

## First Strike Guidelines: the Case of Iraq

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In the first Clinton administration Secretary of Defense Les Aspin announced that the United States would seek the capability to undertake offensive counterproliferation strikes against proliferators of weapons of mass destruction (WMD). To this end Les Aspin's 1993 Bottom Up Review calls for "Improvements in the ability of both our general purpose and special operations forces to seize, disable, or destroy arsenals of nuclear, biological, and chemical weapons and their delivery systems."

Dr. Barry R. Schneider, director of the U.S. Air Force Counterproliferation Center, believes the United States should have a military option available with which to destroy the weapons of mass destruction of a hostile nation that poses an imminent danger to U.S. security. He also emphasizes that preemptive or first strike attack is only one of a number of tools the U.S. possesses to deal with radical states that acquire weapons of mass destruction and should be a choice of last resort. He sums up his case as follows:

**Preemptive attack, as a last resort, in an extremely dangerous and unique situation, makes sense. In general, however, preemptive counter-proliferation actions should be considered only in the most extreme cases, where all other options appear to be ineffective, and where the conditions favor success.<sup>1</sup>**

In his 1995 paper "Radical Responses to Radical Regimes" Dr. Schneider notes that "ill-considered preemptive strikes could backfire catastrophically" and asks "What principles should guide decision-makers in choosing whether to attempt to preemptively disarm an emerging dangerous and hostile nuclear regime?" He then poses questions for decision-makers which should help in guiding toward a responsible and principled decision. In this paper I will review how the case for preemption against Iraq measures up within these guidelines and provide a tally of answers to Schneider's guideline questions along a "yes" - "no" continuum.

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<sup>1</sup> Barry R. Schneider, "Radical Responses to Radical Regimes: evaluating preemptive counter-proliferation", McNair Paper 41, Institute for National Strategic Studies, National Defense University, Washington, DC, May 1995. <http://www.ndu.edu/inss/macnair/mcnair41/mcnair41.pdf>

Schneider guideline #1: **"Is The Enemy Undeterrable, Violent and a Risk-taker?"**

I find very different answers to the several components of this question so I break it into parts "a" and "b" made up of the two descriptive sentences that immediately follow the question in Schneider's guidelines.

Schneider guideline #1a: **"The regime about to acquire or in possession of nuclear weapons would have to be a sworn and dedicated enemy of the United States, its rulers ruthless practitioners of violence to achieve their ends, and willing to take extreme risks rather than following conservative foreign and military policies."**

*Mostly Yes.* These three qualities are a very close fit with Iraq. One caveat: By invading Kuwait in 1990 Iraq took an extreme risk, but since that time Iraq's behavior has been much more cautious and restrained.

Schneider guideline #1b: **"The enemy would have to be considered erratic, unpredictable, and quite possibly non-deterrable by the threat of retaliation against his country's assets."**

*Probably No.* Despite the efforts of some to portray Saddam Hussein as erratic and unpredictable, his behavior is better described as carefully calculated, even shrewd. Hussein may have made terrible miscalculations in the past, but he does not appear to be irrational.

An issue of greater import than the character of Saddam Hussein is whether there is reason to believe that Iraq is "deterrable." In this case we have historical evidence recounted by a credible witness. Charles A. Duelfer, deputy chairman of the UN Special Commission on Iraq (UNSCOM) from 1993 until 2000, testified before Congress in 2002 about his candid discussions in 1995 with high-ranking Iraqi officials who confirmed that the threat of U.S. retaliation successfully deterred Iraq from using chemical weapons during the 1991 Gulf War.<sup>2</sup>

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<sup>2</sup> Charles A. Duelfer, "Weapons of Mass Destruction Programs in Iraq", testimony before the Subcommittee on Emerging Threats & Capabilities Armed Services Committee of the United States Senate, 27 February 2002. <http://www.csis.org/hill/ts020227duelfer.htm>

It is worthwhile quoting the relevant sections of Duelfer's testimony in their entirety:

"On September 18, 1995, I had a long, late night meeting with several senior Iraqi ministers and other officials. The meeting was arranged to discuss the Iraqi concepts and requirements for their WMD development and production programs. Previously, Baghdad had refused to engage in such a discussion. I remember the meeting quite well, not simply because there was an unusual amount of candor, but because I suddenly realized how unlikely it was that the government would ever comply fully with the UN demand to completely give up all WMD capabilities forever. Consequently, the UNSCOM inspectors had an ultimately hopeless task under the conditions it was permitted to operate.

Schneider guideline #2: **"Before acting, U.S. intelligence would have to have extremely convincing evidence that such an enemy regime was about to acquire nuclear weapons and/or other WMD, as well as the means of delivering them."**

Schneider's guideline refers to three types of weapons or systems of concern. It is important to examine each separately.

