

USAWC STRATEGY RESEARCH PROJECT

**Counterterrorism: Policy of Preemptive Action**

by

LIEUTENANT COLONEL STEVEN D. WESTPHAL  
United States Army

COLONEL JAMES H. EMBREY  
Project Advisor

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U.S. Army War College  
CARLISLE BARRACKS, PENNSYLVANIA 17013

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## ABSTRACT

AUTHOR: Steven D. Westphal, LTC, USA

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The tragic events of September 11, 2001 (911), and the devastating effects that those cowardly acts of terrorism had on our nation and the world, have forced us to review and reevaluate our country's counterterrorism policy. The terrorist attacks of 911, conducted by a few dedicated terrorists, willing to die for their beliefs, and having little regard for enormous losses of innocent lives, causes us to reevaluate our counterterrorism policy and its ability to prevent future acts of terrorism. The specific focus during this counterterrorism policy review is the terrorism prevention concept of preemptive action. Specifically, should the United States of America (USA), conduct preemptive strikes in the defense of our nation, our allies and their citizenry? The scope of this review covers our country's counterterrorism policy of preemptive action. This review specifically covers preemptive action: definition, historical precedence, policy, objectives, concepts, criteria for use, methods, risks, effects, unilateral vs. multilateral action, and the international view associated with the policy and its use. This study concludes by providing recommendations on the merits of preemptive strikes towards improving our ability to prevent future terrorism.



## TABLE OF CONTENTS

ABSTRACT .....	III
COUNTERTERRORISM: POLICY OF PREEMPTIVE ACTION.....	1
DEFINITIONS .....	2
HISTORICAL PERSPECTIVE AND PRECEDENCE.....	3
POLICY, OBJECTIVES AND CONCEPT.....	5
CRITERIA AND CONSIDERATIONS FOR USE.....	7
METHODS, RESOURCES, RISKS AND POSSIBLE EFFECTS.....	9
UNILATERAL VS MULTILATERAL ACTION.....	14
INTERNATIONAL VIEW, USE AND JUDGMENTS .....	15
CONCLUSION.....	16
ENDNOTES.....	19
BIBLIOGRAPHY .....	21



## LIST OF TABLES

TABLE 1. CONSIDERATIONS FOR PREEMPTIVE STRIKE USE.....	9
TABLE 2. PRINCIPLES OF WAR.....	10



## COUNTERTERRORISM: POLICY OF PREEMPTIVE ACTION

“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.”

President Bush  
The National Security Strategy of the United States of America  
September 17, 2002

With the end of the Cold War and the United States rise to sole super power status, the new world order has produced new challenges and new threats to our national security. Our military successes in Panama, the Middle East, Bosnia, Kosovo and Afghanistan sparked adversaries to alter their tactics and to seek asymmetrical methods to attack us. The tragic events of September 11, 2001 (“911”) and the devastating effects that terrorism had on the nation have forced the U.S. to review and reevaluate its entire national security policy. The most current National Security Strategy has justifiably evolved from a primarily conventional deterrence based strategy to a more selective yet offensively based strategy of first action. This new U.S. “policy of preemption,” and our ability to protect U.S. citizens and interests by striking adversaries who pose a significant threat before they can execute terrorist activities; is rational, it is legitimate and it is necessary for our country’s security.

Of specific focus during this counterterrorism national security policy study, will be the concept of preemptive action. Specifically, should the United States, conduct preemptive strikes or should the U.S. reserve its use of force for reactive defense of our nation, allies and citizenry? First, this study we will define preemption and preemptive strikes in the context of their potential military applicability and efficacy. Second it will discuss preemptions historical perspective and its historical precedence. Third, the study will review of our country’s counterterrorism policy and objectives as they concern preemptive strikes and evaluate criteria or conditions that might ultimately be considered for recommended use or non-use of preemptive strikes. This study will further discuss preemption as it relates to military methods, military principles of war and as a military capability to be applied in Military Operations Other than War (MOOTW). This study will then discuss resources to be used, and the risks and possible effects of preemption use. The study will discuss positive and negative aspects of unilateral vs. multilateral action. This study will discuss the international view, use and

judgments of European Allies, the Middle East, Russia, China, the United Nations and the U.N. Security Council and how they may differ or agree with the stated U.S. policy of preemption. Finally, the SRP will conclude by providing a recommendation on the positive or negative merits of preemptive strikes towards improving our ability to prevent terrorism in the future.

