

STRATEGIC DOCTRINE, PUBLIC DEBATE AND THE TERROR WAR

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A decade-long debate on national security policy had been emerging in fits and starts ever since the end of the Cold War, catching up military, diplomatic, and intelligence institutions as well as fueling controversy between Congress and the Executive. The 1990s featured a patchwork of old and new thinking. The Weinberger-Powell doctrine limited intervention to specific military purpose, called for the use of overwhelming force in the interests of victory, and constrained intervention by demanding that clear, militarily attainable goals be set up before any troops are sent in. Alternatively, rationales for expanding the scope of United States intervention were created as a response to human rights emergencies and threats of genocide; yet, nation building was as much derided as advocated. Indeed, multilateral efforts were supported with great reluctance. Debates over Haiti and Somalia routinely featured Congressional histrionics warning that the loss of ‘even one American life’ was not worthy any foreign policy objective. 9/11 changed this landscape of public debate, totally. The United States now is engaged in an ambiguously defined, global, and open-ended “war on terror,” which in the words of the Bush administration is a “new war” that requires “new thinking.”

Terrorism was not unknown or forgotten during the 1990s, of course. The largely ignored Hart-Rudman report forecast publicly a major attack on American soil.¹ Yet, assaults on ships and embassies, airplanes and troops—and even an effort to topple the World Trade Center itself—played a comparatively minor role within the larger narrative of globalization. The circulation of trade, capital, media, and migration, at ever increasing rates, in the thinking of the times would create an interconnected world, with rising tides of prosperity that would lift all boats. The spectacle of 9/11 exploded this vision and reset the parameters of public debate. The spreading anxiety loosed by the attack can be phrased as an argument *a fortiori*: If terrorists could accomplish that much destruction and suffering with but the calculated use of passenger airplanes, how much more damage could be done with a nuclear weapon? The anthrax scare, shortly following 9/11, spread anxieties of insecurity and vulnerability. 9/11 was not a “WMD” attack, but it could have been; that was the point.

There was a single question that had haunted the nuclear age for fifty years: What would happen should deterrence fail? The attack of 9/11 on targets in New York and Washington, the heart of American financial and political power, proved that fear of retaliation was an insufficient deterrent, and that a first-strike by a foreign entity could be disastrous.

Deterrence had failed, but in an unexpected way: The attack was made, neither by conventional nor nuclear means, but by turning a modernist system into a lethal weapon. Moreover, the bolt out of the blue came, not from a state, but from a network of terrorists, parasitically connected to a “failed state,” Afghanistan—itsself a region left in ruins after the proxy warfare between the great Cold War powers. That reigning “defenses” had failed, at least in a single case, was clear. The future of defense policy in the United States was up for debate.

This chapter is a study in a novel strategic doctrine, as articulated by different branches of the Executive that, post 9/11, radically questioned established doctrines of deterrence and containment, pursued the invasion of Iraq, and ultimately brought into question valid standards of international warfare in a nuclear age. Just as strategic doctrine may powerfully articulate a context for diplomatic and military action, so, too, it may entangle the United States in controversies that impair its prestige and limit American ability to create coherent, persuasive cases directed toward domestic and foreign publics. In the case of Iraq, while preventive force worked as an effective source of invention for prewar justification of policy it continues to proliferate “postwar” paradoxes that undercut the coherence and effectiveness of justifications for administration actions in relation to the “war on terror.”

PRESIDENTIAL PERSUASION AND STRATEGIC DOCTRINE

Foreign policy debate is always a composite language woven from a moving symbolic “nexus of motives.”² Broad traditions of war and peace—articulated in histories, literature, orations, legal documents, and military strategy—go far back in human cultures. These furnish manifold linguistic resources to communicate the concerns of policy: the strategic requirements of offense and defense, the strengths and limits of realism and idealism, the risks of internationalism and isolationism, the justifications of war uttered as questions of justice, maintenance of a balance of power, national interest, or collective security. Each strain of thinking, balanced dialectically by an alternative, constitutes a distinctive discourse formation—a site of invention from which arguments can be drawn forward and discourse fashioned to explain, justify, support, and extend policy.³ Although each formation may be analyzed as a separate philosophy, theory, or tradition, in any live public debate all the resources available are likely to be used in the interest of articulating positions, criticizing opposition, and persuading publics. The strategic deployment of discourse constitutes a rhetoric.