Schneider guideline #2a: **Nuclear Weapons.**

*Probably No.* The possibility of Iraq acquiring nuclear weapons is the most important strategic concern of the U.S. It is generally agreed that after the Gulf War substantially all of Iraq's nuclear weapons development program was destroyed. What remained were skilled technicians, some designs, and perhaps some remnants of equipment hidden here and there. Estimates of how long it would take a determined Iraq to reconstitute its nuclear weapons development program and build a first experimental device vary from six months to five years. A significant unknown is whether Iraq can acquire sufficient fissile material to build a bomb. Expert opinion varies on this question. Then there is the need to test weapons in order to have a viable weapons capability. Given the rather stringent containment of Iraq of the last decade it is fair to say that Iraq is probably years away from a nuclear capability -- a categorically different situation than "about to acquire."

Schneider guideline #2b: **Chemical and Biological Weapons.**

*Probably Yes.* Chemical and biological weapons are generally thought to have less strategic importance than nuclear weapons. Iraq has had chemical and biological capabilities for many years and in all its confrontations with the U.S. has refrained from using them. U.N. inspectors working from 1991 to 1998 found and destroyed essentially all Iraqi WMD production facilities and a very

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"Iraq revealed that evening how weapons of mass destruction were viewed from the position of the Presidency. (They even provided selected presidential documents.) Partial descriptions of the origin of WMD efforts were discussed. They also discussed how these programs had been used and their importance to the regime. In essence, the possession of WMD had saved the regime on two occasions. The first was in the war with Iran in the 1980's when Iranian human wave infantry attacks were repelled with chemical munitions (UNSCOM learned that 101,000 were reported "consumed" during this period).

"The second instance where WMD preserved the regime was more surprising. I had asked about the decision by the Iraqi leadership not to employ WMD in the 1991 Gulf War. In a carefully worded response, the impression was conveyed that the President thought if Iraq used chemical or biological weapons against the coalition, retaliation would end his regime and probably him personally. He was successfully deterred. However, my interlocutors went on to describe how they had loaded BW and CW agent into various missile warheads and bombs before hostilities began in 1991. Moreover they dispersed these weapons and pre-delegated the authority to use them if the United States moved on Baghdad. The Iraqis stated that these actions apparently deterred the United States from going to Baghdad."

substantial portion of the weapons (the exact portion remains controversial and unknowable until on-the-ground inspections resume).<sup>3 4</sup>

Schneider guideline #2c: **Means of Delivery.**

*Maybe.* Iraq *might* have a handful of medium range SCUD missiles capable of carrying WMD to targets in the Middle East, including Israel. It is often presumed that Iraq is working to modernize its missile capabilities, but it is unlikely that Iraq could test and build a substantial arsenal of medium range missiles without detection. Iraq could also use its fighter-bombers as platforms to deliver WMD. However, there is little chance they would succeed in penetrating the superior defenses available to the U.S. and Israel.

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<sup>3</sup> Various assessments of Iraqi WMD:

"UNSCOM Reports to the Security Council", 25 January 1999. <http://www.fas.org/news/un/iraq/s/990125/>

"Reports of the International Atomic Energy Agency Iraq Action Team", 17 Dec 1991 to 10 April 2002. <http://www.iaea.org/worldatom/Programmes/ActionTeam/reports2.html>

Central Intelligence Agency, "Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2000". [http://www.cia.gov/cia/publications/bian/bian\\_sep\\_2001.htm](http://www.cia.gov/cia/publications/bian/bian_sep_2001.htm)

Department of State, "Iraq Weapons of Mass Destruction Programs", U.S. Government White Paper, 13 February 1998. [http://www.state.gov/www/regions/nea/iraq\\_white\\_paper.html](http://www.state.gov/www/regions/nea/iraq_white_paper.html)

Paul Reynolds, "Analysis: Is Iraq Rearming?", *BBC News*, 6 September 2002. [http://news.bbc.co.uk/2/hi/middle\\_east/2239536.stm](http://news.bbc.co.uk/2/hi/middle_east/2239536.stm)

Julian Borger, Richard Norton-Taylor, Ewen MacAskill and Brian Whitaker, "Iraq: the myth and the reality", *The Guardian*, 15 March 2002. <http://www.guardian.co.uk/Iraq/Story/0,2763,667669,00.html>

Anthony H. Cordesman, "If We Fight Iraq: Iraq and Its Weapons of Mass Destruction", Washington, DC: Center for Strategic and International Studies, 28 June 2002. [http://www.csis.org/burke/mb/fightiraq\\_wmd.pdf](http://www.csis.org/burke/mb/fightiraq_wmd.pdf)

Joseph Cirincione, *Deadly Arsenals*, Chapter 16: Iraq, Carnegie Endowment for International Peace, June 2002. [http://www.ceip.org/files/projects/npp/resources/DeadlyArsenals/chapters%20\(pdf\)/16-Iraq.pdf](http://www.ceip.org/files/projects/npp/resources/DeadlyArsenals/chapters%20(pdf)/16-Iraq.pdf)

"Iraq's Weapons of Mass Destruction: A Net Assessment", Institute for International Strategic Studies, 9 September 2002. <http://www.iiss.org/news-more.php?itemID=88>

<sup>4</sup> Elizabeth Neuffer, "UN's chief inspector cites lack of evidence vs. Iraq", *The Boston Globe*, 11 September 2002.