## DEFINITIONS

Prior to conducting any review of U.S. preemptive action policy, it is first necessary to define the key terms of: “preempt” and “preemptive strike”. To better understand the U.S. preemptive strike counterterrorism policy, we must first have a common reference of understanding of preemption. The common basis for our understanding of preemption will be generally accepted and known definitions. Through the common knowledge of accepted definitions of preemption, it’s possible to gain an understanding, meaning and intent of preemptive strikes. The common understanding of preemption will be the basis for further analysis. The Random House Unabridged Dictionary defines aspects of preemptive action as:

**Preempt**, v.t. 1.... 5. to forestall or prevent (something anticipated) by acting first; preclude; head off: an effort to preempt inflation

**Preemptive**. adj. 1. of or pertaining to preemption. 2. taken as a measure against something possible, anticipated, or feared; preventive; deterrent; a preemptive tactic against a ruthless business rival. 3. preempting or possessing the power to preempt; appropriative; privileged: a commander’s preemptive authority.<sup>1</sup>

**Preventive war**, Mil. An attack against a possible enemy to prevent an attack by that enemy at a later time. Also called **preemptive strike**.<sup>2</sup>

Joint Pub 1-02, the DOD Dictionary of Military and Associated Terms defines preemptive attack as:

**Preemptive attack** – An attack initiated on the basis of incontrovertible evidence that an enemy attack is imminent.<sup>3</sup>

Using these definitions, the surmised intent of preemptive action is to act as a deterrent against enemy action and when initiated on the basis of incontrovertible evidence, to prevent an imminent enemy attack; or, we are able to derive that preemptive strikes are intended to be used as a preventive action against an enemy, initiated on the basis of incontrovertible evidence, to prevent an enemy attack that is imminent or to prevent an attack that will occur at a later time. The underlying emphasis is that preemptive strikes are credible deterrent and preventive measures that may be used to preclude and interdict anticipated attacks by an enemy based on reasonable, credible evidence.

## **HISTORICAL PERSPECTIVE AND PRECEDENCE**

History has numerous examples of nations and states conducting preemptive strikes in order to prevent attacks or war. During an interview with the Washington Post several noted U.S. political experts mentioned preemption examples of historical precedence:

Ruth Wedgwood: I'd like to make a point about old and new, back to the future.

There's a famous case from 1842, which has amusingly benign facts. It's the British attacking across the Niagara to preempt an invasion by Irish revolutionaries in Canada. That formulation has stuck with us for a very long time: It says you can use anticipatory self defense when the threat is instant, overwhelming and leaves no choice.<sup>4</sup>

This concept and "formulation" of preemption supports the rights of nation states or individuals to prevent an attack upon themselves or their nation if the attack is "anticipated," imminent, overwhelming and there are no other options. This is a similar analogy or justification of one rationale currently being stated to justify the potential U.S. war with Iraq. The justification for possible war with Iraq being that Iraq has WMD's that are available to be used for an imminent attack on the U.S. that would cause catastrophic damage and loss of life to our nation.

Ruth Wedgwood (Cont): There's a somewhat different reading under the U.N. Charter with a relatively pacifistic bias, which is that you really just have to wait and take a significant chance of having the first hit. Or, depending on the intelligence you have, until the moment before the first hit. There's quite a different formulation that comes from, of all people, Elihu Root -- secretary of war, secretary of state, one of the founders of the American Society of International Law. In 1914, Root declared "the right of every sovereign state to protect itself by preventing a condition of affairs in which it will be too late to protect itself."<sup>5</sup>

A current interpretation of Elihu Root's quote would lead us to understand that every independent and sovereign state has the fundamental right to protect itself by stopping the undesired action, attack, condition, or impending event before it's too late to stop it. This preventive measure would be a preemptive action because the sovereign country would take action before it could possibly be attacked. A sovereign country would not have to wait to be attacked before it can take action. Sovereign countries can take action before being attacked and before having to endure the potentially devastating effects of an attack. The legitimate use of preemption becomes even more credible, important, and relevant with the development of weapons of mass destruction and the potential devastation that WMD devices can inflict upon the world.

Ruth Wedgwood (Cont): It's not surprising to me that how you apply Root's formulation would change over time with the development of weapons of mass destruction. What's also changed obviously is the failure of the incentive system.

Deterrence doesn't work any more against non-state actors who don't give a damn. But I do think we all have to be cognizant that our allies are wedded to a much more chaste version of how you read the text of the U.N. charter, partly on the sometimes romantic belief that the Security Council is actually going to work, and sometimes because they simply don't agree with us on the use of force.

Ken Adleman: To follow up on your quote of Root, you can go back to Sir Thomas More: "If any foreign prince takes up arms and prepares to invade their land, they immediately attack him in full force outside their own borders. They are the most reluctant to wage war on their own soil." So the legitimacy of preemption goes back beyond Root to some of the great thinkers of Western civilization.<sup>6</sup>

As history has shown, the concept of pre-emptive action is not a new novelty in warfare. Sir Francis Drake attacked the Spanish Armada at anchor before their planned attack against the British. Israel conducted a preemptive attack on its Arab neighbors in the Six Day War as they prepared to attack Israel. Preemption, as the writer Max Boot has pointed out, is not an altogether new thing for America. Woodrow Wilson's occupation of Haiti in 1915, Lyndon Johnson's dispatch of Marines to the Dominican Republic in 1965 and Ronald Regan's invasion of Grenada in 1983 are just a few of the pre-emptive interventions launched to protect American dominance in this hemisphere. Boot even counts Vietnam as essentially an instance of America playing pre-emptive globocop.<sup>7</sup> Pre-emption has thus been used in many instances; however, no president other than President Bush has so explicitly raised, emphasized, and moved the practice into a stated and used government policy. Previous American leaders [have] preferred to fabricate pretexts – the sinking of the Maine, the ostensible attacks on American warships in the gulf of Tonkin – rather than admit they were going in unprovoked.<sup>8</sup>

