the Cold War through the GWOT. This approach demonstrates how various U.S. Presidential administrations created national security policies to confront emerging threats. In addition, this study contrasts historical conditions under which strategies of preemption, prevention, and the DoP are used; and analyzes the advantages, disadvantages, and consequences of the implementation of each strategy.

RESEARCH PROBLEM

According to international law, the use of military force is legal only for national or collective self-defense, or as authorized by the United Nations Security Council (UNSC). This premise of legality is a founding principle of the UN Charter and is a principal issue of contention over the use of the U.S. DoP during the GWOT.

Throughout history, the United States, and other nations have used preemptive and preventive strategies, both of which are methods of offensive military action to respond to perceived security threats. Both preemptive and preventive strategies seek to give an advantage to the aggressor. Both strategies are designed to initiate conflict on

terms that are more favorable to the aggressor. As such, one can make a strong case that both strategies revolve around a nation's perception of a particular threat, and how a nation reacts to those threats.

It is clear the attacks of 9/11 drastically increased American perceptions of threat, and because of those attacks, the United States sought to employ the DoP to mitigate the proliferating threat of terrorism. President Bush's intention, as exhibited in the DoP, was to seize the offensive advantage, and reduce terrorists' ability to attack America. President Bush made these intentions clear in the following passage from the 2002 NSS:

> Our enemies have openly declared that they are seeking weapons of mass destruction, and evidence indicates that they are doing so with determination. The United States will not allow these efforts to succeed...And, as a matter of common sense and self-defense, America will act against such emerging threats before they are fully formed. History will judge harshly those who saw this coming danger but failed to act. In the new

> world we have entered, the only path to peace and security is the path of action.[48]

As stated earlier, the 2002 NSS contextually broadened the traditional interpretation of preemption to include concepts generally regarded as a preventive use of force.[49] Furthermore, a strong case can be made that the 2002 NSS was cast in ambiguous terms to allow the United States to take either preemptive or preventive measures to attack terrorists, and states possessing, or pursuing WMD. The United States security strategy specifically proclaims:

> The United States has long maintained the option of *preemptive* actions to counter a sufficient threat to our national security. The greater the threat, the greater is the risk of inaction—and the more compelling the case for taking *anticipatory action* to defend ourselves, even if uncertainty remains as to the time and

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48 George W. Bush, "The National Security Strategy of the United States of America," September 2002, v.

49 Lawrence Freedman, "Prevention, Not Preemption," *Washington Quarterly* (Spring 2003), 113. Freedman describes the 2002 NSS "as a doctrine of prevention, not preemption."

> place of the enemy's attack. To forestall or *prevent* such hostile acts by our adversaries, the United States will, if necessary, act *preemptively*. The United States will not use force in all cases to *preempt* emerging threats, nor should nations use preemption as a pretext for aggression. Yet in an age where the enemies of civilization openly and actively seek the world's most destructive technologies, the United States cannot remain idle while dangers gather. The purpose of our actions will always be to eliminate a specific threat to the United States or our allies and friends. The reasons for our actions will be clear, the force measured, and the cause just. (italics added)[50]

The disposition of the Bush administration's security strategy clearly focuses on protecting U.S. interests within the anarchic "international system."[51] In the academic field of international relations, the international system refers to a set of interactions and relations between nations that make up the system. For instance, in

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50 George W. Bush, "The National Security Strategy of the United States of America. September 2002," 14-16.

51 Alan Isaacs, *Dictionary of Physics* (Oxford University Press, 1996), 160.

The Expansion of International Society Hedley Bull and Adam Watson argue the behavior of each nation factors into the necessary calculations of the others.[52] For Bull, "A system of states (or the international system) is formed when two or more states have sufficient contact between them, and have sufficient impact on one another's decisions, to cause them to behave—at least in some measure—as parts of a whole."[53] As such, the system allows the most powerful nations to establish rules for themselves as well as for other nations. The significance of national power in international politics is further demonstrated by the historically comments made by Prussian Chancellor Otto von Bismarck when it appeared Poland, might regain its sovereignty in the early 1860s, Bismarck declared:

> Restoring the Kingdom of Poland in any shape or form is tantamount to creating an ally for any enemy that choses to attack us. Prussia should smash those Poles till, losing all hope, they lie down and die; I have every sympathy for their

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52 Hedley Bull and Adam Watson, *The Expansion of International Society* (Oxford University Press, 1984), 26-43.

53 Hedley Bull, *The Anarchic Society: A Study of Order in World Politics* (Colombia University Press, 2002), 9.

situation, but if we wish to survive we have no choice but to wipe them out.[54]

Although Bismarck's radical preventive strategy was clearly deplorable; his perception demonstrates that nations will do what is in their best interests to ensure national survival in the anarchic international system. For the United States, the DoP was a strategic demonstration of its preponderant military power to defeat actors that threatened U.S. security and survival. Thus, the Bush administration clearly judged the DoP was a viable element of power to safeguard America, as the 2002 NSS, establishes, "[the United States'] best defense is a good offense."[55]

In *The Tragedy of Great Power Politics*, Mearsheimer asserts, "great powers are primed for offense."[56] Again, the actions of the United States are not historically unique within the international system. This idea is also touched upon in *Architects of Delusion*, where Simon Serfaty argues that after 9/11 President Bush took the

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54 John Mearsheimer, *The Tragedy of Great Power Politics* (New York: W.W. Norton & Company, 2001) 3.

55 George W. Bush, "The National Security Strategy of the United States of America," September 2002, 5-6.

56 Ibid.

position to defend the United States, as any other president would have taken.[57]

Although powerful nations have the latitude to enforce their will on the global stage, some historians argue that the DoP was limited in its ability to influence the long-term behavior of terrorists and rogue nation-states. Consequently, the DoP has caused various spillover effects throughout the international community.[58] One such spillover effect is the expressed concern that the strategy set a precedent for the exportation of U.S. military power, without the sanction of its allies, and international bodies such as the UN.[59]

METHODOLOGICAL RESEARCH DESIGN

The research design provides the foundation for the development and conclusions of this study. To defend the hypothesis, this dissertation follows a qualitative research design, relying heavily

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57 Simon Serfaty, *Architects of Delusion: Europe, America, and the Iraq War (*University Park: Pennsylvania University Press, 2008),4.

58 Robert J Art and Kenneth N. Waltz, *The Use of Force: Military Power and International Politics*, 6th ed. (New York: Rowman & Littlefield, 2004), 14. Spillover effects are consequences of military encounters that influence events in other political and policy domains.

59 Lawrence J. Korb and Michael Kraig, "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 10-11.

on deductive logical analysis of literature to establish facts relating to underlying assumptions and perspectives concerning the DoP.

The overarching research question examines whether the DoP was a preemptive strategy, a preventive strategy, or an amalgamation of both strategies. Accordingly, the study examines the post-9/11 security environment from 2001 through 2008 to analyze the strategic characteristics of the DoP and the geo-political conditions that stimulated its development and application.

DATA COLLECTION

This study uses a multiplicity of literature to research the effectiveness of DoP from 2001 through 2008. These sources include various primary and secondary sources of data from governmental documents, databases, historical and contemporary literature, and professional journals. The literature focuses on two relevant areas; hypotheses of international relations theory that relate to U.S. foreign policy, and experiential assessments that relate to the post-9/11 national security environment.

DATA ANALYSIS

This research analyzes the essence of the DoP by examining suppositions provided by diverse literary resources. Independent and interdependent variables of analysis of these diverse literary resources allow for the qualitative triangulation of data.[60] In addition, the research analyzes historical experiential policy options used by several U.S. Presidential administrations. This in turn complements analysis relating to geopolitical factors that affected American policymakers during the implementation of the DoP during the GWOT.

INSTRUMENTATION

One of the basic assumptions in the field of international relations is that self-interests motivate the actions of nation-states; therefore, one cannot overstate the significance of having an effective security strategy to promote a nation's self-interests in the global

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60 J. W. Creswell, *Research Designs: Qualitative and Quantitative Approaches* (Thousand Oaks, California, Sage, 1994).

arena. Accordingly, this study uses game theory to demonstrate how global actors seek to achieve specific objectives based on calculated self-interested interaction with other actors.

Game theory and international relations have influenced one other since the publication of *The Theory of Games and Economic Behavior* by John von Neumann and Oskar Morgenstern. After World War II, game theory was applied to strategic military applications because it provided a methodology to analyze relative and absolute gains between competing actors. [61] [62]. More specifically, Von Neumann used game theory to explore the probability of nuclear war between the United States and the Soviet Union.

The basic theoretic models in this study demonstrate how practitioners of international relations, security analysis, and intelligence analysis can use game theory to analyze threats to U.S. security. The game theory models in this study focus on the conflict between the United States and al-Qaeda. This provides an illustrative understanding of the diametrically opposed goals of the two actors.

The objective of the United States was to defeat global terrorism and protect the status quo, while the objective of al-Qaeda was to

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61 James D. Morrow, *Game Theory for Political Scientists. Princeton,* (Princeton NJ, Princeton University Press), 1994, 4.

62 Ibid.

destabilize the status quo. Both actors sought to achieve specific objectives based on self-interests. This action-reaction evaluation of those occurrences is what allows for the formulation of the game theory models.

CASE STUDIES

The manner in which leaders in Washington have responded to historical threats to U.S. national security is wide-ranging. The attacks of 9/11 were not the first time a surprise attack changed American assumptions about national security. Throughout its history, the United States has used a variety of strategies and policies to satisfy its national security needs. For example, the British attack on Washington D.C. in 1814 gave rise to the Monroe Doctrine, which sought to maintain U.S. strength throughout the Americas. After World War II, the United States abandoned it isolationist policies, and emerged as a world leader during the Cold War.

The case studies provided in appendix A examine U.S. policies used during the Cold War when tensions between the United States, the Soviet Union, and China escalated to a point where leaders in Washington clamored for preventive and preemptive war against both

nations. The first case study demonstrates how the Soviet Union's atomic detonation in 1949 caused many U.S. policymakers to advocate for preventive war against the Soviet Union throughout the 1950s. The second study illustrates how the People's Republic of China (PRC) aspired to develop nuclear weapons during the early 1960s, which cause many U.S. policymakers to question how a nuclear-armed PRC would affect global balances of power. The third case study focuses on the dynamics of brinksmanship during the 1962 Cuban Missile Crisis.

These case studies reveal how perceptions of threat affect policymakers facing security dilemmas. In each case, the United States sought to create effective defense strategies to combat the proliferation of nuclear weapons or the growing influence of communism. One can argue that the perception of threat during the Cold War is comparable to the heightened sense of threat the United States experienced after 9/11. In both eras, Washington sought to create effective strategies in a world radically altered, one era threatened by atomic weapons, and the other by terrorism. Ultimately, the case studies use historical circumstances to demonstrate how threats to national security spurred various U.S.

Presidential administrations to implement strategies to protect U.S. interests.

SIGNIFICANCE OF THE STUDY

It has been over a decade since 9/11; however, this research is a relevant and compelling addition to current works on U.S. national security policy, and international conflict. As a historical investigation of the global post-9/11 security environment, this research focuses on how the 2002 NSS framed the DoP during the GWOT. The research makes a unique contribution to current knowledge by examining historical, theoretical, and contemporary factors that affected the development and application of the DoP and judges the DoP was an unprecedented amalgamation of preemptive and preventive strategies of war.

This study is a multi-layered undertaking that examines the post-9/11 security environment, and analyzes the strategic characteristics of the DoP, and the geo-political conditions that stimulated its development. One of the most relevant conditions that stimulated the use of the DoP was the perception of threat from

future terrorist attack. The attacks of 9/11 generated fear in the citizenry of America, and generated a heighted perception of threat from terrorists, and rogue nation-states. Consequently, the attacks of 9/11 changed the way in which America interacted with its allies and adversaries in the international community.

The DoP focused on proactively seeking out enemies of the United States instead of relying on Cold War strategies of deterrence and containment. America's rationale for choosing the DoP rather than deterrence, stem from the perception of threats from terrorists, and assumptions on how to confront those threats.

In *Conventional Deterrence*, John Mearsheimer discusses how decisions to engage in war are dependent on how a nation projects the conflict will culminate. Mearsheimer asserts that deterrence is likely to work if a potential attacker believes that a retaliatory attack will be costly. Conversely, if a potential attacker reasons that an attack will entail low costs, then deterrence will not likely work.[63]

Deterrence assumes that one can adequately understand the calculations of an opponent; however, deterrence was inadequate against terrorists whose behavior the United States had little ability

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63 John Mearsheimer, *Conventional Deterrence* (New York: Cornell University Press), 1983, 165-168.

to influence. Therefore, given the choice between the two strategies, one could argue that the implementation of the DoP was a plausible way for the United States to contest terrorism. As President Bush stated in the 2002 NSS:

> Our priority will be first to disrupt and destroy terrorist organizations of global reach and attack their leadership; command, control, and communications; material support; and finances. This will have a disabling effect upon the terrorists' ability to plan and operate.[64]

President Bush's call for military anticipatory action alarmed many in the international community who believed the United States might use its overwhelming power to exact a price from nations that did not play by U.S. rules. President Bush gave one of his first public declarations of the strategy to the cadets of the U.S. Military Academy at West Point, when he announced:

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64 George W. Bush, "The National Security Strategy of the United States of America," September 2002, 5.

> [In the past] America's defense relied on the Cold War doctrines of deterrence and containment. In some cases, those strategies still apply, but new threats also require new thinking....our security will require all Americans to be forward-looking and resolute, to be ready for preemptive action....[T]he military must be ready to strike at a moment's notice in any dark corner of the world. All nations that decide for aggression and terror will pay a price.[65]

President Bush's commencement speech is comparable with Thomas Friedman's suppositions in *The Lexus and the Olive Tree,* which argues that military force is a stabilizer in global affairs, and is a hidden fist that persuades rival actors to comply with global norms.[66] Although Friedman perspective is similar to President Bush's perspective, John Ikenberry's "America's Imperial Ambition" argues that the DoP negatively recast historic concepts of national

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65 George W, Bush, "Presidential Commencement Speech at West Point," June 2002.

66 Thomas L. Friedman, *The Lexus and the Olive Tree: Understanding Globalization* (New York: Anchor Books, 2000), 464-468.

sovereignty and nullified international norms of self-defense as enshrined by Article 51 of the UN Charter.

Ikenberry further asserts the DoP took America down a slippery slope, because it obligated the United States to be prepared to intervene anywhere and at any time. He claimed these obligations might necessitate overstepping the sovereign borders of weak nations that are unable to enforce their own domestic laws and have suspected terrorists within their country.[67]

Richard Haass, policy and planning director at the State Department, reinforced Ikenberry's concerns over national sovereignty, when he asserted that other nations' sovereign right to control their borders would not encumber the United States from preemptive actions, Haass asserted:

> What you're seeing from this administration is the emergence of a new principle or body of ideas about what you might call the limits of sovereignty. [One should] not support terrorism in any way. If a government fails to meet these obligations, then it

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67 John G. Ikenberry, "America's Imperial Ambition," Foreign Affairs v. 81 no 5 (Sept./Oct. 2002) 44-60.

forfeits some of the normal advantages of sovereignty, including the right to be left alone inside your own territory.[68]

The varying assessments of Friedman, Ikenberry, and Haass, reveal the nature of the strategic environment is an ever-changing topic of debate in world affairs. As with most controversial topics, supporters and critics of the DoP demonstrate strengths and weakness in their arguments.

Critics of the DoP believed that it promoted U.S. military primacy, radicalized terrorists, heightened global instability, and set a precedent for other nations to act similarly.[69] They considered the strategy to be a temporary solution, not an enduring remedy to the profound problem of global terrorism. Furthermore, they suggested that the aggressive nature of the DoP generated negative diplomatic and political costs for the United States.[70] On the other hand, supporters of the DoP declared that the strategy allowed the United States to take advantage of its unrivaled military power to protect

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68 Nicholas Lemann, "The Next World Order," *New Yorker*, April 2002, accessed February 10, 2011,http://www.newyorker.com/archive/2002/04/01/020401fa_FACT1.

69 Lawrence J. Korb and Michael Kraig, "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 10-11.

70 Ibid.

U.S. interests in the manner best suited the apocalyptic character of terrorism.[71]

Ultimately, no one knows to what extent the United States will use military anticipatory action in the coming decades. However, if the threat of terrorism continues to pose a serious challenge to global stability, one can make a strong case the United States will continue to combat terrorists, and rogue regimes that support them.

DISSERTATION ORGANIZATION

This introductory chapter provides background information on how 9/11 demonstrated U.S. vulnerability to terrorist attacks. It also depicts how the 2002 NSS provided a grand strategic vision for the United States to protect its global interests during the GWOT through the implementation of the DoP. In addition, this chapter accentuates the methodology of the study. It describes the study's qualitative research design, which relies on deductive logical analysis of historic literature to establish facts regarding underlying assumptions and perspectives that expound upon the research question, and defend the

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71 Ibid.

hypothesis. Lastly, this chapter gives insight on the method of data collection and data analysis used to support the hypothesis, as well as identify patterns or commonalities relating to the research.

Chapter II, "Literature Review," focuses on presenting relevant theoretical, historical, and policy-related literature specific to the ongoing debate on the DoP. The literature focuses on two primary areas: hypotheses of international relations theory that relate to U.S. foreign policy, and experiential perspectives from past and contemporary policymakers. In addition, the literature review points out how perceptions of threat influence decisions about going to war, and shapes behavior within the international system.

Chapter III, "Functions of U.S. National Security Policy: The Cold War to the GWOT," demonstrates how American security strategies have historically provided coordination and direction for using U.S. national power to realize global objectives. This chapter evaluates various American presidential administrations from the Cold War through the GWOT, and explains how U.S. policymakers created, and adapted security strategies to secure America's security, and global primacy.

Chapter IV, "Military Anticipatory Action: Conditions for Preemption or Prevention," explains the doctrinal difference between

a strategy of "preemption" and a strategy of "prevention," and it tests those definitions against debatable conditions that call for their use. This chapter also examines traditional and nuanced perceptions of preemption and prevention, and how those views support, or critique the DoP. In addition, it provides tangible historical evidence showing the advantages and disadvantages associated with such strategies.

Chapter V, "Diplomacy: Perceptions and Effects of International Law and Legitimacy," analyzes the international legal dimensions of preemptive and preventive uses of force. Although preemptive and preventive strategies have been used throughout history, there remains confusion over the legality and legitimacy of their implementation. Therefore, this chapter examines the varied diplomatic responses to the U.S. GWOT and how international law, as dictated by the UN, failed to arbitrate numerous discrepancies prior to the war in Iraq. It also shows that the UN was unable to draw clear and universally applicable delineations between preemptive and preventive strategies, or define an accepted or unacceptable rationale for the use of the strategies.

Chapter VI, "A Question of Intelligence," addresses the relationship between the U.S. intelligence community and U.S. policymakers. It evaluates the alleged failures of the intelligence

community and examines how policymakers perceived, and utilized strategic intelligence post-9/11.

Chapter VII, "Game Theory and National Security Strategy," promotes game theory as a useful structure to evaluates past occurrences and predict future probabilities of threat.[72] This chapter reveals how the analytical process of game theory allows analysts and policymakers to make informed judgments relating to U.S. national security.

Chapter VIII, "Findings," includes a focused discussion on the finding on chapters III through VII and forms the underpinning for the conclusion chapter.

Chapter IX concludes the study; readdresses the original research question, identifies research limitations that influenced the data, and presents suggestions for future research.

Appendix A, "Case Studies," examines arguments relating to national security policy put forth in the early years of the Cold War, and highlights the advantages and disadvantages of offensive military action. In addition, case studies review geopolitical conditions that fostered perceptions of threat that raised the possibility of conflict

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72 Game theory has also received attention in popular culture, particularly through the prominence of Nobel Prize-winning game theorist John Nash, who was the subject of the 1998 film *A Beautiful Mind.*

during the Cold War. Six other appendices in this section expound upon important national security directives, the Iraqi war military coalition, insurgent groups, the U.S. national intelligence leadership structure, and correspondence from the Cuban Missile crisis.

CHAPTER II

LITERATURE REVIEW

"Since World War II, the United States has faced the difficult task of finding policies which would be adequate for security and peace and at the same time compatible with its traditions. Never before has a great nation been called upon to adjust its thinking and its action so radically in so short a period."

—John Foster Dulles, April 1954[1]

INTRODUCTION

This literature review frames the body of work in this study, and provides context for the research undertaken. It describes, summarizes, validates, and provides the theoretical basis for the research, which is grounded in literature centered on empirical U.S. national security policy, and international relations theory. The conceptions presented in the literature regarding national

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1 John Foster Dulles, "Policy for Security and Peace," Foreign Affairs, 32 (April 1954), 353.

sovereignty, functions of government, strategy development, and the use of national power offer a broad spectrum of material for this research.

Few areas of scholarship have attracted more commentary than U.S. national security policy; consequently, there are numerous diverse points of view in the literature review. The literature review focuses on two relevant areas. First, it examines hypotheses of international relations theory to illustrate why theory is important to analyzing U.S. foreign policy, and issues pertaining to global conflict and cooperation. The second area of emphasis includes experiential policy-related literature specific to the ongoing debate on the distinction between preemptive and preventive strategies, and specific opinions relating to the use of the DoP during the GWOT.

The literature review is extensive but not exhaustive; nevertheless, it provides ample evidence that the DoP is a noteworthy topic of scholastic study. Primary and secondary sources are used to underscore historical precedents, theoretical probabilities, and current realities regarding U.S. national security.

THEORETICAL LEVEL OF ANALYSIS

The level of analysis for this study focuses on the United States as a major actor in the international system. There is substantial academic literature in the field of international relations that relate to U.S. national security policy, and the research analyzes historical experiential policy options used by several U.S. Presidential administrations.

When explaining historic U.S. security polices, one has to examine strategic issues that stretch over numerous U.S. Presidential administrations, where history, culture, traditional governmental practices, and perceived threats frame the ideological foundation of U.S. policy. This raises questions of whether one should focus on specific decisions made by a single individual or a sequence of decisions made by historical factors. The literature supports the latter assertion because history complements contemporary analysis relating to geopolitical factors that affected American policymakers during the development and implementation of the DoP.

THEORETICAL LITERATURE: PRIORITIES OF NATIONAL BEHAVIOR

Historically, the concept of war has been a topic of great interest. The attacks of 9/11, not only changed the way in which America interacted with the international community; it intensified realist and liberal debate on the reoccurring phenomenon of war. The literature reviewed in this study is replete with abstract theories that endeavor to facilitate explanation concerning observed phenomena of war in world politics.

Indeed, historians contemplate on whether war is a part of humanity's instinctual makeup, or is it caused by ideological or national differences. Thomas Hobbes the 16th-century philosopher and author of *Leviathan* asserts humanity's state of nature is a perpetual condition of war. Hobbes claims there are three common aspirations that govern humankind's natural drive for conflict. He writes; "In the nature of man, we find three principal causes of quarrel. First, competition: secondly, diffidence: thirdly, glory. The

first, maketh men invade for gain: the second, for safety: and the third, for reputation."[2] Moreover, Hobbes asserts:

> War consisteth not in battle only, or the act of fighting; but in a tract of time, wherein the will to contend by battle is sufficiently known: and therefore, the notion of time, is to be considered in the nature of war; as it is in the nature of weather. For as the nature of foul weather, lieth not in a shower or two of rain; but in an inclination thereto of many days together: so the nature of war, consisteth not in actual fighting; but in the know disposition thereto, during all the time there is no assurance to the contrary.[3]

Hobbes' description of humankind's disposition to war speaks of realist political theory; where power is the primary end, and military might is necessary to ensure the survival of the nation-state. Indeed, realist perceptions such a Hobbes offer a straightforward and

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2 Thomas Hobbes, *Leviathan* (1651), accessed February 12, 2012, http://ebooks.adelaide.edu.au/h/hobbes/thomas/h681/ contents.html.

3 Ibid.

authoritative explanation for war. The struggle for power and survival between actors is also represented in E. H. Carr's *The Twenty Years Crisis* and Hans Morgenthau's *Politics Among Nations.* Both works feature the aggressive nature of the human condition as the source of conflict. Morgenthau avows that objective laws have their roots in human nature. He contends that human beings have a desire to dominate others, which leads them to fight wars.[4]

Neorealist theories put forth by Kenneth Waltz in *Man, the State, and War*, asserts great powers willfully transgress the norms of others whenever their national interests dictate it. He proposes a three-image view of international relations behavior. The first image is the individual and human nature, the second image is the nation-state, and the third image is the international system.[5] Each image identifies different causations for behavior in the international community. Waltz argues that the first image complements humankind's natural desire for power and influence. He reasons that at the state level a country's reactions to particular situations are driven in part by national trends in culture, society, and domestic political institutions. At the international level, systemic constraints,

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4 Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, Fifth Edition, Revised (New York: Alfred A. Knopf, 1978), 4-15.

5 Ibid.

and imperatives of power, and security compel nations to protect their national interests.[6]

In *Theory of International Politics,* Waltz maintains the international system is key, because it consists of a number of weak states and great powers, all seeking to survive with no central authority to protect states from one another. Waltz emphasizes that the world exists in a state of perpetual international anarchy, lacking a central enforcer: therefore, states act in a way that ensures their security.[7] He reasons recurring patterns of state behavior, are due to the international system. For example, the bipolar relations between Sparta and Athens resemble the relationship between the United States and the Soviet Union during the Cold War.

Conversely, Barry Buzan, in "International Relations Reconsidered," contends that Waltz's image analysis is too narrow, because the key question is not whether the levels exist but how they interact.[8] J. David Singer takes the middle ground between Waltz and Buzman, in his article, "The Level-of-Analysis Problem in International Relations." Singer differentiates the levels of analysis by

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6 Ibid.

7 Ibid, 116-128.

8 Barry Buzan, "The Levels of Analysis Problems in International Relations Reconsidered," in *International Relations Theory Today*, edited by Ken Booth and Steve Smith (The Pennsylvania University Press, 1995) 200.

assessing descriptive, explanatory, and predictive levels of capabilities. He classifies the international system level as the one most suited to predictive generalizations, but reasons that theory based on the international system loses specificity of analysis at the national level. Singer appeals to a balance of systemic and national-level analysis, because a preoccupation with one level over the other risks exaggerating similarities and differences among nations.[9]

Scholars have continuously debated the causes of war, and John Mearsheimer writes about the phenomenon of power in *The Tragedy of Great Power Politics*. He writes, "International politics has always been a ruthless and dangerous business, and it is likely to remain that way."[10] Mearsheimer adds to the neorealist paradigm by asserting nation-states not only strive to gain power in the international system, they continue to drive for power until they are a regional hegemon; he determines power in itself is not enough; hegemony is the ultimate goal.[11]

According to Samuel P. Huntington, in The Clash of Civilizations *and the Remaking of World Order*, one of the most

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9 David J. Singer, "The Level-of-Analysis Problem in International Relations," *World Politics*, vol. 14, No. 1 (October 1961), 77-92.

10 Ibid, 2.

11 John Mearsheimer, *The Tragedy of Great Power Politics* (New York: W.W. Norton & Company, 2001) 126,141,251.

compelling reasons to go to war centers on cultural differences. In *The Third Wave: Democratization in the Late Twentieth Century*, Huntington writes about the rise of democracies in unstable regions of the world, stressing that unstable nations could easily turn to other forms of government if conditions of extreme despair are omnipresent.[12]

While Huntington focuses on the perils of democracy, liberal-based theories speak of maximizing potential peace through commonalities of mutual interest and interdependence between nations. For instance, Spencer Weart's *Never at War* argues that democracies tend not to go to war with one another due to their shared values, culture, and openness.[13]

Liberal theories do not assume the inevitability of war, and assert there are continuously opportunities for peace and cooperation between nations. Liberal thought deems interaction between nations enhances cooperation due to heightened familiarity and transparency. Kenneth Oye's *Cooperation Under Anarchy* supports this construct. In "The False Premise of Realism," Ruggie deems states and individuals

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12 Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century*. (Norman: University of Oklahoma Press, 1993), 291-293.

13 Spencer R. Weart, *Never At War: Why Democracies Will Not Fight One Another* (Yale University Press, 1998), 4.

have a propensity for peace and cooperation when institutions fashion norms to govern interaction between states.

Liberals thought reflects a notion that world politics is not a continuous road to war or conflict, but an inconsistent state of affairs that often varies between collaboration and opposition. Therefore, complex interdependence discourages conflict because warfare threatens collective prosperity. Robert Keohane and Joseph Nye's *Power and Interdependence* advocates for interdependence through collective security collaboration. The authors recognize the realities of international conflict, but assert that global institutions increase cooperation and the likelihood of peace.

A historical example of cooperation between nations was the Marshall Plan, as described in Stephen Krasner's *International Regimes.* Krasner depicts the Organization for European Economic Cooperation (OEEC) as the regime that compelled post-World War II European nations to cooperate to fashion comprehensive programs for European peace and recovery.[14] Post-World War II cooperation did not stop at the economic level; the creation of the North Atlantic

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14 Stephen Krasner, *International Regimes* (Cornell University Press, 1983) 195-200.

Treaty Organization (NATO) integrated European security concerns under a single organizational umbrella.

Charles and Clifford Kupchan also support the concept of collective security in "The Promise of Collective Security," where they classify collective security as an effective balancing mechanism that creates opportunities for cooperation through interaction between nations.[15] Accordingly, one can observe that NATO is much more than a military organization; it is a political collective security undertaking, which has fostered global stability since its inception.

On the contrary, Mearsheimer criticizes liberal concepts of collective security in "The False Promise of Institutions." Mearsheimer declares collective security regimes to be impractical during times of crisis. Robert Keohane and Lisa Martin rebut Mearsheimer in "The Promise of Institutionalist Theory," and argue Mearsheimer fails to explain the irrelevance of international institutions. They authors declare international institutions "reduce transaction costs, make commitments more credible, establish focal

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15 Charles A. Kupchan and Clifford A. Kupchan, "The Promise of Collective Security," International Security, vol. 20, No. 1 (Summer 1995), 52-61.

points for coordination, and in general facilitate the operation of reciprocity."[16] Furthermore, the authors write:

> [Institutions] mitigate fears of cheating and so allow cooperation to emerge and facilitate cooperation by helping to settle distributional conflicts and by assuring states that gains are evenly divided over time, for example by disclosing information about the military expenditures and capacities of alliance members.[17]

In *Strategy in the Contemporary World*, John Baylis focuses on the realm of national policy strategy where diplomatic, informational, military, and economic elements of power overlap. These principles of overlapping elements of power enable nations to influence other countries. Buzan, in "Change and Insecurity Reconsidered," also articulates this premise. He asserts studies in international relations have changed since the end of the Cold War, with the ideological

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16 Robert O. Keohane and Lisa L. Martin, "The Promise of Institutionalist Theory," *International Security*, vol. 20, No. 1 (Summer 1995), 39-51.

17 Ibid, 86.

emphasis shifting from more militaristic "strategic studies" to more theoretically based "security studies."[18] Furthermore, in *The Evolution of International Security Studies*, Buzan elaborates on how the theoretical field of security studies grew out of debates on how a state could protect itself from domestic and external threats after World War II.[19] His work focuses on how history, political themes, authority, legitimacy, and sovereignty relate to discussions on security. This is particularly relevant to this research because it focuses on evaluating threats and looking for ways to alleviate them.

Beyond the tradition concepts of realism and liberalism, the constructivist school scrutinizes culture, identity, and norms to frame concepts that explain state behavior. Constructivism traces its roots to the pioneering work of Alexander Wendt, who, in *Social Theory of International Politics*, reasons anarchy is a condition of the system of states because states choose to make it that way.[20] Although Wendt acknowledges power truly matters in global politics, he believes perspectives determine whether states go to war, maintain a balance of power, or cooperate with one another. As a result, constructivists

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18 Buzan, Barry. "Change and Insecurity Reconsidered." Contemporary Security Policy, Volume 20, Issue 3 (1999), 1-17.

19 Barry Buzan and Lene Hansen. *The Evolution of International Security Studies* (Cambridge University Press, 2009), 30-32.

20 Alexander Wendt, *Social Theory of International Politics*, (Cambridge University Press, 1999)1-5.

maintain the fundamental structures of international politics are social rather than material.

Constructivism has become an increasingly important approach to security studies, but it does not focus on power politics as much as it emphasizes norms that frame idealist concepts of understanding and cooperation. Paul Williams' *Security Studies* articulates constructivist approaches allow for a better understanding of realist positions and liberal concepts of the international system. Moreover, constructivists understand the central role of security, but contend that societal ideas are a major contributor to the security policies implemented by nation-states. Furthermore, societal ideas put forth by national leaders codify beliefs within a nation-state and push agendas forward to the masses.[21] Constructivists view this as a social phenomenon, indicating that entire nations can acquiesce to good and bad social norms. A prime example of this tendency is the fanaticism displayed during World War II by the Axis powers, or more recently by contemporary Islamic extremist organizations such as al-Qaeda.

From a theoretical perspective, mainstream international relations theory is more often associated with masculine objectively; however, gender constitutes the most basic source of distinction in

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21 Paul D. Williams, *Security Studies* (New York: Routledge 2008), 59-67.

perceptive understanding. In *Gender and International Relations,* Rebecca Grant and Kathleen Newland's identifies gender as a major variable element in a field traditionally dominated by masculine principles.[22] Accordingly, feminist approaches to international relations focus on the differences between the social constructs of masculine and feminine identity. Feminist theory does not side with any particular theoretical perspective of security studies; rather, it focuses on how women view the world and offers relevant theoretical discourse to the discipline of international relations theory.

Feminists assert they extract gender out into the open and incorporate other methodologies borrowed from disciplines such as sociology to look for understandings of changing collective identities in the world. In *Gendering World Politics*, J. Ann Tickner asserts the feminist school looks beyond military and national issues, and considers the causes and consequences of wars. Ticker adds feminists are concerned with what happens during wars; however, feminists are particularly concerned on how war affects individuals; particularly women, children, and the elderly. For Tickner, gender is an analytical

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22 Rebecca Grant, and Kathleen Newland, *Gender and International Relations* (Indiana University Press, 1991), 45.

tool rather than merely a descriptive category.[23] Conversely, in "Women in the Evolution of World Politics," Francis Fukuyama claims that the feminist view is flawed because mainstream attitudes toward violence, power, and status are not wholly the products of a patriarchal culture.[24] Fukuyama, adds it is an overreach for feminists to generalize all states run by men seek to maximize power.

This collection of international relations scholar provides an understanding of a wide range of issues and conceptual frameworks relating to the complexities of world politics. This in turn assists in the understanding of national security policy in this study. Consequently, a case can be made that when theory and empirical experience are combined through an analytical "lenses" it allows one to draw upon various perspectives and cultivate objective conclusions.

Military theorist Baron Von Clausewitz stated the role of theory is to provide "a thinking man with a frame of reference for the movements he has been trained to carry out, rather than serving as a guide which at the moment of action lays down precisely the path he

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23 J. Ann Tickner, *Gendering World Politics* (Columbia University Press, 2001), 134.

24 Francis Fukuyama, "Women and the Evolution of World Politics," Foreign Affairs 77, No. 5 (1998), 36.

must take."[25] Ultimately, theory is advantageous when it is plausibly consistent, and has empirical value; therefore, when theory has "explanatory power," is can assist policymakers comprehend phenomena that they would otherwise find obscure.[26]

EXPERIENTIAL LITERATURE: AMERICA AND THE WORLD

Since the attacks of 9/11, there are few areas in global politics that have attracted more analysis than the GWOT. Numerous private organizations, policymakers, and political advisors have penned works that reveal significant information on the post-9/11 security environment. These works examine the implications of the U.S. national security post-9/11 policy shift, and amass an intriguing segment of this study. For instance, in "The New National Security Strategy and Preemption," Ambassador Susan E. Rice, and others compiled a study at the Brookings Institution that concluded the Bush

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25 Peter Paret, *Clausewitz and the State* (London: Oxford University Press, 1976), 25.

26 Anatol Rapaport, "Explanatory Power and Explanatory Appeal of Theories," Synthese, September/October, Volume 24, Issue 3-4, (1972), 322.

administration, broadened the meaning of preemptive war in the 2002 NSS to encompass preventive war.[27]

It is undeniable that the attacks of 9/11 caused a change in America's vision of itself and its post-9/11 role in the international system, which has caused immense debate in the international community. The literature indicates that there were four major issues of disagreement over the invasion of in Iraq. First, the DoP was too militaristic and it risked creating a new norm for the use of military force. Second, it did not respect the sovereign borders of nation-states. Third, the strategy failed to distinguish between preemptively striking terrorists, and preventively attacking Iraq. Fourth, the DoP did not consider that regime change in Iraq necessitated substantial nation building and stability operations. All of these factors complicated American and European ability to forge common ground to combat terrorism, and caused the United States to reevaluate its relationships with its traditional allies.