Excerpt:

"The UN's chief weapons inspector said yesterday that until inspectors return to Iraq, the world body has no firm evidence - including any activity spotted on aerial photographs - that the country is trying to rebuild weapons of mass destruction."

Regarding the type of evidence required to justify preemptive action, Vice President Cheney has said:

We have a tendency -- I don't know if it's part of the American character -- to say, "Well, we'll sit down and we'll evaluate the evidence. We'll draw a conclusion." But we always think in terms that we've got all the evidence. Here, we don't have all the evidence. We have 10 percent, 20 percent, 30 percent. We don't know how much. We know we have a part of the picture. And that part of the picture tells us that he is, in fact, actively and aggressively seeking to acquire nuclear weapons.<sup>5</sup>

It appears likely that U.S. intelligence simply doesn't know what capabilities Iraq has sought to acquire and/or successfully reconstructed since 1998. Much of the intelligence about this matter is based on extrapolations from dated knowledge of basic capabilities -- in other words, informed conjecture. Members of the Bush administration may believe that "part of the picture" is sufficient evidence to justify war, but it should also be convincing that "part of the picture" does not measure up to the standard of "extremely convincing evidence" proposed by Schneider.

Schneider guideline #3: **"The situation would have to be seen very clearly as a kill-or-be-killed scenario. The enemy regime would have to pose a 'clear and present danger' of striking the United States, its allies, or other vital interests after it had acquired a certain number of WMD. The costs of *not* striking first would have to be seen as totally unacceptable. This would have to be a case of either decisively intervening or there being a very high probability of being struck a devastating blow."**

*No.* It can not be reasonably claimed that the situation is "very clearly" one of kill-or-be-killed. Members of the Bush administration have repeatedly implied a certainty of future use of Iraqi WMD against the U.S. or its vital interests. In discussing the issue of Iraq they make reference to the al Qaeda attacks on the U.S. in 2001 as if to suggest that once Iraq gains the requisite capabilities it will certainly launch a similar attack on America, but this time with WMD.

To the contrary, the most likely intended use of Iraqi WMD is for influencing conflicts with neighboring states and as a strategic restraint on the use of U.S. military power against Iraqi interests in the region.<sup>6</sup> Iraqi WMD have already played such roles in the two Gulf wars, as operational weapons in their war with Iran and as a deterrent against the U.S. in 1991.

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<sup>5</sup> Dick Cheney, transcript of appearance on *Meet the Press*, NBC-TV, 08 September 2002. <http://www.msnbc.com/news/805214.asp>

<sup>6</sup> See Joseph Cirincione, *Deadly Arsenals*, Chapter 16: Iraq, Carnegie Endowment for International Peace, June 2002. [http://www.ceip.org/files/projects/npp/resources/DeadlyArsenals/chapters%20\(pdf\)/16-Iraq.pdf](http://www.ceip.org/files/projects/npp/resources/DeadlyArsenals/chapters%20(pdf)/16-Iraq.pdf)

Iraqi pursuit of WMD is related most directly to its competitive position in regional power struggles. The U.S. "vital interest" most significantly effected is the level of military risk the U.S. faces in regional interventions. This is certainly a real strategic security concern for the U.S., but is very different from a case of "kill-or-be-killed."

Schneider guideline #4: **"The intelligence available would have to be documented that so U.S. leaders would conclude that they knew all locations of enemy WMD, and believed these targets to be vulnerable to U.S. conventional preemptive attacks, without causing extensive collateral damage to civilian populations."**

*Probably No.* We can not know how good U.S. intelligence is about current Iraqi WMD. However, it is notable that on several occasions of the ongoing no-fly-zone enforcement bombing of Iraq since 1991 that WMD-related sites have been hit.<sup>7</sup> It is quite possible the U.S. currently knows of very few remaining assured WMD targets which can be hit from the air.

Iraq has been given nearly a year's warning of likely military counterproliferation attacks from the U.S. providing ample time to relocate and disguise WMD assets.<sup>8</sup> If the U.S. resorts to a large scale ground and air campaign against the Iraqi regime there will certainly be very significant civilian casualties.<sup>9</sup>

Schneider guideline #5: **"Is Surprise Achievable? A preemptive strike to eliminate enemy WMD has a greater likelihood of success if it has not been telegraphed in advance. If the adversary had warning and time to move its relocatable nuclear assets, and prepare a retaliation attack, then a U.S. PCP operation should be aborted, unless the U.S. leadership was absolutely convinced that an enemy WMD strike was imminent."**

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<sup>7</sup> Cirincione, *Deadly Arsenals*, Chapter 16: Iraq. Cirincione states that "The December 1998 bombing damaged Iraq's ballistic missile infrastructure."