U.S. National Security Strategy has put the notion of preemptive strikes in a historical, legal and international context supporting our use of preemptive strikes as a statement of U.S. policy:

For centuries, international law recognized that nations need not suffer an attack before they can lawfully take action to defend themselves against forces that present an imminent danger of attack. Legal scholars and international jurist often conditioned the legitimacy of preemption on the existence of an imminent threat – most often a visible mobilization of armies, navies, and air forces preparing to attack.<sup>9</sup>

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 the place of the enemy's attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively.<sup>10</sup>

The United States government's new emphasis approach, through very direct statements and policy, emphasize to potential adversaries and their supporters that the U.S. intends to use preemption as a deterrent to terrorist attack. In effect, it has put the world on notice. Rogue states and terrorist should be aware that threats against the U.S. and its allies will not go unchecked. Unlike the past, terrorist and others who threaten U.S. security will not be allowed to strike first, or even prepare to strike, when their actions could unleash the devastating effects of chemical, biological or nuclear catastrophes on the U.S. citizenry.

## **POLICY, OBJECTIVES AND CONCEPT**

"The gravest danger to freedom lies at the crossroads of radicalism and technology. When the spread of chemical and biological and nuclear weapons, along with ballistic missile technology – when that occurs, even weak states and small groups could attain a catastrophic power to strike great nations. Our enemies have declared this very intention, and have been caught seeking these terrible weapons. They want the capability to blackmail us, or to harm us, or to harm our friends – and we will oppose them with all our power."

President Bush  
West Point, New York  
June 1, 2002

The current U.S. policy on preemption is not new. Past presidents have used preemptive measures when they believed preemptive measures were needed. President Clinton had preemption written in to his Presidential Decision Directive -39, U.S. Policy on Counterterrorism, dated June 21, 1995 which states:

It is the policy of the United States to deter, defeat and respond vigorously to all terrorist attacks on our territory and against our citizens, or facilities, whether they occur domestically, in international waters or airspace or on foreign territory. The United States regards all such terrorism as a potential threat to national security as well as a criminal act and will apply all appropriate means to combat it. In doing so the U.S. shall pursue vigorously efforts to deter and preempt, apprehend and prosecute, or assist other governments to prosecute, individuals who perpetrate or plan to perpetrate such attacks. (U)<sup>11</sup>

The United States, National Security Presidential Directive (NSPD) -17, National Strategy to Combat Weapons of Mass Destruction,<sup>12</sup> articulated U.S. policy on non-proliferation of weapons of mass destruction (WMD), counterterrorism and potential U.S. actions to deter, stop, and prevent use of WMD devices by terrorist organizations. NSPD-17 discussed WMD defense and effect mitigation and the nation's comprehensive strategy to counter all aspects of the WMD threat to the U.S. The NSPD includes the possible use of preemptive measures in our protecting the U.S. against WMD effects in our strategy.

Because deterrence may not succeed, and because of the potentially devastating consequences of WMD use against our forces and civilian population, U.S. military forces and appropriate civilian agencies must have the capability to defend against WMD-armed adversaries, including in appropriate cases through preemptive measures.<sup>13</sup>

The specific NSPD quote above acknowledges that regardless of the circumstances or numerous deterrence measures in place, some countries, rouge states or terrorist will not be deterred. The NSPD emphasizes that the catastrophic consequences that a WMD device would have against our nation are so great that preemptive measures are appropriate, preemptive measures are necessary. Therefore the use of preemption may be necessary against an undeterred WMD armed adversary in order to prevent potentially devastating catastrophes.

The National Security Strategy (NSS) of the U.S.A. dedicates the entirety of, Section III, to: Strengthen Alliances to Defeat Global Terrorism and Work to Prevent Attacks Against Us and Our Friends.<sup>14</sup> It focuses on the enemy being terrorism – premeditated, politically motivated violence perpetrated against innocents.<sup>15</sup> It states that the U.S. “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.”<sup>16</sup> The NSS then further details the U.S. will conduct its counterterrorism campaign to disrupt and destroy terrorist organizations by:

- Direct and continuous action using all elements of national and international power. Our immediate focus will be those terrorist organizations of global reach and any terrorist or state sponsor of terrorism which attempts to gain or use weapons of mass destruction (WMD) or their precursors;
- Defending the United States, the American people, and our interest at home and abroad by identifying and destroying the threat before it reaches our borders. While the United States will constantly strive to enlist the support of the international community, we will not hesitate to act alone, if necessary, to exercise our right of self-defense by acting preemptively against such terrorist...<sup>17</sup>

The NSS quotes above make it clear and easy for terrorists and the international community understand, that if organizations threaten the U.S. with WMD devices, then the U.S. will not hesitate to defend our country and its citizenry by conducting preemptive strikes against those organizations. The National Security Strategy further notes that the “best defense is a good offense”<sup>18</sup> in the war on terrorism. It subsequently states that: “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.”<sup>19</sup>

Given the goals of rogue states and terrorist, 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.<sup>20</sup>

The objective of the US Counterterrorism policy and the use of preemptive strikes are clear. Our Counterterrorism policy and use of preemptive strikes are intended to prevent and stop terrorist actions before they can occur. The September 2002, NSS of the U.S., often noted as the Bush Doctrine, postulates an imminent, multifaceted, undeterable and potentially calamitous threat to the United States – a threat that, by virtue of the combination of its destructiveness and invulnerability to deterrence, has no precedent in American history. By implication, such a threat demands an unprecedented response.<sup>21</sup> This “unprecedented” response, which is actually a response based on precedence, is preemptive action.