For the United States, the invasion of Iraq was a necessary measure. In 2002, National Security Advisor Condoleezza Rice asserted there has never been a historic moral or legal requirement for

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27 Susan E. Rice, and others. "The New National Security Strategy and Preemption, Brookings Institution Policy Brief #113." Brookings Institution, December 2002.

any country to wait for an attack before it could address threats to its security, she stated, "President Bush's new *National Security Strategy* offers a bold vision for protecting our nation that captures today's new realities and new opportunities." [28] In addition, Rice specified:

> [The 2002 NSS] calls on America to use our position of unparalleled strength and influence to create a balance of power that favors freedom. As the President says in the cover letter: we seek to create the conditions in which all nations and all societies can choose for themselves the rewards and challenges of political and economic liberty.[29]

In direct contrast to Secretary Rice, French political advisor, Justin Vaisse reasoned the DoP led to tensions with the Europeans, who did not share America's optimism about the possible results of

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28 Condoleezza Rice, "U.S. Foreign Policy Agenda: *U.S. National Security Strategy: A New Era* (U.S. Department of State), vol. 7, No. 4 (December 2002), 5.

29 Ibid.

the GWOT.[30] Vaisse contends that between 2002 and 2005, the Bush administration developed a renewed strategic approach to international relations without worrying about legitimacy or formal multilateralism.

Francois Heisbourg, the International Security Adviser to the French Minister of Defense, took a similar viewpoint. He questioned the rationale for, and legality of the GWOT in "Is Preemption Necessary?" Heisbourg asserts the U.S. war in Iraq was a preventive war, not a preemptive war, and highlighted the controversy that the strategy caused. [31]

In *The Choice*, former U.S. National Security Advisor Zbigniew Brzezinski challenged the methodology of President Bush's policies during the GWOT, describing them as unilateral fear mongering and globally divisive.[32] In *Second Chance*, Brzezinski asserts the war in Iraq damaged America's global standing. He recognized the United States had the currency of power to ignore old allies, but emphasized

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30 Vaisse, Justin. "The Rise and Fall of the Bush Doctrine: The Impact on Transatlantic Relations." (Institute of European Studies, University of California, 2006). accessed March 22, 2011. http://repositories.cdlib.org/ies /060408.

31 Francois Heisbourg, "Is Preemption Necessary? A Work in Progress: The Bush Doctrine and Its Consequences," Washington Quarterly, vol. 26, No. 2 (Spring 2003), 75.

32 Zbigniew Brzezinski, *The Choice: Global Dominance or Global Leadership* (New York: Basic Books), 2004, 219.

Europe had the resources and diplomatic influence to make a positive difference in the GWOT.[33] Brzezinski claimed the United States had to choose whether to define itself as a benevolent hegemon—a "superpower plus," or push the boundaries of military hard power and become viewed as a unilateral "superpower minus."[34] Ultimately, Brzezinski stresses the United States should take a balanced approach towards issues of its security while working with allies to contain and eliminate potential terrorist threats.

As Americans and Europeans were seeking to redefine their relationship, Simon Serfaty penned *The Vital Partnership.* He reasons the transatlantic divide was not only due to the unilateral posture of the United States, but also to a failure on Europe's part to construct a competent multilateral military framework that the United States could count on when it was most vulnerable after 9/11.[35] In "Cooperation or Failure," Serfaty argues the United States and Europe should unite and enhance their level of multilateral cooperation to

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33 Zbigniew Brzezinski, *Second Chance: Three Presidents and the Crisis of American Superpower*, (New York: Basic Books, 2007), 146.

34 Zbigniew Brzezinski, *The Choice: Global Dominance or Global Leadership* (New York: Basic Books, 2004), 219.

35 Simon Serfaty, The Vital Partnership: Power and Order (Rowman and Littlefield, 2005), 34.

face the global war on terror.[36] Serfaty makes a good case that neither the United States nor Europe can accomplish their objective without the support of each other.

In a speech, entitled "A New NATO" Secretary-General Jaap de Hoop Scheffer spoke of NATO's challenges of collaborating for collective defense in the post-9/11 security environment. He argued that the circumstances in Iraq and Afghanistan were a test not just for the U.S. but also for the international community. He reasoned that the debate over terrorism should focus not on America's overarching power, but on how the international community could contribute to global order. Furthermore, the Secretary stated, "We must be prepared to deal with those threats when and where they emerge, or they will escalate and land on our doorsteps."[37] Scheffer's comments were poignantly in strategic alignment with the Bush Administration. For instance, during the speech to a joint session of Congress President

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36 Serfaty, Simon S. "Cooperation or Failure" In Tod Lindberg, ed., *Beyond Paradise and Power: Europe, America, and the Future of a Troubled Partnership* (New York, Routledge, 2005) 189-191.

37 Jaap de Hoop Scheffer, "A New NATO," Speech to the Norwegian Atlantic Committee, Oslo, 3 March 3, 2006, accessed November 21, 2011, www.nato.int/docu/speech/2006/s060303a.htm

Bush stated, "The only way to defeat terrorism as a threat to the nation is to eliminate it, and destroy it where it grows."[38]

In *War of Necessity, War of Choice*, U.S. diplomat Richard N. Haass alleges the invasion of Iraq was a war of choice. He challenged the necessity of the GWOT, and alleged there were other reasonable, but less attractive polices available to the Bush administration. Haass infers the war in Iraq was the most significant discretionary war carried out by the United States since Vietnam.[39]

As alluded to by Haass, wars can be unavoidable acts of necessity, or selective acts that strive to achieve particular objectives. Retired Army Chaplain Colonel Franklin Eric Wester regarded the war in Iraq as a selective conflict the United States chose to wage. In his article "Preemption and Just War: Considering the Case of Iraq," he maintains that the American war in Iraq was a preventive war that set a precedent for powerful nations to subdue weaker nations, and does not meet the criteria for warfare as established by just war theory.[40]

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38 Bush, George W. "Address to the Joint Session of Congress and the American People." September 21, 2001.

39 Richard N. Haass, *War of Necessity, War of Choice: A Memoir of Two Iraq Wars.* (New York: Simon and Schuster, 2010), 13.

40 The origins of the concept of just war theory can be traced to Augustine in the fourth century A.D.; Thomas Aquinas codified the concept in

Just war theory specifies there are several legitimate conditions for going to war: first, proper authority must order the action; second, the cause must be just, and thirdly, the warring authority must have a right intention of promoting good, or avoiding evil.[41] The fundamental and often controversial objective of just war theory is the need for states to have moral justification for using military force.

There is no universally accepted guideline for going to war; however, this study reveals there are numerous subjective perspectives on legitimate uses of force, and what is, or is not, a just cause for war. For the United States, the attacks of 9/11 were the legitimizing reason to why Washington implemented the DoP. During a West Point commencement, in June 2002, President Bush stated, "We fight, as we always fight, for a *just peace*—a peace that favors human liberty. We will work for a *just* and peaceful world beyond the war on terror. (italics added)"[42] As articulated in the commencement address President Bush understood the importance of conveying to audiences that he felt the U.S. objectives were just.

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the thirteenth century. Just war theory is in essence a set of guidelines for when it is morally acceptable to go to war.

41 Franklin E. Wester, "Preemption and Just War: Considering the Case of Iraq," Parameters (Winter 2004-2005), 29-31.

42 George W. Bush, "Presidential Commencement Speech at West Point," June 2002.

Subsequently, in September 2002, President Bush's NSS asserts that the war against terrorism was a global enterprise of uncertain duration and that America's unparalleled military strength would be the best tool to defeat the nation's enemies at home and abroad.[43] Consequent to the 2002 NSS, policymakers in Washington released a series of documents that gave further insight on the Bush administration plan to confront future threats to the United States. For instance, the *United States' 2003 National Strategy for Combating Terrorism* identified the GWOT as a different kind of war. It evaluated the nature of the terrorist threat, the relationships between global terrorist organizations, and the proliferation of WMD. In addition, the 2004 *U.S. National Military Strategy* focused on how the military would conduct unified missions and disrupt terrorist organizations.

Domestic politics in the United States also affected perceptions during the GWOT. In a Boston Globe article entitled "Truth, Lies, and Intelligence," U.S. Senator John Kerry criticized the reliability of intelligence that the United States used to justify going to war with

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43 George W. Bush, "The National Security Strategy of the United States of America," September 2002, introduction.

Iraq.[44] These questions of reliability led to the U.S. Senate initiating an investigation, which produced *The United States Senate's Report on the U.S. Intelligence Community's Prewar Intelligence Assessment of Iraq.* This document ultimately faulted the U.S. intelligence community for not clarifying Iraq's WMD capabilities.

In response to failures within the U.S. intelligence community President Bush enacted the 2004 *Intelligence Reform and Terrorism Prevention Act.* This act created the office of the Director of National Intelligence, which was headed by John Negroponte. As the first Director of National Intelligence, Negroponte published the 2005 *National Intelligence Strategy,* which called for interagency and international collaboration on national intelligence issues.

National Security expert Mark Lowenthal's book titled *Intelligence: From Secrets to Policy* gives an overview of the U.S. intelligence community. It explains how intelligence interagency coordination forges the vital link between policymakers, the military, and other agencies within the U.S. government. Lowenthal's work explains how the intelligence community supports U.S. national security objectives. Other works on intelligence include, *Anticipating*

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44 Scot Lehigh, "Truth, Lies, and Intelligence," Boston Globe, November 25, 2005, accessed February 27, 2011, www.boston.com/news/globe/editorial_opinion/oped/articles/2005/11/25/truth_lies_and_intelligence/.

Surprise by Cynthia Grabo, a veteran U.S. intelligence analyst who summarizes how the development of intelligence analysis is a theoretical activity based on a process of logic and deduction.

Former National Security Advisor and Secretary of State Henry Kissinger provide further historical analysis in *Does America Need a Foreign Policy*. Kissinger's work alleges the United States has the tendency to push its way into situations throughout the world whether invited or not.[45]

Career government executive and Noble Peace Prize winner, Thomas Schelling penned *Arms and Influence*, which made a similar point as Kissinger. Schelling asserts that although military force has the potential to influence countries, force could be used skillfully, or clumsily, for evil, self-protection, or pursuit of peace. In *The Strategy of Conflict*, Schelling presents a comprehensive look at game theory and concludes that competing actors base their decisions on "focal points" of what they expect from the other actors, so they have a counter-strategy to gain an advantage.[46] Schelling's perspective reveals

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45 Kissinger, Henry. *Does America Need a Foreign Policy? Toward a Diplomacy for the 21st Century* (New York: Simon and Schuster) 2001, 18.

46 Thomas C. Schelling, *The Strategy of Conflict* (New York: Oxford University Press) 1963, 207.

how game theory can be used to develop strategies to understand threats better.

SUMMARY

This literature review frames the body of work in this study and provides context for the research undertaken. It provides the theoretical basis for the research, which is grounded in literature centered on empirical U.S. national security policy, and international relations theory. The literature demonstrates the use of effective national security policies are a key component of nation's success or failure in international politics.

There are many variances in the compiled literature that show the skillful use of national security policy necessitates an understanding of threats and developing strategies to enhance national security; however, the diversity of literature showed there where limited theoretical linkages among the fluctuating views put forth by the authors. Lastly, the theoretically and experiential text were resourceful but all the literature was subjective to academic, political, or ideological leanings of particular authors, and audiences.

CHAPTER III

FUNCTIONS OF U.S. NATIONAL SECURITY POLICY: THE COLD WAR TO THE GWOT

> "The gravest danger our Nation faces lies at the crossroads of radicalism and technology. Our enemies have openly declared that they are seeking weapons of mass destruction, and evidence indicates that they are doing so with determination. The United States will not allow these efforts to succeed....History will judge harshly those who saw this coming danger but failed to act. In the new world we have entered, the only path to peace and security is the path of action."
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> —George W. Bush, September 2002[1]

BACKGROUND

There are a number of opinions on the definition of national power, and the concept of national power can be an imprecise concept. For the purposes of this study, American national power is

1 George W. Bush, "The National Security Strategy of the United States of America," September 2002, introduction.

represented by the association of diplomatic, informational (intelligence), military, and economic (DIME) elements of power.[2] [3] Sam C. Sarkesian in U.S. National Security gives a succinct definition of national power: *Policymakers, Processes, and Politics,* which describes national power a country's ability to carry out its national security policies, and its ability to use that power effectively.[4]

This chapter demonstrates how diverse U.S. presidential administrations used distinctive strategies to guide the use of American national power to achieve specific national security objectives.[5] Throughout its history, the United States has used national power to protect and further its domestic and international interests. During the first Seminole War in 1818, President James Monroe instructed General Andrew Jackson to use military power to initiate a preventive campaign against Native Americans, escaped

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2 David A. Deptula "Toward Restructuring National Security," *Strategic Studies Quarterly* (Winter 2007): 7, accessed January 10, 2010, ttp://oai.dtic.mil/oai/oai?verb=getRecord&metadataPrefix=html&identifier=ADA510489

3 John R. Mills, "All Elements of National Power: Re-Organizing the Interagency Structure and Process for Victory in the Long War," Strategic Insights, Volume V, Issue 6 (July 2006), accessed May 10, 2011, http://oai.dtic.mil/oai/oai?verb=getRecord&metadataPrefix=html&identifier=ADA519822.

4 Sam C. Sarkesian and others, *U.S. National Security: Policymakers, Processes, and Politics* (London: Lynne Rienner Publishers, 2002), 33.

5 See table 3, appendix B for a list of Major National Security Council Authorities.

slaves, and British subjects in Spain's Florida territory, to justify U.S. advances into Florida.

In 1823, the Monroe Doctrine was used to slow European efforts to colonize territory in the Western Hemisphere. In 1904, President Theodore Roosevelt took the Monroe Doctrine a step further, and added the Roosevelt Corollary, which asserted the right of the United States to intervene preventively anywhere in Latin America to stop the spread of European influence. This marked a defining point in the successful rise of U.S. power.

Historian Walter Russell Mead, in *Special Providence*, attributes the historic success of U.S. foreign policy to four political traditions rooted in American interests. Mead asserts the Hamiltonian tradition (protection of commerce), the Jeffersonian tradition (maintenance of a democratic system), the Jacksonian tradition (populist values, military strength), and the Wilsonian tradition (moral principle) aptly describes the historic ideological flexibility of U.S. foreign policy.[6]

Prior to the modern era America lacked a clear strategy to develop national security policy. As such, U.S. policy objectives

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6 Walter R. Mead, "American Grand Strategy in a World at Risk," Orbis, 49 no4 (Fall 2005), 589-98, accessed March 11, 2012,http://web.clas.ufl.edu/users /zselden/Course%20Readings/Mead.pdf.

fluctuated from periods of peace to periods of war.[7] In the past, the State Department was responsible for managing foreign affairs, and the Navy and War Departments prosecuted major wars. By the late 1930s, many policymakers argued that this approach was outdated, and asserted America needed new procedures for high-level collaboration between the civilian and military branches of the government.[8] The surprise attack at Pearl Harbor substantiated the wisdom of these arguments.

During World War II, the United States tested various policy coordination methodologies; however, the most significant milestone for the administrative consolidation of U.S. governmental powers was the National Security Act of 1947, which reorganized the U.S. military, the State Department, the intelligence community, and established the National Security Council.

History has shown that every U.S. presidential administration has implemented policies to respond to various threats.[9] Over the years, the commonality between each president was their ability to create strategies to shape global events in ways favorable to American

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7 Cody M. Brown, *The National Security Council: A Legal History of the President's Most Powerful Advisers*, Center for the Study of the Presidency, Project on National Security Reform, 2008, i.

8 Ibid.

9 See table 3, appendix B for a list of National Security Council Authorities.

principles and interests.[10] The strengths and weaknesses of each administration, as well as the personality and management style of the each President played an integral part in America's historical rise to global preeminence.

Throughout the Cold War, the United States grappled with implementing a mixture of containment, deterrence, and global proxy wars to encumber the growth of the Soviet Union. However, with the fall of the Soviet Union, the United States stood alone as the world's only superpower.

Despite the end of the Cold War, U.S. government officials continued to have confidence in the Cold War deterrence framework. After a relatively peaceful decade of the 1990s, the attacks of 9/11 destabilized global order and changed the focus of U.S. national security policy.

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10 Robert Kagan, *Of Paradise and Power: American and Europe in the New World Order* (New York: Random House, 2003), 61.

COLD WAR NATIONAL SECURITY STRATEGY

The United States' atomic detonation on Hiroshima in 1945 signaled the beginning of a new national security perspective in America. The strategies of conventional land, air, and sea warfare became relics of a simpler age. Atomic weapons formed a profoundly new basis of lethality in warfare, and U.S. policymakers had to determine how to balance their post-World War II global leadership responsibilities with the destructive capacities of nuclear power.

After World War II, the international community was hampered by war-weariness, but had a profound desire to return to peacetime pursuits. As Europe restructured itself, America found itself in a global leadership position. As such, U.S. foreign policy focused on two tenets.

The first tenet organized around the concepts of deterrence and containment, which maintained the post-World War II global balance of power and provided a counterweight to the Soviet Union. The second tenet was liberal multilateralism and was centered on the reconstruction of the world economy through the Marshall Plan. The Marshall Plan sought to build an international order in integrated global markets and sought to avoid returning to regional European

trade conflicts. Both components of America's strategy set the stage for the rise of an American global power. It allowed the United States to use its DIME elements of power to further U.S. interests, and offered partnerships built on common values, mutual self-interest, and the preservation of stability.

Successive U.S. administrations continually reassessed American national security policies to mitigate threats that developed in the anarchic global system. During the early days of the Cold War President Truman allowed for the development of a U.S. nuclear arsenal to deter Soviet aggression. However, before the Soviet Union gained atomic weapons between 1945 and 1948, several U.S., and international policy makers advocated for preventive war against the Soviet Union. British scholar Bertrand Russell believed that the West should go to war with the Soviet Union before Moscow could acquire substantial nuclear strength.[11] Russell and others reasoned that a preventive war with the Soviet Union would ensure a Western victory with fewer casualties than if the U.S. waited until there were numerous nuclear bombs on both sides.[12]

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11 Nicholas Griffin, *Selected Letters of Bertrand Russell: The Public Years*, 1914-1970 (New York, Routledge, 2001), 482.

12 Ibid.

In one of the most significant statements of American policy during the Cold War, the Truman administration defined America's Cold War strategy in NSC 68. The memorandum was essentially the operationalization of the containment policies espoused in George Kennan's "Long Telegram" from Moscow in 1946. Ultimately, on August 29, 1949, the Soviet Union tested its first atomic bomb, and the response in the United States was one of apprehension. The loss of the American monopoly on nuclear weapons shook Washington and the American public to its core; however, the United Stated did not initiate a preventive war against the Soviet Union.

President Dwight Eisenhower kept Truman's principles of containment in place and implemented NSC 162/2, which called for the development and maintenance of "A strong military posture, with emphasis on the capability of inflicting massive retaliatory damage by offensive striking power." Moreover, NSC 162/2 declared:

> In the event of hostilities, the United States will consider nuclear weapons to be as available for use as other munitions. Where the consent of an ally is required for the use of these weapons from U.S. bases on the territory of such ally, the

> United States should promptly obtain the advance consent of such ally for such use. The United States should also seek, as and when feasible, the understanding and approval of this policy by free nations.[13]

Through the implementation of NSC 162/2 President Eisenhower sought a long-term approach to security planning that would maintain a constant level of military preparedness and not diminish the American economy. Eisenhower also implemented NSC 5440, which is also called the "New Look" policy. This policy recognized that an equal dedication to conventional and nuclear force was unsustainable. The New Look became the centerpiece of U.S. security policy during Eisenhower's tenure, causing conventional weapons to be subordinated to nuclear weapons. In addition, the New Look embodied the doctrine of "Massive Retaliation," which decreased U.S. conventional force commitments abroad and cleared the way for the military to use tactical nuclear weapons. The goal was to maintain

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13 United States Department of State, Office of the Historian, National Security Council 162, October 30, 1953, accessed January 20, 2011, http://history.state.gov/historicaldocuments/frus1952-54v02p1/d100.

enough military power to defend the United States and Western Europe.

Eisenhower's bipolar framing of the Cold War manifested itself in the continuation of policies of deterrence and containment. However, his policies spurred debate by those who continued to call for preventive war against the Soviet Union.[14] In *Security in the Nuclear Age,* Jerome Kahan elaborates on the extent to which Eisenhower depended on nuclear weapons to extend America's U.S. power abroad. Kahan reasons that nuclear weapons played a crucial role in U.S. foreign policy, and the implementation of "Massive Retaliation" allowed the U.S. to provide security to itself and its allies.[15]

In 1961, President John F. Kennedy implemented the "Flexible Response," strategy because his administration's was skeptical of Eisenhower's policies. Kennedy's strategy gave the United States the capability to respond to aggression across the range of military operation; however, it was not focused primarily on nuclear arms.

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14 Karl P. Mueller, "Striking First: Preemptive and Preventive Attack in U.S. National Security Policy." RAND Note, No. F49642-01-C-0003 ,Santa Monica, California: (RAND, 2006), 121.

15 Jerome H. Kahn, *Security in the Nuclear Age: Developing U.S. Strategic Arms Policy*, Washington, D.C.: Brookings Institution, 1975, 9-13.

John Lewis Gaddis's *Strategies of Containment* articulates how President Kennedy felt a need to distance himself from Eisenhower's policies. Kennedy advocated a deterrence strategy that was adaptable and could extend across strategic, operational, and tactical levels of warfare. Kennedy's strategy encompassed tailoring the appropriate amount of military force to achieve the desired end state.[16]

During the presidency of Lyndon B. Johnson, the United States believed that the Soviet Union was catching up in terms of nuclear weapons capability. The problem of the narrowing missile gap intensified during the Vietnamese War, and by the time President Nixon came into office, the United States wanted to end the Vietnam conflict.

Nuclear weapons were a major pillar of Nixon's policy of detente, which marked a further revision of containment and a substantial shift in America's national security strategy. The key feature of Nixon's "detente" strategy; was the relaxation of tensions between the United States and the Soviet Union. His "linkage" strategy aimed to link agreements in one area to agreements in other areas. The linkage strategy aimed to persuade the Soviet Union to

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16 John Lewis Gaddis, *Strategies of Containment* (New York: Oxford University Press, 1982), 197.

cooperate in restraining revolutions in the Third World in return for concessions in nuclear armaments and economics. Nixon's polices led to the Strategic Arms Limitation Talks (SALT), because the United States and the Soviet Union realized that nuclear weapons could destroy everything they were meant to protect. By engaging in arms control negotiations, the United States and the Soviet Union tacitly acknowledged the excesses of the arms race.

President Jimmy Carter sought to define a new American foreign policy based on consistent values. Carter hoped to implement commitments through nonintervention and the reduction of military power. In 1977 he declared, "We desire a freeze on further modernization and production of weapons and a continuing, substantial reduction of strategic nuclear weapons as well."[17]

President Ronald Reagan reversed the policies of the Carter administration, initiated an American military power renaissance that accelerated the end of the Cold War, resulting in the collapse of the Soviet Union in 1991 under the presidency of George H. W. Bush.

During the Presidency of William J. Clinton, the United States confronted international conflicts in Somalia, Rwanda, Bosnia-

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17 John Lewis Gaddis, *Strategies of Containment* (New York: Oxford University Press, 1982), 237.

Herzegovina, Kosovo, and Haiti. The Clinton administration endorsed a doctrine of intervention in world affairs that shaped events that affected U.S. security. In 1993, President Clinton ordered a preventive attack on Somali leader Mohamed Farah Aidid in Mogadishu, and in 1995, he signed Presidential Decision Directive NSC-39, addressing counterterrorism, which stated, "The United States would seek to identify groups or states that sponsor or support such terrorists, isolate them and extract a heavy price for their actions." Moreover, NSC-39 declared:

> We shall have the ability to respond rapidly and decisively to terrorism directed against us wherever it occurs, to protect Americans, arrest or defeat the perpetrators, respond with all appropriate instruments against the sponsoring organizations and governments and provide recovery relief to victims, as permitted by law.[18]

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18 William Jefferson Clinton, "Presidential Decision Directive NSC-39,". June 1995, accessed February 3, 2009, http://www.fas.org/irp/offdocs/pdd/pdd-39.pdf.

In addition, the Clinton administration ordered a preventive attack against an Iraqi weapons facility in 1998, and bombed a pharmaceutical plant in Sudan that had ties with al-Qaeda. President Clinton recognized that military force was necessary in situations that pose a threat to U.S. national interests. Clinton's 1999 NSS stated:

> We will do what we must to defend these interests, including, when necessary and appropriate, using our military might unilaterally and decisively.[19] Our use of force will be decisive and, if necessary, unilateral. In situations posing a threat to important national interests, military forces should only be used if they advance U.S. interests, they are likely to accomplish their objectives, the costs and risks of their employment are commensurate with the interests at stake, and other non-military means are incapable of achieving our objectives. Such uses of military forces should be selective and limited, reflecting the importance of the interests at stake. We act in

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19 William J. Clinton, "The National Security Strategy of the United States of America," December 1999, accessed April 4, 2011, http://www.au.af.mil /au/awc/awcgate/nss/nssr-1299.pdf, 1.

concert with the international community whenever possible, but will not hesitate to act unilaterally.[20]

Clearly, President Clinton was not opposed to military interventions, as evidenced by his 1999 NSS, and numerous military campaigns that took place during his presidency. In the light of these precedents, one can make a strong case that the United States has undergone reoccurring patterns of conflict and cooperation tied to perceptions of threat from antagonistic actors. One can historically trace such patterns of conflict, back to the bipolar relationships between Sparta and Athens during the Peloponnesian War, which reveals ongoing patterns to obtain and use national power to protect national interests.[21] One can make a strong case that the United States and Soviet Union followed the same pattern during the Cold War. Indeed, with the benefit of hindsight, one can make a strong case that this reoccurring pattern of emerging threats, and inevitable conflicts will be an ever-present reality of the international system.

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20 Ibid, 19.

21 Kenneth N. Waltz, *Man, the State, and War* (New York: Columbia University Press, 1959) 14-16.

POST-9/11: A NEW GRAND STRATEGY

In due course, every U.S. Presidential administration sought to use military power to shape regional and global events; therefore, the DoP appears consistent with a half a century of habitual American national security policy, which regularly used military power to shape global politics in ways that favor American interests. The reality of 9/11 necessitated a reevaluation of U.S. national security policy, and the United States generated a new vision for that strategy in the pages of the 2002 NSS. The security strategy outlined global terrorism and rogue regimes as the highest priority, and it clearly articulated how America would prosecute the war on terrorism, setting in motion a sweeping departure from the Cold War strategies of deterrence and containment.

The GWOT began in October 2001, and proclaimed Washington's determination to defend American interests from terrorists, and rogue nation-states that support terrorism. Secretary of Defense Donald Rumsfeld declared that the GWOT "would be a war unlike the United States has ever faced in the past."[22] This assertion

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22 Donald Rumsfeld, "A New Kind of War," *New York Times*, September 27, 2001.

was prophetic, as the GWOT contained elements of war and elements unlike war. In this same line of thought, Colin Gray's *Maintaining Effective Deterrence* proclaimed:

> The conflict with global terrorism, even in its more restricted form in the guise of the well-networked al-Qaeda, bears more resemblance to a protracted hunt than it does to what most people understandably call a war. The cutting edge of the counterterrorist effort is likely to be intelligence, especially multinational cooperation on intelligence, and muscular police work. All of which is plausible, but it is by no means certain that U.S. national security strategy reduces to chasing terrorists of no fixed abode. Terrorists and their backers do provide some targets for military action, and the jury will long be out on just how significant a challenge they pose to American vital interests, including the world order of which the United States is the principal guardian.[23]

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23 Colin S. Gray, *Maintaining Effective Deterrence* (Carlisle, Pa.: Strategic Studies Institute, U.S. Army War College, 2003), 5.

The 2002 NSS clearly stated that the United States would not remain idle as the danger of terrorism grew, and drew corollaries from the risk of inaction to the necessity of taking anticipatory action. As stated earlier, the Bush security strategy broadened the traditional interpretation of preemption to include concepts generally regarded as the preventive use of force.[24] This is clearly articulated in the following passage:

> The United States has long maintained the option of *preemptive* actions to counter a sufficient threat to our national security. The greater the threat, the greater is the risk of inaction—and the more compelling the case for taking *anticipatory action* to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack. To forestall or *prevent* such hostile acts by our adversaries, the United States will, if necessary, act *preemptively.* (italics added)[25]

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24 Lawrence Freedman, "Prevention, Not Preemption," *Washington Quarterly* (Spring 2003), 113. Freedman describes the 2002 NSS "as a doctrine of prevention, not preemption."

25 George W. Bush, "The National Security Strategy of the United States of America," September 2002, 14-16.

The emergence of suicidal terrorism on 9/11 caused many in the U.S. domestic population to clamor for an aggressive national security strategy to protect the continental United States; however, the DoP left some nations in the international community deeply intimidated over the prospect of an unconstrained United States seeking retribution for the attacks of 9/11.

The 2002 NSS added, "History will judge harshly those who saw this coming danger but failed to act. In the new world we have entered, the only path to peace and security is the path of action."[26] The security strategy made it clear that the DoP would be a significant element in defeating terrorists; hence, the security strategy stated, the "U.S. will, if necessary, act preemptively."[27] It described terrorism as the most serious threat facing the United States and confirmed that America would act against emerging threats before they could fully form, and act against rogue states that considered WMD "as weapons of choice, tools of intimidation, and military aggression."[28]

The Bush administration identified Iraq, Iran, and North Korea as rogue states, and it emphasized that the United States "must be

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26 Ibid, v.
27 Ibid, 15.
28 Ibid, 15.

prepared to stop these terrorist clients before they are able to threaten or use weapons of mass destruction against the U.S. and our allies and friends." As such, it is clear the strategy was the initial prescription, and precursor to a long, vigorous, and protracted struggle.

Unbeknownst to many, the GWOT went well beyond military operations in Afghanistan and Iraq. The war encompassed military operations in Africa, Colombia, and the Philippines. The United States implemented six specific military campaigns under the umbrella of the GWOT. The first effort, dubbed "Operation Active Endeavor," began on October 4, 2001, and was an immediate naval response to 9/11. This effort, exhibited solidarity between the United States and NATO in fighting terrorist activity in the Mediterranean.[29] In addition, the Bush administration was concerned about Africa becoming a breeding ground for terrorists due to its vast ungoverned spaces and unprotected borders, and instituted a Combined Joint Task Force in the Horn of Africa.[30]

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29 North Atlantic Treaty Organization Homepage, "Operation Active Endeavour," November 10, 2010, accessed February 15, 2011, 2011.http://www.nato.int/cps/en/natolive/topics_7932.htm.

30 Department of Defense, "U.S. Africa Command, Combined Joint Task Force–Horn of Africa, Fact Sheet," accessed March 15, 2011, http://www.hoa.africom.mil/pdfFiles/Fact%20Sheet.pdf.

The conflict in Colombia is the least well-known branch of the GWOT. Colombia occupied a unique position within the GWOT in that its targeted terrorist groups were Marxist rather than Islamic, but they did not have any reported links to al-Qaeda or other Islamic groups. The United States and the Colombian government fought against the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), who were all considered violent criminal organizations that fund their activities through illegal drug activities.[31]

The GWOT in the Philippines was part of a greater U.S. strategy to combat Islamic terrorism throughout Southeast Asia. U.S. military operations in the Philippines were limited because U.S. forces were not permitted to participate in combat in the country; therefore, the United States was constrained to training and advising Filipino units.[32]

The government of the Philippines, a longtime major non-NATO ally of the United States faced insurgencies from the Moro Islamic Liberation Front, the Moro National Liberation Front, Abu

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31 Andrew Feickert, "U.S. Military Operations in the Global War on Terrorism: Afghanistan, Africa, the Philippines, and Colombia," Congressional Research Service report, February 2005.

32 Department of Defense, "Operation Enduring Freedom, Philippines," accessed March 15, 2011, http://www.defense.gov/home/features/2010/0210_philippines/.

Sayyaf, and the Rajah Sulaiman Movement.[33] The Abu Sayyaf group has reported financial and training links to al-Qaeda and has become the focus of U.S. counterterror efforts in the region.[34] The Moro Islamic Liberation Front has reportedly provided training facilities to an Islamic group affiliated with al-Qaeda based largely in Indonesia.[35]

On September 20, 2001, President Bush gave an ultimatum to the Taliban government of Afghanistan to turn over Osama bin Laden and other al-Qaeda leaders.[36] The Taliban refused, and in October 2001, U.S. forces invaded Afghanistan. The invasion was designated as "Operation Enduring Freedom," and it sought to capture Osama bin Laden, destroy al-Qaeda, and eliminate the Taliban regime.

After the rapid demise of the Taliban, the United States turned its attention towards Iraq, asserting that there were links between Saddam Hussein and al-Qaeda. At the time, it was suspected that Saddam Hussein had provided support to al-Qaeda for 9/11, and had a WMD development program that might provide additional support to

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33 Rommel C. Banlaoi, "The Abu Sayyaf Group: From Mere Banditry to Genuine Terrorism," Southeast Asian Affairs, Volume 2006, 247-262, accessed March 10, 2011, http://www.jstor.org/discover/10.2307/27913313?uid=3739936&uid=2129&uid=2&uid=70&uid=4&uid=3739256&sid=21101281974817.

34 Ibid.

35 Andrew Feickert, "U.S. Military Operations in the Global War on Terrorism: Afghanistan, Africa, the Philippines, and Colombia," Congressional Research Service report, February 2005.

36 Bush, George W. "Address to the Joint Session of Congress and the American People," September 21, 2001.

terrorist organizations. In addition, Baghdad's post-Gulf War defiance during the late 1990s consisted of numerous failures to cooperate with a series of international inspections conducted by the International Atomic Energy Agency (IAEA), causing the United States to believe Iraq was hiding or developing WMD. As Iraq continued its defiance of post-Gulf War UNSC resolutions, the probability of a U.S. invasion grew.

The UN later determined that Saddam Hussein was legally negligent under international law, and in November 2002, the UNSC adopted Resolution 1441, giving Iraq an ultimatum to cooperate in disarmament.[37] Secretary of Defense Rumsfeld spoke candidly about the dangers of Iraq's WMD programs and its ties to terrorist organizations. Rumsfeld stated, "There was an emergence of a nexus between terrorist networks, terrorist states, and weapons of mass destruction that can make mighty adversaries of small or impoverished states and even relatively small groups of individuals."[38] Rumsfeld articulated his justification for preemptive action,

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37 United Nations Security Council, Resolution 1441 (2002), accessed, May 10. 2011, http://www.un.org/Depts/unmovic/new/documents/resolutions/s-res-1441.pdf.

38 Jeffrey Record, "The Bush Doctrine and War with Iraq," *Parameters* (Spring 2003), 4-16.

indicating that the "absence of evidence is not evidence of absence of weapons of mass destruction."[39]

In a speech given to the International Institute for Strategic Studies (IISS), Deputy Secretary of Defense Paul Wolfowitz reached a similar conclusion when he suggested, "The notion that we can wait to prepare assumes that we know when the threat is imminent." Wolfowitz reinforced his potion by declaring the following:

> When were the attacks of September 11 imminent? Certainly, they were imminent on September 10, although we didn't know it. Anyone who believes that we can wait until we have certain knowledge that attacks are imminent has failed to connect the dots that led to September 11.[40]

On February 5, 2003, Secretary of State Colin Powell addressed a plenary session of the UNSC to argue in favor of military action in

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39 Raja Menon, *Weapons of Mass Destruction*, Sage, 2005, 157.

40 Paul Wolfowitz, U.S. Department of Defense, Office of the Assistant Secretary of Defense, Speech to International Institute for Strategic Studies, accessed May 20, 2012, http://www.iiss.org/recent-key-addresses/wolfowitz-address/.