<sup>8</sup> Schneider, "Radical Responses to Radical Regimes: evaluating preemptive counter-proliferation". Excerpt:  
 "... [the] Gulf War experience demonstrates...that carrying out a counter-proliferation attack can be difficult in the extreme. Intelligence may not be able to locate WMD due to enemy countermeasures (i.e., constant relocation, mobility and decoys) thwarting even determined attacks on such assets. The 1981 Osirak example may be misleading because that target was a fixed and fragile installation whose continued operation was absolutely key to the rapid development of Iraqi nuclear weapons at the time. By 1991, Iraq's NBC and missile assets were hidden and dispersed, and far less vulnerable to air attacks. Saddam Hussein had learned a lesson from the destruction of his Osirak reactor a decade earlier."

<sup>9</sup> For insight into the continuing problem of civilian casualties despite the increased use of "precision bombs" see Carl Conetta, [Operation Enduring Freedom: Why a Higher Rate of Civilian Bombing Casualties](http://www.comw.org/pda/0201oef.html), Commonwealth Institute Project on Defense Alternatives *Briefing Report #11*, 18 January 2002. <http://www.comw.org/pda/0201oef.html>

No. The Bush administration has done much more than "telegraph in advance" its plans to overthrow the regime of Saddam Hussein. Only by stretching the meaning of the word "imminent" to become synonymous with "maybe someday" can U.S. leadership convince themselves that an Iraqi WMD strike is imminent.

**Schneider guideline #6: "Does the U.S. Have A First Strike Capability? Friendly forces within range of the enemy targets would need to be capable of carrying out a preemptive strike with a very high confidence of success against enemy WMDs, preferably with very few casualties among the civilian population of the enemy state. It would be best if the enemy leadership could be captured or neutralized, and replaced with one much less threatening."**

*Probably Yes.* Here Schneider combines two types of First Strike. One is a preemptive raid against WMD sites. The other is replacing enemy leadership (regime change) which requires ground invasion in most cases.

If we construe this question in narrow military terms the U.S. almost certainly has sufficient military superiority to either strike from the air most any target in Iraq unimpeded by an effective Iraqi defense or to win an air/ground war against the much weaker state of Iraq, including taking control of Baghdad.

Caveats:

- If we include in "first strike capability" the intelligence required to identify all WMD sites for targeting in a raid, then our assessment has to be "no". Shortage of precise knowledge of Iraqi WMD programs is most likely a major factor in the Bush administration's preference for the regime change option over the preemptive raid option;
- In the course of a "regime change" war, Iraq, with its back to the wall, might launch strikes with chemical or biological weapons against U.S. forces or regional allies such as Israel resulting in high casualties;<sup>10</sup>
- Any invasion of Iraq will result in high Iraqi civilian casualties, especially if fighting takes place in the larger cities.

**Schneider guideline #7: "Is the U.S. Homeland Safe From Enemy WMD? Even a small number of adversary nuclear weapons exploded on one or more large U.S. or allied cities would deliver a historically unprecedented number of war deaths on the United States and its friends. Starting an armed conflict, especially a highly dangerous one against a heavily armed and dangerous enemy, could only be done in the existential moment when the U.S. President and his top national security leaders were utterly convinced that the path of inaction was absolutely catastrophic, and that**

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<sup>10</sup> For more on how setting "regime change" objectives changes the calculus of deterrence see Charles Knight, "Bush Raises the Stake in Iraq", Global Beat Syndicate and Foreign Policy In Focus, 3 July 2002. <http://www.fpiif.org/commentary/2002/0207iraq.html>

**further delay and a failure to act would be fatal. Unfortunately, there is no guarantee that a WMD could not be used against the United States, since such a weapon could be smuggled into the country and exploded in a targeted area, even if the adversary lacked missiles or bombers capable of reaching North America."**

*Probably yes.* Iraq does not now (nor will it anytime soon) have the capability to strike the U.S. homeland with WMD from a far. Schneider points out that there is "no guarantee" since "a weapon could be smuggled in." However, the only rational motivations for smuggling in and exploding WMD in another state are to catalyze a broad conflict (apparently the leading motivation of al Qaeda in attacking the United States homeland) and revenge (a contributing motivation for al Qaeda.)<sup>11</sup>

In order for there to be a credible Iraqi WMD threat to the U.S. homeland we would have to believe that Saddam Hussein has a strong enough wish for revenge and/or interest in catalyzing a broad global conflict to be worth risking all with a catalytic terror or revenge attack. Most of what we know about Osama bin Laden and Saddam Hussein suggests they are very different in this regard.

Schneider guideline #8: **"Would The United States Be Safe From WMD Retaliation By Third Parties? It is particularly important that it be very unlikely that any other state with NBC weapons would be willing to strike the U.S. or its allies on behalf of the enemy engaged."**

Yes. War on Iraq will not be popular in many parts of the world, but Iraq has no allies in its conflict with the U.S., certainly none with NBC weapons.