#### **CRITERIA AND CONSIDERATIONS FOR USE**

The new threat and new era of terrorism and weapons of mass destruction demand a new security strategy for defense. Global terrorism and weapons of mass destruction threaten national sovereignty and global stability. Defensive deterrence is not enough to prevent attacks, offensive preemption is needed to prevent attacks. Without preemption, terrorist will continue to take the initiative and they will attack at the time and place of their choosing. With preemption the United States will seize the initiative, we will attack first, and we will deter and prevent future terrorist attacks.

The threat of preemptive strikes alone is a deterrent to any rationale actors in the world community. Our capacity to act preemptively and to bring the fight to the enemy will deter many. Our use of preemption as a legitimate defense and not as an arrogant offence will gain support of just governments who will deny terrorist safe havens within their independent countries.

The United States use of preemption should not be an exception to international law. Preemption must be used within the context and scope of international law. We can not afford to have preemption used as a separate law unto itself, for use by those with the capacity to conduct preemptive strikes. We should ensure recognition of legitimate preemptive strike use in international engagements. We can not continually operate without agreement and support of other nations and the international community. We must abide by international law and treaties

that regulate unacceptable conduct and prevent world anarchy. We must be held accountable to same standards of international law, human rights and conduct that lesser nations are held accountable.

UN Charter, Article 51, acknowledges the rights of each state to defend ourselves, and when attacked the UN acknowledges the inherent right of self defense. From this same Article it can be derived that anticipatory self defense can be used when the threat is instant, overwhelming and leaves no choice. The question some may argue is that if the threat is imminent, are we compelled to wait until we've been struck? The answer is no. The proliferation of weapons of mass destruction that could cause catastrophic or irretrievable damage, doesn't allow us the luxury of waiting to be attacked. Weapons of mass destruction give us the imperative to take preemptive action for the greater safety and benefit of the world.

Threat	Terrorist Rogue State Hostile State
Threat Type	Conventional Biological Chemical Nuclear
Threat Intention	Declared Stated Written Previous Use
Threat Damage Potential	Minimal Catastrophic Devastating Overwhelming
Threat Timeline	Anticipated Impending Imminent Instant
Threat Evidence	Credible Reasonable Incontrovertible
International View	Government Judgment Public Judgment Military Judgment Legal Assessment
United States View	Government Judgment Public Judgment

	Military Judgment Legal Assessment
Results of Use	Deter Threat Stop Threat Decisive Limit Collateral Damage
U.S. Ability or Capacity to Conduct	Yes No
Threat Ability or Capacity to Respond	Yes No

TABLE 1. CONSIDERATIONS FOR PREEMPTIVE STRIKE USE

Although preemption is a legitimate use of military power, it may not be in the best interests of the United States to establish preemption as the universal principle of all nations. There must be a clear and unacceptable threat to a nation and the world prior to conducting preemptive strikes. Anticipatory military attacks to forestall or prevent hostile acts by our adversaries will come under greater scrutiny, review and challenge to ensure that the preemptive strike was necessary. Any unjustified use of preemption will lead to world condemnation, sanctions and response within United Nations and world capability.

#### **METHODS, RESOURCES, RISKS AND POSSIBLE EFFECTS**

The Constitution of the United States is the foundation document that provides the basis and principles upon which the freedoms, laws, policies, interest and actions of the U.S. government are derived. The United States Constitution, the National Security Strategy of the United States and the National Military Strategy of the United States provide guidance to our military. The military, as an instrument of national power, supports the security strategy, military strategy, interest and principles of the United States. Over history the military has established methods and principles of war that have been used to guide the implementation of military power in supporting national policy objectives. It is through these methods and time tested principles of war that we can further access the merits of preemptive strikes against the negative consequences of inaction. To understand the positive merits or negative consequences of military preemptive strikes we should understand the principles of war and their application in joint warfare towards making sound decisions to implement military power.