Iraq, asserting, "There can be no doubt that Saddam Hussein has biological weapons and the capability to rapidly produce more, many more."[41] Furthermore, Secretary Powell articulated he had no doubt that Saddam was working to obtain key components to produce nuclear weapons.[42] Although Secretary Powell ultimately had difficulty establishing and communicating a credible connection between Saddam Hussein and al-Qaeda, the Bush administration did not waver from its conviction that Saddam's regime potential possession of WMD was detrimental to U.S. security. President Bush declared:

> You can't distinguish between al-Qaeda and Saddam when you talk about the war on terrorism. They're both equally as bad, and equally as evil, and equally as destructive."[43] He added, "The danger is that al-Qaeda becomes an extension of Saddam's

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41 Colin Powell, U.S. State Department, Remarks to the United Nations Security Council (February 5, 2003), accessed January 20, 2012, www.state.gov/secretary/former/powell/remarks/2003/17300.htm.

42 Ibid.

43 Jeffrey Record, "The Bush Doctrine and War with Iraq," *Parameters* (Spring 2003), 4-16.

madness and his hatred and his capacity to extend weapons of mass destruction around the world.[44]

In his weekly radio address on March 8, 2003, President Bush linked the case for war against Iraq to the 9/11 attacks, suggesting that Saddam Hussein would initiate a similar attack against the United States once he possessed a nuclear weapon. President Bush conveyed:

> If the world fails to confront the threat posed by the Iraqi regime, refusing to use force, even as a last resort, free nations would assume immense and unacceptable risks. The attacks of September 11th, 2001, showed what the enemies of America did with four airplanes. We will not wait to see what terrorists or terrorist states could do with weapons of mass destruction. We are determined to confront threats wherever they arise. I will

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44 Quoted in Mike Allen, "Bush: Hussein, Al Qaeda Linked," *Washington Post*, September 26, 2002.

not leave the American people at the mercy of the Iraqi dictator and his weapons.[45]

These declarations clearly demonstrates how the catastrophic attacks of 9/11 had increased U.S. perceptions of threat, and generated a consensus of determination, and seriousness of purpose in the Bush administration. The attacks were so shocking that they produced an equally stunning reaction from Washington.

Perhaps the most appropriate theory to describe the Bush administration's disposition is Stephan Walt's "balance of threat" theory, which claims that the behavior of nations is determined by the level of threat that it perceives from its enemies.[46] Thus, the United States, supported by over 30 countries referred to as the "coalition of the willing," attacked Iraq during "Operation Iraqi Freedom" on March 20, 2003.[47] [48]

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45 "Administration Comments on Saddam Hussein and the Sept. 11 Attacks," *Washington Post*, archives September 6, 2003, accessed March 26, 2012, www.washingtonpost.com/wp-srv/politics/polls/9-11_saddam_quotes.html.

46 Stephen M. Walt, "Alliance Formation and Balance of World Power," International Security, vol. 9, No. 4 (Spring, 1985), 3-43.

47 France, Germany, and Russia, "the coalition of the unwilling," opposed the United States and the United Kingdom, maintaining that the UNSC would not authorize the use of force without UN approval.

In addition to forcing regime change in Iraq, the United States sought to transform the country into a democracy. The Bush administration did not want simply to defeat terrorists, it wanted to remove ideologies that fostered terrorism and replace them with democracy. The administration believed that helping countries in the Middle East transition into democracies was essential to destroying the fundamental source of Islamist terrorism.

Toppling foreign regimes to emplace democratic governments is not a new strategy for the United States. During the Cold War, the United States pursued a similar policy of democratization with the overthrow of various regimes in South America. For instance, in 1958 the United States assisted Venezuela transition to democracy when its citizens ousted military dictator, Marcos Perez Jimenez.[49]

National Security Adviser Condoleezza Rice argued in 2003, "A transformed Iraq can become a key element in a very different Middle East in which the ideologies of hate will not flourish."[50] Using an

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48 See table 4 in appendix C for a list of the coalition of the willing" countries.

49 Judith Ewell, "The Extradition of Marcos Perez Jimenez, 1959–63: Practical Precedent for Administrative Honesty?", *Journal of Latin American Studies*, Volume9, Issue 2 (November 1977) 291-313.

50 Condoleezza Rice, "Transforming the Middle East," *Washington Post*, August 7, 2003, accessed, April 20, 2012, http://pqasb.pqarchiver.com/washingtonpost/results.html?st=advanced&uid=&MAC=50a23aa1f3f5c6104e90e36051420d61&QryTxt=&sortby=RELEVANCE&datetype=6&frommonth=07&fromday

equivalent calculation, Under Secretary of Defense Wolfowitz proclaimed in July 2003, "The battle to win the peace in Iraq now is the central battle in the war against terrorism."[51]

The themes outlined in the 2002 NSS outlined the plan to create a stable and sustainable post-9/11 global system. The themes of the security strategy were groundbreaking in that they contained several significant innovations. First, the security strategy sought to preempt terrorists that were threats to the United States. Second, it embraced military dominance rather than relying solely on deterrence or containment to mitigate global threats. Lastly, it sought to prevent acquisition of WMD through regime change and preventive military action against rogue nations.[52]

For the Bush administration, the war on terrorism was not a conventional war in which military victory translated into a political imposition of terms of a peace treaty. Combating terrorism for the United States was a challenge to traditional military doctrine because

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=01&fromyear=2003&tomonth=08&today=30&toyear=2003&By=&Title=Transforming+the+Middle+East&Sect=ALL.

51 Quoted in Walter Pincus, "Wolfowitz: Iraq Key To War on Terrorism; DOD Official Cites Links to al-Qaeda," *Washington Post*, July 28, 2003, accessed April 20, 2012, http://pqasb.pqarchiver.com/washingtonpost/access/376535051.html?FMT=ABS&FMTS=ABS:FT&date=Jul+28%2C+2003&author=Walter+Pincus&desc=Wolfowitz%3A+Iraq+Key+To+War+on+Terrorism%3B+DOD+Official+Cites+Links+to+al+Qaeda.

52 Lawrence J. Korb and Michael Kraig, "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 9.

the U.S. military had always trained to fight conventional wars. Conventional wars between traditional nation-states are governed by rules of warfare, but terrorists do not accept or abide by Western terms of war and peace. Traditional conflicts provided clear standards of measuring success through the destruction of enemy assets and claiming enemy territory. These Western views are not applicable to terrorists. Georgetown professor, Bruce Hoffman underpins this premise as he asserts:

> Terrorists, however, do not function in the open as armed units, and generally do not attempt to seize territory; they deliberately avoid engaging enemy military forces in combat, and rarely exercise any direct control or sovereignty over either territory or population.[53]

In the early 1990s U.S. Army Major Ralph Peters, a foreign area officer for Eurasia in the office of the Deputy Chief of Staff for

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53 Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006), 41.

Intelligence was responsible for evaluating emerging threats in Eurasia. He later authored an article titled "The New Warrior Class," in which he emphasizes that the future enemies of the U.S. would be (terrorist) warriors seeking to destroy order. He indicated these warriors would not adhere to rules of modern warfare and would not follow the European-American rules of the Geneva Convention. Major Peters surmises:

> Unlike soldiers, [terrorist] warriors do not play by our rules, they do not respect treaties, and do not obey orders they do not like....You either win or you lose....This kind of warfare is a zero-sum game. And it takes guts to play.[54]

Peters suggested that the future enemies of the United States would not divert from their ideological mission because they would be fighting for strong ethnic, religious, or national convictions. He added that the most dangerous group of warriors would be homeless

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54 Ralph Peters, "The New Warrior Class," *Parameters* (Summer 1994), 16-26.

military men who had lost their jobs due to a collapse in government. In view of the conflicts in Iraq and Afghanistan, Peters' forecast of an age of terrorist warriors is remarkably foretelling.

Prior to 9/11, acts of terrorism were regarded as criminal acts rather than acts of war. Law enforcement officials focused on capturing terrorists, or preventing future attacks. However, this dynamic changed after 9/11 as the Bush administration judged that the utter scale of the attack combined with the global reach of al-Qaeda required replacing old paradigms with new tactics, techniques, and procedures.

The 2002 NSS had several advantages. The first advantage was that it sought to defeat America's enemies through a vigorous response to existential threats. Second, it enabled the United States to act unilaterally for its global ends, and ensured U.S. interests were not subordinated to other nations or organizations with different goals.

The strategy was disadvantaged because it risked imperial overreach as it relied heavily on military power, which requires large quantities of people, money, and regular ideological support from the public. Another disadvantage of the strategy lay in the fact it alarmed the international community, which dreaded the creation of a new

international norm for using military force as the prevailing option. The 2002 NSS unveiled its outlook on rogue states, and declared:

> We must be prepared to stop rogue states and their terrorist clients before they are able to threaten or use weapons of mass destruction against the United States and our allies and friends. ....Given the goals of rogue states and terrorists, the United States can no longer solely rely on a reactive posture as we have in the past....Because our enemies see WMD not as means of last resort, but rather as weapons of choice....as tools of intimidation and military aggression...the United States will, if necessary, act preemptively.[55]

Analysis of the DoP raises questions on the overarching utility of the strategy. The DoP has strategic limitations based in its rigidness of function and cost of implementation, thereby making its long-term utility uncertain. For instance, the blueprint for strategic success

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55 George W. Bush, "The National Security Strategy of the United States of America," September 2002, 15.

against terrorist in Afghanistan does not necessarily equate to success against terrorist in Somalia. Moreover, the DoP does not guarantee success in the deterrence of strong nation-states that seek WMD. For example, a successful regime change in Iraq does not guarantee the same success in North Korea, or Iran.

Others questions come to mind when one considers whether there was an alternative post-9/11 strategy for the United States. Was it feasible for policymakers in Washington to exclude the military option and focus on other DIME elements of power? Was it possible that a diplomatic, economic, or intelligence stratagem could have protected America from future terrorists attack? These questions are open to debate; however, what is known is the Bush administration judged deterrence to be ineffective—the 2002 NSS asserts:

> In the Cold War, we faced a generally status-quo, risk-averse adversary. Deterrence was an effective defense. But deterrence based only on the threat of retaliation is less likely to work against leaders of rogue states more willing to take risks, gambling with the lives of their people, and the wealth of their nations. Traditional concepts of deterrence will not work

> against a terrorist enemy whose avowed tactics are wanton destruction and the targeting of innocents; whose so-called soldiers seek martyrdom in death and whose most potent protection is statelessness.[56]

Supporters of the GWOT alleged that, if the United States could disrupt global terrorist networks such as al-Qaeda and remove dictators such as Saddam Hussein, it would essentially be promoting the global interests of the international community at large. The administration's assumptions received mixed reviews from scholars and politicians.

Participants in the 2003 Stanley Foundation's Independent Task Force, that supported the GWOT, asserted the Bush administration's strategy "vigorously responds to the existential threats to the United States posed by terrorist networks with a global reach and the 'axis of evil' states."[57] Other participants of the task force, critical of the GWOT, argue that the United States risks "imperial overstretch," during a war on terror. They added, relying on such a strategy, "is

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56 Ibid, 15.

57 Lawrence J. Korb and Michael Kraig. "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 32.

exhausting scarce economic resources by taking on too many simultaneous international commitments, which may create battle fatigue among the American people who are not equipped to bear the financial and psychological costs of what some have called 'empire lite'."[58]

Reliance on military dominance caused many U.S. allies to view elements of the GWOT with disdain, viewing it as a furtherance of an American empire. Other skeptics of the war included former National Security Advisors Brent Scowcroft and Zbigniew Brzezinski, and former secretary of state Madeleine Albright.[59] They argued that a war of choice against Iraq weakened the case for a war of necessity against al-Qaeda. Stapling together threats from rogue states and terrorist organizations under a single umbrella conflated the inevitable danger from Saddam Hussein and the threat from al-Qaeda.

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58 Ibid, 31-32.

59 Brent Scowcroft, "Don't Attack Iraq," *Wall Street Journal*, August 15, 2002; Madeleine K. Albright, "Where Iraq Fits In on the War on Terror," *New York Times*, September 13, 2002.

THE EFFECTS OF 9/11 ON NATIONAL SECURITY STRATEGY

The threat of terrorism is ever relevant when one thinks specifically of the horrific attacks of 9/11. In the context of that moment, the perception of threat in Washington was extremely high. The Bush administration's security strategy declared that the United States would adapt its national security strategies to confront inevitable and imminent threats.[60] For the Bush administration, the imminent threat of terrorism justified the use of the DoP.

As stated earlier, numerous U.S. Presidential administrations have used military power to shape regional and global events. By examining the historical record, there are contemporary parallels between the 9/11 attacks and the 1941 bombing of Pearl Harbor, such as significant casualties, and the fact they were both surprise attacks. However, for the purposes of this study a more useful historical point of comparison to 9/11, as it relates to the perception of an emerging threats, is the Soviet Union's detonation of its first atomic bomb on August 29, 1949.

The Soviet detonation caused alarm in America because it ended the United States' monopoly on nuclear weapons, rendering it

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60 George W. Bush, "The National Security Strategy of the United States of America," March 2006.

vulnerable to nuclear attack. In reaction, the United States introduced the Cold War strategy of deterrence. Similarly, the attacks of 9/11 caused alarm in America by exposing its vulnerability to terrorism, causing Washington to implement the DoP. In both cases, the Truman and Bush administrations sought to create effective and rational global strategies in a world radically altered, one by atomic weapons, and the other by terrorism.

During the Cold War, deterrence focused on convincing adversaries that an aggressive action would provoke a reaction resulting in unacceptable damage. One can reasonably assume that deterrence may remain effective against nation-states such as Iran and North Korea because neither country would intentionally pursue military action against the United States that might lead to a destructive U.S. retaliation. This assumption is not the case for terrorist non-state actors. For deterrence to work the United States would have to threaten something terrorists value; however, terrorist actors do not have assets of which the United States could threaten.

In addition, deterrence would not propagate an immediate sense of "shock and awe," and would not demonstrate to world that the United States was acutely determined to defeat terrorism. In this context, it is clear the Bush administration implemented the DoP

because it assumed the strategy best served its immediate national security interests. Washington's shift from deterrence to the DoP is demonstrated in figure 1.

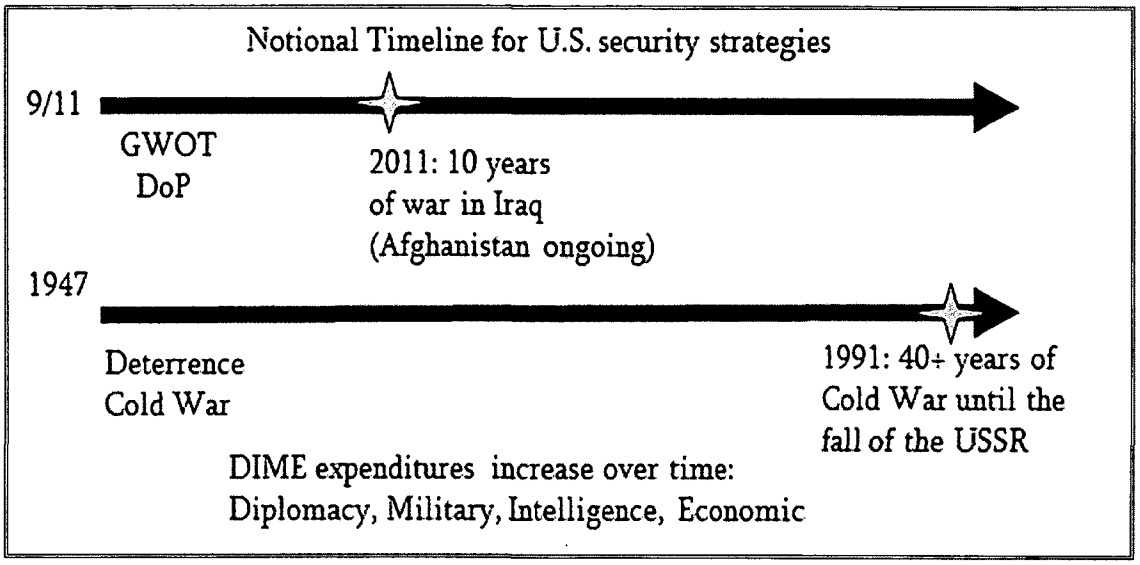

Figure 1. Strategic Options

The strategic options illustration depicts the DoP as the leading option for the United States, and displays the DoP having a shorter, results driven time-line than deterrence. The DoP is advantageous in the short-term because it delivered more immediate results, unlike deterrence, which was a restrained strategy that took a longer time to

achieve results during the Cold War. Again, one cannot overstate the importance of the perception of threat in the United States after 9/11. The Bush administration believed that deterrence was ineffective against Saddam Hussein. As a result, Washington chose to implement the DoP because it allowed the United States to take advantage of its preponderant military power.

SUMMARY

This chapter demonstrated how diverse U.S. presidential administrations used distinctive strategies to guide the use of national power to achieve specific results. Throughout its history, the United States has successfully carried out its national security policies by using the DIME elements of power to strengthen its position on the global stage. [61] History has shown that from the implementation of the Monroe doctrine, to the post-World War II Cold War security environment, through to the attacks of 9/11, the United States has used a variety of strategies to ensure its survival in the anarchic

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61 Sam C. Sarkesian and others, *U.S. National Security: Policymakers, Processes, and Politics* (London: Lynne Rienner Publishers, 2002), 33.

international system. From Harry Truman to George W. Bush, U.S. Presidents have contended with creating the optimal procedures for protecting U.S. interests. One commonality between all the presidents is their ability to create strategies to shape global events in ways favorable to American principles and interests.[62] [63]

The Unites States has often defaulted to the military element of power as an extension of politic discourse. Indeed, one of the most famous edicts on war is Baron Carl von Clausewitz's *On War*, where the concept of war is recognized as a political instrument—"a continuation of politics by other means."[64] Consequently, as strong case can be made that America's extraordinary military power shapes its political view of global security.

Robert Kagan contends that the United States perceives the world as an environment filled with potential threats to be controlled using military force.[65] Furthermore, Robert Art and Kenneth Waltz in *The Use of Force,* assert fungible power continuums demonstrate how

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62 Ibid.

63 See table 3, appendix B for a list of Major National Security Council Authorities.

64 Peter Paret, *Clausewitz and the State* (London: Oxford University Press, 1976), 25.

65 Robert Kagan, *Of Paradise and Power: American and Europe in the New World Order* (New York: Random House, 2003), 61.

the functions of power can forestall possible confrontations from other nations.[66] The authors assert:

> Military power is fungible to a degree because its physical use, its threatened use, or simply its mere presence structure expectation and influence and political calculations of actors. The gravitational effects military power means that its influence pervades the other policy realms.[67]

After 9/11, the United States used its fungible military power to mitigate terrorist threats to its global preeminence.[68] The DoP allowed the United States to demonstrate the seriousness of its intent to combat global terrorism. America's rationale for choosing the DoP rather than deterrence, stem from the differences between the threats, assumptions on how to confront those threats, and the

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66 Robert J Art and Kenneth N. Waltz, *The Use of Force: Military Power and International Politics*, 6th ed. (New York: Rowman & Littlefield, 2004), 7.

67 Ibid.

68 U.S. Department of Defense, *Quadrennial Defense Review Report* (September 30, 2001), 30, 62.

amount of time (or urgency) needed to obtain results from each strategy.

From the Cold War to 9/11, each presidential administration adapted its national security policies to address specific challenges. The DoP was the top priority of the Bush administration, as deterrence was the top priority during the Cold War, and both strategies were formulated to address specific threats. Ultimately, both strategies had the common goal of safeguarding the United States and preserving its global primacy.

CHAPTER IV

MILITARY ANTICIPATORY ACTION: CONDITIONS FOR PREEMPTION OR PREVENTION

> "We must adapt the concept of imminent threat to the capabilities and objectives of today's adversaries. Rogue states and terrorists do not seek to attack us using conventional means. They know such attacks would fail. Instead, they rely on acts of terror and, potentially, the use of weapons of mass destruction—weapons that can be easily concealed, delivered covertly, and used without warning."
>
> —George W. Bush, September 2002[1]

BACKGROUND

The 2002 NSS combines the strategic premises of preemption and prevention into one strategy of military anticipatory action.[2] Accordingly, this chapter examines the concept of military

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1 George W. Bush, "The National Security Strategy of the United States of America," September 2002, 15.

2 Ibid.

anticipatory action, and discusses traditional and nuanced perceptions of the concepts of preemption and prevention. It also provides tangible historical evidence indicating the advantages of using such strategies as well as the risks associated with implementing them.

Strategies of military strategies are interesting topics of debate, and throughout history, nation-states have used various offensive and defensive strategies to protect their national interests. This in turn bolstered the rotation of numerous balances of power throughout the international system. Contemporary concepts of international law that relater to what a nation can do in its own self-defense began with principles that resulted from the 1837 Caroline Affair.[3]

During a Canadian revolt against the British, a U.S. ship named the Caroline sailed periodically from U.S. territory into Canada, to reinforce and resupply Canadian rebels. To stop this, British forces entered the United States, and seized and destroyed the Caroline, killing two United States citizens. The U.S. Secretary of State, Daniel Webster argued the British violated U.S. sovereignty. Webster reasoned that the use of force in self-defense was justified only if the "necessity of self-defense is instant, overwhelming, and leaving no

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3 D.P. O'Connell, *International Law*, (London: Oceana Publications, Inc. 1965), 343.

choice of means, and no moment for deliberation."[4] After receiving the protest from Washington, the British maintained they had acted in lawful self-defense.[5] The British eventual apologized for the Caroline incident; however, this case demonstrates the fact that nations always do what is best to protect their interest.

More contemporaneous examples include the German invasion of Norway in 1940, and Germany's subsequent invasion of the Balkans in 1941 to strengthen the German homeland against possible Allied counterattacks.[6] Other examples of offensive military action include the Cuban missile crisis in 1962, the Arab-Israeli Six-Day War in 1967, the Israeli bombardment of the Iraqi nuclear reactor at Osirak in 1981, Kosovo in 1999, Operation Enduring Freedom Afghanistan in 2001, and Operation Iraqi Freedom in 2003.

These examples of offensive military action are central to realist theories of power in international relations. A preemptive strategy of power projection is one based on incontrovertible evidence that an enemy attack or invasion is imminent, and is used when attacking

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4 Jack S. Levy, "Preventive War and Democratic Politics," *International Studies Quarterly*, (2008) 52, 1-24.

5 Ibid.

6 Karl P. Mueller, "Striking First: Preemptive and Preventive Attack in U.S. National Security Policy." RAND Note, No. F49642-01-C-0003 Santa Monica, California, (RAND, 2006), 13.

would give a strategic advantage in an unavoidable conflict.[7] Conversely, a nation would use a preventive strategy of power projection to mitigate the future degradation of its military advantage. A preventive strategy is less urgent and focuses on a conflict that is not imminent but is inevitable. This approach prevents an adversary from acquiring more strength, because a delay in conflict would involve greater risk in the future. One can make a strong case that this is the line of reasoning Washington seized upon after 9/11. The 2002 NSS emphasized the United States was determined to confront threats wherever they arise and not wait to see what terrorists would do in the future as it might involve greater risk in the future.[8]

THE 2002 NATIONAL SECURITY STRATEGY: THE DISCUSSION

The principal debate over the DoP and its applications, particularly concerning terrorism and combatting WMD in Iraq is

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7 *Joint Publication 1-02*, Department of Defense Dictionary and Associated Terms, Washington, DC: U.S., 2012.

8 "Administration Comments on Saddam Hussein and the Sept. 11 Attacks," *Washington Post*, archives September 6, 2003, accessed March 26, 2012, www.washingtonpost.com/wp-srv/politics/polls/9-11_saddam_quotes.html.

grounded in the 2002 NSS. The security strategy prompted innumerable discussions on military anticipatory action as it relates to the difference between preemptive and preventive strategies of warfare.

One can make a strong case that many nations can accept the use of force against known terrorists that destabilize the status quo. However, there remains a considerable debate over the use of the DoP in a larger context to implement regime change, particularly against Iraq, and the possibility of future use of the DoP against other rogue nation-states.

Although the 2002 NSS clearly described terrorists and rogue nations as the most serious threat that faced the United States, the threat of terrorism was not new for U.S. policymakers. Certain ideological concepts of the 2002 NSS dates back to the administration of George H. W. Bush, with the 1992 release of the "Defense Planning Guidance for the Fiscal Years 1994-1999." This planning guidance is also known as the Wolfowitz Doctrine. The internal policy statement, authored by then Under Secretary for Policy, Paul Wolfowitz, provided guidance to military leaders and civilian leaders of the Department of Defense on how to prepare their forces, budgets, and strategies for the decade.

The Defense Planning Guidance supported military intervention anywhere in the world whenever, the United States believed it was necessary. The Wolfowitz doctrine retained the preeminent responsibility for addressing wrongs, which threatened U.S. interests. In addition, it sought to shape, rather than react to challenges to U.S. hegemony, and urged military intervention in the Middle East and Southwest Asia "to remain the predominant outside power in the region and preserve U.S. and Western access to the region's oil."[9]

Again, the proposed planning guidance had similarities to the 2002 NSS, as it called for the use of U.S. power to encumber rogue nations from developing WMD. It asserts, "The U.S. may be faced with the question of whether to take military steps to prevent the development or use of weapons of mass destruction."[10] Furthermore, Wolfowitz' planning guidance sought to preclude the emergence of any future global competitor to U.S. power. More specifically, the planning guidance advances the following:

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9 Patrick E. Tyler, "U.S. Strategy Plan Calls for Insuring No Rivals Develop A One-Superpower World," *New York Times*, March 8, 1992, accessed July 15, 2011, http://work.colum.edu/~amiller/Wolfowitz 1992.htm.

10 Ibid.

Our first objective is to *prevent* the re-emergence of a new rival, either on the territory of the former Soviet Union or elsewhere, that poses a threat on the order of that posed formerly by the Soviet Union. This is a dominant consideration underlying the new regional defense strategy and requires that we endeavor to *prevent* any hostile power from dominating a region whose resources would, under consolidated control, be sufficient to generate global power. These regions include Western Europe, East Asia, the territory of the former Soviet Union, and Southwest Asia. There are three additional aspects to this objective: First, the U.S. must show the leadership necessary to establish and protect a new order that holds the promise of convincing potential competitors that they need not aspire to a greater role or pursue a more aggressive posture to protect their legitimate interests. Second, in the non-defense areas, we must account sufficiently for the interests of the advanced industrial nations to discourage them from challenging our leadership or seeking to overturn the established political and economic order. Finally, we must maintain the mechanisms for deterring potential competitors from even aspiring to a larger regional or global role. An

> effective reconstitution capability is important here, since it implies that a potential rival could not hope to quickly or easily gain a predominant military position in the world. (italics added)[11]

The administration of President George H. W. Bush's viewed the Wolfowitz' Defense Planning Guidance strategy as somewhat of an overreach, and it was never adopted into policy.[12] However, a number of individuals who later participated in the administration of George W. Bush (to include Wolfowitz), kept concepts of the Defense Planning Guidance alive through their affiliation with the Project for the New American Century (PNAC), a Washington-based think tank. PNAC membership in the administration of George W. Bush, included Vice President Cheney, Secretary Defense Rumsfeld, and Deputy Secretary of Defense Paul Wolfowitz. In September 2000, PNAC published a 90-page report entitled "Rebuilding America's Defenses:

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11 Ibid.

12 Lawrence J. Korb and Michael Kraig, "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 22.

Strategies, Forces, and Resources for a New Century."[13] Similar to the Wolfowitz' Defense Planning Guidance, the report supported increasing U.S. defense spending so that the U.S. military could be prepared to perform global post-Cold War duties, including constabulary enforcement of world affairs[14]. More specifically, the Defense Planning Guidance declares the following:

> As the 20th century draws to a close, the U.S. stands as the world's most preeminent power. Having led the West to victory in the Cold War, America faces an opportunity and a challenge: Does the U.S. have the vision to build upon the achievement of past decades? Does the U.S. have the resolve to shape a new century favorable to American principles and interests? [What we require is] a military that is strong and ready to meet both present and future challenges; a foreign policy that boldly and purposefully promotes American principles abroad; and national leadership that accepts the United States' global

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13 Thomas Donnelly. Project for a New American Century. "Rebuilding America's Defenses," accessed March 22, 2011, http://www.newAmerican century.org/publicationsreports.htm.

14 Ibid.

responsibilities.[15]

The PNAC report recommended the forward deployment of U.S. forces at new strategic locations, and strengthening U.S. military power far into the future as possible. Moreover, the report emphasized the United States should maintain the dominance of its military forces to prevent the emergence of any rival power, so that other nations would not dare embark on futile arms races once they realize the pre-dominance of U.S. military power.[16]

In addition to PNAC, the premises of the DoP had underpinnings in Vice President Dick Cheney's One Percent doctrine. The concept, first revealed in November 2001 during a briefing given by Central Intelligence Agency (CIA) Director George Tenet, who was responding to rising concerns over a Pakistani scientist offering nuclear weapons expertise to al-Qaeda.[17] After hearing the information, Vice President Dick Cheney stated:

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16 Lawrence J. Korb and Michael Kraig, "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 22.

17 Ron Suskind, *The One Percent Doctrine*, (New York: Simon & Schuster Trade), 2006, 62.

> If there's a one percent chance that Pakistani scientists are helping al-Qaeda build or develop a nuclear weapon, we have to treat it as a certainty in terms of our response. It's not about our analysis; it's about our response.[18]

With varied influences, the Bush administration's approach to the post-9/11 security environment brought forth many differences of opinion between the United States and Europe that went well beyond definitional interpretations of preemptive or a preventive use of force against terrorists, and Saddam Hussein. Many Europeans agreed that some action was necessary regarding Iraq's failure to permit UN inspections; however, there was disagreement on whether Iraq possessed WMD, or had links to terrorist organizations such as al-Qaeda.

For the Bush administration, there were only two sides in the GWOT, the supporters of terrorism, and those who desire to destroy it. In a speech to the Joint Session of Congress and the American People, President Bush stated, "Every nation in every region now has a decision to make: Either you are with us or you are with the

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18 Ibid.

terrorists."[19] The President's stance, won strong domestic approval in the aftermath of 9/11; however, the generalization about military preemption and the universal application of U.S. power alienated and unnerved many traditional U.S. allies.

Although President Bush's "with us or against us" assessment received immense criticism internationally, his views are not particularly unique in context of how two opposing actors ideologically commit themselves to defeat one another. Dr. Martha Crenshaw, in "The Causes of Terrorism," asserts terrorists often take a "with us or against us" attitude. Crenshaw argues that terrorist's confrontational ideologies will plague society for years to come. She posits, terrorism is a significant part of the history of the Arabian Peninsula, dating back hundreds of years, and as its contemporary practitioners will not likely stop using it as a form of political expression and military aggression.[20]

The intransigence of terrorist is further exemplified when one analyzes Osama bin Laden's 1996 fatwa (Islamic decree), that called for American soldiers to get out of Saudi Arabia, or suffer

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19 Bush, George W. "Address to the Joint Session of Congress and the American People." September 21, 2001.

20 Crenshaw, Martha. "The Causes of Terrorism." Comparative Politics 13: (1981), 379-99.

consequences.[21] In 1998, he issued a second fatwa directing his followers to kill Americans anywhere.[22] The same fatwa summarized his objections to American foreign policy towards Israel, as well as restating his hostility towards the presence of American troops in Saudi Arabia. Professor Bruce Hoffman, the author of *Inside Terrorism*, suggests the two central differentiating factors of terrorists are their dedication to religious or political causes, and their instrumental reliance on violence.

Consequently, the 2002 NSS recognizes the danger of terrorism and calls for the destruction of al-Qaeda because it is clearly an anti-Western organization. The leaders of al-Qaeda believe it was the U.S. that "thrust [Islamic] nations into whirlpools and labyrinths for decades since dividing it into states and statelets."[23] Similar to al-Qaeda, many terrorist believe that the ills of the Muslim world stem from a Zionist alliance spearheaded by the United States.[24]

Although, the Bush administration chose to express its sovereign right to protect U.S. interests against al-Qaeda, there has

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21 Osama bin Laden's 1996 Fatwa, accessed August 10, 2011, www.pbs.org/newshour/terrorism/international/fatwa_1996.html.

22 Osama bin Laden's 1998 Fatwa, accessed August 10, 2011, www.pbs.org/newshour/terrorism/international/fatwa_1998.html.

23 Michael Scheuer, *Through Our Enemies' Eyes: Osama bin Laden, Radical Islam, and the Future of America* (Washington, D.C.: Brassey's, 2002), 49.

24 Ibid.

been substantial debate over the legality and legitimacy of U.S. actions in Iraq. Lawrence Freedman's "Prevention, Not Preemption," argues that the Bush administration pushed for war with Iraq and purposefully broadened the interpretation of preemptive warfare to include concepts regarded as a preventive use of force.[25] In addition, Freedman makes a valid point that merging preemption, and prevention in the 2002 NSS made it difficult to distinguish between the two strategies. The following excerpt from the security strategy is an example of the amalgamation of preemption and prevention:

> Given the goals of rogue states and terrorists, the United States can no longer solely rely on a reactive posture as we have in the past. The inability to *deter* a potential attacker, the immediacy of today's threats, and the magnitude of potential harm that could be caused by our adversaries' choice of weapons, do not permit that option. We cannot let our enemies strike first. The greater the threat, the greater is the risk of inaction—and the more compelling the case for taking *anticipatory action* to

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25 Lawrence Freedman, "Prevention, Not Preemption," *Washington Quarterly* (Spring 2003), 113.

> *defend ourselves*, even if uncertainty remains as to the time and place of the enemy's attack. *To forestall or prevent* such hostile acts by our adversaries, the United States will, if necessary, act *preemptively.* (italics added) [26]

Clearly, the 2002 NSS merges preemption with prevention under the auspices of the DoP. This amalgamation may have been unintentional; however, a countervailing argument is that the authors of the security strategy merged the terms intentionally, because when preemption is merged with prevention, the DoP is subject to a wider interpretation of military anticipatory action. This in turn expanded accepted precedents and interpretations of the legitimate use of force, leaving room for a strategic convergence of military and security implications.[27] The 2002 NSS validates this assessment by declaring:

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26 George W. Bush, "The National Security Strategy of the United States of America," (September 2002), 15.

27 Francois Heisbourg, "Is Preemption Necessary? A Work in Progress: The Bush Doctrine and Its Consequences," *Washington Quarterly*, vol. 26, No. 2 (Spring 2003), 75.

> We must *adapt* the concept of *imminent* threat to the capabilities and objectives of today's adversaries. Rogue states and terrorists do not seek to attack us using conventional means. They know such attacks would fail. Instead, they rely on acts of terror, and potentially, the use of weapons of mass destruction—weapons that can be easily concealed, delivered covertly, and used without warning. (italics added)[28]

Consequently, it is clear to see the debate over preemption and prevention is more than an argument of semantics. The debate also has political consequences; it is a form of strategic diplomacy, which has the potential to establish precedent for the future use of force. Consequently, one can understand why the international community reacted differently about the use of force in Afghanistan in 2001 versus the invasion of Iraq in 2003. In addition, on can comprehend why the United States received overwhelming international backing from its traditional allies for military operations in Afghanistan;

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28 George W. Bush, "The National Security Strategy of the United States of America," September 2002, 15.

however, the allied response to the preventive invasion of Iraq was quite different.

While the 2002 NSS focused primarily on the term preemption; e.g. the "Doctrine of Preemption," most scholars and policymakers define a preemptive use of force more restrictively, differentiating it from a preventive use of force.[29] [30] [31] Furthermore, international law suggests that a preemptive use of force is acceptable for self-defense while a preventive use of force is an act of aggression. As such, the distinction between preemption and prevention is crucial to the debate on the legality and legitimacy of the DoP.

Whereas international law holds preemptive attacks are acceptable for self-defense and preventive attacks are not, preemptive and preventive strategies have much in common. They both share a common strategic logic, to give an advantage to the attacker and allow them to initiate conflict on terms that are more favorable. The ability to determine whether a particular action was preemptive or preventive remains ambiguous, because questions regarding imminent

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29 Lawrence Freedman, "Prevention, Not Preemption," *Washington Quarterly* (Spring 2003), 113.

30 Francois Heisbourg, "Is Preemption Necessary? A Work in Progress: The Bush Doctrine and Its Consequences," Washington Quarterly, vol. 26, No. 2 (Spring 2003), 75.