Schneider guideline #9: **"Has The U.S. Exhausted All Other Non-Military Options First? Clearly, the United States should and would not attack another state unless it tried and failed with all other diplomatic, political, and economic options to avert the threat to the United States. PCP should be the last resort unless time was clearly not available to pursue alternative means and to fail to act was to absorb almost certain catastrophic damage. Generally, however, PCP should be the very last resort. To do otherwise, would be immoral, set a very dangerous precedent, undermine international law, and could ruin the good reputation of the United States."**

*Mostly No.* The U.S. may be tired and skeptical of non-military means, but that should not be equated with exhausting them. For instance, the course of the U.N.-mandated disarmament enforced with an inspection regime has not yet been exhausted. According to at least one leading American disarmament

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<sup>11</sup> For more on catalytic terrorism see: Carl Conetta, "Dislocating Alcyoneus: How to combat al-Qaeda and the new terrorism", Cambridge, MA: Commonwealth Institute Project on Defense Alternatives *Briefing Memo* #23, June 2002. <http://www.comw.org/pda/0206dislocate.html>

inspector, Scott Ritter, the U.N. inspection regime in the 1990s was more than 90% successful in destroying Iraqi WMD infrastructure and ordnance. He also believes that a new inspection regime could be successful if the U.S. does not undermine the legitimacy of the process by using inspectors to gather intelligence for targeting Saddam Hussein personally as it did in the period of 1996-1998.<sup>12</sup> Other leading inspectors disagree, believing that Iraq will always find a way to evade intrusive disarmament inspections.<sup>13</sup>

President Bush has said, "doing nothing about that serious threat is not an option for the United States",<sup>14</sup> but no one in his administration has yet made a full and convincing case that "failure to act [is to] absorb almost certain catastrophic

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<sup>12</sup> Thomas W. Lippman and Barton Gelman, "U.S. Says It Collected Iraq Intelligence Via UNSCOM", *Washington Post*, 08 January 1999.  
<http://www.washingtonpost.com/wp-srv/inatl/longterm/iraq/stories/unscom010899.htm>

"U.S. won't confirm or deny Iraq spying story", CNN.com, 02 March 1999.  
<http://www.cnn.com/US/9903/02/iraq.us.02/>

"Spying on Saddam: interview with Scott Ritter", *Frontline* - PBS, 27 April 1999.  
<http://www.pbs.org/wgbh/pages/frontline/shows/unscom/interviews/ritter.html>

Excerpt:

"...you have a situation, in June of 1996, where the United States is fomenting a coup against Saddam Hussein, a coup based upon Special Republican Guard units. At the same time, you have an UNSCOM inspection, UNSCOM 150, which is in Iraq, creating a confrontation by inspecting Special Republican Guard sites.

"On our team are nine covert operatives from the C.I.A.'s covert activities branch. Now, they're doing the work of UNSCOM, they were part of planning UNSCOM, they provided communications support, logistics support, operational support, the kind of guys you need for these inspections.

"But the Iraqis were questioning Rolf Ekeus on the timing of this inspection. 'Why were you doing it?' And Tariq Aziz was very critical of that. And what I was trying to do is put into a perspective some of the Iraqi concerns. It's important to realize that the Iraqis do have legitimate national security interests. No matter how much we hate Saddam Hussein, it's in their national security interest to keep him in power, and when you have the United States government, or any other government, trying to create a coup to throw him out, they're very concerned.

"Now, when they met with Rolf Ekeus, they knew that the coup was planned. They had penetrated the coup plotters for months, they knew exactly what was going on, and they probably knew something about our inspection team that we didn't know. They probably had insights that we didn't have. I was confronted with such insights by one Iraqi, who said, 'You know, you guys are being used to support a coup.' Now, I objected vehemently, I said, 'No, I'm UNSCOM, Rolf Ekeus would never authorize that, I would never be a part of that. We're doing our job.' He said, 'Well, I'm just telling you, we know something...'"

<sup>13</sup> Richard Butler, "Testimony before the Senate Foreign Relations Committee", 31 July 2002.

Charles Duelfer, "Testimony before the Senate Foreign Relations Committee", 31 July 2002.  
<http://www.csis.org/hill/ts020731duel.pdf>

<sup>14</sup> "In Bush's Words: Doing Nothing Is Not an Option", *New York Times*, 5 September 2002.

damage." Schneider's admonition to undertake preemptive counterproliferation only as "the very last resort" must be respected.<sup>15</sup> "To do otherwise," he says, "would be immoral, set a very dangerous precedent, undermine international law, and could ruin the good reputation of the United States."