The principles of war represent fundamental truths in the practice of military art that have stood the test of time. Students who have reviewed and researched warfare over the years still have not reached consensus on a single list of principles of war; but they all will attest that such principles are a good starting

point for evaluating military strategy and tactics, and these principles form the foundation for the application of operation planning.<sup>22</sup>

<b>UNITED STATES</b>	<b>GREAT BRITIAN AUSTRALIA</b>	<b>FORMER SOVIET UNION “Principles of Military Art”</b>	<b>FRANCE</b>	<b>PEOPLE’S REPUBLIC OF CHINA</b>
Objective	Selection & maintenance of Aim			Selection & Maintenance of Aim
Offensive	Offensive Action			Offensive Action
Mass	Concentration of Force	Massing & Correlation of Forces	Concentration of Effort	Concentration of Force
Economy of Force	Economy of Force	Economy, Sufficiency of Force		
Maneuver	Flexibility	Initiative		Initiative & Flexibility
Unity of Command	Cooperation			Coordination
Security	Security			Security
Surprise	Surprise	Surprise	Surprise	Surprise
Simplicity				
	Maintenance of Morale	Mobility & Tempo, Simultaneous Attack on All Levels, Preservation of Combat Effectiveness, Interworking and Coordination	Liberty of Action	Morale, Mobility, Political Mobilization, Freedom of Action

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TABLE 2. PRINCIPLES OF WAR

The use of preemption as a military deterrent and preventive measure against one’s enemies spans many of the “Principles of War” or the “Principles of Military Art” of the five permanent members of the United Nations Security Council. The military strategy and tactic of preemptive strike use has a firm basis in the fundamental truths and military art that the principles represent. The just use of Preemptive Strikes can arguably involve the positive implementation of all nine U.S. principles of war. Each of the principles of war; objective, offensive, mass, economy of force, maneuver, unity of command, security, surprise and simplicity all have relevance and applicability towards promoting the legitimate use of preemptive strikes as a supporting military method of national policy and interest. In correlating preemptive strikes with the principles of war, the use of preemptive strikes would be directed towards clearly defined, decisive and attainable objectives. The strikes would take the offensive

by seizing, retaining and exploiting the initiative thereby taking the fight to the enemy. Preemptive strikes would deny the enemy the initiative and surprise that they so highly covet and need to conduct terrorist attacks. Preemptive strikes would allow us to mass or concentrate the effects of our combat power at specific times and places to achieve decisive results. Preemptive strikes would provide primary efforts towards specific targets allowing us to allocate minimum essential combat power to secondary efforts and thus achieve economy of force. Our flexible ability to maneuver our combat power and attack the targets of our choosing would place the enemy in a distinct position of disadvantage. Surprise would be achieved by striking at a time or place or in a manner for which the enemy is unprepared. Unity of command, security and simplicity could all be easily achieved through sound mission planning, operational security, and command and control. Preemption is an ideal military method, procedure, strategy, and tactic that wrest away the initiative of enemy and firmly takes the offensive causing the enemy (terrorist, rogue states) to stop, react or change.

Preemptive action is a sound strategy that is supported by the principles of war. However, preemptive action may be the desired option to be used to prevent a war or to deter a war. As a military tactic preventive action (strikes) generally gets unanimous support for use during the conduct of a war, but as a counterterrorism measure, preemptive strikes are often considered to fall under the category of a military operation other than war. Joint Publication 3-0 describes what military operations other than war encompass. It is through this description that we can further associate and interpret the deterrent emphasis of preemptive strikes towards preventing, major catastrophes, large scale combat or war.

Military Operations Other Than War (MOOTW) encompass a wide range of activities where the military instrument of national power is used for purposes other than the large-scale combat operations associated with war. Although these operations are often conducted outside the United States, they also include military support to US Civil authorities. MOOTW usually involve a combination of air, land, sea, space and special operations forces as well as the efforts of governmental agencies<sup>23</sup> and non-governmental organizations (NGOs), in a complimentary fashion.

Joint Pub 3-0 further applies six principles that are applicable to MOOTW. The six recognized principles for MOOTW are objective, unity of effort, security, restraint, perseverance and legitimacy. The principles of objective and security are aligned with the principles of war in that commanders must understand the strategic goals and set appropriate objectives to ensure unity of effort. Security applies to force protection of U.S. interests and ensures that the enemy does not acquire any unexpected advantages. Security is also a tactical necessity that will enable our forces to conduct decisive preemptive strike that surprise the enemy and take away

his initiative. Unity of effort is similar to the unity of command principle of war except that in MOOTW operations with other government agencies or other countries may make this principle more difficult to obtain. The last three MOOTW principles of restraint, perseverance and legitimacy are most critical to supporting preemptive strikes in that they provide the basis for acceptance by the U.S. public and the international community. When conducting preemptive strikes the U.S. must exercise restraint, and prudently apply appropriate military capability. The disciplined and restrictive use of force that limits damage to the specific targets and avoids collateral damage will have greater acceptance throughout the worldwide community. Undisciplined and excessive use of force that causes excessive collateral damage or deaths will lead to large scale condemnation and opposition throughout the world. The MOOTW principle of perseverance means that preemptive strikes need to be measured and protracted to support our strategic goals and interest. If preemptive strikes are not measured, or if the policy of preemption is not protracted, then U.S. credibility and the use of preemptive strikes as a deterrent will be minimized. The principle of legitimacy focuses on internationally sanctioned standards, as well as the perception that authority of a government to govern is genuine and effective and uses proper agencies for reasonable purposes.<sup>24</sup> If the international community believes that the reason for conducting preemptive strikes is legitimate then the international community and the world will be generally supportive of preemptive strike use. If the international community views preemptive actions to be legitimate, but they have other interest to preserve, they may not be openly supportive of the preemptive strikes, but they will generally not aggressively condemn the preemptive strike use.