American foreign policy rhetoric traditionally is initiated by the President who, as chief executive, is charged by the Constitution with taking the lead in security matters.⁴ In the 20th century the President has used public address on significant occasions to announce, articulate and

defend policy.⁵ Presidential address is associated with playing a central role in dealing with foreign policy crises.⁶ Often such rhetoric finds the President making use of the office as a “bully pulpit,” going over the heads of Congress to the people.⁷ Speeches meant for short-run success sometimes have long-term impacts. Harry S. Truman’s speech on Greece and Turkey, for example, is attributed as defining America’s Cold War posture. Whether speaking to crises or overall policy, presidents are expected to make deliberative addresses that satisfy audience expectations and set the terms for subsequent debate.⁸ Presidential positions are met with commentary from other branches of government and the press; cabinet members and party affiliates, too, join the fray, and discussions extend across domestic and international elites and audiences—all partisan statements forming up in public argument.⁹

The executive branch annually distributes a national security strategy, which articulates strategic doctrine. Strategic doctrine is a key instrument of foreign policy. The statement informs American publics of the costs and sacrifices that it should be prepared to bear; more broadly, the doctrine sets in place the overall guidelines or thinking of an administration, at least as it wishes to be seen by domestic and foreign publics. Strategic doctrine does not function as a code governing all foreign policy acts, but rather as a set of guidelines that shapes discourse practices of anticipation, interpretation, and justification. Doctrine articulates, and speeches perform, what Thomas Kane has called “commanding ideas” that authorize administration spokespersons and supporters to support policies by drawing upon consistent, persuasive positions across issues and events.¹⁰ When presidential address enacts strategic doctrine, the resulting rhetoric creates “ideographs,” (such as “freedom,” “security,” or “self-defense”) larger symbols that, when couched in public argument, are powerful motivators of opinion that can be difficult to dislodge.¹¹

Cold War rhetoric (despite the distinctive doctrinal emphases among presidential administrations) is constituted by a dynamic relationship among commanding ideas and ideographs. On the one hand, Cold War rhetoric is structured within a bi-polar style and fueled by a crusading spirit. National symbols are put to strategic use like weapons in a global war between good and evil. On the other hand, room for diplomacy and sensible co-existence is maintained by the language of game theory—with its logic of deterrence and strategic calculation of containment.¹² The end of the Cold War as a historical exigency threw this long-reigning dynamic into question. Nevertheless, President Clinton—who could not rely upon the formulas of anti-Soviet rhetoric and detente to justify policy, of course—formed a loose strategic doctrine that retained presidential flexibility in defining the priorities of “conjunctive diplomacy,” while adapting core ideographs of Cold War doctrine, such as deterrence and threat containment, to the present.¹³ 9/11 would demand something entirely different.

Presidential rhetoric traditionally situates policy within an ambit of expectations defined more or less by consensus politics. Sometimes events or a special calling intervene. Presidential address then takes on the qualities of a “rhetorical movement” that seeks to overturn standing policy by announcing a new vision. David Zarefsky argues this gambit characterized Lyndon Johnson’s wide-ranging “war on poverty.”¹⁴ Speeches that articulate change create an alternative policy “imaginary” where old means and ends are questioned and new ones espoused.¹⁵ The new vision meets with debate, and predicaments arise when incompatible claims to honor competing values or accommodate conflicting ends complicate the challenge of securing wide public support.¹⁶ Over time, the new symbolic vision becomes deployed as policy, subjected to review, and advocated in extension. Thus, policy follows a “rhetorical trajectory” where discourse and events intertwine and diverge among elites and publics. The trajectory, when read critically, reveals the strengths and limits of an advocacy posture or rhetoric.¹⁷