Schneider guideline #10: **"Has the U.S. Set Clear Objectives And Is It Using Appropriate Means? Clausewitz wrote, 'No one starts a war -- or rather, no one in his senses ought to do so --- without first being clear in his mind what he intends to achieve by that war, and how he intends to conduct it.' If the war takes an unanticipated turn, we should continue to reassess ends and means keeping the use of force proportional to our needs while recognizing that when such a conflict is no longer in our national interest, we disengage expeditiously, just as we should also escalate some conflicts to bring their rapid termination about. Means must be appropriate to ends, however, excessive force (e.g., the use of nuclear weapons) would lose the high moral ground for the United States and could bring a backlash of major political and military problems."**

*Mostly Yes.* Relative to most modern American wars, the Bush administration has articulated fairly clear war objectives -- regime change in Iraq so that the U.S. can be assured of its WMD disarmament. Nevertheless, many commentators have pointed out that the administration has been much less clear on what to do with Iraq after ousting Saddam Hussein. Thus the U.S. might find itself in the role of an "occupier" much longer than it intends at the outset. (I will address these problems in more depth in the next question regarding commitment to win.)

There has been no suggestion by the administration that they would use American nuclear weapons in a first strike against Iraq. To the extent that a counterproliferation war with Iraq will set a strategic precedent for the use of U.S. power it should be noted with due concern that the Bush administration is investing in a new generation of nuclear weapons that are specifically designed for counterproliferation roles, among others.<sup>16</sup>

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<sup>15</sup> It is noteworthy that Britain's Prime Minister Tony Blair, in a speech to the Trades Union Congress in Blackpool 10 September 2002, reinforced the admonition that "Military action should only ever be a last resort." [http://news.bbc.co.uk/1/hi/uk\\_politics/2249312.stm](http://news.bbc.co.uk/1/hi/uk_politics/2249312.stm)

<sup>16</sup> "Nuclear Posture Review", DoD, 08 January 2002.  
<http://www.globalsecurity.org/wmd/library/policy/dod/npr.htm>  
Excerpts:

"Composed of both non-nuclear systems and nuclear weapons, the strike element of the New Triad can provide greater flexibility in the design and conduct of military campaigns to defeat opponents decisively. Non-nuclear strike capabilities may be particularly useful to limit collateral damage and conflict escalation. Nuclear weapons could be employed against targets able to withstand non-nuclear attack, (for example, deep underground bunkers or bio-weapon facilities)." (p. 12-13)

Schneider guideline #11: **"Is The U.S. Committed to Win? As former Secretary of Defense Caspar Weinberger has recommended, 'If we decide it is necessary to put combat troops into a given situation, we should do it wholeheartedly, and with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all .' Remember that a preemptive strike, even for defensive purposes, is an act of war and is unlikely to remain an isolated incident, so the U.S. leadership and armed forces had better be fully prepared for what follows."**

*Maybe.* There is every reason to believe that the Bush administration intends to live by Weinberger's recommendation, at least in the narrow military sense Weinberger probably meant. However, the Bush administration is disinclined to acknowledge the broader consequences of a large military intervention in the Middle East and to prepare for the commitments that will be required for regional reconstruction and the recovery of stability.<sup>17</sup> If the war's objective is to ensure that Iraq does not have WMD in the future, it will take much more than forced regime change to achieve that end. It will likely require a large U.S. military and civilian presence in Iraq for many years in order to nurture a modern, stable, and Western-friendly state in post-Hussein Iraq. Is there broad bipartisan support for such an investment in the U.S? Not yet, certainly. Recently the Bush administration has been criticized for seeking stability "on the cheap" in Afghanistan -- an unpromising indicator of the "commitment to win" in a fuller sense.<sup>18</sup>

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"DoD and DOE efforts are underway to counter the asymmetric use of chemical and biological weapons (referred to as *agent defeat*). Agent Defeat Weapon (ADW) concepts are being evaluated to deny access to, immobilize, neutralize, or destroy chemical or biological weapons. Overcoming uncertainties in intelligence regarding agent production and storage locations as well as physical geometries of known facilities and contents appear to be the largest challenges. A variety of ADW concepts are currently under study, including thermal, chemical, or radiological neutralization of chemical/biological materials in production or storage facilities, as well as several types of kinetic penetrators to immobilize or deny use of those materials." (p. 48)

<sup>17</sup> Scott R. Feil, " Post-Conflict Reconstruction in Iraq: Strategy and Resource Considerations", Statement for the Record, U.S. Senate Foreign Relations Committee, 01 August 2002.  
<http://foreign.senate.gov/hearings/FeilTestimony080102.doc>

Excerpt:

" The United States must develop and implement a strategy for Iraq that integrates post-conflict reconstruction efforts with the politico-military campaign to accomplish regime change. The U.S. must avoid succumbing to the false dichotomy of conflict and post-conflict operations and the strategy and operational plans must define a seamless progression of tasks, actors, and resource that accomplish the national objective. The planning for post-conflict reconstruction must commence now, rather than after hostilities have commenced, or worse, ended."

<sup>18</sup> Michael Ignatieff, "Nation-Building Lite", *The New York Times Magazine*, 28 July 2002.