The methods used to enforce, implement and support our Counterterrorism policy and use of preemptive strikes will span the elements of national power. The United States will use political, economic, informational and military power to deter and ultimately stop terrorists before they have an opportunity to strike. The resources and instruments that the United States is using to combat terrorism are Diplomacy, Public Support, International Support, International Organizations, Fiscal Policy, Monetary Policy, Trade Policy, Security Assistance, Foreign Aid, Freezing of Monetary Assets, Embargoes, Public Policy Statements, Psychological Operations, Cyber Warfare, Public Awareness, and most notably the use of our Armed Forces. The objectives (ends), methods (ways), and resources (means) that the United States is using are in balance towards our goal of stopping terrorism. However, there are significant risks and possible negative effects associated with the use of our Armed Forces in a preemptive strike against terrorist targets abroad.

The greatest risk associated with our use of military preemptive strikes is the risk that public, international and world opinion will turn against the United States. The possible resulting negative change in public, international and world opinion could feasibly break apart our Alliances (NATO, ANZUS, etc.), our Coalitions, our Treaties, and our country's respect around the world. This resulting negative change could possibly spark the formation of new alliances, coalitions and treaties by other states seeking to protect themselves from a future perceived hegemonic militaristic attack by the United States. These new alliances and coalitions may further start a military build up of their own and foster an arms race so that they would be capable of competing militarily against the United States should the world situation require it.

While there are some possible serious risks and negative effects of conducting preemptive military strikes to fight terrorist and rogue states that sponsor terrorism, the risks and negative effects of not conducting preemptive strikes are even greater. The possibility of terrorist or rogue states using Weapons of Mass Destruction (WMD) on our country, our allies and our citizenry could have devastating effects on our nation and the world. In an eloquent address in June at West Point, President Bush stressed that new weapons of mass destruction no longer permit America the luxury of waiting for an attack, that we must "be ready for preemptive action when necessary to defend our liberty."<sup>25</sup>

The terrorist actions of September 11<sup>th</sup>, 2001 with the loss of 3,000 lives and an estimated loss of over \$600 billion dollars in material and economic damage to our country and the world would pale in comparison to a Nuclear or WMD attack against any large metropolitan city (New York, Chicago, Houston, London, Paris, Berlin, Moscow, Beijing, Hong Kong, Tokyo, Baghdad, Tehran, Seoul, Pyong Yang). The long term effects of a Nuclear WMD attack on any major population center around the world would have devastating effects that would last for decades and have effects on multiple generations of families, peoples, economies, environments, and relations. The devastatingly negative potential effects that WMD's would have in the hands of terrorist or rogue states is so great that it would be incomprehensible to not act preemptively to prevent such attacks.

Another risk associated with preemptive strike use by the United States is that it risks setting bad precedents and bolsters the perception of American imperialism. While military pressures may positively motivate some to comply or change others, some may be negatively motivated to defend against preemptive strikes and encouraged to take their own preemptive actions as a matter of defense. The risk of other countries adopting the policy, and using it for non legitimate actions would have very detrimental effects on the world. If China was to use the preemption as a basis for attacking Taiwan or if India was tempted to apply the principle of

preemption against Pakistan the negative results could be enormous. If any nuclear power; China, France, Great Britain, India, Israel, North Korea, Pakistan, Russia or the United States should ever use a preemptive nuclear strike against another nuclear power the results could be totally devastating.

### **UNILATERAL VS MULTILATERAL ACTION**

Having the support of the international community in conducting almost any action lends credibility and legitimacy to those actions. It is in the best interest of the United States to garner the support of our allies, friends, and the international community when conducting preemptive strikes. However, if the scope of the threat is of such a magnitude or imminent occurrence that time is of the essence, the United States must swiftly conduct preemptive strikes and the United States must act unilaterally. After America, our citizens and our allies are safe; it will then be the responsibility of the United States to provide a compelling case to the international community on why we acted. We must not hold ourselves above the scrutiny and judgment of the international community. International support lends to credibility. The United States should not isolate itself in the world by becoming an irresponsible hegemon; the United States should be a benevolent hegemon and should strive to translate our superior power into international leadership and cooperation.

The United States should increase emphasis on strengthening alliance relationships, establishing new partnerships; forging bilateral and multilateral cooperation; and targeting our preemptive strike strategies against hostile states and terrorist. Unilateral action should not be applied extensively or in an irresponsible manor. Unilateral action should be the exception, while multilateral action should be the standard we should strive to achieve. If unable to achieve multilateral agreement, cooperation or consensus then the United States must act alone in our national interest. Multilateral operations while desired have significant time and expediency limitations which may be difficult to overcome or achieve. We will continue to build coalitions to support our efforts, as well as to seek multilateral support for preemptive strike operations. With such great threats as WMD to the United States and the greater international community, it is vital that we work closely with like-minded countries on a comprehensive preventive, preemption and deterrence strategy. So we should attempt multilateral cooperation within the capabilities and limitations of the international community, but in the absence of cooperation or time we must be prepared to act unilaterally.