31 Franklin E. Wester, "Preemption and Just War: Considering the Case of Iraq," *Parameters* (Winter 2004-2005), 20.

or inevitable threats from adversaries are seldom absolute. For instance, a nation-state may believe that another nation will attack but may not know if that aggression will take place in two or ten years. If an inevitable attack accelerates to just a few weeks, does it suddenly become imminent? In such cases, assigning a preemptive or preventive strategy label may be challenging. Moreover, for a nation that is potentially under threat of an attack, the distinction between the terms will not stop a nation under threat of attack from defending itself.

Differentiating between preemption and prevention strategies is even more difficult when variables associated with perceptions of threats, and with how to use power to react to those threats are taken into account. Considering all these factors, one can see that the distinction between an inevitable and imminent threat can be subjective, and imprecise. Although it is useful to differentiate between preemptive and preventive strategies when analyzing perceptions of legality under international law, empirically, the distinction between the two strategies is often narrow or vague.

CONDITIONS FOR MILITARY ANTICIPATORY ACTION

The distinction between preemption and prevention has led to considerable deliberation, and more consideration is needed on when and how these strategies are acceptable uses of force. A greater openness to military anticipatory action may be needed to give traditional nation-states the ability to react effectively to asymmetric threats from terrorist actors.

Preemptive and preventive wars have occurred frequently in international politics. A classic example of a preemptive strategy is Israel's attack against Egypt in 1967, which began the Six-Day War. Israel, perceiving the benefit of a surprise strike against the threats surrounding it, initiated the confrontation by attacking Egypt and Syria to avert a coordinated assault from the two countries. Israel went on to seize the Sinai Peninsula, the Golan Heights, and the West Bank, overwhelming the Arab air forces.[32]

A preventive strategy is inspired not by the desire to attack first but by the desire to have a conflict sooner rather than later, because the balance of military capabilities is expected to shift toward the

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32 Karl P. Mueller, "Striking First: Preemptive and Preventive Attack in U.S. National Security Policy." RAND Note, No. F49642-01-C-0003, Santa Monica, California, (RAND, 2006), 7.

enemy over time due to growing armaments or military technology.[33] The classic model of preventive war is the Peloponnesian War, which reshaped the ancient Greek world. The conflict, as with most wars, was rooted in perceptions of an inevitable threat. More specifically, the expectation of future conflict on the Peloponnesus was caused by the growth of Athens, which set the conditions for Sparta to fear the rise of Athenian power.[34] For Sparta, preventive war was an attractive strategy, as mitigating the rising power of Athens was preferable to waiting for an inevitable future conflict on less favorable terms.

Another example of preventive war occurred in 1914, when Germany assumed that rapid industrialization in Russia would make the Russians too formidable to defeat in the long term. Germany believed that war with Russia was inevitable, so it reasoned going to war in 1914 appeared to offer a better possibility of success than waiting several years and fighting a more formidable Russian military.[35]

A more contemporary example of preventive war was the Japanese attack on Pearl Harbor. Throughout the 1930s, the Japanese

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33 Ibid, 22-26.

34 Rex Warner, *Thucydides, History of the Peloponnesian War* (Baltimore, Maryland: Penguin, 1954), 49.

35 Paul M. Kennedy, "The First World War and the International Power System," *International Security*, vol. 9, No. 1 (1984), 7–40.

empire sought to dominate Asia. It was successful in consolidating colonies in Southeast Asia, Singapore, Indochina, the Dutch East Indies, and Manchuria; however, the United States and its Pacific fleet posed a threat to Japan's strategic ambitions.[36] Consequently, the Japanese attacked Pearl Harbor was not only a demonstration of allegiance to the Axis powers, it was a preventive attempt to disable the U.S. Pacific fleet, and diminish American influence in Asia.[37]

Analysis of preemptive or preventive strategies, entail the evaluation of an actor's capabilities and intentions. Assessing an actor's intentions tends to be the larger challenge of the two, because rising power in a nation does not entirely indicate what that nation is actually committed to do in furthering its interests. For instance, whereas Sparta's aggression benefited its regional hegemonic prospects, Japan's gamble ultimately led to the decline of the Japanese empire.

When confronting longer-term threats that might call for war, estimating and analyzing the intentions and capabilities of adversarial actors involves a large degree of uncertainty. This issue of adversarial

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36 Scott D. Sagan, "From Deterrence to Coercion to War: The Road to Pearl Harbor," in Alexander L. George, William E. Simons, and David Kent Hall, eds., *The Limits of Coercive Diplomacy*, 2nd ed. (Boulder, Colorado: Westview Press, 1994) 57–90.

37 Ibid, 57–90.

uncertainty was paramount in the run-up to the 2003 U.S. invasion of Iraq. During a 2002 press conference at NATO Headquarters, Secretary of Defense Donald Rumsfeld explained:

> The message is that there are no "knowns." There are things we know that we know. There are known unknowns. That is to say there are things that we now know we don't know. But there are also unknown unknowns. There are things we do not know we don't know. So when we do the best we can and we pull all this information together, and we then say well that's basically what we see as the situation, that is really only the known knowns and the known unknowns. And each year, we discover a few more of those unknown unknowns. It sounds like a riddle. It isn't a riddle. It is a very serious, important matter. There's another way to phrase that and that is that the absence of evidence is not evidence of absence. It is basically saying the same thing in a different way. Simply because you do not have evidence that something exists does not mean that you have evidence that it doesn't exist. And yet almost always, when we make our threat assessments, when we look at the world, we

end up basing it on the first two pieces of that puzzle, rather than all three.[38]

It may be that Secretary Rumsfeld's concerns regarding terrorism and particular regime types were based not on specific information, but on subjective models or geopolitical patterns of predictive behavior of enemies who might pursue WMD. In this instance, preventive strategies may be appealing even in cases where the possibility of enemy attack does not appear to be plainly inevitable, but simply too dangerous to leave to chance.

When there is an extremely high likelihood of imminent attack and deterrence has failed, military anticipatory action would clearly be an option. During the GWOT, the Bush administration believed that deterrence was ineffective against rogue states and terrorists who were not risk-averse. As a result, the administration turned to the DoP. In his 2002 State of the Union address, President Bush stated:

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38 Donald Rumsfeld, U.S. Department of Defense News Transcript, June 6, 2002, accessed February 20, 2012, http://www.defense.gov/Transcripts/Transcript.aspx?TranscriptID=3490.

> I will not wait on events, while dangers gather. I will not stand by, as peril draws closer and closer. The United States of America will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons.[39]

Similarly, when addressing the graduating cadets at the U.S. Military Academy at West Point, President Bush reiterated, "If we wait for threats to fully materialize, we will have waited too long."[40] Both of these speeches articulate a willingness to initiate military anticipatory action against possible threats to the United States. The following excerpt from the 2002 NSS exhibits the Bush administration's rationalization for the DoP, along with the conditions that call for its use:

> Given the goals of rogue states and terrorists, the United States can no longer solely rely on a reactive posture as we have in the

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39 George W. Bush, State of the Union Address, 2002, accessed March 10, 2012, http://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html.

40 George W. Bush, "Presidential Commencement Speech at West Point," June 2002.

> past. The inability to *deter* a potential attacker, the immediacy of today's threats, and the *magnitude* of potential harm that could be caused by our adversaries' choice of weapons, do not permit that option. We cannot let our enemies strike first. The greater the threat, the greater is the risk of inaction—and the more compelling the case for taking *anticipatory action* to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act *preemptively.* (italics added)[41]

The war against terrorism became the new norm in the post-9/11 security environment. Nation-states no longer had a monopoly on violence, as terrorist actors, and criminal enterprises presented a principle challenge the status quo, and global stability. Consequently, the 2002 NSS made it clear that America would use military anticipatory action to strike enemies before they could threaten U.S. interests. The strategy draws a direct link between the risk of

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41 George W. Bush, "The National Security Strategy of the United States of America," September 2002, 15.

inaction, and the willingness to conduct anticipatory operations against threats to America, offering a clear picture of the conditions that necessitated the DoP.

SUMMARY

The United States, and other countries have used preemptive and preventive strategies for years, and the historical evidence stated above has demonstrated that such strategies have advantages, and disadvantages. The 2002 NSS combines the strategic premises of preemption and prevention into one strategy of military anticipatory action.[42] This chapter examined the DoP as strategy of military anticipatory action, and discussed traditional and nuanced perceptions of the concepts of preemption and prevention. It provided tangible historical evidence indicating there are risks associated with implementing such strategies.

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42 Ibid, 15.

Karl Marx argued that individuals create their own history but not in the conditions of their choosing.[43] The attacks of 9/11 created the conditions for the initiation of the GWOT and laid the foundation for the DoP. It is clear that the Bush administration chose to express forcefully the United States' sovereign right to self-defense post-9/11.

This chapter also demonstrated that it could be challenging differentiating between preemption and prevention strategies due to variables associated with perceptions of threats. Furthermore, when one tries to distinguish how to use national power to react to amplified levels of threat, distinctions between an inevitable and an imminent threat, or between preemption and prevention, become vague and imprecise. The distinction between preemption and prevention has contributed to considerable deliberation on acceptable uses of force. Consequently, there remains a need for universally accepted definitions of preemption or prevention. There are many conceptual problems and some define the concepts so broadly that they lose analytic utility. Perhaps the UN (which will be discussed in the next chapter) should address the issue; otherwise, the accepted

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43 Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte* (Wildside Press, 2008).

justification for the use of anticipatory force will be challenging to determine.

CHAPTER V

DIPLOMACY: PERCEPTIONS AND EFFECTS OF INTERNATIONAL LAW AND LEGITIMACY

> We the peoples of the United Nations determined to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.
>
> —UN Preamble[1]

BACKGROUND

There are numerous historical cases where the anticipatory use of force has been used in warfare; however, there remains confusion as to what is a legal use of force under international law. This chapter examines how this phenomenon has affected global perceptions of the GWOT. In addition, this chapter evaluates how international law, as

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1 Charter of the United Nations, accessed February 16, 2011, http://www.un.org/ en/documents/charter/index.shtml.

interpreted by the UN, failed to delineate discrepancies on the legal use of military force prior to the war in Iraq.

The UN was unable to draw clear and universally applicable delineations between preemption and prevention, or to define levels of aggression that would provide an accepted rationale for the use of military anticipatory force by the United States during the GWOT. In retrospection, it appears the UN's rules on the use of force were not strong enough to avert implementation of the DoP in Iraq. This issue is extraordinarily significant because the effectiveness of international law and the perception of the legality of warfare have a profound effect on the international community. Not only was the lawfulness of the U.S. DoP in question, its implementation signaled a pivotal point in history, as the United States decided on its own how it would engage threats to its security without the consent of the UN.

CHARTER OF THE UNITED NATIONS

The UN has long been a symbol of global, multipolar cooperation, and its sheer existence substantiated the importance of international law, economic development, international security, and

social progress. The organization was founded in 1945 by the victorious Allied powers in the hope that it would act as an intervening mechanism between nations and thereby prevent future wars.

Nations around the world maintain trust in the UN's mission to preserve peace. The philosophical foundation of the UN is based on collective security and a joint commitment of its member states to adhere to tenants of international law. Ever since the end of World War II, the UN has been the symbol of the acceptance of modern international law, incorporating the principles of sovereign equality between nations. Historically, the UN has been valued for its ability to constrain nations within its structure into more orderly assemblage.

The UN Charter has as a principal theme, to maintain peace and security between nations. The provisions of the UN Charter have been the cornerstone of the multilateral security system since its foundation. However, one of the UN's most vexing predicaments has been its inability to enforce the general principles of international law set forth by its Charter.

As outlined in the UN Charter, the UNSC focuses on the establishment of peacekeeping operations, the establishment of

international sanctions, and the authorization of military action. The UNSC exercises its power through resolutions. All signatory countries pledge to settle their international disputes peacefully through the UN and affirm that no member nation should use military force except for collective self-defense. Chapter I, Article 2 of the UN Charter stipulates:

> All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.[2]

In Chapter VII, Article 51, the UN Charter declares "the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations." It continues:

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2 Charter of the United Nations, accessed February 16, 2011, http://www.un.org/en/documents/charter/index.shtml.

> Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.[3]

It should be noted that Article 51, with its language: "if an armed attack occurs," does not question the right of a nation to act in self-defense after an attack; however, the UN Charter does restrict the traditional right of self-defense on occasions when an armed attack has not taken place. These provisions are particularly applicable in explaining why the UN viewed the U.S. invasion of Afghanistan as a legal retaliation for 9/11.

Prior to the invasion of Afghanistan, the Unites States received overwhelming support from the UN General Assembly. UNSC Resolution 1373, dated September 28, 2001, condemned the terrorist attacks of 9/11, and reaffirmed the need for combat action,

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3 Ibid.

sanctioning the United States' invasion of Afghanistan in October 2001.[4]

After the swift collapse of the Taliban in Afghanistan, the Unites States turned its attention towards Iraq, asserting there were links between Saddam Hussein and al-Qaeda. On September 12, 2002, President Bush brought his administration's case against Iraq to the UN General Assembly and requested the UN to take action against Saddam Hussein.[5] The Bush administration argued that the Iraqi regime purposefully refused to adhere to 1991 Gulf War resolutions. Iraq had repeatedly failed to cooperate with mandated international inspections conducted by the International Atomic Energy Agency, causing many in the Bush administration to believe Saddam Hussein was hiding, or developing WMD.

The UN later determined that Saddam Hussein was negligent under international law, and in November 2002, the UNSC adopted Resolution 1441, giving Iraq an ultimatum to cooperate in

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4 Charter of the United Nations, accessed February 16, 2011, http://www.un.org/en/documents/charter/index.shtml.

5 George W. Bush, "Remarks at the United Nations General Assembly, September 12, 2002, accessed May 10, 2010, http://georgewbush-whitehouse.archives.gov/news/releases/2002/09/20020912-1.html.

disarmament.[6] At the same time, the UNSC did not sanction the United States' case for war, indicating that a U.S. invasion of Iraq would not be a war of self-defense, but a violation of international law. This judgment, in turn, caused considerable consternation within the UN General Assembly, and the five permanent members of the Security Council. The United States argued for its sovereign right to exercise self-defense, as articulated in Article 51, requesting the UN to support its entreat to invade Iraq, but did get not overwhelming support from the majority of the UN.

This contentious scenario raised two important questions. First, could the United States legally take military anticipatory action in expectation of future terrorist attacks? Second, could the United States act in self-defense if the UNSC could not, or did not have the military capacity to take measures to restore peace, or minimize perceptions of threat to the United States?

There are academic two schools of thought on the right to exercise self-defense, which addresses these questions, the "restrictive

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6 United Nations Security Council, Resolution 1441 (2002), accessed, May 10. 2011, http://www.un.org/Depts/unmovic/new/documents/resolutions/s-res-1441.pdf.

school," and the "expansive school."[7] The restrictive school supports a narrow interpretation of the UN Charter. The expansive school judges that Article 51 permits the use of anticipatory self-defense in response to imminent armed attack.[8]

Critics of the right of anticipatory self-defense belong to the "restrictive school." They believe that UN member states only have those rights granted by the Charter. Furthermore, as a signatory of the UN Charter, they maintain UN member states waive their rights to act in self-defense in response to an armed attack without approval from the UNSC. Proponents for this narrow interpretation of Article 51 claim a threat of aggression would not be sufficient to justify the unilateral use of force.[9] This view maintains that determining whether an armed attack is imminent is difficult to substantiate; therefore, allowing nations to determine the appropriate circumstances to use force is too dangerous.[10]

Supporters of the right of anticipatory self-defense argue that customary international law (aforementioned in the 1837 Caroline

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7 Richard J. Erickson, "Legitimate Use of Military Force Against State-Sponsored International Terrorism" (Air University Press, 1989), 114.

8 Ibid, 116.

9 Josef. L. Kunz, "Individual and Collective Self-Defense in Article 51 of the Charter of the United Nations Charter: A Search for Original Intent," The American Journal of International Law 41, No. 4 (October 1947), 878.

10 Richard G. Maxon, "Nature's Eldest Law: A Survey of a Nation's Right to Act in Self Defense," Parameters, (Autumn 1995), 64.

case), endures under the UN Charter. Customary international law authorizes a state, targeted by another state, to employ military force as necessary to protect itself. The International Court of Justice Statute delineates customary international law in the following selection from Article 38(1)(a)(b)(c):[11]

> 38(1) The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply: (a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states; (b) international custom, as evidence of a general practice accepted as law; (c) the general principles of law recognized by civilized nations.[12]

The International Court of Justice Statute, Article 38, recognizes the right of a state to act to protect against threats to its

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11 . The International Court of Justice based in The Hague, Netherlands is the principal judicial body of the UN. It is. Its main functions are to settle legal disputes provide advisory opinions on legal questions submitted to it by international organization, agencies, and the UN General Assembly.

12 International Court of Justice, Article 38, accessed Sept 28, 2011, http://www.icj-cij.org/documents/index.php?p1=4&p2=2&p3=0#CHAPTER_II.

political independence, or territorial integrity.[13] Furthermore, this right is not limited to instances of actual armed attack. States can also act when the imminence of attack is of a high degree.[14]

Christine Gray in *International Law and the Use of Force* reasons that the intent of the UN Charter was never to restrict the right of anticipatory self-defense.[15] Moreover, John Norton Moore, in "Law and the Indo-China War" suggests the UN Charter was not intended to restrict the right of a nation to take defensive action in any material way.[16] In addition, Timothy McCormack argues that Article 51 allows nation-states to "have the freedom to defend themselves against the threat of an attack that the Security Council will do nothing to stop."[17] He adds, "it would be absurd to suggest that international law requires a State to 'take the first hit' when it could effectively defend itself by acting preemptively."[18] Lastly, Christopher Greenwood reasons that the failure of the UNSC to effectively deal

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13 Richard G. Maxon, "Nature's Eldest Law: A Survey of a Nation's Right to Act in Self Defense," Parameters, (Autumn 1995), 57.

14 Ibid.

15 Christine Gray, *International Law and the Use of Force* (Oxford University Press), 2004, 111.

16 John Norton Moore, *Law and the Indo-China War*, (Princeton University Press, 1972), 367.

17 Timothy L. H. McCormack, *Self-Defense in International Law: The Israeli Raid on the Iraqi Nuclear Reactor* (New York: St. Martin's Press), 1996, 209-211.

18 Ibid, 535.

with the post-9/11 issue of imminent threat negates the prohibitions imposed by the UN Charter.[19]

The expansive school's conviction that Article 51 permits the exercise of anticipatory self-defense is comparable to America's rationale invading Iraq. For the United States, the uncertainty of threat was not an option it was willing to take, as factors that contribute to the likelihood of war have a common underlying element of uncertainty. These factors are applicable to both the capabilities and the intentions of an adversary, which tends to intensify, as uncertainty increases. As such, the 2002 NSS clearly articulates a case for going to war against rogue nations-states:

> Given the goals of rogue states and terrorists, the United States can no longer solely rely on a reactive posture. The inability to deter a potential attacker, the immediacy of today's threats, and the magnitude of potential harm that could be caused by our

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19 Christopher Greenwood, "International Law and the Pre-Emptive Use of Force, Afghanistan, Al-Qaida, and Iraq," San Diego International Law Journal No. 4, (2003), 16.

adversaries' choice of weapons, do not permit that option. We cannot let our enemies strike first.[20]

The concept of international law looms large in the debate over the war in Iraq. When one examines the debate over the legality of the war, it becomes clear that the opposing reactions to the conflict were also based on different perceptions and interpretations of the UN Charter, and Resolution 1441.

UN Resolution 1441 offered Saddam Hussein a final opportunity to comply with numerous disarmament resolutions and obligations established after the first Gulf war. Resolution 1441 stated that Iraq was in material breach of the cease-fire terms presented under the terms of the previous resolutions. It asserted that Iraq's material breaches related not only to developing, but also to the construction of prohibited missiles; as well as the purchase of prohibited arms, and the refusal to recompense Kuwait for looting conducted by Iraqi troops during the 1990–1991 invasion and occupation.[21] As a result, the United States argued that an invasion of Iraq was legal. The

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20 George W. Bush, "The National Security Strategy of the United States of America," September 2002, 15.

21 Ibid.

United States cited Chapter I, Article 1 of the UN Charter to support its position. The provision called on the UN "to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace."[22]

France, Russia, and Germany, "the coalition of the unwilling," opposed the United States and the United Kingdom, maintaining that the UNSC would not authorize the use of force. They argued that military action was in direct violation of Chapter 1, Article 2 of the UN Charter, which states, "All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered."[23] Ironically, both sides cited Chapter VII, Articles 41 and 42 of the UN Charter to support their positions. Article 41 states:

> The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United

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22 Charter of the United Nations, accessed February 16, 2011, http://www.un.org/en/documents/charter/index.shtml.

23 Ibid.

> Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.[24]

The disagreement between interpretations of the UN Charter outlines a key point of dispute over the perceived legitimacy of the U.S. invasion of Iraq; Article 42 declares:

> Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of members of the United Nations.[25]

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24 Ibid.
25 Ibid.

The United States' pursuit of regime change in Iraq without UN approval caused many to question the UN's relevance. The UN's inability to arbitrate the invasion of Iraq reinforced the commonly held belief that international laws have little effect upon the behavior of powerful nations. This is not a new phenomenon. Since its inception, the UN has been beleaguered by its inability to mediate global standards of conflict and cooperation. UN treaties are viewed as insignificant because they will not constrain sovereign nations from doing what is in their best interests.

In retrospect, a strong case can be made that the UN failed to establish adequate criteria to determine when a preemptive or preventive use of force is acceptable or unacceptable. The principles of the UN Charter suggest that armed force should be a last resort and that the attacker must have positive knowledge that an adversary attack is imminent. This may be a valid construct for conventional warfare between modern nation-states; however, for the United States, the question was how might a nation-state have positive knowledge of an imminent terrorist attack?

For the United States, 9/11 not only destabilized the global security climate but also initiated a sense of vulnerability, causing Washington to adjust its national security priorities. The heightened

threat level was analogous to what the Truman administration encountered when the Soviet Union exploded its first nuclear bomb. Just as the threat of a nuclear-armed Soviet Union ushered in Truman's polices of deterrence and containment, the threat of terrorism ushered in the DoP. The perception of threat from terrorism generated a paradigm shift in how the U.S. interacted with the international community and how it used its military power. The prevailing view in the Bush administration was that countries were either with the U.S. or against it.[26]

Numerous scholars have debated whether collective security organizations such as the UN have true utility during crisis. Critics claim collective security is possible only when it is least needed, and is most effective when there is peace. Mearsheimer criticizes collective security in his article, "The False Promise of Institutions," where he deems collective security regimes to be impractical, because nations will inherently distrust collective security alliances during a time of crisis.[27] This assertion poses a challenge to the effectiveness of multilateral cooperation and speaks directly to the dismal historical

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26 Bush, George W. "Address to the Joint Session of Congress and the American People." September 21, 2001.

27 Mearsheimer, John. "The False Promise of Institutions." International Security, vol. 19, No. 3 (1994-1995), 19.

record of collective security within international politics. Two historical models offer prior unsuccessful examples of collective security regimes. The first is the Concert of Europe, established at the end of the Napoleonic wars of the early 19th century. A second example is the League of Nations, formed in 1919 after World War I. Both institutions failed to live up to the standards of their founding.

Although the UN was established in 1945 as a replacement for the League of Nations, the UN has yet been able to establish universally accepted guidelines for the use of preemptive or preventive force against imminent or inevitable threats. Common sense would lead one to believe the UN fully comprehends the concept of acting to protect one's national interests; but prior to the invasion of Iraq there was a breakdown in interpreting the concept of collective security between the United States, its traditional allies, and the UN. In addition, there was a lack of shared understanding as to the perception of threat from terrorists and rogue nation-states. In theory, international law should provide appropriate guidelines for nations to act in self-defense. Therefore, the impending challenge is whether lessons from the GWOT can shed light on future scenarios of conflict, and clarify the subjective perspectives on legitimate uses of force, and what legally is, or is not, a just cause for war.

WHAT IS A JUST WAR?

Ultimately, there remains a question on whether there is a universally accepted guideline for the justification of war. More specifically, in the context of this study, is there a guideline on the use of preemptive or preventive force against imminent or inevitable threats. Just war theory is a set of guidelines for going to war. The origins of the concept of a just war date back to St. Augustine; however, St. Thomas Aquinas codified the concept in the 13th century. Although just war theory is associated with Catholic scholars, dating back to a time when the Catholic Church played a more prominent role in global politics, it is a religious teaching. It is a tradition of theological and philosophical thought that emphasizes the importance of ethical processes in warfare.[28]

Just war theory specifies there are several legitimate conditions for going to war: first, proper authority must order the action; second, the cause must be just, and thirdly, the warring authority must have a right intention of promoting good, or avoiding evil.[29] The

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28 Brian Orend, "War," Stanford Encyclopedia of Philosophy, Fall 2008, accessed January 12, 2012,ttp://plato.stanford.edu/entries/war/.

29 Franklin E. Wester, "Preemption and Just War: Considering the Case of Iraq," Parameters (Winter 2004-2005), 29-31.

fundamental, and often controversial, intention of just war theory is that, states should have moral justification for using military force. The mere threat of war does not suffice as an adequate indicator for war in the just war tradition. Some scholars argue that the use of military action should be congruent with the requirements of the just war tradition. For instance, Neta Crawford in *Just War Theory and the U.S. Counterterror War* asserts:

> One may then justifiably reply to armed aggression with force. And one may also, in cases of a credible threat of imminent attack, act preemptively to prevent such a threat from being realized. On the other hand, preventive war, waged to defeat a potential adversary before its military power can grow to rival your own, is not just.[30]

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30 Neta C. Crawford, "Just War Theory and the U.S. Counterterror War." American Political Science Association, March 2003, vol. 1/No. 1,7, accessed May 20, 2012, http://www.pol.illinois.edu/alumni/XTRACLINE/Crawford%20Just%20War%20Terror.pdf.

The concepts of just war theory have three facets: justice in going to war (jus ad bellum) and justice in war (jus in bello), and justice during the final stages of war (jus post bellum).[31] [32] By definition, the debate over preemption and prevention fits in the category of jus ad bellum (justice in going to war). The six criteria for jus ad bellum are legitimate authority, public declaration, just intent, proportionality, last resort, and reasonable hope of success.[33]

Just war theory warrants further elaboration because the concept of moral purpose for war was relevant for U.S. policymakers prior to the invasion of Iraq during the GWOT. For instance, during a West Point commencement address President Bush wanted to influence audiences that U.S. objectives post-9/11 were just. He announced the following:

> Our nation's cause has always been larger than our nation's defense. We fight, as we always fight, for a *just peace*—a peace that favors human liberty. Building this *just peace* is America's

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31 Ibid, 28.

32 Brian Orend, "War," Stanford Encyclopedia of Philosophy, Fall 2008, accessed January 12, 2012,ttp://plato.stanford.edu/entries/war/.

33 Ibid.

> opportunity, and America's duty. America has a greater objective than controlling threats and containing resentment. We will work for a *just* and peaceful world beyond the war on terror. (italics added)[34]

As articulated in the commencement address President Bush understood the importance of conveying to audiences that U.S. objectives were just; however, some scholars favor a view that the only justifiable cause for armed conflict is to repel aggression. Retired Army Chaplain Colonel Franklin Eric Wester fits this category. His article "Preemption and Just War: Considering the Case of Iraq" notes the lack of UN support for U.S. military operations in Iraq was focused on differing perceptions of threat, and the U.S. not adhering to the six criteria for jus ad bellum. Colonel Wester argues that the invasion was not legitimate and did not meet the criteria for warfare as established in the just war tradition, but rather, the invasion set a precedent for powerful nations to subdue weaker nations.[35] Wester

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34 George W. Bush, "Presidential Commencement Speech at West Point," June 2002.

35 Franklin E. Wester, "Preemption and Just War: Considering the Case of Iraq," *Parameters* (Winter 2004-2005), 20.

claims that the GWOT and the DoP, as outlined in the 2002 NSS, created a moral dilemma for the Bush administration. He reasons that overreliance on the DoP upset the global balance of power by attempting to advance Western values at the tip of a spear.[36]

Conversely, realists argue that morality is not the primary concern in anarchic world politics; therefore, deference to just war theory is inappropriate. In *Politics among Nations*, Hans Morgenthau, furthers this assumption, asserting nations do what is in their best interests. Morgenthau questions whether nation-states can always justify their views in line with what they believe as a divine sanctioning of just war. Morgenthau does not ignore morality, but proclaims:

> To know that nations are subject to the moral law is one thing, while to pretend to know with certainty what is good and evil in the relations among nations is quite another. There is a world of difference between the belief that all nations stand under the judgment of God, inscrutable to the human mind, and the blasphemous conviction that God is always on one's side and

36 Ibid, 36.

that what one wills oneself cannot fail to be willed by God also.[37]

Another area of debate over just war theory is whether forcible intervention or regime change in another nation-state is justifiable to reform that state's political system. Again, Wester asserts that, in many cases, offensive military action does not promote democracy but, on the contrary, propagates discontent among the population it assumes to liberate.[38]

Just war theory provides a unique reference point for ethical arguments about the conduct of war. Although its central principles are distinct from realism, just war theory accepts war as a persistent characteristic of global politics. This issue is paramount to the discussion on the DoP, given the confrontational nature of the war on terrorism and the complexities that faced the international community post-9/11.

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37 Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace,* Fifth Edition, Revised, (New York: Alfred A. Knopf, 1978, 4-15.

38 Franklin E. Wester, "Preemption and Just War: Considering the Case of Iraq," Parameters (Winter 2004-2005), 29-31.

The use of the DoP rests on its perception of the changing nature of warfare and the potential harm terrorism could unleash upon the United States. This perception changed the United States' national security objectives and its view of how it should exert its global power. For the United States, the attacks of 9/11 justified the DoP. Terrorists deliberately attacked America; therefore, this gave the United States a legal and moral right of self-defense. Secretary of Defense Donald Rumsfeld articulated the following:

> The only way to deal with the terrorists that has all the advantage of offense is to take the battle to them, and find them, and root them out. And that is self-defense. And there is no question but that any nation on Earth has the right of self-defense. And we do. And what we are doing is going after those people, and those organizations, and those capabilities wherever we're going to find them in the world, and stop them from killing Americans.[39]

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39 Donald Rumsfeld, Interview with Wolf Blitzer, CNN, October 28, 2001, accessed July 22, 2012, http://www.defense.gov/transcripts/transcript.aspx?transcriptid=2221.

It can be argued that U.S. action in Afghanistan followed the principles of just war theory because the Bush administration gave the Taliban regime two opportunities to turn over Osama bin Laden and members of al-Qaeda before the U.S. invasion; however, when the Taliban refused to do so, war was inevitable. Conversely, the case for regime change in Iraq is not as clear-cut. Former Vice President Cheney admitted this fact in the following passage when he indicated:

> Many of us are convinced that Saddam Hussein will acquire nuclear weapons fairly soon. Just how soon, we cannot really gauge. Intelligence is an uncertain business, even in the best of circumstances. This is especially the case when you are dealing with a totalitarian regime that has made a science out of deceiving the international community.[40]

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40 Dick Cheney, "In Cheney's Words: The Administration Case for Removing Saddam Hussein," *New York Times*, August 27, 2002, accessed May 10, 2012, www.nytimes.com/2002/08/27/world/eyes-iraq-cheney-s-words-administration-case-for-removing-saddam-ussein.html?pagewanted=all&src=pm.

Although the 2002 NSS emphasizes the potential threat from rogue nations, the rationale for the invasion of Iraq was not as urgent as the justification for invading Afghanistan. Furthermore, in retrospect, since no WMD were found in Iraq, the U.S. rationale for regime change can be attributed to its post-9/11 sense of vulnerability and fear of the unknown. A strong case can be made that the uncertainty of possible future terrorist attacks became so pervasive that it blurred the line between what was an imminent or an inevitable threat to U.S. security. Moreover, what was, or was not, a just or legitimate rational for the global war on terror.

AN INQUIRY OF LEGITIMACY

The question of legitimacy is a broad and vague concept, influenced by public perceptions of legality, and affected by many factors. For example, differing geopolitical objectives and differing perceptions of threat influence how a country perceives what is or is not a just or legitimate rationale for going to war.

In instances of self-defense, a nation has the legitimate right to use military force. Moreover, it is reasonable to assume that fear of an

imminent attack can cause a nation to implement self-defense measures that it might not have taken otherwise. However, question remains on whether a heightened perception of threat justifies anticipatory military action.

Robert Kagan weighs-in on this question in *Of Paradise and Power* where he asserts various nation-states have different perceptions of threat. Kagan analyzes the opposing geopolitical perceptions of the United States and Europe and reasons, "Americans are from Mars and Europeans are from Venus." His analogical reference to the mythological Greek gods of war and love acutely describes his views on the political differences between American policies of military power, and European policies that give more latitude for negotiations prior to conflict.

Hard power policies, and diplomatic policies, play differently to various audiences. Ultimately, perceptions of threats form ideological realities for individual nations, and these perceptions, like beauty, are in the eye of the beholder. As such, it is clear different audiences considered the DoP legitimate or illegitimate. In this subjective context, Kagan suggests America's extraordinary military power shapes its political view of global security. Kagan maintains that the United States perceives the world as an environment filled with

potential threats to be controlled using military force, while the Europeans prefer to use soft power and diplomacy to manage them.[41]

The theoretical discipline of realism endorses ideologies of self-preservation, in which the use of military power against enemies is indispensable to survival. The Bush administration appears to have believed that the DoP was necessary to protect America. Supporters of the DoP argue the strategy conveys the traditional underpinnings of U.S. national security policy and lays a durable foundation for the future use of military force. Kagan articulates this point, when he emphasizes the 2002 NSS was just a restatement of over half a century of habitual American national security policy, during which the United States consistently sought to shape global events in ways favorable to American principles and interests.[42]

Many argue that the Bush administration deserves credit for producing the most coherent, comprehensive international strategy since the end of the Cold War.[43] During a speech to the Manhattan Institute in 2002, Secretary of State Condoleezza Rice affirmed her support for the DoP when she stated, "President Bush's new *National*

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41 Robert Kagan, *Of Paradise and Power: American and Europe in the New World Order* (New York: Random House, 2003), 61.

42 Ibid.

43 Lawrence J. Korb and Michael Kraig, "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 9.

Security Strategy offers a bold vision for protecting our Nation that captures today's new realities and new opportunities."[44] Moreover, former Secretary of Defense Donald Rumsfeld articulated his justification for the invasion of Iraq by stating that the "absence of evidence is not evidence of absence of weapons of mass destruction."[45]

A countervailing view stresses that the DoP played havoc with conventional international rules of self-defense and norms governing the proper use of force against sovereign nations. Richard N. Haass in *War of Necessity, War of Choice* alleges that the invasion of Iraq was a war of choice, and was the most significant discretionary war carried out by the United States since Vietnam. Haass reasons many nations viewed the war as illegitimate and unnecessary because America had other viable policy options.

Youssef Choueiri, an expert on modern Arab states at the University of Exeter's Institute of Arab and Islamic Studies in Great Britain, claims, "The U.S. presence in Iraq is acting as a magnet for a range of anti-U.S. terrorist groups."[46] Professor Choueiri adds:

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44 Condoleezza Rice, *The Walter Wriston Lecture of the Manhattan Institute, 1 October 2002, New York* (Washington, D.C.: White House Office of the Press Secretary, October 1, 2002).

45 John Ikenberry, *Liberal Order and Imperial Ambition: Essays on American Power and World Politics* (Cambridge: Polity Press, 2006).

46 Jeremy Bransten, "Iraq: Is Occupation Helping or Hindering the Global War Against Terrorism?" accessed 27 June 2011, http://www.globalsecurity

> What [the Americans] did was simply to open Iraq's international borders to international terrorists, in the sense that they dissolved the Iraqi Army, the Iraqi security forces, and now anyone can cross into Iraq from Iran, Turkey, even Syria, Saudi Arabia, and Kuwait and nobody will stop them. And this is actually a ridiculous state of affairs that a country which was tightly controlled by a dictatorship has descended into chaos as a result of the absence of any planning for postwar Iraq.[47]

Choueiri's explanation articulates a common view that the United States' failure to establish order in post-Saddam Iraq created ideal conditions for terrorists and foreign fighters to enter the country.