Carl Conetta, "A new game: US and Afghan interests diverge" in "Strange Victory: A critical appraisal of Operation Enduring Freedom and the Afghanistan war", Cambridge, MA: Commonwealth Institute Project

Schneider also reminds us that "a preemptive strike... is unlikely to remain an isolated incident." Some proponents of war with Iraq think this is a positive characteristic of preemptive war. They look forward to follow-up confrontations with Syria, Iran, and Saudi Arabia.<sup>19</sup> Other analysts foresee cascading problems proponents would rather ignore.<sup>20</sup> It remains unresolved whether the American people are prepared to deal in a committed fashion with the long lasting demands of reconstruction and a possible contagion of conflict in the that region.

### Tally of Answers to Guideline Questions

Note: Many of Schneider's questions have no precise or sure answer. Therefore I have expanded his three options for answers to include "probably or mostly yes" and "probably or mostly no". I have tried to create a limited set continuum which will fairly represent the level of precision and distinctions that is likely to be achieved in this sort of assessment exercise.

	Yes	Probably or Mostly Yes	Maybe	Probably or Mostly No	No
Is the enemy violent and a risk-taker?		✓			
Is Iraq undeterrable?				✓	
Does U.S. intelligence have extremely convincing evidence that Iraq is about to acquire nuclear weapons?				✓	
Does U.S. intelligence have extremely convincing evidence that Iraq is about to acquire chemical or biological weapons?		✓			
Does U.S. intelligence have extremely convincing evidence that Iraq is about to acquire means of delivery for WMD?			✓		

on Defense Alternatives *Research Monograph* #6, 30 January 2002.  
<http://www.comw.org/pda/0201strangevic.html#4.4>

<sup>19</sup> See John Donnelly and Anthony Shadid , "Iraq war hawks have plans to reshape entire Mideast", *The Boston Globe*, 10 September 2002.

<sup>20</sup> Philip H. Gordon, Martin Indyk and Michael E. O'Hanlon, "Getting Serious About Iraq", *Survival*, Autumn 2002. <http://www.brookings.org/views/articles/gordon/20020901.pdf>  
 Excerpt:

"Turkey will fear that the Iraqi Kurds, who already enjoy a substantial degree of autonomy under international protection in northern Iraq, will take advantage of the leadership vacuum in Baghdad to declare their independence. Turkey could well feel the need to take northern Iraq to forestall such a development. Syria and even Jordan might then feel that they have to move across the border into western Iraq to protect their interests, and Iran might do the same in the east."

Is the situation very clearly a kill-or-be-killed scenario in which Iraq poses a "clear and present danger" of striking the United States, its allies, or other vital interests after it acquires a certain number of WMD?					✓
Do U.S. leaders know all locations of enemy WMD, and believe these targets to be vulnerable to U.S. conventional preemptive attacks, without causing extensive collateral damage to civilian populations?				✓	
Is surprise achievable and is U.S. leadership absolutely convinced that an Iraqi WMD strike is imminent?					✓
Does the U.S. have a first strike capability?		✓			
Is the U.S. homeland safe from enemy WMD?		✓			
Would the United States be safe from WMD retaliation by third parties?	✓				
Has the U.S. exhausted all other non-military options first?				✓	
Has the U.S. set clear objectives and is it using appropriate means?		✓			
Is the U.S. committed to win?			✓		
<b>Totals</b>	<b>1</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>2</b>

## Discussion of Findings

A glance at the chart above will reveal that the answers to the questions posed by Dr. Schneider in his guidelines are rather evenly distributed with only three of fourteen in the "yes" or "no" columns. Eleven are somewhere in between. Schneider's guidance is that: "If the answer to all these questions are 'yes', then the United States might be wise to intervene with military force to prevent a hostile radical state from acquiring or using existing WMD. The more answers of 'no' or 'maybe' to these questions, the more likely the United States should decide against military intervention." *By this standard I conclude that to date there is an insufficient case for using preemptive counterproliferation against Iraq.*

Every reader will have a somewhat different assessment of where the answers to these questions lie on a continuum from "yes" to "no". It should also be noted

that Schneider offers no guidance on how decision-makers should weigh the guidance questions in relation to one another. Clearly some questions are more important than others and there is plenty of room for reasonable disagreement about their relative importance.

I would encourage readers to move my check marks right or left as they see fit<sup>21</sup>, and more importantly, to consider what evidence they would want in order to justify moving the marks one way or the other. A debate on the U.S. policy toward Iraq has opened up to some degree in the fall of 2002 and we can expect that in its course more information will become available.

Dr. Schneider wisely advises us to "consider preemptive counter-proliferation actions only in the most extreme cases, where all other options appear to be ineffective". Therefore when preemptive counterproliferation is proposed we can best decide the matter by paying special attention to Schneider's guideline questions that have answers that fall toward the "no" end of the scale.

**Is Iraq undeterrable?** I cite the evidence we have that the Iraqi leadership thought of itself as being deterred from use of chemical weapons in the 1991 Gulf war. It would require extraordinary new evidence to move the case very far in favor the statement that "Iraq is undeterrable."