The United States is also guided by the conviction that no nation can build a safer, better world alone. Alliances and multilateral institutions can multiply the strength of freedom-loving

nations. The United States is committed to lasting institutions like the United Nations, the World Trade Organization, the Organization of American States and NATO as well as other long standing alliances. Coalitions of the willing can augment these permanent institutions.<sup>26</sup>

### **INTERNATIONAL VIEW, USE AND JUDGMENTS**

As we understand the many international views of preemptive action, we can go back in history to the 1648 Treaty of Westphalia. The Treaty of Westphalia effectively ended the "Thirty Years War" in Europe, and established the principle of non-intervention in the domestic affairs of other states. Many international countries, most notably European countries, have subsequently lived for centuries by this fundamental principle and have used this principle as a basis for international law. Independent state support, of the Treaty of Westphalia principle, of non-intervention in the domestic affairs of the state is still widely supported by a vast majority of the states around the world. So, to many countries, the notion of justified preemption runs counter to modern international law, which sanctions the use of force in self defense only against actual, not potential threats. However, when the actions or activities that occur within independent or rogue states are directed towards or against other independent states then those "domestic activities" are subject to international action. If the activities within the rogue state are of such a magnitude, nature or potential devastating threat to other independent states then the rogue state and those conducting threatening activities are subject to the justified use of preemptive strikes. The understanding of state threats against another state and the devastation that can be wrought by WMD devices has gained support from the international community towards preemptive actions.

The United States is not alone in the world in its policy and its proposed use of preemptive strikes. In 1981, Israel launched and conducted a very successful preemptive strike against the Iraqi nuclear facility at Osirak. While this strike received moderate condemnation, it was generally viewed as a necessary action for Israeli self defense. After a few weeks of somewhat mild world attention, the Israeli preemptive strike against the nuclear facility in Iraq was old news. In 1992 and 1993 United Nations nuclear inspector's efforts to closely investigate North Korea's nuclear facilities and programs nearly initiated a chain reaction that almost prompted the Clinton administration to conduct preemptive strikes on the North Korean Yongbyon nuclear facility complex in 1994. The Russian government acknowledged support and professed the use of preemptive strikes in military operations in Chechnya. According to Presidential aide Sergei Yastrzhembsky, Russia is prepared to launch preemptive strikes against guerrilla and terrorist training camps in the parts of Afghanistan controlled by the Taliban movement.<sup>27</sup>

Russia has subsequently been very quiet or low key in any opposition to the United States' use of preemptive strikes because of their belief that it is a legitimate military use of force when applied justly against known threats. Russia is prepared to conduct preemptive strikes against known terrorist in Chechnya today.

The United Nations has supported the concept of preemptive strikes against its own forces. In July 2000, Secretary General Kofi Annan noted that United Nations' forces struck against Sierra Leone renegade militia known as the "Westside Boys" in a "preemptive" manner. "It was a preemptive strike against a group of rebels who were planning an attempt to attack the force" of the United Nations peacekeeping forces "The UNAMSIL commander decided he should make a preemptive strike to disperse that unit before they were attacked," he added.<sup>28</sup> This reference by Secretary General Kofi Annan is another logical affirmation that preemption is a legitimate and recognized use of political and military power in order to prevent attacks by ones enemy. It validates the United Nations support for the concept of preemption and its justifiable use as a preventive deterrent against attacks.

## **CONCLUSION**

Preemption is an attractive option on the surface, but more complicated and dangerous below. There are numerous complications, differences and views on the use of preemption as a legitimate method of preventing attacks, stopping terrorist and deterring terrorism. Preemption is not the first use option in dealing with rogue states and terrorist. The full spectrum of diplomatic, economic, political and military options should be considered prior to conducting preemptive strikes.

Preemptive strikes risk causing potential crisis to escalate quickly. However, the risk of inaction is far greater than the risk of action. Weapons of mass destruction could enable our adversaries to inflict massive harm on the United States, our military forces at home and abroad and our allies and friends. Some states, including several that have supported and continue to support terrorism, already possess weapons of mass destruction and are seeking even greater capabilities, as tools of coercion and intimidation. For them, these are not weapons of last resort, but militarily useful weapons of choice intended to overcome our nation's advantages in conventional forces and to deter us from responding to aggression against our friends and allies in regions of vital interest. In addition, terrorist groups are seeking to acquire weapons of mass destruction with the stated purpose of killing large numbers of our people and those friends and allies – without compunction and without warning.<sup>29</sup> It is against these adversaries, rogue states and terrorist groups that preemptive strikes are ideally intended and suited. Preemptive strikes

are not intended for the illegitimate use of the strong to further their own imperialistic agendas. Preemptive strikes are intended to be used as a preventive deterrent against an enemy, initiated on the basis of incontrovertible evidence, to prevent an enemy attack that is imminent or to prevent an attack that will occur at a later time. The underlying emphasis is that preemptive strikes are a deterrent and preventive measure used to forestall, preclude and stop anticipated or feared attacks by an enemy based on incontrovertible evidence.