.org/wmd/library/news/iraq/2003/09/iraq-030912-rferl-3171315.htm

47 Ibid.

THE PUBLIC VIEW OF LEGITIMACY

As the GWOT escalated, criticism of the Iraq war increased in both domestic and international populations, and there was a downward trend of support for the war. In February 2003, just before the war began, the Program on International Policy Attitudes (PIPA) found that 44 percent of Americans thought invading Iraq would help the war on terrorism, while 25 percent thought it would be harmful and another 25 percent thought it would have little effect either way.[48]

By November 2005, a British Broadcasting Corporation (BBC) poll found that 55 percent of people polled said the war in Iraq had increased the likelihood of terrorist attacks around the world.[49] In November 2006, a Cable News Network (CNN) poll found that 59 percent of people polled believed the war with Iraq had made the United States less safe from terrorism.[50]

John Mueller, a scholar of public opinion at Ohio State University, linked the declining tolerance for the war to the

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48 World Public Opinion, "Americans Assess US International Strategy" (December 2007), 8, accessed 19 June, http://www.worldpublicopinion.org/pipa/pdf/dec06/USIntlStrategy_Dec06_rpt.pdf.

49 Ibid.

50 Ibid.

casualties that it generated. Similar to the U.S. wars in Korea and Vietnam, the GWOT lost domestic support as casualties increased. In fact, Muller points out; domestic support for the GWOT eroded more quickly than it did in the other conflicts.[51]

A poll of the Iraqi public conducted in September 2006 found that only 36 percent of Iraqis felt their country was heading in the right direction, while 79 percent of Iraqis had a "mostly negative" view of the influence that the United States had in their country. Furthermore, 61 percent of Iraqis approved of attacks on U.S.-led forces.[52]

These statistics are significant because the will of the people has historically influenced whether a nation can sustain a war effort. Clausewitz recognized this phenomenon when he stated, "The passions that are inherent in war must already be kindled in the people."[53] Public support for a war plays a significant role and has an impact on policymakers. Some argue the global perception of the war in Iraq threatened to undermine America's role as global leader and its opportunities for continued dominance by failing to project a

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51 Linda Feldmann, "Why Iraq War Support Fell So Fast," *Christian Science Monitor*, November 2005.

52 U.S. Institute of Peace, *The Iraq Study Group Report 2006*, accessed 19 June 2011, http://media.usip.org/reports/iraq_study_group_report.pdf, 29.

53 Michael I. Handel, *Masters of War: Classical Strategic Thought* (Portland, Oregon: Frank Cass Publishers, 2001).

message of global inclusiveness. For instance, in *The Choice*, Zbigniew Brzezinski asserts that the war in Iraq ultimately damaged America's global standing, he writes, "America's global military credibility has never been higher, yet its global political credibility has never been lower."

Brzezinski judges the United States and the European Union (EU) should work together to resolve the conflicts in the Middle East, he argues, "Acting separately, America can be preponderant but not omnipotent; Europe can be rich but impotent. Acting together, America and Europe are in effect globally omnipotent."[54] With regard to U.S. unilateralism, Brzezinski indicates that the United States should facilitate alliances with like-minded democracies to develop a comprehensive strategy to address the conditions in countries that foster terrorism. In addition, the United States should take a balanced approach towards security by mitigating risks while working with allies to contain, and eliminate potential terrorist threats. In order to realize these goals, the United States must foster a strong relationship with the EU, facilitate the restructuring and enlargement of NATO, and have patience in the Middle East.

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54 Zbigniew Brzezinski, *The Choice: Global Dominance or Global Leadership* (New York: Basic Books, 2004), 96.

Ambassador James Dobbins testified before the U.S. Congress in 2004 that there were significant differences between the United States and many of its European allies regarding the DoP. The failure to agree on the direction of multilateral cooperation, he contended, has complicated the ability to forge a common U.S.-European strategy to combat global terrorism.[55] Dobbins stated that the Europeans are open to common action against imminent threats, but the key to success in addressing international conflicts rests in global inclusiveness of collective security organizations such as the UN.[56] This question of legitimacy was a factor in the transatlantic rift that developed between the United States and its traditional European allies, which became evident when the traditional allies of the United States did not support the invasion of Iraq.

A strong case can be made that a multilateral presence was needed to soften the perception of overwhelming U.S. military power during the GWOT. The NATO allies are the logical choice for this role. Thomas Barnett, in *The Pentagon's New Map*, advocates for

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55 James Dobbins, "The Effect of Terrorist Attacks in Spain on Transatlantic Cooperation in the War on Terror," (RAND Study CT-255, March 31), 2004, accessed May 25, 2011, www.globalsecurity.org/security/library /congress/2004_h/040331-dobbins.pdf.

56 James Dobbins, "NATO's Role in Nation-building," *NATO Review* (Summer 2005), accessed May 25, 2019, www.rand.org/commentary /120805NR.html.

seeking multilateral participation in all future conflicts. Barnett argues for using an overwhelming aggressive "leviathan" force to dislodge an adversary, followed by a second wave of competent allies to expand the momentum, and lastly, an international administration force to wage peace after the initial conflict and rebuild the nation.[57]

Perhaps lessons from the first half of the 20th century, during World War II can demonstrate the urgent need for nations to band together to deter aggression. In *The Vital Partnership,* Simon Serfaty argues that the international community should work together, and not "embrace an ill-defined but tempting phobia known as anti-Americanism while the U.S. responds to its own temptation to go it alone or without its allies of choice."[58] Serfaty's position of working with other nations is not a new concept in U.S. national security policy. During his fourth inaugural address in 1945, President Franklin Delano Roosevelt stated:

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57 Thomas Barnett, *The Pentagon's New Map* (New York: Berkley Books, 2004), 302.

58 Simon Serfaty, *The Vital Partnership: Power and Order* (Rowman and Littlefield, 2005), 59.

> In the days and in the years that are to come we shall work for a just and honorable peace, a durable peace, as today we work and fight for total victory in war. We have learned that we cannot live alone at peace. We have learned that our own well-being is dependent on the well-being of other nations far away. We have learned to be citizens of the world, members of the human community.[59]

President Roosevelt recognized that success in the international arena of global conflict depends on global inclusiveness. In today's global context, a resilient UN should be a central part of this inclusivism, helping nations work together to define acceptable consensus and boundaries within the international system.

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59 Franklin D. Roosevelt, "Fourth Inaugural Address," January 20, 1945, accessed May 25, 2012, http://www.re-quest.net/history/inaugurals/fdr/fourth.htm.

SUMMARY

This chapter examined the varied global perceptions and responses to the U.S. GWOT, and the implementation of the DoP. It highlighted the fact that preemptive and preventive strategies have been used in numerous historical cases of warfare. This chapter also noted that confusion remains as to what constitutes a legal and legitimate use of offensive force under international law. The UN has long been a symbol of global multipolar cooperation; however, its rules on the use of force were not strong enough to avert the war in Iraq. International law failed to arbitrate numerous discrepancies and the UN was unable to draw clear and universally applicable delineations between preemption and prevention, or to define criteria for the use of force in Iraq.

As the symbol of global cooperation, the UN can play a decisive role in the global order, and play an essential role in the struggle against international terrorism. The UN can encourage nations to work through important issues. More specifically the UN can consolidate formidable coalitions to demonstrate the merits of power when rogue nations and terrorist actors violate international norms. Consequently, for the UN to remain relevant, it has to work with the

permanent members of the UNSC to determine rules for multilateral cooperation against terrorism, taking into account the perceptions of threat from all parties involved.

The future success of the UN will lie not only in how it attempts to arbitrate issues of international conflict and cooperation, but also in how it sets precedents of international law regarding global terrorism. Consequently, one can make a credible case that just war theory may provide a unique point of reference for ethical arguments about the conduct of war.

The General Assembly of the UN should agree upon a definition of terrorism to form the basis of enforcement under the UN Charter. This will allow for the development of credible strategic guidelines for international counterterrorism procedures. The strategy should be based upon the international rule of law and not subject to the interests of any individual nation-state.[60] An agreed-upon definition among UN member states should include acts of terrorism listed as possible war crimes by the Geneva Conventions of 1949.[61] This approach may strengthen the credibility of the UN, increase prospects

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60 Hans Koechler, "The United Nations and International Terrorism: Challenges to Collective Security. International Progress Organization," accessed May 30, 2011, http://i-p-o.org/koechler-terrorism-collective-security.htm

61 Ibid.

for global stability, and mitigate the problem of perceived ideological inconsistency.

CHAPTER VI

A QUESTION OF INTELLIGENCE

"We cannot defend America and our friends by hoping for the best. So we must be prepared to defeat our enemies' plans, using the best intelligence and proceeding with deliberation."

—George W. Bush, September 2002[1]

BACKGROUND

Intelligence is the product resulting from the collection, processing, integration, analysis, evaluation, and interpretation of available information concerning foreign governments.[2] It is different from other government functions, because much of it takes place in secret, and it exists because leaders of government seek to hide or find information about other nation-states.

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1 George W. Bush, The National Security Strategy of the United States of America. September 2002, introduction.

2 Jeffrey Richelson. *The U.S. Intelligence Community (Boulder, CO: Westview Press)*, 1995.

Policymakers, scholars, and the public, have mixed views of intelligence gathering and the U.S. intelligence community. Ironically, secrecy is a source of much of the consternation; however, this is expected to some degree in an open society such as the United States. Many view intelligence agencies as inefficient organizations, or powerful bureaucracies beyond the scope of public understanding, while others see them as tools of high-ranking government officials seeking political advantage.

It is the job of the intelligence community to collect, analyze, and disseminate intelligence to policymakers. However, the U.S. government only has a select number of officials who have access to high-level intelligence, and who are sufficiently informed to make sound policy decisions. The utility of intelligence activity is measured on the quality of information provided to policymakers. As such, this chapter examines the difficulties the intelligence community faced during the GWOT, and analyzes whether the relationship between the intelligence community and U.S. policymakers complicated the implementation of the DoP.

ENABLING ACTIONABLE INTELLIGENCE

From Sun Tzu to the American Revolution, the significance of intelligence as it relates to national security has been vital to the successful advancement of all nation-states. Intelligence provides vital information to government policymakers about the complexities of the political issues, and allows officials to better assess threats to national security. Accurate intelligence contributes to the implementation of military action, and the development of analytical processes and products associated with the DIME elements of power. This process of collection and dissemination of intelligence data is vital to the government's ability to protect its interests.[3]

Robust intelligence capabilities are crucial to a modern government's ability to implement rational diplomatic policies and make sound long-term strategic military decisions. Nowhere is Clausewitz's proverb that "war is an extension of politics" truer than with regard to the need for accurate intelligence to effectively implement strategies of anticipatory military action. In the case of the GWOT, the United States required excellent communications between

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3 See appendices E and F for illustrations of the United States National intelligence structure.

policymakers and the intelligence community.[4] Successful military anticipatory action depended on having accurate intelligence relating to the capabilities and intentions of global terrorists, and rogue nation-states.

The ultimate goal of the intelligence community is to optimize information so that it can be used to support U.S. national security objectives. Intelligence estimates, however, at times are inaccurate, because intelligence analysts are estimators of information. Even in the best circumstances, a well-trained analyst is not able to answer every question relating to a particular issue. An analyst's best efforts, no matter how robust, cannot provide solutions to every strategic dilemma. Vice President Cheney acknowledged this fact when he indicated:

> Many of us are convinced that Saddam Hussein will acquire nuclear weapons fairly soon. Just how soon, we cannot really gauge. Intelligence is an uncertain business, even in the best of circumstances. This is especially the case when you are dealing

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4 For an outline of the United States National Intelligence Leadership Structure, see appendix G.

with a totalitarian regime that has made a science out of deceiving the international community.[5]

Cheney's comments allow one to recognize that the intelligence community does not have a flawless relationship with policymakers. For instance, there are always issues of whether a policymaker fully trusts the reliability of the information provided. In addition, there are also concerns on how policymakers use the intelligence they are given. Ultimately, the development of intelligence for policymakers does not equate to its acceptance, nor does good intelligence analysis equate to the development of sound national security decisions.

Like most inexact disciplines, often one does not know what is unknown until after the fact, or it is too late to mitigate a specific threat. For instance, prior to 9/11, the intelligence community did not fully understand al-Qaeda represented a different type of terrorist organization. Al-Qaeda is less geographically anchored than traditional terrorist cells. It is politically connected, empowered by

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5 Dick Cheney, "In Cheney's Words: The Administration Case for Removing Saddam Hussein," *New York Times*, August 27, 2002, accessed May 10, 2012, www.nytimes.com/2002/08/27/world/eyes-iraq-cheney-s-words-administration-case-for-removing-saddam-ussein.html?pagewanted=all&src=pm.

globalization, and is fueled by a synergy based on hatred of the United States.

This underestimate of al-Qaeda exposed a fundamental weakness of the U.S. intelligence apparatus. Many intelligence analysts made a series of faulty pre-9/11 assumptions that led to wide acceptance that al-Qaeda was a minimal threat, and post-9/11 assumptions that asserted Iraq possessed WMD. Accordingly, the following section provides analysis of the debated challenges and failures of the intelligence community during the GWOT, the relationship between the intelligence community and policymakers, and assesses how policymakers perceived and utilized intelligence.

THE UTILIZATION OF NATIONAL INTELLIGENCE

The intelligence community faces the constant challenge of providing timely and accurate intelligence to policymakers in a manner that fits their information needs. There have been many instances of dysfunctional interaction between the U.S. intelligence apparatus and policymakers. To analyze this problem, one needs only to contrast the intelligence community relationships with the

executive branch, and the intelligence community's very different relationship with the legislative branch of the U.S. government.

The intelligence community provides information to help the executive branch implement national security policy, whereas it provides limited intelligence to the legislative branch as reportable summaries.[6] These summaries allow for Congressional oversight and budgetary accountability over the policies of the executive branch.

Congressional oversight of the intelligence community was essentially benign during the 1950s and 1960s; however, during the 1970s the Watergate affair placed the executive branch under a microscope of scrutiny. This continues to play a significant role in contemporary American politics.[7] Since Watergate, the executive branch has been implicated in numerous abuses of power, such as the Iran-Contra scandal, which resulted in the U.S. House of Representatives forming a Permanent Select Committee on Intelligence to maintain awareness of executive-branch policies.[8] The U.S. Senate also has a Select Committee on Intelligence.[9]

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6 Mark M. Lowenthal, *Intelligence: From Secrets to Policy*, (Washington D.C.: CQ Press, 2006), 214-217.

7 Ibid, 24.

8 Ibid, 161.

9 Ibid, 211-213.

The House Permanent Select Committee on Intelligence has oversight over the Director of National Intelligence, the CIA, the National Intelligence Council, and jurisdiction over all non-defense related intelligence programs. The Senate Select Committee on Intelligence has oversight of Department of Defense intelligence programs.[10]

Although the intelligence community sought to provide accurate intelligence to the executive branch to gauge threats, and impart information to the House and Senate Intelligence Committees, many U.S. politicians assigned significant blame to the intelligence community for the 9/11 attacks. Critics claimed that the intelligence community was not able to anticipate the attacks of 9/11 because U.S. intelligence agencies had become comfortable with antiquated Cold War methods of gathering warning intelligence, which relied heavily on technology to gather information.[11]

Prior to 9/11, the intelligence community was unable to keep up with the new era of globalization, which had blurred the boundaries between nations. Globalization had placed great pressure on the

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10 Ibid, 212-218.

11 Warning intelligence is largely a post-World War II phenomenon, a product of the Cold War, used to indicate aggression from the Soviet Union or its communist allies. Cynthia Grabo, *Anticipating Surprise: Analysis for Strategic Warning* (Washington D.C.: Center for Strategic Intelligence Research, Joint Military Intelligence College, 2002), 1.

intelligence community to scrutinize massive amounts of information to detect new and unforeseen threats to the United States. Accordingly, criticisms of the intelligence community were valid, because the intelligence community's Cold War techniques were inadequate to penetrate what were considered at the time to be insignificant terrorist organizations.

Currently, a dispute exists within the intelligence community between analyst who value qualitative intelligence analysis, and those who emphasize the value of quantitative technically structured scientific approaches to intelligence analysis. Qualitative analysis, is viewed more as an art than a science, and is used most often in the political and military arena. Quantitative analysis is a structured approach that is generally applied to scientific and technical intelligence challenges. Of the two approaches, qualitative analysis provides the most useful intelligence to policymakers.[12]

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12 Robert D. Folker Jr., Intelligence Analysis in Theater Joint Intelligence Centers: An Experiment in Applying Structured Methods. Joint Military Intelligence College (Washington DC: Center for Strategic Intelligence Research) 2000, 2.

POLITICIZATION OF INTELLIGENCE

The politicization of intelligence is another problematic issue. It has been alleged that high-level U.S. policymakers manipulated intelligence to heighten the perception of imminent threat from Iraq to strengthen their justification for going to war.[13] Numerous postwar reports and interviews indicated the United States and the United Kingdom presented worst-case scenarios, for going to war in Iraq. Senator John Kerry made the following observation in an interview with the Boston Globe:

> In September of 2002, the U.S. administration cited sources from the British government that stated Iraq could launch a biological or chemical attack in less than 45 minutes. They made that statement, and it was influential to us, without clearing it with the CIA, which mistrusted the source so much,

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13 Paul Pillar, "Intelligence, Policy, and the War in Iraq," *Foreign Affairs* (March-April 2006), 19.

that they refused to include it in the [October 2002] National Intelligence Estimate. [14]

Regardless if one accepts the notion that policymakers in Washington cherry-picked intelligence to justify the invasion of Iraq, the unreliability of pre-war intelligence assessments on Iraq prompted the Senate Select Committee on Intelligence to initiate an investigation as to why the intelligence community was unable to evaluate Iraq's WMD programs or its ties to terrorist organizations.[15] In July 2004, the committee released its finding in a manuscript titled "Report of the Select Committee on Intelligence on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq."

The report conclusively stated that a significant part of the 2002 *National Intelligence Estimate on Iraq* was inaccurate. In addition, the investigation cited numerous egregious intelligence assumptions about Iraq and its ability to acquire or create WMD. In particular, the

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14 Scot Lehigh, "Truth, Lies, and Intelligence," *Boston Globe*, November 25, 2005, accessed February 27, 2011, www.boston.com/news/globe/editorial_opinion/oped/articles/2005/11/25/truth_lies_and_intelligence/.

15 U.S. Senate, Select Committee on Intelligence, "The U.S. Senate's Report on the U.S. Intelligence Community's Prewar Intelligence Assessment of Iraq," 108th Cong., 9 July 2004, accessed November 20, 2010, http://intelligence.senate.gov/108301.pdf.

report stated that there was no definitive evidence demonstrating that Iraq was reconstituting its nuclear program or developing unmanned aerial vehicles capable of delivering biological weapons.[16] The report speculated that high-level governmental officials pressured intelligence analysts to manipulate data in a manner that would support going to war in Iraq.[17]

Another explanation for the intelligence failures, suggested that U.S. policymakers consolidated their own opinions on the intelligence estimates they received, because they were dissatisfied with, or skeptical of processes within the intelligence community. This self-generated intelligence may have short-term advantages for the policymaker; however, it presented long-term consequences.

In addition, the Senate Select Committee on Intelligence report stated, analysts were under incredible pressure to make safe assumptions and thus were inclined to use caution, and if anything, overestimated rather than underestimated threats. The report acknowledged that analysts often capitulate to the cognitive biases of "group think," which is detrimental when one is evaluating complex concepts. For instance, after the first Gulf War, the United States, and

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16 Ibid.
17 Ibid.

the UN gave the Iraqi government numerous opportunities to cooperate with international weapons inspectors. Saddam Hussein forced the weapons inspections to end in 1998. As a result, analysts speculated that Saddam was hiding chemical and biological weapons. This conclusion quickly spread across the intelligence community and generated a group consensus that was difficult to change once embedded.

Ultimately, the intelligence report faulted the intelligence community for adopting untested, and unwarranted assumptions about the extent of Iraq's WMD programs, and failing to develop human sources of intelligence inside Iraq after the withdrawal of international weapons inspectors in 1998. The report also eliminated any blame from any politician in Washington, which included the Bush administration, the Republican-led Senate, and the Democrat-led Congress.

The inaccuracies highlighted in the intelligence report led to imprecise assessments for invading Iraq. Failures in the intelligence community are not a new phenomenon. In 1941, before the Pearl Harbor attack, there was consistent data that asserted a Japanese attack was imminent. However, analysts acquiesced to "group think,"

supporting other hypotheses that involved no attack.[18] Roberta Wholstetter, in *Pearl Harbor: Warning and Decision,* writes:

> [Relating to Pearl Harbor] for every signal that came into the information net in 1941 there were usually several plausible alternative explanations, and it is not surprising that our observers and analysts were inclined to select the explanations that fitted the popular hypotheses.[19]

More than 50 years later, the intelligence community made similar risk adverse mistakes of making the most unproblematic assessments to evaluate Iraq WMD program. These less than thorough assessments are labeled as "grasping for the low-hanging fruit." In "Reports, Politics, and Intelligence Failures: The Case of Iraq," Robert Jervis emphasizes the intelligence community repeatedly failed to realize that evidence consistent with their interpretations was consistent with other views as well, he writes:

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18 Roberta Wholstetter, Pearl Harbor: Warning and Decision (Stanford, CA: Stanford University Press, 1962), 393.

19 Ibid.

A second facet of the failure was the lack of consideration given to alternative explanations. This is not to say there were no disagreements. The American reports document the sharp splits over whether the aluminum tubes that Iraq was surreptitiously importing indicated that Iraq was reconstituting its nuclear program and whether the fact that the software that Iraq procured for its Unmanned Aerial Vehicles (UAVs) included maps of the U.S. implied a threat to the American homeland. Some people also had doubts about the reliability of the testimony of the now notorious informant 'Curveball' that Iraq had mobile facilities for producing biological weapons. But no general alternative explanations for Saddam's behavior were offered. There were no 'Red Teams' to attack the prevailing views; no analyses commissioned from Devil's Advocates; no papers that weighed competing possibilities.[20]

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20 Robert Jervis, "Reports, Politics, and Intelligence Failures: The Case Of Iraq." The Journal of Strategic Studies 29, No. 1 (February 2006): 15-16, accessed January 4, 2013, www.neuroscience-arena.com/journals/pdf/.../FJSS_LR_3-52 .pdf.

In response to the shortcomings of the intelligence community, President Bush enacted the *Intelligence Reform and Terrorism Prevention Act* of 2004. The act created the office of the Director of National Intelligence, and codified the concept on "national intelligence," as a "far reaching reform of previous intelligence practices and arrangement."[21] As the organization's first director, John Negroponte published the *National Intelligence Strategy* that asserted, "intelligence is America's first line of defense," and "intelligence can and should be used to aid diplomacy," and "ensure victory [in war] in the event conflict is unavoidable."[22]

The *National Intelligence Strategy* also declared the primary role of the U.S. intelligence community is to integrate domestic and foreign dimension of U.S. intelligence so that there are no gaps in understanding of threats to U.S. national security, by adding depth to intelligence analysis.[23] This call for collaboration with the intelligence community allowed the CIA, Defense Intelligence Agency, National Security Agency, National Geospatial-Intelligence Agency, and other

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21 Office of the Director of National Intelligence, *National Intelligence Strategy of the United States of America: Transformation through Integration and Innovation*, Washington, D.C.: Government Printing Office, 2005, 1.

22 Ibid, 2.

23 Ibid, 1.

intelligence agencies to cooperate on issues relating to national security.

Director Negroponte sought to add depth to intelligence analysis by enhancing intellectual integrity throughout domestic and foreign intelligence organizations. According to American intelligence analyst Cynthia Grabo's book *Anticipating Surprise,* intelligence analysis is a theoretical activity based on a process of logic and deduction. She suggests a premium should be placed on maintaining intellectual integrity within the intelligence community, and analysts should speak truth to power.[24] The production of high-quality analysis requires a symbiotic relationship between policymakers and the intelligence community because vigorous intelligence capabilities are essential to a modern government's ability to develop an effective national security strategy.

It is unknown how the *Intelligence Reform and Terrorism Prevention Act* will affect the future of international intelligence collection; however, many argue the most effective way to preempt attacks by international terrorists is to work with other nations to

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24 Cynthia Grabo, *Anticipating Surprise: Analysis for Strategic Warning* (Washington D.C.: Center for Strategic Intelligence Research, Joint Military Intelligence College, 2002), 140.

share intelligence.[25] By strengthening alliances the United States increases its likelihood of success, because it does not have to work alone to defeat global terrorists networks.[26] Combatting global terrorism is the major security issues of our time and the U.S. will have to rely on its transatlantic partners to meet the challenges of the 21st century. International terrorism is a global phenomenon; therefore, multilateral intelligence strategies should be used to combat it.

SUMMARY

This chapter assessed the impact of the use of intelligence during the GWOT and judged that intelligence is an important element of U.S. national power. This chapter analyzed the challenge the U.S. intelligence community faced monitoring international adversaries, and the domestic challenge of advising U.S. policymakers on incipient threats.

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25 Lawrence J. Korb and Michael Kraig. "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 15.

26 Ibid, 40.

Beyond the need to have high-quality intelligence analysis, and interdependent dialogue between policymakers, and the intelligence community, important lessons have emerged from the problems highlighted in this chapter. A debate currently exists between analysts who consider intelligence analysis is an art, and those who emphasize the value of technically structured scientific approaches to intelligence analysis. These two approaches are qualitative and quantitative methods of analysis.

Qualitative analysis, is viewed more as an art than a science, and is used most often in the political and military arena. Quantitative analysis is a structured approach that is generally applied to scientific and technical intelligence challenges. Of the two approaches, qualitative analysis provides the most useful intelligence to policymakers.[27]

The debate over whether qualitative or quantitative techniques, divides many in the intelligence community.[28] Many analysts argue that structured quantitative techniques are narrowly focused and cannot account for the infinite number of variables involved in

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27 Robert D. Folker Jr., *Intelligence Analysis in Theater Joint Intelligence Centers: An Experiment in Applying Structured Methods.* Joint Military Intelligence College (Washington DC: Center for Strategic Intelligence Research) 2000, 2.

28 Ibid, 7.

complex problems of human interaction.[29] Conversely, research shows that when qualitative judgments based on intuition and experience are accepted as true; analyst grasp for low hanging fruit, and are reluctant to change judgments even in the face of new evidence.[30]

A great deal of intelligence information deals with human interaction, which is challenging to captured quantitatively. Therefore, qualitative analysis is widely used in the intelligence community. Improving strategic qualitative analysis has been a long-standing goal of the intelligence community. As such, the following chapter demonstrates how qualitative security analysis can be improved by applying a quantitative structure such as game theory. This analytical process allows analysts to identify, and estimate probabilities of a threat based on assessments of information received. Ultimately, it empowers decision making under uncertainty by compelling analysts and policymakers to recognize relevant qualitative and quantitative factors, identify assumptions, and expose unstated assumptions to make decisions based on all-encompassing intelligence analysis.

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29 Ibid, 1.
30 Ibid, 10.

CHAPTER VII

GAME THEORY AND NATIONAL SECURITY STRATEGY

"Strategy is the essence of politics; a nonstrategic politician cannot achieve his or her aims. The political scientist who has neither the time, the training, nor the inclination for strategic thoughts will be poorly equipped to understand the strategic twist an turns of politics."

—James Morrow, 1994[1]

INTRODUCTION

In the wake of 9/11, the need for effective intelligence has become evident. Gathering accurate intelligence is a key component to identifying and estimating threats to U.S. security. The object of this chapter is to demonstrate that game theory is a method that can empower intelligence analysts to better estimate probabilities of a threat. Game theory is valuable because it compels intelligence

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1 James D. Morrow, Game Theory for Political Scientists. Princeton, (Princeton, NJ: Princeton University Press), 1994, 1.

analysts to assess a range of threats by evaluating past occurrences, and assessing contemporary issues so that future probabilities may be identified.[2]

MODELS OF STRATEGIC ANALYSIS

Strategy is the essence of international politics, and game theory provides a modeling methodology on analyzing strategies between opposing actors. If used as a strategic tool, game theory can bring forth significant insights. Various game theory models can evaluate a variety of situations, and the possibilities are limitless. The value of game theory lies in the fact that it gives analysts and policymakers the ability to span a horizon of probabilities that affect the DIME elements of national power. This empowers policymakers to make advantageous decisions based on intelligence assessments.

Obviously, specific intelligence relating to specific terrorist plans is better than calculating probabilities; however, when specificity is not attainable, game theory is a constructive method to

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2 Game theory has also received attention in popular culture, particularly through the prominence of Nobel Prize–winning game theorist John Nash, who was the subject of the 1998 film *A Beautiful Mind*.

evaluate a variety of circumstances. Game theory is not a strict or inflexible discipline; it is a tool to assess probabilities. James Morrow, in *Game Theory for Political Scientists*, asserts there is no exact or correct design for a game theory model. Many possible design options enable one to see the consequences for the behavior of actors depicted in a model.[3] Game theory models capture the broad characteristics of a situation, so that one can understand holistic principals of reoccurring events. Furthermore, he adds, the test of a model is whether it adds to the understanding of the evaluated event.

A great deal of intelligence information deals with human interaction and interpretation; therefore, game theory can augment qualitative intelligence analysis with quantitative analysis to forecast the strategic options of opposing actors. In *Strategy as Science*, Bernard Brodie reasons the study of strategies should be a scientific enquiry; a methodological approach to the study of strategic problems.[4] Actors must think about what other actors will do, as their own decisions affect outcomes. The success of future national security policy depends on how well policymakers develop strategies to adapt

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3 Ibid, 57, 58.

4 Bernard Brodie, "Strategy as an Art and a Science" (lecture delivered at the Naval War College on December 18, 1958), *Naval War College Review*, vol. 51 (Winter 1998), 26-38.

to unanticipated threats. The proliferation of terrorism has introduced a new era of asymmetric warfare that makes it imperative for policymakers to learn from the past, so they can anticipate future security threats. Consequently, the use of game theory in intelligence assessments can be an effective methodological approach that can reduce strategic vulnerability.5

In *The Strategy of Conflict,* Thomas Schelling also presents a comprehensive look at game theory and concludes that competing actors base their decisions on "focal points" of what they expect from the other actors, so they have a counter-strategy to gain an advantage.[6] His perspective reveals how game theory can assist one think through possibilities. Schelling articulates the value of differing perspectives in an analogy that is easy to understand; he writes:

> If I go downstairs to investigate a noise at night, with a gun in my hand, and find myself face to face with a burglar who has a gun in his hand, there is a danger of an outcome that neither of

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5 John Von Neumann and Oskar Morgenstern published The Theory of Games in 1944. The most applicable component of their work deals with the strategic probability of nuclear confrontation during the Cold War.

6 Thomas C. Schelling, *The Strategy of Conflict* (New York: Oxford University Press) 1963, 207.

> us desires. Even if he prefers to just leave quietly, and I wish him to, there is danger that he may think I want to shoot, and shoot first. Worse, there is danger that he may think that I think he wants to shoot. And so on.[7]

Although the example above is a simple case of differing perspectives under a heightened state of threat, it demonstrates how a heightened perception of threat would cause one to act in ones best interest. As such, game theory offers opportunities to analyze situations of conflict between actors, and allows one to think through strategic possibilities. This line of reasoning is central to the trepidation of future terrorist attacks the Bush administration experienced post-9/11, which influenced the development of the 2002 NSS, and the DoP.

The game theory models in this chapter converge on the post-9/11 conflict between the United States and al-Qaeda. They provide an illustrative understanding of the diametrically opposed ambitions of the two actors. During the early stages of the GWOT, the objective of the United States was to defeat global terrorism and protect the

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7 Ibid, 57.

status quo, while the objective of al-Qaeda was to destabilize the status quo. Both actors sought to achieve their specific objectives based on their own self-interests, and both actors had limited diverging payoffs (desired outcome) available to them (depicted in table 1).[8]

Rather than using an exasperating collection of mathematical examples to support the effectiveness of game theory analysis, this study uses qualitative intelligence data to develop sequential game trees to create logical structures that illustrate the conflict between the United States and al-Qaeda. Complex mathematical formulas are not used because they do not necessarily improve the reliability of the analysis for this body of work. This premise is articulated in *Anticipating Surprise: Analysis for Strategic Warning,* by Cynthia Grabo who argues the application of elaborate structured mathematical techniques is not always necessary, and structured techniques can sometimes make data seem more accurate than it really is.[9]

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8 An ordinal payoff is a system of payoffs (returns received) requiring that one option a preferred to another due to a higher payoff.

9 Cynthia Grabo, *Anticipating Surprise: Analysis for Strategic Warning* (Washington D.C.: Center for Strategic Intelligence Research, Joint Military Intelligence College, 2002), 150.

The significance of the game theory in this study is based on the methodical interpretations the models provide for intelligence analysis. The game trees graphically represent a sequential game that provides information about the outcomes, strategies, and ordinal preferences of the United States, and al-Qaeda. The game trees are action-reaction models that depict the actor's strategic decisions and their impact. By employing gaming trees, one can articulate concepts about particular strategies, and rationale for particular decisions. The models utilize the following abstract question-and-answer pattern to establish the game:

- Why did al-Qaeda attack the United States and attempt to change the status quo?
- How did the United States respond to the attack?
- How did the terrorist challenger react to U.S. retaliation?
- Why did the actors acquiesce or choose to go to war?

The following symbols are used in the game trees to depict the conflict between the United States and al-Qaeda:

– US = United States

–t = terrorists: al-Qaeda and affiliated networks

– StQ = status quo destabilized by 9/11 terrorist attack

– W = War

– AQU = acquiesce, quit, or make concessions

– Decision node = ▣

– Terminal node = ◉

– CWO = change world order

– ATKus = U.S. attack or retaliate, via preemption

– ATKt = terrorist attack or retaliate, via preemption or terrorism

Table 1 demonstrates the numerical ordinal payoffs in sequential importance for the United States and al-Qaeda. The largest number represents the most preferred outcome for each actor; the second-largest number represents the next preference, and so on.

The ordinal payoffs were developed to solicit a myriad of inquiries relating to the disposition of al-Qaeda. For instance, how did al-Qaeda emerge? With who are they affiliated? Does al-Qaeda

receive support from traditional nation-states? What are their short-term, mid-term, and long-term goals?

These are just a fraction of possible inquiries that could be used to develop ordinal payoffs; moreover, these questions exemplify how intelligence analysis can minimizes mistakes by testing appropriate questions. First, it gives insight on al-Qaeda, to distinguish if they can attack the United States beyond their initial campaign on 9/11, and second, it facilitates the development of the best strategy combat the terrorists.

Table 1. Diverging Ordinal Payoffs	
United States	al-Qaeda / terrorist
5. StQ	5. ATKt
4.ATK-us	4. CWO
3. W= war	3. W=war
2. AQU	2. AQU
1. CWO	1. StQ

Figure 2 represents the pre-9/11 scenario. It depicts the state of global affairs as relatively stable, with the maintenance of the status quo. The first node represents a strategic decision point for al-Qaeda; with two branches, representing distinct action al-Qaeda could take. The options available depict a decision point with two extremely different outcomes, or payoffs for each terminal node. The outcome of one branch ends with the maintaining the status quo, which equates to a payoff of StQ=(1). The other branch illustrates a decision to attack the United States in an attempt to change world order. Al-Qaeda's payoff for the attack equates to ATKt=(5).

The equation demonstrates that al-Qaeda took a dominant strategy to attack because of the potential of upsetting the status quo and having a higher payoff of five. The question at this point of the equation is whether America would respond passively or decisively.

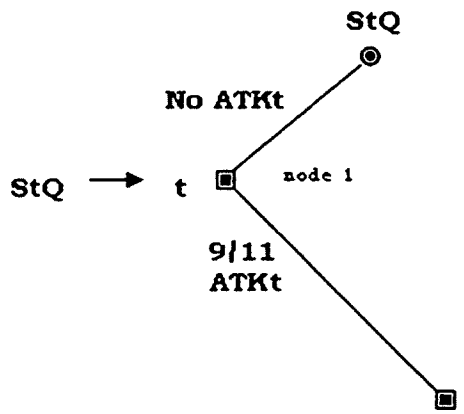

Figure 2. Pre-9/11 Posture

The question of rationality of the actors also comes into play. For the purposes of the game tree models, rationality is determined by the goals set by the actors. If an actor consistently does what is in its best interest, they are considered rational. The United States is regarded as a rational actor because it seeks to protect itself from future terrorist attacks and maintaining the status quo. America benefits from the status quo and wants to maintain its preeminent position on the world stage. The brutality of 9/11 suggests that the terrorists are not rational actors; however, hypotheses of international relation theory suggest that al-Qaeda is a rational non-state actor because it consistently does what in its best interest.