**Does U.S. intelligence have extremely convincing evidence that Iraq is about to acquire nuclear weapons?** We will need additional evidence to move this closer to the conclusion that "Iraq is about to acquire nuclear weapons." Estimates are not good enough.

**Is the situation very clearly a kill-or-be-killed scenario?** Here we can imagine a situation in which irrefutable evidence comes to light of Iraq's intention to use a nuclear weapon against U.S. forces in the region as soon as it has one available. Such evidence would move the answer to this question a long ways toward the "yes" end of the spectrum. Short of such evidence, the situation remains one of a "somewhat murky and future danger" rather than a "clear and present danger" -- an important distinction in the grave business of initiating a war.

**Do U.S. leaders know all locations of enemy WMD?** Right now there is little indication in the public domain that U.S. intelligence agencies know very much at all about the location of Iraqi WMD. Future intelligence briefings might provide a different impression of the status of U.S. targeting reliability (one key factor in limiting civilian deaths in any attack.)

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<sup>21</sup> As I have reconsidered the issues in successive drafts of this paper I have made several shifts myself; a sign, in my judgement, of a useful set of guidelines.

**Is surprise achievable?** Once the element of strategic surprise is given up it is very hard to regain it. Nevertheless, we would expect the U.S. to use deception and other techniques to achieve *tactical* surprise. But tactical surprise can not make up for the fact that the Iraqis have had plenty of time to disperse and hide whatever WMD assets they may have.

**Has the U.S. exhausted all other non-military options?** An effort to restart the disarmament inspection process is one such option. However both the U.S. and Iraq have good reason to be wary of inspections. The U.S. knows that Iraq has cheated on its disarmament obligations in the past and expects them to do so again. Iraq knows that the U.S. has used the inspection process to gain regime targeting information (spying). Both behaviors have severely undermined the legitimacy of past inspections. In order for a new disarmament and inspection process to succeed the U.S must renounce its regime change goals as long as the disarmament process proceeds and the Iraqis must genuinely commit themselves to disarmament. A proposal for "coercive inspections" from the Carnegie Endowment for International Peace includes these aspects.<sup>22</sup> Such a plan will require very skillful diplomacy to have a chance of success, but until it is attempted in good faith it represents one of the available options before "last resort."

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<sup>22</sup> "Coercive Inspections in Iraq", Washington DC: Carnegie Endowment for International Peace, *Proliferation Brief*, Vol. 5, No. 12, 10 September 2002.

<http://www.ceip.org/files/publications/iraq/mathews.htm>

Excerpt:

*"The critical element will be that the United States makes clear that it forswears unilateral military action against Iraq for as long as international inspections are working. The United States would have to convince Iraq and others that this is not a perfunctory bow to international opinion preparatory to an invasion and that the United States' intent is to see inspections succeed, not a ruse to have them quickly fail. If Iraq is not convinced, it would have no reason to comply; indeed, quite the reverse because Baghdad would need whatever WMD it has to deter or fight a U.S. attack. Given the past history, many countries will be deeply skeptical. To succeed, Washington will have to be steady, unequivocal, and unambiguous on this point."*

Shibley Telhami, "The Regional Setting of Policy Toward Iraq", written testimony submitted to the U.S. Senate Committee on Foreign Relations, 31 July 2002.

<http://foreign.senate.gov/hearings/TalhamiTestimony073102.doc>

Excerpts:

" One such track is the continued containment policy coupled with the reintroduction of a more vigorous international inspection regime in Iraq. It is clear that Saddam Hussein has put many obstacles before the international inspectors in the past and he refuses to allow them back. This may indicate that the same tactics will be pursued by him in the future. But it is also clear that he has been operating under the assumption that our objective is ultimately to topple him, in addition to limiting his capabilities in the meanwhile. The only way a strategy to get his full cooperation could have a chance of success is if his overthrow no longer becomes the objective; He will always choose his survival over all else."

"If we consider that our aim is not merely to prevent Iraq from developing weapons of mass destruction, but also an active campaign to change the regime in Baghdad, then it is hard to see how we put ourselves on any course but one that which preempts Iraq's nuclear potential, since it will be more difficult to overthrow the government once Iraq is a nuclear state. But it should be clear to us that what would be driving such a course is not weapons of mass destruction as such, but overthrowing the regime."

Steadfast containment of Iraq is another option, one the Bush administration has rejected in favor of a policy of forceful regime change.<sup>23</sup> Containment is commonly said to have worked with the Soviet Union and, in any serious comparative assessment, Iraq is not a greater or more imminent threat to the U.S. or its interests than was the Soviet Union. Proponents of preemption will have to make a better case that, while containment worked with the Soviet Union, it will not continue to work with Iraq.

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<sup>23</sup> It is noteworthy that the Clinton administration had a policy of containment supplemented by opportunistic covert regime change. That administration never found the opportunity to successfully implement covert regime change.