Because deterrence may not succeed, and because of the potentially devastating consequences of weapons of mass destruction use against our forces and civilian population, U.S. military forces and appropriate civilian agencies must have the capability to defend against WMD – armed adversaries, including in appropriate cases through preemptive measures.<sup>30</sup>

The United States' policy on Counter-Terrorism and its acknowledgement and use of preemptive strikes; is good, pragmatic, rational and just. The nature of the enemy has changed; the nature of the threat has changed, so the response to the new enemy and new threats must change. Given the goals of rogue states and terrorist, the U.S. can not solely rely on a reactive posture as we have in the past. Preemptive strikes may be our best or only option to avert a catastrophic attack. Prudence dictates that the United States must act preemptively, and it must act alone if necessary, to stop rogue states, terrorism and terrorists before they have the opportunity to inflict potentially catastrophic attacks upon our country and the world. The economies, environments, freedoms, interest, liberties, lives and values of millions of peoples and countries around the world depend upon our ability to act preemptively to stop terrorist and rogue states before they can attack. The stated policy, written policy and justifiable use of Preemptive Strikes by the United States, is a necessary response and a necessary method to deter and eventually stop the scourge of terrorism.

WORD COUNT =6,976



## ENDNOTES

- <sup>1</sup> Stuart Berg Flexner., ed, Random House Unabridged Dictionary, 2<sup>nd</sup> ed. (New York: Random House, 1993), 1524.
- <sup>2</sup> Ibid., 1535.
- <sup>3</sup> Joint Warfighting Center, DOD Dictionary of Military and Associated Terms, Joint Publication 1-02 (Washington, D.C.: J7 Joint Doctrine Division, 12 April 2001), 333.
- <sup>4</sup> Washington Post. "Six Degrees of Preemption." Washington Post Outlook 29 September 2002; Available from <<http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contantId=a13973-2002Sep&notfound=true>>; Internet; accessed 4 November 2002.
- <sup>5</sup> Ibid.
- <sup>6</sup> Ibid.
- <sup>7</sup> Bill Keller. "The year in ideas: Pre-emption". New York Times 15 December 2002; [database on-line]; available from ProQuest; accessed 20 January 2003, 6.114.
- <sup>8</sup> Ibid.
- <sup>9</sup> George W. Bush, The National Security Strategy of the United States of America (Washington, D.C.: The White House, September 2002), vii. 15.
- <sup>10</sup> Ibid., 15.
- <sup>11</sup> William J. Clinton, Presidential Decision Directive-39, U.S. Policy on Counterterrorism (U), (Washington, D.C.: The White House, June 1995), 1; available from <<http://www.fas.org/irp/offdocs/pdd39.htm>>; Internet; accessed 10 September 2002, 1.
- <sup>12</sup> George W. Bush, National Security Presidential Directive -17, National Strategy to Combat Weapons of Mass Destruction (U), (Washington, D.C.:The White House,,: December 2002),3; available from <<http://www.fas.org/irp/offdocs/nspd/nspd-17.html>>; Internet; accessed 17 January 2003.
- <sup>13</sup> Ibid.
- <sup>14</sup> George W. Bush, The National Security Strategy of the United States of America (Washington, D.C.: The White House, September 2002), vii.
- <sup>15</sup> Ibid., 5.
- <sup>16</sup> Ibid.
- <sup>17</sup> Ibid., 6.
- <sup>18</sup> Ibid.

<sup>19</sup> Ibid., 14.

<sup>20</sup> Ibid., 15.

<sup>21</sup> Jeffrey Record, "The Bush Doctrine and War with Iraq," Parameters 33 (Spring 2003): 6.

<sup>22</sup> National Defense University, The Joint Staff Officer's Guide 2000, JFSC Pub 1 (Norfolk VA: Joint Forces Staff College, 2000), D-1

<sup>23</sup> Joint Chiefs of Staff, Doctrine for Joint Operations, Joint Pub 3-0 (Washington D.C.: Joint Doctrine Division, 10 September 2001), V-1.

<sup>24</sup> Ibid., V-3.

<sup>25</sup> Henry Kissinger. "Preemptive strike on Iraq to improve peace prospects." The Sunday Times 11 August 2002; available from <[http://www.manilatimes.net/national/2002/aug/11/top\\_stories/20020801top6.html](http://www.manilatimes.net/national/2002/aug/11/top_stories/20020801top6.html)>; Internet; accessed 4 November 2002

<sup>26</sup> George W. Bush, The National Security Strategy of the United States of America (Washington, D.C.: The White House, September 2002), vii.

<sup>27</sup> Alan Kachmazov, "Terrorism Military Policy Government." The Current Digest of the Post – Soviet Press, (21 June 2000): 10 [database on-line]; available from ProQuest; accessed 19 September 2002, 1.

<sup>28</sup> Agence France Presse, "Annan justifies UN's "Preemptive Strike" Against Sierra Leone Militia." Agence France Presse 25 July 2000. available from <<http://www.globalpolicy.org/security/issues/sierra/000725.htm>>; Internet; accessed 4 November 2002.

<sup>29</sup> George W. Bush, National Security Presidential Directive -17, National Strategy to Combat Weapons of Mass Destruction (U), (Washington, D.C.:The White House, December 2002), 1; available from <<http://www.fas.org/irp/offdocs/nspd/nspd-17.html>>; Internet; accessed 17 January 2003

<sup>30</sup> Ibid., 3.

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