Figure 3 depicts the next decision at node 2, which belongs to the United States. The United States can acquiesce, accept the change in world order, or invade Afghanistan to capture members of al-Qaeda. Due to the collapse of the World Trade Center and the damage to the Pentagon, America took decisive action. The game tree illustrates the United States attacking the terrorists. This is the dominant strategy with the highest payoff of ATK-us=(4). This strategy is advantageous because it is the highest remaining payoff on the ordinal table, and it allowed the United States to take advantage of its preponderant military power to retaliate and gain a strategic advantage.

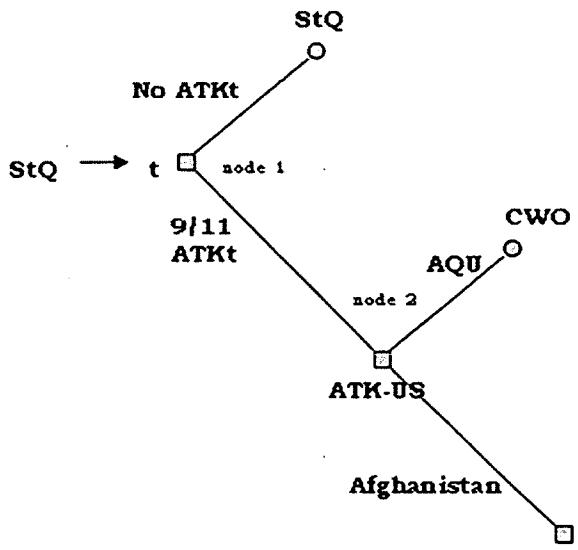

Figure 3. Post-9/11 Posture

Eventually, al-Qaeda must decide whether it will acquiesce, or further challenge the United States with additional terrorist attacks and risk increased U.S. military anticipatory action. The value of intelligence is substantial at this point, because an intelligence analysts or a national security strategist can evaluate al-Qaeda's past actions of to identify trends of behavior.[10]

For instance, in 1996, Osama bin Laden issued a fatwa that called for American soldiers to get out of Saudi Arabia.[11] In 1998, he issued a second fatwa directing his followers to kill Americans anywhere.[12] The fatwa summarized his objections to American foreign policy towards Israel, as well as restating his hostility towards the presence of American troops in Saudi Arabia. Furthermore, Osama bin Laden, received significant international attention after 9/11; therefore, it is unlikely he would acquiesce, because "audience costs" within his sphere of influence would be negatively impacted, and jeopardize his leadership position within al-Qaeda.[13] As a result, the

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10 See appendix D for a list of major terrorists act suspected of or inspired by al-Qaeda.

11 Osama bin Laden's 1996 Fatwa, accessed August 10, 2011, www.pbs.org/newshour/terrorism/international/fatwa_1996.html.

12 Osama bin Laden's 1998 Fatwa, accessed August 10, 2011,www.pbs.org/newshour/terrorism/international/fatwa_1998.html.

13 The term "audience cost," was first introduced in 1994 by James Fearon in "Domestic Political Audiences and the Escalation of International Disputes."

model assumes al-Qaeda will not acquiesce due to past trends of behavior.

Ultimately, the United States and the terrorists seek to maximize gains and minimize losses under conditions of uncertainty and incomplete information. Both actors base strategic decisions on the most advantageous situation with the highest payoff—as referenced in the sequential numerical ordinal payoffs in table 1.

At first glance, the game tree models seem quite simple; however, when coupled with relevant intelligence, and diverging ordinal payoffs, numerous hypothetical possibilities are exposed. For instance, the game tree in figure 4 indicates al-Qaeda prefers to attack the U.S. rather than to accept the status quo ATKt(5) > StQ(1). As the most powerful nation in the world, the United States prefers the status quo, to acquiescing, or a change in world order (StQ(5) > AQU(2) + CWO(1). However, Once the status quo is destabilized by the attacks of 9/11, the United States attacks al-Qaeda rather than acquiescing or accepting a change in world order, (ATK-us(4) > AQU(2) > CWO(1)). At node 3, the United States and al-Qaeda reach Nash equilibrium. This means that both actors have identified which

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It describes situations where leaders on the international political stage can damage their reputation as a leader if they back down in an international crisis.

strategy will best serve their interests; understanding that there is no immediate benefit in cooperating (negotiating) with the opposing actor.

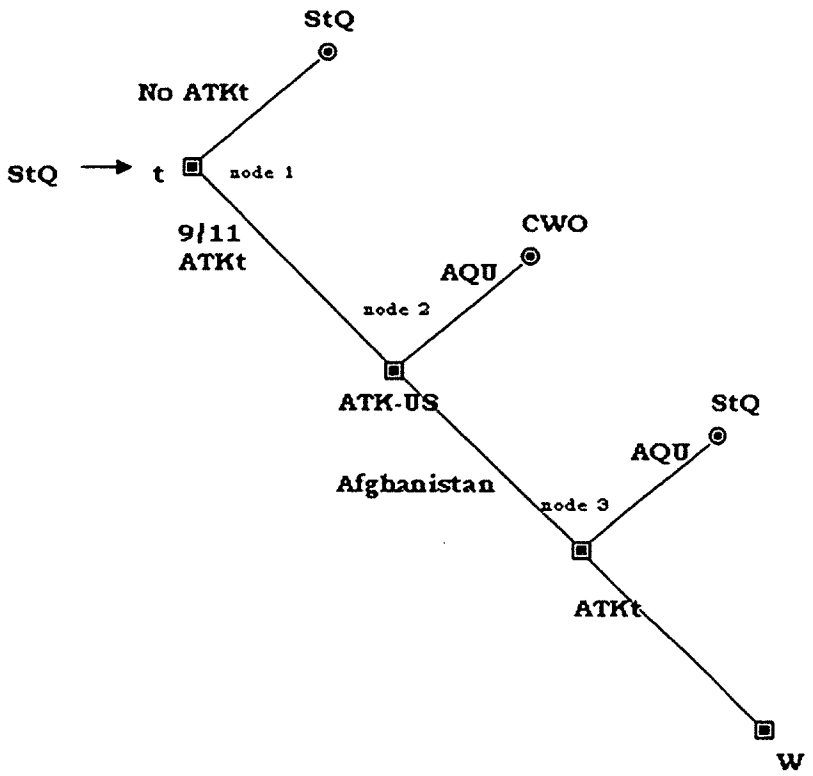

Figure 4. Protracted GWOT

Nash equilibrium is also the point in which each actor assumes to know the strategies of the other actor. Both reasons they cannot

gain a higher payoff by unilaterally deviating from their own strategy.[14] Both actors recognize the other actor will not willfully acquiesce, and accept the second least desired payoff, AQU(2). Neither can benefit by changing their strategies while the other keep theirs unchanged. Consequently, both prefer war to acquiescence (W(3) > AQU(2)). This does not necessarily imply that Nash equilibrium is the most advantageous outcome for the United States or al-Qaeda. Instead, Nash equilibrium suggests conflict is the most likely option each actor will take.[15] One can make a strong case that Nash equilibrium indicates the decision point in which America resolves to implement the DoP as articulated in the following passage of the 2002 NSS:

> [The United States] will not hesitate to act alone, if necessary, to exercise our right of self-defense by acting preemptively against such terrorists, to prevent them from doing harm against

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14 Thomas C. Schelling, *The Strategy of Conflict*, (New York: Oxford University Press, 1963), 287.

15 James D. Morrow, *Game Theory for Political Scientists. Princeton,* (Princeton, NJ: Princeton University Press), 1994, 81.

> our people and our country."[16] The greater the threat, the greater is the risk of inaction—and the more compelling the case for taking *anticipatory action* to defend ourselves. (italics added)[17]

Game theory is most effective, when a model has relevant intelligence that provides facts and indicators of an opposing actor. Modeling the observable and potential outcomes between the United States and al-Qaeda demonstrates how game theory can benefit analysts and policymakers. The model clearly demonstrated the DoP was an active strategy of anticipatory military action to combat al-Qaeda. It also illustrates there were limited strategic possibilities regarding cooperation between the United States and al-Qaeda. The ordinal payoffs support this assertion. For example, if one presumes that al-Qaeda believed an attack would initiate a U.S. retaliation or war, the following premise is established: $(ATKt(5) \mid W(3) \geq CWO(4))$. The symbol (|) means given; therefore, the equation reads: attack, given the result of war, is greater or equal to a change in

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16 George W. Bush, *The National Security Strategy of the United States of America*, September 2002, 6.

17 Ibid, 15.

world order in preferred value—meaning a drawn out war with the United States is essentially a change in world order.

As the game unfolds, numerous subjective phenomena become more significant. For example, an analyst may assume that a change in world order means that the United States loses it super power status. However, for al-Qaeda, a change in world order could denote diluting U.S. primacy in the Middle East, as called for in bin Laden's fatwa.

Again, this is where intelligence plays a vital role. Prior to 9/11, Osama Bin Laden openly asserted in his fatwa that one of al-Qaeda's overarching objectives was to drive the West out of Muslim lands, and establish a new caliphate guided by Sharia law.[18] Accordingly, this may lead analyst to assume that bin Laden's religious beliefs were the sole motivating factor for 9/11. By making assumptions based on narrow data points, analysts can miss important intangibles. This is known as mirror imaging, or assuming that a nation-state or individual will act in a certain way.[19]

With detailed analysis, the game tree model reveals that al-Qaeda had several objectives on 9/11. The first was to promptly

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18 Osama bin Laden's 1996 Fatwa, accessed August 10, 2011, www.pbs.org/newshour/terrorism/international/fatwa_1996.html.

19 Mark M. Lowenthal, *Intelligence: From Secrets to Policy*, (Washington D.C.: CQ Press, 2006), 8.

destroy the economic, military, and governmental infrastructures, of America, and rob it of its position as global leader. If this goal proved unattainable, another goal was to dilute U.S. primacy through a drawn-out struggle. Thus, the first two goals could seduce the United States into a never-ending expedition to defeat terrorism, which could lead to overstretch, and ultimately cause the United States to reduce its presence in the Middle East; which meets another objective of bin Laden's fatwa.

David Fromkin, in *The Strategy of Terrorism,* declares that terrorists use its opponent's strength against itself. Terrorists attempt to achieve goals not solely through violent acts, but also through an opponent's responses to terrorist acts. Therefore, it is quite possible that al-Qaeda had several objectives it wanted to achieve. First, they wanted to acquire prestige among terrorists groups by demonstrating their ability attack the United States on 9/11. Second, they wanted to diminish U.S. influence in the Middle East, and lastly they wanted to lure Washington into a long-term bleeding war that could erode its global influence.

The attacks of 9/11 caused the United States to increase its defense expenditures drastically, institute onerous and unpopular domestic security procedures, and entangled it in long-term overseas

military operations. Consequently, one can surmise that al-Qaeda may have achieved some of its objectives by creating a geopolitical situation in which U.S. and al-Qaeda's interests remain in stark opposition for years to come.

Thus, game theory modeling demonstrates its value as a theoretical tool capable of identifying judgments of the long-term strategic intent of adversaries. This process allows analysts to convey their judgments to policymakers in terms that are more encompassing and more readily understood. More importantly, it diminishes the possibility of ignoring certain hypotheses, particularly those that run counter to the predominant climate of opinion.

SUMMARY

Strategy is the essence of international politics and the purpose of this chapter was to display game theory as a useful analytical tool that can bring forth significant insights. Various game theory models can evaluate a variety of situations, and the possibilities are vast. There is no exact or correct design for game theory models. The design options enable one to see the consequences for the behavior of

the actors depicted in the model; however, the real test for any model is whether it adds to the understanding of the evaluated event.

Using a structured methodology such as game theory does not guarantee specific results, because the models do not perform analysis for analysts, but assists them not to overlook issues that are counter to the predominant climate of opinion.[20] The models provide a method to identify relevant factors and assumptions, formulate and consider different outcomes, weigh evidence, and make decisions based on available information.

Game theory is valuable in the sense that it may assist in the preparation of war or distill the perceptions of threats. Michael Howard in *Causes of Wars,* appropriately points out that "The causes of war remain rooted in perceptions by statesmen of the growth of hostile power."[21] Game theory models provide a better understanding of threats through constructed gaming methodologies, which give analysts and policymakers the ability to study probabilities that affect the DIME elements of national power, empowering them to make advantageous decisions based on well-thought-out assessments.

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20 Robert D. Folker Jr., Intelligence Analysis in Theater Joint Intelligence Centers: An Experiment in Applying Structured Methods. Joint Military Intelligence College (Washington DC: Center for Strategic Intelligence Research) 2000, 2.

21 Michael Howard, *The Causes of Wars and Other Essays (*Cambridge, Massachusetts: Harvard University Press, 1983), 28.

Obviously, specific intelligence about threats to U.S. security is better than calculating probabilities of game theory; however, when specificity is not attainable, game theory empowers intelligence organizations to think through possibilities, and develop relevant courses of action to mitigate threats.

CHAPTER VIII

FINDINGS

For lack of guidance, a nation falls, but many advisers make victory sure.

—Proverbs 11:14[1]

BACKGROUND

These findings offers specific acumen on chapters III through VII, to disclose relevant issues covered in the research.

FUNCTIONS OF U.S. NATIONAL SECURITY POLICY: THE COLD WAR TO THE GWOT

National security policies coordinate the direction of a nation's resources toward the attainment of political goals. The examination of past precedents set forth by numerous U.S. Presidential

1 Tyndale House Publishers, Inc., *Life Application Bible* (Wheaton, Illinois, 1996), 1090.

administrations revealed insights on functions of national security policy, and how U.S. policies have impacted the international system.

Distinct U.S. presidential administrations have used a variety of strategies to guide the use of American national power to achieve specific objectives. From Harry Truman to George W. Bush, Presidents have contended with creating the optimal procedures for protecting the United States. One commonality between all the U.S. presidents was their ability to create strategies to shape global events in ways favorable to American principles and interests.[2] [3] The United States has successfully carried out its national security policies, as a direct result of how it used the DIME elements of power to strengthen its position on the world stage. [4] From the implementation of the Monroe doctrine, to the post-World War II Cold War security environment, to the attacks of 9/11, America has used a variety of strategy to ensure its survival in the anarchic international system.

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2 Robert Kagan, *Of Paradise and Power: American and Europe in the New World Order* (New York: Random House, 2003), 61.

3 See table 3, appendix B for a list of Major National Security Council Authorities.

4 Sam C. Sarkesian and others, *U.S. National Security: Policymakers, Processes, and Politics* (London: Lynne Rienner Publishers, 2002), 33.

A strong argument can be made that America's extraordinary military power shapes its political view of global security.[5] Thus, the United States often defaults to the military element power as an extension of international politic discourse. Indeed, one of the most famous edicts on war is Baron Carl von Clausewitz's *On War*, where the concept of war is recognized as a political instrument—"a continuation of politics by other means."[6]

Robert Art and Kenneth Waltz in *The Use of Force,* posit a similar assertion as Clausewitz, by emphasizing the importance of national power. The authors suggest fungible power continuums demonstrate how the functions of power can influence or forestall possible confrontations from other nations.[7] The authors add:

> Military power is fungible to a degree because its physical use, its threatened use, or simply its mere presence structure expectation and influence and political calculations of actors.

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5 Robert Kagan, *Of Paradise and Power: American and Europe in the New World Order* (New York: Random House, 2003), 61.

6 Peter Paret, *Clausewitz and the State* (London: Oxford University Press, 1976), 25.

7 Robert J Art and Kenneth N. Waltz, *The Use of Force: Military Power and International Politics*, 6th ed. (New York: Rowman & Littlefield, 2004), 7.

The gravitational effects military power means that its influence pervades the other policy realms.

During the Cold War, the United States had clear, coherent policies that focused on containing and deterring the expansion of the Soviet Union. After 9/11, the United States found itself in an unfamiliar position, forcing Washington to use military power to mitigate terrorist threats to its global preeminence.[8] The DoP allowed the United States to take advantage of its unrivaled power to demonstrate the seriousness of its intent to combat global terrorism.

America's rationale for choosing the DoP rather than deterrence, stem from the differences between the threats, assumptions on how to confront those threats, and the amount of time (or urgency) needed to obtain results from each strategy.

From the Cold War to 9/11, each presidential administration adapted its national security policies to address specific challenges. Although the DoP was the top priority of the Bush administration, and deterrence the top priority during the Cold War, both strategies

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8 U.S. Department of Defense, *Quadrennial Defense Review Report* (September 30, 2001), 30, 62.

were devised to address specific threats. Ultimately, both strategies had the common goal of safeguarding the United States and preserving its global primacy.

The DoP provided a vigorous response to a proliferating terrorist threat. It allowed the United States to act in its best interest and not subordinate itself to nations or organizations whose goals where different. Nevertheless, there are costs associated with using an anticipatory strategy such as the DoP. The strategy's overreliance on military power alienated traditional allies, leaving the United States isolated and unilaterally burdened during the GWOT.

American military might was on display during the GWOT; however, questions remain on whether the DoP is the most effective strategy to produce regime change. This is particularly true for nations that have formidable militaries. In Iraq, the United States defeated Saddam Hussein in short order; however, after the Iraqi government was decimated, epidemic of violence settled in the country.

Military encounters bring with them a litany of spillover effects such as civil unrest in a conquered country.[9] The case of Iraq is an

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9 Robert J. Art and Kenneth N. Waltz, *The Use of Force: Military Power and International Politics*, 6th ed. (New York: Rowman & Littlefield, 2004), 14.

example where regime change was an undertaking laden with unexpected costs and unintended corollaries. Consequently, maintaining the peace was a daunting task causing stabilization to take longer than expected.

The failure to anticipate and plan for Iraq's postwar challenges led to anarchy and the emergence of intense insurgencies, causing many Iraqis to view the United States as an invading nation, and long for a day without U.S. influence in their country. This phenomenon is not new for the United States. Congressman John P. Murtha and John Plashal wrote about this issue in *From Vietnam to Nine Eleven*. Their work endorses the perception that "A force initially viewed as liberators can rapidly be relegated to the status of invaders should an unwelcome occupation continue for a prolonged time."[10]

Prior to Iraq, the war in Vietnam prominently displayed this deficiency, and the negative sentiment expressed regarding the use of anticipatory military action may be in part a direct expression of the legacy of Vietnam. The Vietnam War is especially significant because contemporary foreign policy issues are still viewed and debated through the prism of the Vietnam conflict. Since Vietnam, American

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10 John P. Murtha and John Plashal, *From Vietnam to Nine Eleven* (University Park: Pennsylvania University Press, 2006), 230.

policymakers are more sensitive to the political consequences of putting American lives at risk in tenuous military operations.[11]

Due to continued instability in the Middle East, the United States may find itself in a situation very similar to the one that occurred in Vietnam, where successive U.S. Presidents commit America to long-term military operations to defeat global terrorism, thereby making anticipatory military action weighty topic of debate.

Using the DoP for regime change, as demonstrated in Iraq, equated to numerous political consequences. For one, regime change is connected to nation building and peacekeeping. Nation building is inherently manpower-intensive; therefore, if the United States plans to use military anticipatory action to accomplish regime change in the future, it should place a high priority on incorporating multinational forces to share the burden.

The idea of using multinational forces in future combat has gained footing in the academic community. Thomas Barnett's book *The Pentagon's New Map* advocates international participation in future conflict. Barnett calls for use of an overwhelming aggressive "leviathan" force of U.S. personnel and its competent allies to subdue

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11 Paul D. Williams, *Security Studies* (New York, Routledge 2008), 59-67.

enemies, and an "administration" force (for example, the UN or NATO) to wage peace, and rebuild a nation after a conflict.[12]

Some members of the Stanley Foundation's Independent Task Force argue against multinational cooperation, and assert the events of 9/11 did not fundamentally alter the hierarchical order of the international status quo.[13] They maintain the United States has sufficient power to protect its vital interests without depending on other nations or international institutions.[14]

Others caution against a prolonged use of U.S. military power because it can lead to "imperial overstretch." They added, relying on such a strategy, "is exhausting scarce economic resources by taking on too many simultaneous international commitments, which may create battle fatigue among the American people who are not equipped to bear the financial and psychological costs of what some have called 'empire lite'."[15]

In *The Choice*, Zbigniew Brzezinski argues the United States should take a balanced approach towards issues of security. He emphasizes, for the United States to realize its goals it must foster a

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12 Thomas Barnett, *The Pentagon's New Map* (New York: Berkley Books, 2004), 302.

13 Lawrence J. Korb and Michael Kraig. "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 25.

14 Ibid.

15 Ibid, 31-32.

stronger relationship with its traditional allies.[16] Another lesson learned from Iraq lies in how the invasion was presented to the international community. In *Architects of Delusion,* Simon Serfaty asserts that although other U.S. Presidents would have taken the same position as George W. Bush after the 9/11 attacks; President Bush, by his own admission was mistaken in inviting U.S. adversaries to "bring it on," and publically dismissing the concerns of traditional U.S. allies.[17]

The failure to agree on multilateral cooperation in the GWOT complicated the ability to forge a common U.S.-European strategy to combat global terrorism. The war caused a transatlantic rift between the United States and its European allies, which was evident when the traditional allies of the United States did not support the invasion of Iraq. In *The Vital Partnership,* Serfaty argues the transatlantic rift was due to failure on the part of Europe as well as the United States. He bases his rationale on an assessment of Europe's consistent failure

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16 Zbigniew Brzezinski, *The Choice: Global Dominance or Global Leadership* (New York: Basic Books, 2004), 219.

17 Simon Serfaty, *Architects of Delusion: Europe, America, and the Iraq War* (University Park: Pennsylvania University Press, 2008), 4.

to construct a competent multilateral military framework on which the United States could rely in a crisis.[18]

Serfaty maintains that when Europe depended on the United States for security during the Cold War, it benefited from America's military power; however, when the United States needed European support, they quickly forgot their indispensable Cold War partner. Serfaty suggests that Europe and other nations should not "embrace an ill-defined but tempting phobia known as anti-Americanism while the U.S. responds to its own temptation to go it alone or without its allies of choice."[19]

In 2002, the Center for Research and Education on Strategy published a paper a paper titled, "Future Military Coalitions that included participants from the United States, the United Kingdom, France, and Germany. The report concluded that the United States has the military power to combat international threats unilaterally; however, after war, a peace must ensue. Moreover, the report asserts:

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18 Simon Serfaty, *The Vital Partnership: Power and Order* (Rowman and Littlefield, 2005), 34.

19 Ibid, 59.

> Although the U.S. may be able to win wars without significant allied contributions, it is unlikely in many situations to be able to win the peace without military (and non-military) assistance from European allies, whether those situations develop within or outside Europe.[20]

Ultimately, one can argue that strong multinational cooperation in future conflicts is a good strategy to take. More specifically, there are benefits to a unified NATO presence to soften the perception of overwhelming U.S. military power. Lastly, the United States should continue to embrace the strategy of deterrence against rogue nation-states, but retain the option to incorporate military anticipatory action (with the assistance of its allies) to combat terrorism when necessary.

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20 U.S.-CREST, Report of a French, German, UK, and U.S. Working Group, "Future Military Coalitions: The Transatlantic Challenge," (September 2002, xxi), accessed January 20, 2011, http://www.uscrest.org/files/cesdp_final_report.pdf.

PERCEPTIONS AND EFFECTS OF INTERNATIONAL LAW AND LEGITIMACY

There are numerous historical cases where preemptive or preventive strategies have been used in warfare. The definitive case of preventive war is the Peloponnesian War. The conflict, as with most wars, was rooted in perceptions of threat. The expectation of future conflict on the Peloponnesus was due to the growth of Athens, which set the conditions for Sparta to fear the rise of Athenian power.

In the modern era, other examples include the Cuban missile crisis in 1962, the Arab-Israeli Six-Day War in 1967, the Israeli bombardment of the Iraqi nuclear reactor at Osirak in 1981, Kosovo in 1999, Operation Enduring Freedom in 2001, and Operation Iraqi Freedom in 2003.

Although nations have always used national power to protect their national interests there remains confusion over the legality of preemption and prevention in war. The UN has yet to establish clear guidelines on the legality of these strategies. This has drawn criticism of the UN over its inability to draw clear and universally applicable delineations between preemption and prevention, or to define criteria for acceptable use of force in self-defense.

There is some validity in the criticisms leveled against the UN, especially over its inability to enforce compliance with its mandates. The problem lies in the fact the UN has a legal as well as a political function, but the international system lacks an extensive judicial apparatus to enforce compliance of it laws. Even though the International Court of Justice is the principal judicial organ for the settlement of disputes among nations, it only has advisory jurisdiction, which limits its effectiveness. Ultimately, nations with grievances against one another rely upon diplomatic interchange to coerce cooperation.

The concept of international law is an important aspect of the debate over the GWOT and the DoP, which highlights the need for a more realistic working concept of international law within the international system. Chapter VII of the UN Charter authorizes the Security Council to establish binding international legal obligations needed for international peace and security, with the authority not only to compel actions of member states but also to mandate military action. In theory, these binding obligations are important to international stability; however, they are very difficult to implement. For instance, when the United States was dissatisfied with the UN's

position regarding Iraq, the UN's rules on the use of international force were not strong enough to avert the war.

Robert Kagan's *Of Paradise and Power* posits that strong and weak states view power differently. He reasons that the United States has a Hobbesian mind-set, seeing the world as a dangerous and anarchic place where force may sometimes be necessary, while Europe is in a Kantian phase, emphasizing the rule of law and diplomacy to solve disputes rather than the use of force.[21]

These differing perceptions outline a key point of dispute over the legitimacy of the U.S. invasion of Iraq. The invasion was viewed as illegitimate under international law by many nations in the UN. Consequently, the United States' pursuance of regime change in Iraq without UN approval caused many to question the UN's relevance. The U.S. action reinforced the commonly held belief that international laws have little effect upon the behavior of powerful nations. This is not a new phenomenon, because since its inception, the UN has been beset by its inability to mediate global standards of conflict and cooperation.

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21 Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York: Random House, 2003), 4.

Although the UN is not perfect and has numerous critics, it is the best available platform for nations to articulate their viewpoints on the world stage. The UN is valued for its ability to make nations within its structure more orderly. Nations around the world maintain trust in the UN's mission to preserve peace. Ever since the end of World War II, the UN has been the premier symbol of the acceptance of modern international law, incorporating the principles of sovereign equality between nations.

The UN is clearly a political and an adjudicating body. This reality is a source of both strength and weakness, as it is truly powerless without the support of its member states. This limitation creates a political competitiveness within the UN that distracts from its vital mission to establish universally acceptable international norms and laws of conduct. The case of Iraq is a prime example of the inherent dilemma that the UN faces, because there are no effective international legislatures to enforce international law, and no effective international judiciary to resolve disputes; instead, the basis of international law relies upon based on willing consent.

The UN Charter is often misconstrued as a legal constitution, but it is in fact an agreement between nation-states, based on a joint commitment to adhere to the international rules of law. The UN

attempts to balance the political concerns of sovereign nation-states—particularly the permanent members of the Security Council—to coerce cooperation and enhance the willingness of nations to adhere to its mandates.

The interpretation of UN Security Council Resolution 1441 prior to, during, and after the initial invasion of Iraq caused considerable consternation amongst the members of the UN, including the five members of the Security Council. This emphasizes the need for a more realistic working concept of international law.

The members of the UNSC should formulate an agreement that can effectively address the proliferating threat of terrorism, and threats posed by rogue nation-states. The agreement should not be prone to subjective interpretation by individual states according to their exclusive national interests, and it should not mitigate a nation's right to use force in self-defense. Advocates of this approach prefer that the United States coordinate future military actions through the UN as it did prior to the first Gulf War in 1991, and as it attempted in achieving the passage of UN Security Council Resolution 1441.[22]

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[22] Lawrence J. Korb and Michael Kraig. "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 39.

Some argue that this approach would reaffirm the U.S. commitment to the UN and the international community. In addition, it would strengthen America's capacity to integrate other nations and institutions into arrangements that are coherent with U.S. interests and values. The task force at the Stanley Foundation asserts:

> If the United States strengthens its alliances and adapts international rules to new realities, it will not need to maintain a costly military dominance. It can reduce its defense budget, which is already bigger in 2003 than the military budgets of the next 20 largest spenders combined, and consider reducing its global military presence. The funds that are freed up can be applied toward the nonmilitary component of the annual foreign affairs budget, including bilateral and multilateral foreign lending and assistance, as well as increased funding for the Nunn-Lugar program, which helps to control the spread of fissile materials. These previously unavailable monies can help alleviate those conditions in countries that spawn radicalism,

such as disease, poverty, and lawlessness, thereby making a significant long-term contribution to our national security.[23]

This opinion advocates for a multilateral strategy that endorses cooperation as the most effective way of maintaining U.S. primacy, because international cooperation enhances perceptions of legitimacy. In addition, it makes multilateral participation in nation building, combatting global terrorists, and deterring rogue nation-states more palatable so that the United States would not have to meet these challenges alone. Furthermore, it mitigates resentment from nations that may be tempted to seek a balance of power against the United States. Lastly, it provides a credible model for rising strategic competitors such as China and Russia.[24]

Skeptics of this approach argue that adherence to multilateralism subordinates U.S. interests to collective interests; however, a case can be made that multilateral cooperation does not

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23 Ibid, 40.
24 Ibid.

foreclose the option of military anticipatory action, or constrain the United States from taking direct action when needed.[25]

In the fight against terrorism, the United States needs international cooperation in all the DIME elements of power. Therefore, rather than combating terrorism alone, the United States should recognize that America's security is enhanced through multilateral partnerships that emphasizes U.S. interests leveraged to preserve the United States' position as global leader.

MILITARY ANTICIPATORY ACTION: CONDITIONS FOR PREEMPTION OR PREVENTION

Since the issuance of the 2002 NSS, the DoP has attracted considerable attention as America's major post-9/11 national security doctrine. The research has demonstrated that the strategy was a merger of preemptive and preventive strategies that expanded the boundaries in which the United States could apply military force. The DoP allowed America to adapt to threats from terrorists and rogue

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25 Ibid, 41.

nation-states. The 2002 NSS validates these premises in the following quotation.

> We must *adapt* the concept of imminent threat to the capabilities and objectives of today's adversaries. Rogue states and terrorists do not seek to attack us using conventional means. They know such attacks would fail. Instead, they rely on acts of terror and, potentially, the use of weapons of mass destruction—weapons that can be easily concealed, delivered covertly, and used without warning.[26]

The definitional, and legal differences of the strategies under international law are quite clear, however, strategically preemption, and prevention share a common logic. They both give an advantage by permitting the attacker to initiate conflict on terms that are more favorable. Furthermore, the uncertainties involved in executing either strategy are similar because questions regarding whether a threat is imminent or inevitable are seldom answerable with absolute certainty.

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26 Ibid, 15.

For instance, a nation-state may be certain that another nation will attack but may not know when that alleged attack will take place. Therefore, if an attack occurs sooner than expected, what was earlier considered to an inevitable possibility can suddenly become an imminent reality. In such cases, assigning a preemptive or preventive strategy label may be challenging. Moreover, for a nation that is potentially under threat of an attack, the distinction between the terms will not stop a nation under threat of attack from defending itself.

The DoP placed great emphasis on military superiority, and it was an arguably effective military strategy. It advocated a distinct American view of international order that promoted the destruction of terrorists and of rogue regimes that support global terrorism, and accomplished much of what it was designed to achieve.[27] The DoP facilitated the destruction of numerous al-Qaeda bases in Iraq in 2004 and caused the death of Musab Abu al-Zarqawi, who was killed by preemptive U.S. air strikes. In addition, the second-in-command of al-

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27 George W. Bush, The National Security Strategy of the United States of America (September 2006), ii.

Qaeda in Iraq, Hamed Jumaa Farid al-Saeedi, was arrested north of Baghdad, along with a group of his aides and followers in 2006.[28]

Given the extent of U.S. military power, it is unlikely that the United States will take the military anticipatory action option off the table; rather, it is likely to continue military anticipatory action as long as terrorist threats are undermining U.S. interests. The rationale for this assessment can be validated on the sheer magnitude of U.S. military capability and expenditures. The massive buildup of U.S. power, as displayed in table 2 seems far out of proportion to what is required for purely defensive purposes.

The U.S. has the ability to project power abroad and one can expect that it will use this power. Therefore, one can reasonably speculate that anticipatory military action will be used when deemed necessary—as great powers have an incentive to act aggressively in securing their national objectives.[29]

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28 USA Today, "Suspected No. 2 al-Qaeda leader arrested," September 4, 2006, accessed July 17, 2011, www.usatoday.com/news/world/iraq/2006-09-03-al-qaeda-arrest_x.htm.

29 John Mearsheimer, *The Tragedy of Great Power Politics* (New York: W.W. Norton & Company, 2001) 21-22.

Table 2. Top Military Expenditures: 2001-2009 ($ Billions)[30]									
Country	2001	2002	2003	2004	2005	2006	2007	2008	2009
USA	385.1	432.4	492.2	536.4	562.0	570.7	585.7	629.0	679.5
China	41.1	47.8	51.9	57.5	64.7	76.0	87.7	96.6	116.6
France	57.4	58.6	60.3	62.0	60.7	61.0	61.2	60.6	64.7
UK	46.0	49.0	52.6	53.2	53.6	54.0	55.7	58.2	59.3
Russia	32.2	35.7	38.0	39.5	43.1	47.2	51.2	56.8	59.5
Japan	55.3	55.9	56.0	55.5	55.3	54.6	53.8	53.1	54.3
German	46.4	46.5	45.9	44.5	43.8	42.8	42.8	44.1	45.7

Unquestionably, the United States has the military power to combat terrorism; however, there are perceptional limitations to the use of its overwhelming military power. As noted earlier, military encounters result in spillover effects, problematic situations, and political consequences that influence other domains. Therefore, as the threat of terrorism continues to be a disruptive and long-term threat to global peace and stability, like-minded nations should collectively

30 Stockholm International Peace Research Institute, SIPRI Military Expenditure Database, 2011, Appendix 5A, assessed September 10, 2012, http://milexdata.sipri.org/files/?file=SIPRI+milex+data+1988-2011.xls.

work together because no nation is immune from this proliferating threat.

A QUESTION OF INTELLIGENCE

There were glaring challenges within the intelligence community prior to 9/11 and throughout the GWOT. The dysfunctional relationship between the intelligence community and U.S. policy makers and intelligence failures were obvious. Even today, there remains a heated debate over whether high-level U.S. policymakers manipulated intelligence and heightened the perception of threat in order to make a case for going to war in Iraq. Some have argued the war in Iraq was unnecessary, and it was a war of choice.[31]

After 9/11, it was obvious the intelligence community needed enhancement. After recognizing the relationship between the intelligence community and policymakers was dysfunctional, President Bush stressed the need for reforms to allow the United States to predict the dangers posed by "shadowy networks of

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31 Richard N. Haass, *War of Necessity, War of Choice: A Memoir of Two Iraq Wars*. (New York: Simon and Schuster, 2010), 13.

individuals [who] can bring great chaos and suffering to our shores."[32] As a result, President Bush enacted the *Intelligence Reform and Terrorism Prevention Act* in 2004. The reform act required all U.S. intelligence organizations to forgo past cultures of autonomy to establish greater interagency collaboration; in addition, it called for a proactive approach to international intelligence collaboration. Subsequently, John Negroponte's *National Intelligence Strategy* declared the primary role of the U.S. intelligence community was to integrate domestic and foreign dimension of U.S. intelligence, and bring depth to intelligence analysis.[33]

Beyond the need to have high-quality intelligence apparatus, a debate emerged between intelligence professionals. Some intelligence analysts believe qualitative intelligence analysis is more effective, while other analysts believed quantitative scientific approaches to intelligence analysis is more effective. Qualitative analysis, is viewed more as an art than a science, and is used most often in the political and military arena. Quantitative analysis is a structured approach that is generally applied to scientific and technical intelligence challenges.

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32 George W. Bush, The National Security Strategy of the United States of America (September 2006), introduction.

33 Office of the Director of National Intelligence. *National Intelligence Strategy of the United States of America: Transformation through Integration and Innovation.* Washington, D.C.: Government Printing Office, 2005, 1.

Of the two approaches, qualitative analysis provides the most useful intelligence to policymakers. Ultimately, improving analysis is the long-term goal of the intelligence community; therefore, this research advocates for integrating qualitative and quantitative techniques to produce quality analysis for policymakers.

GAME THEORY AND NATIONAL SECURITY STRATEGY

In the wake of 9/11, security analysis has become more complex; therefore, the contemporary security environment requires sophisticated analytical tools. Game theory is a valuable tool in identifying threats, and allowing a modeler to assess a range of security dilemmas by evaluating past strategies and occurrences so that future probabilities are considered. Strategy is the essence of international politics and various game theory models can evaluate a variety of strategic dilemmas between actors.

Critics of game theory assert the discipline does not reflect real-life. They argue that game theory techniques cannot account for the infinite number of variables involved in complex problems of human

interaction.[34] Supporters of game theory believe the method compels one to evaluate past and current events to gain better insight into specific occurrences and predict outcomes. Both arguments have merit; however, this research supports the premises that game theory allow modelers to arrive at likely probabilities of particular events, based on assessments of relevant data. This assertion is reinforced based on the game theory analysis in chapter VII of this study. The model of the conflict between the United States and al-Qaeda demonstrates the value of game theory as a tool capable of identifying adversarial intent. In addition, this dissertation drew data from a controlled experiment at the National Intelligence University that suggested structured analytical methodologies such as game theory improved qualitative intelligence analysis.[35]

When combined with qualitative analysis, game theory allows analysts to convey their judgments to policymakers in terms that are more encompassing and more readily understood. More importantly, it diminishes the possibility of discounting certain hypotheses, particularly those that run counter to the predominant climate of

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34 Robert D. Folker Jr., *Intelligence Analysis in Theater Joint Intelligence Centers: An Experiment in Applying Structured Methods.* Joint Military Intelligence College (Washington DC: Center for Strategic Intelligence Research) 2000, 1.

35 Ibid, 29.

opinion. Consequently, a case be made that game theory gives analysts and policymakers the ability to span a horizon of probabilities, empowering them to make advantageous decisions based on well-thought-out assessments. Obviously, specific intelligence is far better than calculating probabilities and payoffs; however, when specificity is not attainable, game theory can empower decision-making under uncertainty, allowing analysts to develop relevant courses of action to mitigate threats.

CHAPTER IX

CONCLUSIONS

BACKGROUND

This chapter readdresses the research question and hypothesis, methodology, data collection, and analysis. It includes insight on theoretical contributions, instrumentation, research limitations, and recommendations for future research.

RESEARCH QUESTIONS AND HYPOTHESIS

The examination of security strategies is neither simple nor unproblematic; however, the research question provided direction for the analysis and the impetus for this qualitative historical study on the 2002 NSS. This research did not follow a simple checklist to arrive at feasible assumptions, but delved into a wide-range of theoretical and empirical literature to answer the following research question:

– Research Question: Was the Doctrine of Preemption a preemptive strategy, a preventive strategy, or an amalgamation of both strategies?

– Null Hypothesis: H0 = The Doctrine of Preemption was not a preemptive strategy, or a preventive strategy. It was an amalgamation of strategies of preemption and prevention.[1]

– Alternative Hypothesis: HA = The Doctrine of Preemption was solely a preemptive strategy, just as its name denotes.[2]

This research was a historical investigation of the global post-9/11 security environment from 2001 through 2008. It focused on how the 2002 NSS merged what is traditional known as a "preemptive" security strategy with a "preventive" strategy to create a distinctive American strategy of anticipatory action called the DoP.

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1 The null hypothesis (symbolized as H0) is a hypothesis set up to be nullified or refuted in order to support an alternative hypothesis. When used, the null hypothesis is presumed true until evidence indicates otherwise.

2 The alternate hypothesis (symbolized as HA) and the null hypothesis are the two rival hypotheses.

This research establishes the DoP was not a preemptive strategy, or a preventive strategy, but an amalgamation of preemption and prevention strategies. The following passage from the 2002 NSS clearly answers the research question and proves the DoP was an amalgamation of preemption and prevention strategies.

> [The United States] will not hesitate to act alone, if necessary, to exercise our right of self-defense by acting *preemptively* against such terrorists, to *prevent* them from doing harm against our people and our country."[3] The greater the threat, the greater is the risk of inaction—and the more compelling the case for taking *anticipatory action* to defend ourselves. (italics added)[4]

To reinforce the research question beyond what is articulated the passage above, this study focused on the historical aspects of U.S. national security policies. This approach demonstrated how threats to national security spurred various U.S. Presidential administrations to

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3 George W. Bush, "The National Security Strategy of the United States of America," September 2002, 6.

4 Ibid, 15.

create policies to confront emerging threats. In addition, this study analyzed the traditional definitions of preemptive and preventive strategies, as well as the legal conditions under which they are used.

METHODOLOGY

This research followed a qualitative research design, which relied significantly on deductive logical analysis of historic literature to establish facts regarding underlying assumptions and perspectives of the 2002 NSS and the DoP, which touched upon many controversial issues relating to the U.S. GWOT.

DATA COLLECTION

The collected data for this study came from various primary and secondary sources. The literature focused on two relevant areas: hypotheses of international relations theory that related to generalized concepts of conflict and cooperation, and specific opinions that related to historic U.S. national security dilemmas and

post-9/11 national security policies. The literature included information from government documents, databases, historic literature, and contemporary professional journals.

DATA ANALYSIS

The level of analysis for this study focused on actions of the U.S. in the post-9/11 security environment. The essence of the data analysis came from the qualitative triangulation of historical and contemporary events. The research analyzed past strategic options used by American Presidential administrations, and focused on contemporary post-9/11 geopolitical factors and conditions that affected the implementation of the DoP.

THEORETICAL AND EXPERIENTIAL CONTRIBUTIONS TO THE STUDY

The theoretical literature reviewed for this study was comprised of abstract concepts on international relations theory, which

explained conceptual frameworks that facilitate understanding of phenomena in world politics. The experiential policy-related literature provided specifics on how policymakers implement national security policy.

INSTRUMENTATION

Game theory is part of a larger body of decision-making theory. The modeling of events that led to the GWOT imparted an illustrative understanding of the diametrically opposed goals of the United States and al-Qaeda. The models demonstrated the options that both entities had to further their agendas. Both actors aspired to achieve ends based on self-interests, with limited strategic options.

CASE STUDIES

The case studies listed in appendix A provide evidence of how the perceptions of threat affect complex strategic dilemmas. The case studies are Cold War assessments that provide insight on historic U.S.

national security policies, which offer discernment on the theoretical assumptions of the research.

RESEARCH LIMITATIONS

Although this research encompassed numerous literary sources, there were no definitive conclusions made on the future use of the DoP. The literature provided specific information relating to the definitional meanings of preemption, prevention, and provided information on the concepts of imminent and inevitable threat. Much of the literature expressed conflicting opinions relating to the DoP. The following assertions are specific limitations to the study:

- The various scholarly perspectives were highly subjective, and no distinct theoretical framework fully addressed the litany of issues surrounding either the advantageous or the detrimental nature of the DoP. This limited specificity on measuring the effectiveness of the DoP.

– Not all aspects of game theory were explored. The discipline is ever evolving, and theoretical debates in the field are ongoing. As such, this study focused on game theory at an elementary level. To go beyond the basics for this study would have been too ambitious.

– Not all aspects of international law relating to conflict were addressed in the study; such an endeavor would have also been too ambitious an undertaking. Instead, this study focused on the norms of international law that related to the GWOT and the post-9/11 security environment.

– The study suggested that the UN should develop specific definitional agreements on how the international community should confront the proliferating threat of terrorism, but neglected to give specifics on how to achieve this goal.

– This study did not examine proposals to make global terrorism an international crime, or if establishing an international court to prosecute terrorists is feasible.

– Also beyond the scope of this study are other modalities to combatting global terrorism; such as funding the cost of combating global terrorism, or using economic power as a weapon. Instead, this study focused primarily on the military element of power, and elucidated upon how multilateral diplomacy and reliable intelligence supports the exportation of U.S. power abroad.

– This study examined the DoP as an overt strategy of military anticipatory action, but was unable to include covert or clandestine operations used in the GWOT.

As the case with all research, this study does have limitations that future research efforts may improve upon. In light of the limitations of this study, it remains clear that the emergence of terrorism led the United States to disregard it Cold War strategy of deterrence to embrace military anticipatory action through the DoP. Thus, this study only touched upon a fraction of the complexities that encompasses the phenomena of U.S. national security policy.

RECOMMENDATIONS FOR FUTURE RESEARCH

This research raised many questions regarding the future use of military anticipatory action. At present, it is unclear if the United States will continue to use anticipatory action as a staple of its national security, discontinue its use, or employ it more selectively. It is challenging to predict the future strategic option the U.S. may implement because one cannot know what threats may emerge in the coming decades. Areas of future research include:

– What are the future prospective uses of military anticipatory action in U.S. national security policy?

– Can effective intelligence and game theory provide substantial benefits with regard to understanding future adversaries and enhancing preparedness to confront them?

– Game theory offers considerable opportunities for future research in the realm of strategic and intelligence analysis, because it allows for unrestricted assessments of future

adversaries and causes modelers to think beyond standard assertions.

– What are the benefits and deficiencies of using multilateral organizations in defeating terrorists and rogue nation-states?

CONCLUSION

This study referenced a multitude of literature to evaluate whether the DoP was a preemptive strategy, a preventive of strategy, or an amalgamation of the two strategies. The research clearly demonstrates that the 2002 NSS merged preemption with prevention into a strategy of anticipatory action.[5]

The debate over preemptive and preventive strategies of war long preceded the DoP; however, substantive arguments in the literature focused on what was viewed as the Bush administration's merging of the two strategies under the umbrella of the DoP, despite their different legal definitions in international phraseology. The

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5 George W. Bush, The National Security Strategy of the United States of America (September 2002), 15.

literature contained conflicting opinions on what were considered inevitable threats posed by rogue nation-states, and what was considered imminent threats from terrorist actors. By conflating the threat from Saddam Hussein's Iraq with the threat of al-Qaeda, the Bush administration made the debate over the theoretical underpinnings of legality, legitimacy, and the implementation of the DoP a sustainable topic of discussion.

Once preemptive and preventive strategies were merged in the DoP, the strategy availed itself to a wider interpretation under international law. Although the two strategies have varying definitional parlance of international law, they share a common logic, as both afford an advantage to the aggressor. Both strategies are offensive in nature, allowing nations to initiate conflict on terms that are more favorable.

Both strategies involve executing military anticipatory action under conditions of threat. For instance, a nation-state may be uncertain of the timing of an inevitable attack from another nation, however, if that attack occurs sooner than expected; a once considered inevitable threat immediately becomes an imminent threat. In such cases, assigning a preemptive or preventive label to military anticipatory action is challenging. Furthermore,

differentiating between preemption and prevention is even more difficult when variables associated with perceptions of threats are taken in to account—thereby making a distinction between an inevitable and imminent threat imprecise.

Prior to 9/11, threats to the United States had historically been cyclical, in scope, whereas conventional national-security strategies had allowed the United States to keep its enemies at a distance to varying degrees of opposition. Accordingly, various U.S. Presidential administrations have created national security strategies to meet the emerging threats of their eras. Robert Kagan articulates this point, when he emphasizes that America's post-9/11 security strategy was a restatement of over half a century of habitual American national security policy, during which the United States consistently sought to shape global events in ways favorable to American principles and interests.[6]

Following the attacks of 9/11, the Bush administration believed that the Cold War strategy of deterrence was ineffective against terrorists and rogue nations. Consequently, the administration chose to institute the DoP, because it allowed the United States to take

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6 Robert Kagan, *Of Paradise and Power: American and Europe in the New World Order* (New York: Random House, 2003), 61.

advantage of its over-whelming military power to protect U.S. interests. Although, there are numerous historical cases where military anticipatory action has been used in warfare; the implementation of the DoP stimulated debated over what is a legal use of force under international law.

Currently, perceptions on the use of the offensive military force are so broad that they have lost analytic utility. The legal distinctions between preemption and prevention have led to considerable deliberation. Those who focus on the shortcomings of the DoP argue that the Bush administration's approach to the GWOT produced serious divisions between the United States and some of its key European allies. It can be argued that the Bush administration's post-9/11 course of action was neither the tremendous success story that its supporters claim nor the immoral conspiracy its harshest critics charge. As a strategy of anticipatory military action, the DoP allowed the United States to gain a strategic offensive advantage and put terrorists on notice. Ultimately, the DoP carved out a unique niche in the historical pantheon of U.S. security strategies.

Future national security options for the United States should include a range of strategic options. First, the United States should retain its option to use military anticipatory action, not as a cardinal

norm, but only when necessary. Second, the United States should engage in the active deterrence and containment of rogue nation-states.[7] Although deterrence does not offer sustainable protection against terrorists, it may be effective in dissuading certain rogue nation-states from upsetting the status quo. Third, the United States should pursue strategies of multilateral cooperation to address the proliferating threat of terrorism, because, in the long-term, multilateralism builds a global consensus that favors norms and institutions that support American values and interests.[8]

International terrorism is a phenomenon empowered by globalization; therefore, multilateral strategies should be used to eradicate it. Combatting global terrorism is one of the major security issues of this age, and the U.S. will have to rely on its vital transatlantic partners to meet the challenges of the 21st century. No nation, not even the United States, should prosecute a continuous war of such global significance by itself. This multilateral approach makes cooperation more likely in future international challenges.

A stabilization process with allied support has an impact on maintaining global stability, and enhances the likelihood the United

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7 Lawrence J. Korb and Michael Kraig, "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 25.

8 Ibid, 27.

States will not have to act alone in defense of its national interests. In addition, multilateralism reduces the risk of international resentment to U.S. power, and provides a persuasive model for rising strategic competitors to follow. Lastly, it allows the United States to reduce and share the economic costs of ensuring global stability.[9]

The United States and Europe need each other's partnership in dealing with emerging terrorist threats to the status quo. The United States and its allies must focus on their historic sense of common destiny. Maintaining a sustainable transatlantic alliance requires policies that reflect and acknowledge this mutual dependence, because without a sense of a Western community, America and Europe will be weaker, and vulnerable to future terrorist attacks.

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9 Lawrence J. Korb and Michael Kraig, "Winning the Peace in the 21st Century" (The Stanley Foundation, October 2003), 40.

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APPENDIXES

A. CASE STUDIES

The case studies provided in this appendix examine the opinions of supporters and opponents of preemptive and preventive strategies of conflict during the Cold War. The case studies enlighten this study's analysis on the qualities of the DoP as a strategy of anticipatory military action. Furthermore, they demonstrate how international crises develop when nation-states perceive that their security is threatened by the actions of another actor. In every circumstance, nations feel they need to defend themselves from the actions of other nation-states. In a crisis, the suddenness and magnitude of a threat, spurs the willingness to retaliate or negotiate.

The case studies suggest that most security dilemmas have similar dynamics of escalation. At the most basic level, nation-states have two strategies: confrontation or cooperation. One actor threatens the other to force accommodation, and the threatened actor attempts to constrain the other actors demands. This phenomenon underscores the strategic dilemmas that policymakers contend with during strategic dilemmas.

CONTEMPLATIONS OF AN AMERICAN-SOVIET PREVENTIVE WAR

Soon after the conclusion of World War II, American and Soviet relations began to decline. U.S. policymakers were concerned with the growing strength of the Soviet Union and saw the spread of communism as a threat to the United States. Increasing incidents of Soviet expansion in Eastern Europe amplified Western anxieties, as did advances in the Soviet Union's nuclear technology.

The possibility of a preventive war with the Soviet Union was a recurring theme of early Cold War strategic thought, and numerous U.S. policymakers and academics advocated for preventive action against the Soviet Union at several junctures during the late 1940s and early 1950s. Bertrand Russell believed that the West should go to war with the Soviet Union before it acquired an atomic bomb. Bertrand felt a Western victory would come more expeditiously with fewer casualties than if nuclear bombs were on both sides.[1]

After the Soviet Union tested its first atomic bomb in 1949, the response in the United States was one of apprehension, and it unsettled the Truman administration and the American public. In

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1 Nicholas Griffin, *Selected Letters of Bertrand Russell: The Public Years, 1914-1970* (New York, Routledge 2001).

addition, Josef Stalin's regular and aggressive rhetoric enlarged Western fears and raised uncertainties about Moscow's rationality.[2]

The range of national security options for the United States included increasing its conventional military strength, relying on its alliances, diplomacy, or taking advantage of America's technological air superiority to launch a preventive strike against the Soviet Union.[3]

None of the strategies was particularly appealing to the United States. Developing a large conventional force was fiscally impractical given the realities of post-World War economics. Furthermore, the United States and its allies could not likely match the combined personnel of the Soviet Union and its allies.[4] The concept of alliances was new at the time and had not settled in the minds of many postwar policymakers—nor had the principles of deterrence and containment matured. Most significantly, the United States' stockpile of atomic weapons was exceedingly small when calls for preventive war were most frequent; therefore, prospects of success in a preventive war were meager.[5]

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2 Karl P. Mueller, "Striking First: Preemptive and Preventive Attack in U.S. National Security Policy." RAND Note, No. F49642-01-C-0003 (Santa Monica, CA: RAND, 2006), 141.

3 Ibid, 142.

4 Ibid.

5 Ibid.

Another factor that weighed heavily on Washington was the question of what the United States would do after a conflict with the Soviet Union. Furthermore, the Europeans were in opposition to another war because they reasoned the destruction on the continent would be profound, and the task of occupying the vast territories of the Soviet Union would be beyond the resources of the United States and Western European nations.

President Truman's 1950 NSC-68 reflected some of these concerns. The policy included the following statement:

> The ability of the United States to launch effective offensive operations is now limited to attack with atomic weapons. A powerful blow could be delivered upon the Soviet Union, but it is estimated that these operations alone would not force or induce the Kremlin to capitulate and that the Kremlin would still be able to use the forces under its control to dominate most or all of Eurasia. This would probably mean a long and difficult struggle during which the free institutions of Western Europe

and many freedom-loving people would be destroyed and the regenerative capacity of Western Europe dealt a crippling blow.[6]

Some have argued that another major obstacle for preventive war was the fact that many American policymakers considered preventive war an immoral act, one inconsistent with U.S. values, and traditions.[7] Again, NSC-68 posits:

Apart from this, however, a surprise attack upon the Soviet Union, despite the provocativeness of recent Soviet behavior, would be repugnant to many Americans. Although the American people would probably rally in support of the war effort, the shock of responsibility for a surprise attack would be morally corrosive. Many would doubt that it was a "just war" and that

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6 NSC 68: United States Objectives and Programs for National Security, April 14, 1950, accessed July 25, 2012, http://www.fas.org/irp/offdocs/nsc-hst/nsc-68.htm

7 Karl P. Mueller, *Striking First: Preemptive and Preventive Attack in U.S. National Security Policy*, RAND Note, No. F49642-01-C-0003 (Santa Monica, CA: RAND Corp., 2006), 151.

all reasonable possibilities for a peaceful settlement had been explored in good faith.[8]

The promoters of preventive war against the Soviet Union believed that war, while not imminent, was inevitable, and that delaying such action would involve unacceptable risk to the West. However, they did not have a rational answer as to what to do after the war, and did not account for the second and third order effects of the conflict.[9]

In his memoirs, President Truman wrote, "I have always been opposed to even the thought of such a war. There is nothing more foolish than to think that war can be stopped by war. You don't 'prevent' anything by war except peace."[10]

Because the United States never initiated a preventive war with the Soviet Union, it maintained a mixture of rational Cold War security policies of containment, deterrence, and global proxy wars until the Soviet Union fell in 1991. These Cold War strategies cost

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8 Ibid, 148.

9 Ibid, 152.

10 Harry S Truman, Memoirs by Harry S Truman: Years of Trial and Hope (vol. 2), (New York: Doubleday, 1956), 383.

years of time, effort, and resources along with thousands of lives; however, had the U.S. conducted a preventive war with the Soviet Union the cost may have been much higher and the results drastically different.

CONTEMPLATIONS OF AMERICAN-CHINESE PREVENTIVE WAR

This case study examines events of the early 1960s that advanced or countered arguments for taking military action to prevent Chinese nuclear development, and describes why neither President Kennedy nor Johnson chose to use force against China.

By the time John F. Kennedy shouldered the Presidency in 1961, the People's Republic of China (PRC) was well on its way to developing nuclear weapons. As such, American policymakers wondered how a nuclear-armed PRC would affect global balances of power. Many incited arguments for and against military action to prevent Chinese nuclear advancements.[11] President Kennedy, was particular apprehensive about the PRC obtaining a nuclear weapon.

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11 Karl P. Mueller, "Striking First: Preemptive and Preventive Attack in U.S. National Security Policy." RAND Note, No. F49642-01-C-0003 (Santa Monica, CA: RAND, 2006), 141.

He suspected once China obtained a weapon, Chairman Mao Zedong would be more aggressive in asserting Chinese influence on the world stage, and would also be less susceptible to deterrence than the Soviet Union.

President Kennedy was convinced that Chairman Mao was a fanatic. It was reported that Kennedy told France's Minister of Culture Affairs, Andre Malraux that the Chinese "would be perfectly prepared to sacrifice hundreds of millions of their own lives" to carry their Chairman's militant policies and the PRC would be a "great menace in the future to humanity, the free world, and freedom on earth."[12]

China began receiving technical assistance on its nuclear program from the Soviet Union in 1955; however, the Kennedy administration detected a rift in Sino-Soviet relations.[13] Intelligence estimate NIE 1-61 asserted the Soviet Union and China did not share many common interests beyond their communist ideology, and

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12 Ibid, 165.

13 NIE 1-61: "Estimate of the World Situation," January 17, 1961. Foreign Relations of the United States 1961–1963, vol. V: Soviet Union, Doc. 6, U.S. Department of State, accessed August 10, 2012, http://history.state.gov/historicaldocuments/frus1961-63v05/d6.

Washington sought to use that divergence to benefit U.S. interests.[14] The Intelligence estimate NIE 1-61 asserts:

> Over the next decade at least, there appears to be a greater likelihood of flexibility in Soviet than in Chinese policy. The Soviet leadership's desire to prevent a general war, the wider range of Soviet contacts with the outside world, the continuing pressure at home for liberalization, and the growing capacity of the USSR to provide its citizens with a more comfortable life—these factors taken together may tend toward moderation in foreign policy and toward a recognition of some areas of common interest with the West. It is even possible that the Soviet leaders will come to feel that the USSR has little in common with China except an ideology which the Chinese interpret in their own way, and that by 1970 Communist China, with nuclear weapons and a population of almost 900 million, will be a dangerous neighbor and associate.[15]

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14 Ibid.
15 Ibid.

Policymakers in Washington concluded that the United States and the Soviet Union, shared a common goal of maintaining peace and stability in Europe and Asia, and hoped that Moscow would enter into a nuclear test–ban treaty with the United States as a means to pressure China to abandon its nuclear aspirations.[16] Some evidence suggests Kennedy envisioned the possibility of a combined U.S.-Soviet military strike on China's nuclear research facility at Lop Nor (Western China) if China could not be coerced by diplomatic pressure.[17]

President Kennedy met with Secretary Nikita Khrushchev in June 1961. Khrushchev did not welcome Kennedy's proposal for nuclear test-ban treaty, but did take the opportunity to lecture Kennedy about the United States longstanding refusal to recognize the PRC in the UN. This denunciation turned out to be an indication of growing tensions between Washington and Moscow. Over the next year, the relationship grew worse, peaking in instability during the Cuban missile crisis of October 1962.

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16 Karl P. Mueller, "Striking First: Preemptive and Preventive Attack in U.S. National Security Policy." RAND Note, No. F49642-01-C-0003 (Santa Monica, CA: RAND, 2006), 154, 166.

17 Ibid, 153.

Simultaneously, Chinese-Soviet relations continued to deteriorate, and by 1963, the Soviet Union agreed to schedule a conference in Moscow to negotiate a nuclear test–ban treaty. During the conference, Under Secretary of State for Political Affairs Averell Harriman reported (via telegram) that during a three hour meeting with Khrushchev, China's nuclear ambitions were not a central topic of negotiations. "Khrushchev maintains that it will be some years off before China is a nuclear power and did not indicate particular concern over the issue. He commented that only U.S. and USSR can 'accumulate nuclear weapons.' UK and France can't and China wouldn't be able to."[18]

The U.S.-Soviet nuclear test–ban treaty was signed on August 5, 1963; however, little was resolved about China during the negotiation.[19] It is difficult for one to speculate on what the Kennedy administration would have done to constrain Beijing's nuclear weapon program if the Soviet Union was more cooperative. The records

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18 Averill W. Harriman, "Telegram from the Embassy in the Soviet Union to the Department of State," Moscow, July 15, 1963, 10:00 p.m., Foreign Relations of the United States, 1961–1963, vol. VII: Arms Control and Disarmament, Doc. 325, U.S. Department of State, accessed August 25, 2012, http://history.state.gov/historicaldocuments/frus1961-63v07/d325.

19 Karl P. Mueller, "Striking First: Preemptive and Preventive Attack in U.S. National Security Policy." RAND Note, No. F49642-01-C-0003 (Santa Monica, CA: RAND, 2006), 158.

suggest that several members of Kennedy's administration doubted the practicability of a preventive military strike on China.[20]

After President Kennedy's death in November 1963, the Chinese nuclear issue lost its urgency. In April 1964, a Policy Planning Council paper prepared for President Johnson stated China would likely have its first nuclear test in 1964.[21] The paper claimed the Chinese were concentrating on medium-range missiles, making their short-term nuclear ambitions regional.[22] The paper asserted that no major policy change was required and any preemptive military action against Chinese nuclear facilities would be undesirable.[23] Furthermore, it was improbable the United States could successfully locate all the Chinese nuclear production facilities with certainty and prevent China from eventually producing a nuclear bomb.[24]

In October 1964, the PRC exploded its first nuclear device, and the Johnson administration released a public statement to minimize

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20 Ibid, 159.

21 Robert Johnson, "Paper Prepared in the Policy Planning Council: An Exploration of the Possible Bases for Action Against the Chinese Communist Nuclear Facilities," April 14, 1964, in U.S. Department of State, Foreign Relations of the United States, 1964–1968, vol. XXX: China, Doc. 25, U.S. Department of State, accessed August 25, 2012,http://history.state.gov/Historical documents/frus1964-68v30/d30.

22 Ibid.

23 Ibid.

24 Karl P. Mueller, "Striking First: Preemptive and Preventive Attack in U.S. National Security Policy." RAND Note, No. F49642-01-C-0003 (Santa Monica, CA: RAND, 2006), 164.

the event's global impact.[25] The Soviet Union was relatively quiet on the issue. Soviet Ambassador Anatoly Dobrynin downplayed the magnitude of the nuclear test, and Foreign Minister Andrei Gromyko found the moment opportune to highlight the fact the Soviet Union considered it was time for the United States to reassess it polices concerning Beijing.[26]

Although some U.S. policymakers were interested in destroying China's nuclear production facilities, others maintained a military strike would be politically costly for an insignificant probability of certainty of success. Launching a preventive attack on any sovereign state without the legal foundation of a broadly accepted treaty or a mandate from the UN was not an acceptable policy option. Even when the United States knew the Chinese test was forthcoming, the Johnson administration ruled out any consideration of unilateral American action.

Perhaps one the notable effects of China's emergence as a nuclear power was its rise in global prestige. Beijing's nuclear capability helped make its permanence in the UN undeniable, and

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25 Ibid.
26 Ibid.

paved the way for the PRC to replace Taiwan in the UN China seat in 1971, and subsequent diplomatic ties with the United States in 1972.

It is difficult to judge with certainty what would have resulted from an American preventive attack against the PRC; however, it is unlikely that a successful attack would have done more than delay China's procurement of nuclear weapons. Furthermore, the attack would have resulted in numerous spillover effects. It may have resulted in political cost on many levels by antagonizing U.S. allies, and providing international communist organizations with propaganda to seduce nonaligned states onto the communist arc of influence. In this case, the U.S. decision against a preventive attack was a sensible course of action.

THE CUBAN MISSILE CRISIS

The Cuban Missile Crisis was one of the major confrontations of the Cold War. The thirteen-day dilemma between the Soviet Union and Cuba on one side, and the United States on the other, is commonly considered the closest occasion in which the Cold war could have escalated into a nuclear conflict. Thus, this case study

explores how American policymakers responded to the crisis, and offers insight on how Washington navigated through an epic threat to the United States.

The Cuban missile crisis took place in the framework of numerous Cold War disputes that included extensive aid to client states, espionage, the arms race, and considerable propaganda campaigns. One of the key areas of dispute was over Berlin Germany. On several occasions from 1958 to 1961, Secretary Khrushchev threatened war if the United States did not end Western presence in Berlin.[27] For the Soviet Union, the divided city was unacceptable to the eastern bloc. Khrushchev's inability to force a favorable settlement over this issue weakened his status amongst his allies and at home.

Although Khrushchev failed to get the West to leave Berlin, the Soviet Union made significant gains in Latin America. In particular, Moscow began providing aid to Cuba in 1960. After the failure of the "Bay of Pigs," Fidel Castro recognized the Soviets Union had the economic and military ability to aid Cuba, and embraced the

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27 Karl P. Mueller, "Striking First: Preemptive and Preventive Attack in U.S. National Security Policy." RAND Note, No. F49642-01-C-0003 (Santa Monica, CA: RAND, 2006), 171.

communist agenda.[28] Khrushchev subsequently issued a public warning that a U.S. invasion of Cuba would risk war with the Soviet Union.[29]

It was Khrushchev's failure in Berlin, his success in Cuba, and the presence of American missiles in Turkey, that later prompted him to send surface-to-air missiles (SAMs), and construct medium-range ballistic missile (MRBM) sites in Cuban.[30]

By August 1962, American U-2 reconnaissance planes had established that the Soviet Union was installing SAMs in Cuba.[31] On September 4, the White House released a statement that President Kennedy knew of the SAMs, and had received assurance from the Soviet Union that the missiles were defensive in nature. The President added that the Soviet arms transfers to Cuba did not constitute a serious threat to the United States.[32] On October 1, an American U-2 reconnaissance aircraft discovered offensively oriented SAM sites on the island.[33] The following is an excerpt of the intelligence analysis:

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28 Robert A. Pollard, "The Cuban Missile Crisis: Legacies and Lessons," The Wilson Quarterly (1976-), vol. 6, No. 4 (Autumn, 1982), 149.

29 Karl P. Mueller, "Striking First: Preemptive and Preventive Attack in U.S. National Security Policy." RAND Note, No. F49642-01-C-0003 (Santa Monica, CA: RAND, 2006), 172.

30 Ibid.

31 Robert A. Pollard, "The Cuban Missile Crisis: Legacies and Lessons," The Wilson Quarterly (1976-), vol. 6, No. 4 (Autumn, 1982), 149.

32 Ibid.

33 Robert A. Pollard, "The Cuban Missile Crisis: Legacies and Lessons," The Wilson Quarterly (1976-), vol. 6, No. 4 (Autumn, 1982), 148-149.

The intelligence community has now identified and confirmed a total of 15 SA-2 (SAM) sites. From the location of these sites, a discernible pattern is developing:" "While this report is still unconfirmed and there are no other reports concerning the presence of either SS-3 or SS-4 missiles, it is significant to note that by using the approximate center of the restricted area referred to above as a point of origin and with a radius of 1100 nm, the accepted range of the SS-4 missile, the arc includes the cities of Philadelphia, Pittsburgh, St. Louis, Oklahoma City, Fort Worth-Dallas, Houston, San Antonio, Mexico City, all of the capitals of the Central American nations, the Panama Canal, and the oil fields in Maricaibo, Venezuela. The presence of operational SS-4 missiles in this location would give the Soviets a great military asset.[34]

On October 14, an American U-2 reconnaissance aircraft obtained the first verified evidence of three Soviet offensive MRBM

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34 John R. Wright, Jr. "Analysis of SAM Sites, October 1, 1962," Foreign Relations of the United States, 1961–1963, Volume XI, Cuban Missile Crisis and Aftermath, Doc. 1, U.S. Department of State, accessed August 20, 2012, http://history.state.gov/historicaldocuments/frus1961-63v11/d1.

sites in Cuba. Two other U-2 missions, flown on October 15 revealed a fourth MRBM site, and two intermediate-range ballistic missile (IRBM) sites.[35]

After receiving the news, President Kennedy assembled an Executive Committee to deliberate on possible options. The Kennedy administration faced immense pressure to make the right decision. A mistake would damage U.S. international credibility, but standing up to Khrushchev would benefit the United States' Cold War status. The administration concluded it needed to act to remove the Soviet missiles, even if doing so risked a nuclear war.

With the magnitude of this threat in mind, President Kennedy's Executive Committee debated numerous courses of action that traversed the escalatory hierarchy.[36] The Executive Committee considered having the U.S. Air Force conduct preventive air strikes against the missile sites; however, this option was discounted because there was no guarantee the air strike could remove all the missile

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35 Kennedy Administration Volumes, Foreign Relations of the United States, 1961–1963, Volume XI, Cuban Missile Crisis and Aftermath, Doc. 16, U.S. Department of State, accessed August 20, 2012, http://history.state.gov/historicaldocuments/frus1961-63v11/d16.

36 Karl P. Mueller, "Striking First: Preemptive and Preventive Attack in U.S. National Security Policy." RAND Note, No. F49642-01-C-0003 (Santa Monica, CA: RAND, 2006), 173.

threats. Furthermore, the air attack risked provoking a retaliatory nuclear attack from the Soviet Union.

The committee later concluded that a ground invasion would guarantee the removal of the missile threat. This strategy was not viewed as the best option because it would result in high American casualties, and there was a risk that a Soviet commander in Cuba would use the nuclear-armed MRBM as a measure of desperation. Moreover, a large-scale invasion could incite a Soviet response in Europe where the Soviets had the conventional military advantage. The possibility of escalation made a U.S. preventive attack precarious. After weighing the military and political risks, the Executive Committee ultimately agreed on the naval quarantine, because it demonstrated strength, and allowed for more time for diplomacy.

On October 22, President Kennedy announced to the United States public that he had ordered a Naval blockade to intercept shipments of Soviet materiel to Cuba. He invited Khrushchev to refrain from any action, which would expand the crisis and enter into negotiations to rectify the situation.[37] [38] In response to the

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37 Robert A. Pollard, "The Cuban Missile Crisis: Legacies and Lessons," The Wilson Quarterly (1976-), vol. 6, No. 4 (Autumn, 1982), 149.

38 See appendix G for Letters from the Cuban Missile Crisis and Aftermath.

announcement of the blockade, Khrushchev warned of consequences if the United States invaded Cuba or interfered with Soviet vessels.[39]

The highpoint came on October 24, as the U.S. blockade formed 500 miles from Cuba, to intercept approximately twenty-five incoming Soviet ships.[40] On October 27, Khrushchev acquiesced, and offered to withdraw or to destroy all launching pads and offensive weapons on Cuba in return for an end to the blockade and a pledge not to invade Cuba, and the removal of U.S. missiles in Turkey.

The quarantine succeeded in convincing the Soviets that the United States was determined to see the missiles removed. Although the Kennedy administration considered a preventive attack to stop Soviet nuclear weapons from reaching Cuba, the use of diplomacy combined with a credible threat of hard power offers useful lessons that demonstrate how the Kennedy administration skillfully stopped the Cuban missile crisis from escalating out of control.

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39 See appendix G for Letters from the Cuban Missile Crisis and Aftermath.

40 Ibid, 152.

B. MAJOR NATIONAL SECURITY COUNCIL AUTHORITIES

Table 1. Major National Security Council Authorities[1]	
President Harry S. Truman	
07/26/1947	National Security Act
08/10/1949	National Security Act Amendments
08/20/1949	Reorganization Plan No. 4
04/07/1950	NSC-68
07/19/1950	Truman Directive
10/10/1951	Mutual Security
President Dwight D. Eisenhower	
03/13/1953	E.O. 10438, Transferring Functions to the Director of Defense Mobilization
03/22/1953	Robert Cutler Report
06/12/1953	Reorganization Plan No. 3
06/30/1953	Reorganization Plan No. 6
08/01/1953	Reorganization Plan No. 7
09/02/1953	E.O. 10483, Establishing Operations Coordination. Board
10/30/1953	NSC-162 Massive Retaliation
12/30/1954	NSC-5440 New Look
02/28/1955	E.O. 10598, Amending Executive Order No. 10483, Establishing the Operations Coordinating Board
05/09/1955	E.O. 10610, Administration Of Mutual Security and Related Functions
02/25/1957	E.O. 10700 - Operations Coordinating Board
06/01/1958	Reorganization Plan No. 1
President John F. Kennedy	
02/18/1961	E.O. 10920, Revoking Executive Order No. 10700
10/22/1962	NSAM-196, Est Executive Committee of the NSC

1 Cody M. Brown, The National Security Council: A Legal History of the President's Most Powerful Advisers, Center for the Study of the Presidency, Project on National Security Reform, 2008, appendix A.

Continued: Major National Security Council Authorities	
President Lyndon B. Johnson	
03/18/1965	NSAM-327, Discontinuance of the Net Evaluation Subcommittee of the National Security Council
03/02/196	NSAM-341, The Direction, Coordination and Supervision of Interdepartmental Activities Overseas
President Richard M. Nixon	
01/20/1969	NSDM-2, Reorganization of the NSC system
07/01/1973	Reorganization Plan
President Gerald R. Ford	
08/09/1974	NSDM-265, The National Security council System
President James E. Carter	
02/18/1976	E.O. 11905, U.S. Foreign Intelligence Activities
01/20/1977	PD-2, The National Security Council System
08/24/1977	PD-18, U.S. National Security
05/18/1977	E.O. 11985, U.S. Foreign Intelligence Activities
01/24/1978	E.O. 12036, United States Intelligence Activities
President Ronald W. Reagan	
12/08/1981	E.O. 12333, United States Intelligence Activities
01/12/1982	NSDD-2, National Security Council Structure
04/02/1982	E.O. 12356, National Security Information
05/20/1982	NSDD 32, U.S. National Security
10/01/1986	Goldwater-Nichols DoD Reorganization Act of 1986
11/14/1986	DoD Authorization Act for FY 1987
12/01/1986	E.O. 12575, President's Special Review Board
03/31/1987	NSDD-266, President's Special Review Board
06/09/1987	NSDD-276, NSC Interagency Process
11/18/1988	Anti-Drug Abuse Act
11/18/1988	E.O. 12656, Emergency Preparedness Responsibilities
President George H. W. Bush	
01/30/1989	NSD-1, Organization of The NSC system
10/25/1989	NSD-1a, Supplement to National Security Directive 1
10/24/1992	Intelligence Organization Act

Continued: Major National Security Council Authorities	
President William J. Clinton	
01/06/1993	E.O. 12829, National Industrial Security Program
01/20/1993	PDD-2, Organization of the National Security Council
06/21/1953	NSC-39 Policy on Counterterrorism
10/11/1996	Intelligence Renewal and Reform Act of 1996
10/21/1998	National Drug Control Policy Reauthorization Act
10/27/1998	International Religious Freedom Act of 1998
President George W. Bush	
02/13/2001	NSPD-1, Organization of the NSC system
10/08/2001	E.O. 13228, Est. Office of Homeland Security and HSC
10/16/2001	E.O. 13231, Infrastructure Protection-Information Age
10/29/2001	Hspd-1, Organization Operation of the HSC
03/19/2002	E.O. 13260, Est. President's HSC and Senior Advisory Committees for Homeland Security
11/25/2002	Homeland Security Act of 2002
02/28/2003	E.O. 13286, Transfer functions to Homeland Security
08/27/2004	E.O. 13355, Strengthened Intelligence Community
12/17/2004	Intelligence Reform And Terrorism Prevention Act
01/06/2006	National Defense Authorization Act For FY 2006
08/03/2007	Implementing Recommendations-9/11 Commission

C. IRAQI WAR MILITARY COALITION

Table 2. Coalition Countries[1]								
Nation	2003	2003	2004	2005	2006	2007	2008	2009
Afghanistan	✓	--	--	--	--		--	--
Albania	✓	✓	✓	✓	✓	✓	✓	--
Angola	✓	--	--	--	--	--	--	--
Armenia	--	--	--	✓	✓	✓	✓	--
Australia	✓	✓	✓	✓	✓	✓	✓	✓
Azerbaijan	✓	✓	✓	✓	✓	✓	✓	--
Bosnia Herg	--	--	--	✓	✓	✓	✓	--
Bulgaria	✓	✓	✓	✓	✓	✓	✓	--
Colombia	✓	--	--	--	--	--	--	--
Costa Rica	✓	--	--	--	--	--	--	--
Czech Republic	✓	✓	✓	✓	✓	✓	✓	--
Denmark	✓	✓	✓	✓	✓	✓	✓	--
Dom. R.	✓	✓	✓	--	--	--	--	--
El Salvador	✓	✓	✓	✓	✓	✓	✓	✓
Eritrea	✓	--	--	--	--	--	--	--
Estonia	✓	✓	✓	✓	✓	✓	✓	✓
Ethiopia	✓	--	--	--	--	--	--	--
Georgia	✓	✓	✓	✓	✓	✓	✓	--
Honduras	✓	✓	✓	--	--	--	--	--
Hungary	✓	✓	✓	--	--	--	--	--
Iceland	✓	--	--	--	--	--	--	--
Italy	✓	✓	✓	✓	✓	--	--	--
Japan	✓	✓	✓	✓	✓	✓	✓	--

1 ProCon.org, "Coalition Forces in Iraq," (checks indicate time in Iraq), accessed May 10, 2012 http://usiraq.procon.org/view.resource.php?ResourceID=000677.

Continued: Coalition Countries								
Nation	2003	2003	2004	2005	2006	2007	2008	2009
Kazakhstan	--	✓	✓	✓	✓	✓	✓	--
Kuwait	✓	--	--	--	--	--	--	--
Latvia	✓	✓	✓	✓	✓	✓	✓	--
Lithuania	✓	✓	✓	✓	✓	✓	✓	--
Macedonia	✓	✓	✓	✓	✓	✓	✓)	--
Marshall Islands	✓	--	--	--	--	--	--	--
Micronesia	✓	--	--	--	--	--	--	--
Moldova	--	✓	✓	✓	✓	✓	✓	--
Mongolia	✓	✓	✓	✓	✓	✓	✓	--
Netherlands	✓	✓	✓	✓	✓	✓	--	--
New Zealand	--	✓	✓	--	--	--	--	--
Nicaragua	✓	✓	✓	--	--	--	--	--
Norway	--	✓	✓	✓	--	--	--	--
Palau	✓	--	--	--	--	--	--	--
Panama	✓	--	--	--	--	--	--	--
Philippines	✓	✓	✓	--	--	--	--	--
Poland	✓	✓	✓	✓	✓	✓	✓	--
Portugal	✓	✓	✓	✓	✓	--	--	--
Romania	✓	✓	✓	✓	✓	✓	✓	✓
Rwanda	✓	--	--	--	--	--	--	--
Singapore	✓	✓	✓	✓	✓	✓	✓	--
Slovakia	✓	✓	✓	✓	✓	✓	✓	--
Solomon Isds	✓	--	--	--	--	--	--	--
South Korea	✓	✓	✓	✓	✓	✓	✓	--
Spain	✓	✓	✓	--	--	--	--	--
Thailand	--	✓	✓	✓	--	--	--	--
Tonga	✓	✓	✓	--	--	--	--	--
Turkey	✓	--	--	--	--	--	--	--
Uganda	✓	--	--	--	--	--	--	--

Continued: Coalition Countries								
Nation	2003	2003	2004	2005	2006	2007	2008	2009
UK	✓	✓	✓	✓	✓	✓	✓	✓
United States	✓	✓	✓	✓	✓	✓	✓	✓
Uzbekistan	✓	--	--	--	--	--	--	--
Total	49*	37	37	32	30	28	26	6

D.MAJOR TERRORIST ACTS SUSPECTED OF OR INSPIRED BY AL-QAEDA

Source: Congressional Research Service[1] and Infoplease.com[2]

- 1992 (Dec) Three bombs targeted at U.S. troops in Aden, Yemen, no casualties.
- 1993 (Feb.): Bombing of World Trade Center (WTC); 6 killed.
- 1993 (Oct.): Killing of U.S. soldiers in Somalia.
- 1996 (Jun.): Truck bombing at Khobar Towers barracks in Dhahran, Saudi Arabia, killed 19 Americans.
- 1998 (Aug.): Bombing of U.S. embassies in Kenya and Tanzania; 224 killed, including 12 Americans.
- 1999 (Aug): Al-Qaeda attempted bombing of the Los Angeles International Airport.
- 1999 (Dec.): Plot to bomb millennium celebrations against U.S. and Israeli tourist visiting Jordan for celebrations.

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1 Audrey K. Cronin, "Terrorist Attacks by al-Qaeda," Congressional Research Service, March 31, 2004, accessed January 10, 2013, www.fas.org/irp/crs/033104.pdf.

2 Infoplease website, accessed January 10, 2013, http://www.infoplease.com/ipa/A0884893.html.

– 1999 (Dec.): Arrest of an Algerian smuggling explosives into the U.S.

– 2000 (Oct.): Bombing of the USS Cole in port in Yemen; 17 U.S. sailors killed.

– 2001 (Sept.): Destruction of WTC; attack on Pentagon, total dead 2,992.

– 2001 (Dec.): Richard Covin Reid attempted to denote shoe bomb on flight from Paris to Miami.

– 2002 (Apr.): Explosion at historic synagogue in Tunisia left 21 dead, including 11 German tourists.

– 2002 (May): Car exploded outside hotel in Karachi, Pakistan, killing 14, including 11 French citizens.

– 2002 (Jun.): Bomb exploded outside American consulate in Karachi, Pakistan, killing 12.

– 2002 (Oct.): Boat crashed into oil tanker off Yemen coast, killing one, injuring four.

– 2002 (Oct.): Attack on U.S. military personnel in Kuwait, killing one, and injuring one.

– 2002 (Oct.): Nightclub bombings in Bali, Indonesia, killed 202, mostly Australian citizens.

– 2002 (Nov.): Suicide attack on a hotel in Mombasa, Kenya, killed 16.

– 2003 (May): Suicide bombers killed 34, including eight Americans, at housing compounds for Westerners in Riyadh, Saudi Arabia.

– 2003 (May): four bombs killed 33 people targeting Jewish, Spanish, and Belgian sites in Casablanca, Morocco.

– 2003 (Aug.): Suicide car bomb killed 12, injured 150 at Marriott Hotel in Jakarta, Indonesia.

– 2003 (Nov.): Explosions rocked a Riyadh, Saudi Arabia, housing compound, killing 17.

– 2003 (Nov.): Suicide car-bombers simultaneously attacked two synagogues in Istanbul, Turkey, killing 25 and injuring hundreds.

– 2003 (Nov.): Truck bombs detonated at London bank and British consulate in Istanbul, Turkey, killing 26.

– 2004 (Mar.): 10 bombs on four trains exploded almost simultaneously during the morning rush hour in Madrid, Spain, killing 191 and injuring more than 1,500.

– 2004 (May): Terrorists attacked Saudi oil company offices in Khobar, Saudi Arabia, killing 22.

– 2004 (Jun.): Terrorists kidnapped and executed American Paul Johnson, Jr., in Riyadh, Saudi Arabia.

– 2004 (Sept.): Car bomb outside the Australian embassy in Jakarta, Indonesia, killed nine.

– 2004 (Dec.): Terrorists entered the U.S. Consulate in Jeddah, Saudi Arabia, killing nine (including four attackers).

– 2005 (Jul.): Bombs exploded on three trains and a bus in London, England, killing 52.

– 2005 (Oct.): 22 killed by three suicide bombs in Bali, Indonesia.

– 2005 (Nov.): 57 killed at three American hotels in Amman, Jordan.

– 2006 (Jan.): Two suicide bombers carrying police badges blow themselves up near a celebration at the Police Academy in Baghdad, killing nearly 20 police officers. Al-Qaeda in Iraq takes responsibility.

– 2006 (Aug.): Police arrest 24 British-born Muslims, most of whom have ties to Pakistan, who had allegedly plotted to blow up as many as 10 planes using liquid explosives. Officials say details of the plan were similar to other schemes devised by al-Qaeda.

– 2007 (Apr.): Suicide bombers attack a government building in Algeria's capital, Algiers, killing 35, wounding hundreds more. Al-Qaeda in the Islamic Maghreb claims responsibility.

– 2007 (Apr.): Eight people, including two Iraqi legislators, die when a suicide bomber strikes inside the Parliament building in Baghdad. An organization that includes al-Qaeda in Mesopotamia claims responsibility. In another attack, the Sarafiya Bridge that spans the Tigris River is destroyed.

– 2007 (Jun.): British police find car bombs in two vehicles in London. The attackers reportedly tried to detonate the bombs using cell phones but failed. Government officials say al-Qaeda is linked to the attempted attack. The following day, an SUV carrying bombs bursts into flames after it slams into an entrance to Glasgow Airport. Officials say the attacks are connected.

– 2007 (Dec.): As many as 60 people are killed in two suicide attacks near United Nations offices and government buildings in Algiers, Algeria. The bombings occur within minutes of each other. Al-Qaeda in the Islamic Maghreb, formerly called the Salafist Group for Preaching, claims responsibility. The worst attack in the Algeria in more than 10 years.

– 2007 (Dec.): Benazir Bhutto, former Pakistani prime minister assassinated in a suicide attack at a campaign rally in Rawalpindi, Pakistan. President Pervez Musharraf blames al Qaeda for the attack, which kills 23 other people. Baitullah Mehsud, a Taliban leader with close ties to al Qaeda is later cited as the assassin.

– 2008 (Jan.): Suicide bomber kills 30 people at a home. The Iraqi military blames the attack on al-Qaeda in Iraq.

– 2008 (Feb.): Nearly 100 people die when two women suicide bombers, who are believed to be mentally impaired, attack crowded pet markets in eastern Baghdad.

– 2008 (Apr.): Suicide bomber attacks the funeral for two nephews of a prominent Sunni tribal leader, Sheik Kareem Kamil al-Azawi, killing 30 people in Iraq's Diyala Province.

– 2008 (Apr.): Suicide car bomber kills 40 people in Baquba, the capital of Diyala Province in Iraq.

– 2008 (Apr.): 35 people die and 62 are injured when a woman detonates explosives that she was carrying under her dress in a busy shopping district in Iraq's Diyala Province.

– 2008 (May): 12 worshipers are killed and 44 more injured when a bomb explodes in the Bin Salman mosque near Sana, Yemen.

– 2008 (May): An al-Qaeda suicide bomber detonates explosives in Hit, a city in the Anbar Province of Iraq, killing six policemen and four civilians, and injuring 12 other people.

– 2008 (Jun.): Car bomb explodes outside the Danish Embassy in Pakistan, killing six people and injuring dozens. Al-Qaeda claims responsibility, in retaliation for the 2006 publication of political cartoons in the Danish newspaper.

– 2008 (Jun.): A female suicide bomber kills 15 and wounds 40 others, including seven Iraqi police officers, near a courthouse in Baquba, Iraq.

– 2008 (Jun.): A suicide bomber kills at 20 people at a meeting between sheiks and Americans in Karmah, a town west of Baghdad.

– 2008 (Aug.): Approximately 24 worshippers are killed in three separate attacks. Iraqi officials blame al-Qaeda in Iraq for the attacks.

– 2008 (Aug.): A bomb explodes and tears through near a bus carrying Lebanese troops, killing 15 people, nine of them soldiers.

– 2008 (Aug.): 43 people killed when a suicide bomber drives an explosives-laden car into a police academy in northern Algeria.

– 2008 (Aug.): Two car bombs explode at a military command killing 12 people.

– 2008 (Sept.): A car bomb and a rocket strike the U.S. embassy in Yemen killing 16 people, including four civilians. At least 25 suspected al-Qaeda militants were arrested for the attack.

– 2008 (Nov.): 28 people die with 60 more injured in Baghdad, Iraq.

– 2009 (Apr.): Series of six attacks kills 36 people, and injure more than 100 in Shiite neighborhoods;

– 2009 (Apr.): 80 killed in three separate suicide bombings in Baghdad.

– 2009 (Dec.): A Nigerian man attempted to ignite an explosive device hidden in his underwear.

– 2009 (Dec.): A suicide bomber kills eight Americans civilians, seven of them CIA agents, at a base in Afghanistan.

– 2010 (Oct.): Two packages bombs from Yemen to the United States are discovered.

– 2011 (Jan.): Two Frenchmen killed in Niger.

– 2011 (Jan.): Four suicide bombings occur in Iraq between January 18-20. At least 137 people killed, 230 are injured.

– 2011 (Apr.): Bomb explodes in Marrakesh, Morocco, killing 15 people, including 10 foreigners, explodes in

– 2012 (Sept.): Militants armed with antiaircraft weapons and rocket-propelled grenades fire upon the American consulate in Benghazi, Libya, killing U.S. ambassador to Libya and three other embassy officials.

E.THE UNITED STATES INTELLIGENCE COMMUNITY

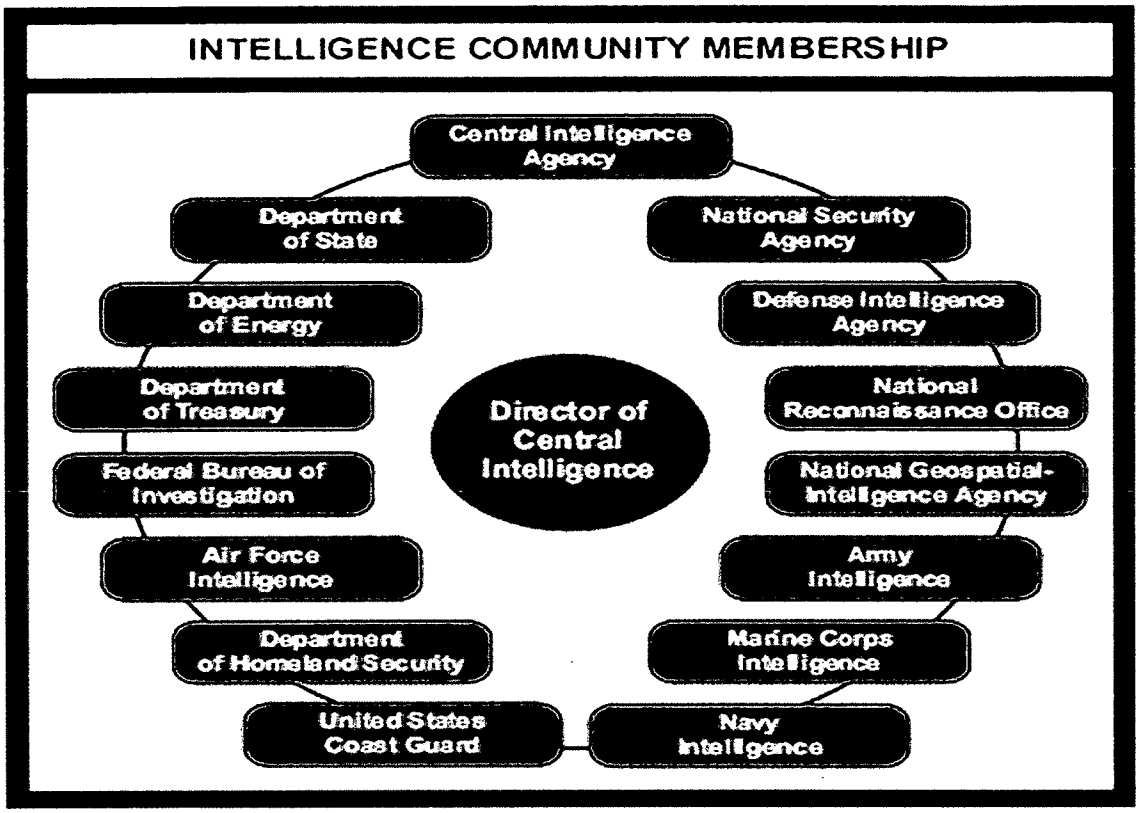

Figure 5. U.S. Intelligence Community, Joint Publication 2-01

F.THE UNITED STATES NATIONAL INTELLIGENCE LEADERSHIP STRUCTURE

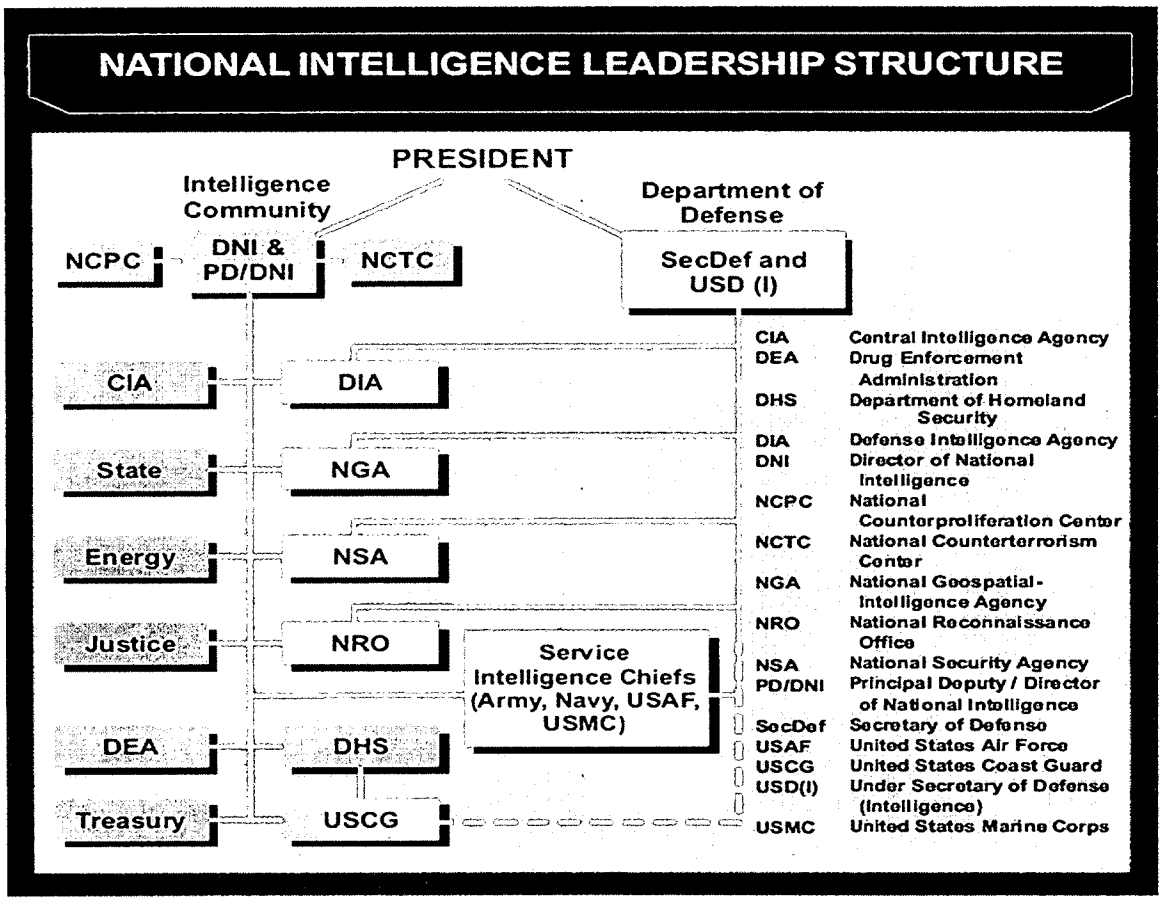

Figure 6. National Intelligence Leadership Structure, Joint Publication 2-0

G.CORRESPONDENCE FROM THE CUBAN MISSILE CRISIS AND AFTERMATH

LETTER FROM PRESIDENT KENNEDY TO CHAIRMAN KHRUSHCHEV: WASHINGTON, OCTOBER 22, 1962[1]

Dear Mr. Chairman: A copy of the statement I am making tonight concerning developments in Cuba and the reaction of my Government thereto has been handed to your Ambassador in Washington. In view of the gravity of the developments to which I refer, I want you to know immediately and accurately the position of my Government in this matter.

In our discussions and exchanges on Berlin and other international questions, the one thing that has most concerned me has been the possibility that your Government would not correctly understand the will and determination of the United States in any given situation, since I have not assumed that you or any other sane man would, in this nuclear age, deliberately plunge the world into

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1 Kennedy Administration Volumes, Foreign Relations of the United States, 1961–1963, Volume XI, Cuban Missile Crisis and Aftermath, Doc. 44, U.S. Department of State, accessed August 20, 2012, http://history.state.gov/historical documents/frus1961-63v11/d44.

war which it is crystal clear no country could win and which could only result in catastrophic consequences to the whole world, including the aggressor.

At our meeting in Vienna and subsequently, I expressed our readiness and desire to find, through peaceful negotiation, a solution to any and all problems that divide us. At the same time, I made clear that in view of the objectives of the ideology to which you adhere, the United States could not tolerate any action on your part which in a major way disturbed the existing over-all balance of power in the world. I stated that an attempt to force abandonment of our responsibilities and commitments in Berlin would constitute such an action and that the United States would resist with all the power at its command.

It was in order to avoid any incorrect assessment on the part of your Government with respect to Cuba that I publicly stated that if certain developments in Cuba took place, the United States would do whatever must be done to protect its own security and that of its allies.

Moreover, the Congress adopted a resolution expressing its support of this declared policy. Despite this, the rapid development of long-range missile bases and other offensive weapons systems in Cuba

has proceeded. I must tell you that the United States is determined that this threat to the security of this hemisphere be removed. At the same time, I wish to point out that the action we are taking is the minimum necessary to remove the threat to the security of the nations of this hemisphere. The fact of this minimum response should not be taken as a basis, however, for any misjudgment on your part.

I hope that your Government will refrain from any action which would widen or deepen this already grave crisis and that we can agree to resume the path of peaceful negotiation.

Sincerely,

[John F. Kennedy]

LETTER FROM CHAIRMAN KHRUSHCHEV TO PRESIDENT KENNEDY: MOSCOW, OCTOBER 24, 1962[2]

Dear Mr. President: I have received your letter of October 23, have studied it, and am answering you.

Just imagine, Mr. President, that we had presented you with the conditions of an ultimatum which you have presented us by your action. How would you have reacted to this? I think that you would have been indignant at such a step on our part. And this would have been understandable to us.

In presenting us with these conditions, you, Mr. President, have flung a challenge at us. Who asked you to do this? By what right did you do this? Our ties with the Republic of Cuba, like our relations with other states, regardless of what kind of states they may be, concern only the two countries between which these relations exist. And if we now speak of the quarantine to which your letter refers, a quarantine may be established, according to accepted international practice, only by agreement of states between themselves, and not by

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2 Kennedy Administration Volumes, Foreign Relations of the United States, 1961–1963, Volume XI, Cuban Missile Crisis and Aftermath, Doc. 61, U.S. Department of State, accessed August 20, 2012, http://history.state.gov/historical documents/frus1961-63v11/d61.

some third party. Quarantines exist, for example, on agricultural goods and products. But in this case the question is in no way one of quarantine, but rather of far more serious things, and you yourself understand this.

You, Mr. President, are not declaring a quarantine, but rather are setting forth an ultimatum and threatening that if we do not give in to your demands you will use force. Consider what you are saying! And you want to persuade me to agree to this! What would it mean to agree to these demands? It would mean guiding oneself in one's relations with other countries not by reason, but by submitting to arbitrariness. You are no longer appealing to reason, but wish to intimidate us.

No, Mr. President, I cannot agree to this, and I think that in your own heart you recognize that I am correct. I am convinced that in my place you would act the same way.

Reference to the decision of the Organization of American States cannot in any way substantiate the demands now advanced by the United States. This Organization has absolutely no authority or basis for adopting decisions such as the one you speak of in your letter. Therefore, we do not recognize these decisions. International law exists and universally recognized norms of conduct exist. We

firmly adhere to the principles of international law and observe strictly the norms which regulate navigation on the high seas, in international waters. We observe these norms and enjoy the rights recognized by all states.

You wish to compel us to renounce the rights that every sovereign state enjoys, you are trying to legislate in questions of international law, and you are violating the universally accepted norms of that law. And you are doing all this not only out of hatred for the Cuban people and its government, but also because of considerations of the election campaign in the United States. What morality, what law can justify such an approach by the American Government to international affairs? No such morality or law can be found, because the actions of the United States with regard to Cuba constitute outright banditry or, if you like, the folly of degenerate imperialism. Unfortunately, such folly can bring grave suffering to the peoples of all countries, and to no lesser degree to the American people themselves, since the United States has completely lost its former isolation with the advent of modern types of armament.

Therefore, Mr. President, if you coolly weigh the situation which has developed, not giving way to passions, you will understand that the Soviet Union cannot fail to reject the arbitrary demands of

the United States. When you confront us with such conditions, try to put yourself in our place and consider how the United States would react to these conditions. I do not doubt that if someone attempted to dictate similar conditions to you—the United States—you would reject such an attempt. And we also say—no.

The Soviet Government considers that the violation of the freedom to use international waters and international air space is an act of aggression which pushes mankind toward the abyss of a world nuclear-missile war. Therefore, the Soviet Government cannot instruct the captains of Soviet vessels bound for Cuba to observe the orders of American naval forces blockading that Island. Our instructions to Soviet mariners are to observe strictly the universally accepted norms of navigation in international waters and not to retreat one step from them. And if the American side violates these rules, it must realize what responsibility will rest upon it in that case. Naturally we will not simply be bystanders with regard to piratical acts by American ships on the high seas. We will then be forced on our part to take the measures we consider necessary and adequate in order to protect our rights. We have everything necessary to do so.

Respectfully,

[Nikita S. Khrushchev]

LETTER FROM CHAIRMAN KHRUSHCHEV TO PRESIDENT KENNEDY: MOSCOW, OCTOBER 27, 1962[3]

Dear Mr. President, I have studied with great satisfaction your reply to Mr. Thant concerning measures that should be taken to avoid contact between our vessels and thereby avoid irreparable and fatal consequences. This reasonable step on your part strengthens my belief that you are showing concern for the preservation of peace, which I note with satisfaction.

I have already said that our people, our Government, and I personally, as Chairman of the Council of Ministers, are concerned solely with having our country develop and occupy a worthy place among all peoples of the world in economic competition, in the development of culture and the arts, and in raising the living standard of the people. This is the most noble and necessary field for competition, and both the victor and the vanquished will derive only benefit from it, because it means peace and an increase in the means by which man lives and finds enjoyment.

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3 Kennedy Administration Volumes, Foreign Relations of the United States, 1961–1963, Volume XI, Cuban Missile Crisis and Aftermath, Doc. 91, U.S. Department of State, accessed August 20, 2012, http://history.state.gov/historical documents/frus1961-63v11/d91.

In your statement you expressed the opinion that the main aim was not simply to come to an agreement and take measures to prevent contact between our vessels and consequently a deepening of the crisis which could, as a result of such contacts, spark a military conflict, after which all negotiations would be superfluous because other forces and other laws would then come into play—the laws of war. I agree with you that this is only the first step. The main thing that must be done is to normalize and stabilize the state of peace among states and among peoples.

I understand your concern for the security of the United States, Mr. President, because this is the primary duty of a President. But we too are disturbed about these same questions; I bear these same obligations as Chairman of the Council of Ministers of the U.S.S.R. You have been alarmed by the fact that we have aided Cuba with weapons, in order to strengthen its defense capability—precisely defense capability—because whatever weapons it may possess, Cuba cannot be equated with you since the difference in magnitude is so great, particularly in view of modern means of destruction. Our aim has been and is to help Cuba, and no one can dispute the humanity of our motives, which are oriented toward enabling Cuba to live peacefully and develop in the way its people desire.

You wish to ensure the security of your country, and this is understandable. But Cuba, too, wants the same thing; all countries want to maintain their security. But how are we, the Soviet Union, our Government, to assess your actions which are expressed in the fact that you have surrounded the Soviet Union with military bases; surrounded our allies with military bases; placed military bases literally around our country; and stationed your missile armaments there? This is no secret. Responsible American personages openly declare that it is so. Your missiles are located in Britain, are located in Italy, and are aimed against us. Your missiles are located in Turkey.

You are disturbed over Cuba. You say that this disturbs you because it is 90 miles by sea from the coast of the United States of America. But Turkey adjoins us; our sentries patrol back and forth and see each other. Do you consider, then, that you have the right to demand security for your own country and the removal of the weapons you call offensive, but do not accord the same right to us? You have placed destructive missile weapons, which you call offensive, in Turkey, literally next to us. How then can recognition of our equal military capacities be reconciled with such unequal relations between our great states? This is irreconcilable.

It is good, Mr. President, that you have agreed to have our representatives meet and begin talks, apparently through the mediation of U Thant, Acting Secretary General of the United Nations. Consequently, he to some degree has assumed the role of a mediator and we consider that he will be able to cope with this responsible mission, provided, of course, that each party drawn into this controversy displays good will.

I think it would be possible to end the controversy quickly and normalize the situation, and then the people could breathe more easily, considering that statesmen charged with responsibility are of sober mind and have an awareness of their responsibility combined with the ability to solve complex questions and not bring things to a military catastrophe.

I therefore make this proposal: We are willing to remove from Cuba the means which you regard as offensive. We are willing to carry this out and to make this pledge in the United Nations. Your representatives will make a declaration to the effect that the United States, for its part, considering the uneasiness and anxiety of the Soviet State, will remove its analogous means from Turkey. Let us reach agreement as to the period of time needed by you and by us to bring this about. And, after that, persons entrusted by the United

Nations Security Council could inspect on the spot the fulfillment of the pledges made. Of course, the permission of the Governments of Cuba and of Turkey is necessary for the entry into those countries of these representatives and for the inspection of the fulfillment of the pledge made by each side. Of course it would be best if these representatives enjoyed the confidence of the Security Council, as well as yours and mine—both the United States and the Soviet Union—and also that of Turkey and Cuba. I do not think it would be difficult to select people who would enjoy the trust and respect of all parties concerned.

We, in making this pledge, in order to give satisfaction and hope of the peoples of Cuba and Turkey and to strengthen their confidence in their security, will make a statement within the framework of the Security Council to the effect that the Soviet Government gives a solemn promise to respect the inviolability of the borders and sovereignty of Turkey, not to interfere in its internal affairs, not to invade Turkey, not to make available our territory as a bridgehead for such an invasion, and that it would also restrain those who contemplate committing aggression against Turkey, either from the territory of the Soviet Union or from the territory of Turkey's other neighboring states.

The United States Government will make a similar statement within the framework of the Security Council regarding Cuba. It will declare that the United States will respect the inviolability of Cuba's borders and its sovereignty, will pledge not to interfere in its internal affairs, not to invade Cuba itself or make its territory available as a bridgehead for such an invasion, and will also restrain those who might contemplate committing aggression against Cuba, either from the territory of the United States or from the territory of Cuba's other neighboring states.

Of course, for this we would have to come to an agreement with you and specify a certain time limit. Let us agree to some period of time, but without unnecessary delay—say within two or three weeks, not longer than a month.

The means situated in Cuba, of which you speak and which disturb you, as you have stated, are in the hands of Soviet officers. Therefore, any accidental use of them to the detriment of the United States is excluded. These means are situated in Cuba at the request of the Cuban Government and are only for defense purposes. Therefore, if there is no invasion of Cuba, or attack on the Soviet Union or any of our other allies, then of course these means are not and will not be a threat to anyone. For they are not for purposes of attack.

If you are agreeable to my proposal, Mr. President, then we would send our representatives to New York, to the United Nations, and would give them comprehensive instructions in order that an agreement may be reached more quickly. If you also select your people and give them the corresponding instructions, then this question can be quickly resolved.

Why would I like to do this? Because the whole world is now apprehensive and expects sensible actions of us. The greatest joy for all peoples would be the announcement of our agreement and of the eradication of the controversy that has arisen. I attach great importance to this agreement in so far as it could serve as a good beginning and could in particular make it easier to reach agreement on banning nuclear weapons tests. The question of the tests could be solved in parallel fashion, without connecting one with the other, because these are different issues. However, it is important that agreement be reached on both these issues so as to present humanity with a fine gift, and also to gladden it with the news that agreement has been reached on the cessation of nuclear tests and that consequently the atmosphere will no longer be poisoned. Our position and yours on this issue are very close together.

All of this could possibly serve as a good impetus toward the finding of mutually acceptable agreements on other controversial issues on which you and I have been exchanging views. These views have so far not been resolved, but they are awaiting urgent solution, which would clear up the international atmosphere. We are prepared for this.

These are my proposals, Mr. President.

Respectfully yours,

[Nikita S. Khrushchev]

VITA

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