Shortly after the successful intervention into Afghanistan, in the midst of a yet to be fully defined “war on terror,” the Bush administration began to make public a novel doctrine springing from a distinctive political imaginary. The newly minted doctrine of preventive military intervention, according to John Lewis Gaddis, had the potential of becoming “the most important reformulation of U.S. grand strategy in over half a century.”¹⁸ The chapter examines the unfolding of this doctrine, assessing its strengths and weaknesses in public argument. The legacy of the Bush administration’s rhetorical movement will be assessed, as the trajectory of the pivotal term “preemption” paradoxically jettisoned policies of deterrence and containment—the key doctrinal elements underwriting nuclear age foreign policy—while spinning the “war on terror” into a new “Cold War.”¹⁹

BUSH AT WEST POINT

In the Bush administration, a different model of presidential persuasion appeared in 2002. A new, presidential foreign policy would be articulated, but not during a dramatic crisis speech—which had become the tradition. Rather, in the summer, a three-pronged campaign was instigated: the President on June 1st delivered a speech at West Point that prepared the grounds for a dramatic shift in American military doctrine; in August the Vice-President filled in the predicate for the general premises laid down by George Bush—Iraq is a “WMD” threat; and in September of that year the National Security Strategy of the United States (NSS 2002) fully unfolded a new national policy that would turn the United States from a nation who would wait for the first blow to be struck to a shoot-first-and-ask-questions-later power. The pivot for change was pressure put on a single word, “imminent,” for depending upon how that term was defined the traditions

distinguishing preemptive versus preventive wars would either be upheld or disappear, and upon this choice hinged American reputation as a member in a community of nations under the rule of law or, when the chips are down, basically a go-it-alone power.

A graduation speech is expected to be a routine, not long-remembered oration, perhaps made slightly more noteworthy if delivered by an august figure. Major presidential addresses by contrast are broadcast in primetime, with plenty of news coverage, and showers of discussion by pundits. George W. Bush's West Point graduation speech of 1 June 2002 was delivered among little fanfare, but it stands with Truman's "Greece and Turkey" announcement as one of the most significant presidential foreign policy addresses of all time.²⁰

"We face a threat with no precedent," because the men who destroyed the World Trade Center were able to cause mass destruction for *"much less than the cost of a single tank,"* the President marvels. Others, like them, are still abroad, hating, waiting, plotting against the United States, he reminds the cadets. Then, a policy vision begins to emerge in language that would have been familiar at the dawn of the nuclear age, a time when many foresaw the arc of mass destruction arching the expanding battlefields of war.

*"The gravest danger to freedom lies at the perilous 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."*²¹

This situation *"without precedent"* portends that the *"doctrines of deterrence and containment"* are no longer operative. *"New thinking"* is necessary. *"Deterrence—the promise of massive retaliation against nations—means nothing against shadowy terrorist networks with no nation or citizen to defend. Containment is not possible when unbalanced dictators with weapons of mass destruction can deliver those weapons on missiles or secretly provide them to terrorist allies."*²² If first-strikes cannot be deterred, then they must be prevented, whether the source is a terrorist network, and errant state, or some combination of these actors.

Self-defense is a strong justification for going to war because it draws from moral, legal, and political precedents of long-standing. The codes of international law, the customs among nations, the practices of democracy, and common sense all recognize self-defense as a necessity and a right of a victim when attacked. Acts that provoke alarm are imminent within the space of national memory. Public memories of conflict over state frontiers mark sites where the movement of armies signals an impending threat. On a broader scale, spheres of influence are vast stages

where the use of force on a small-scale in remote regions sends messages to far-distant national powers. The frontiers of nations, like the boundaries of global influence, are contested regions. Smaller incidents that trigger military action, too, are locked in public memory: attacks on foreign nationals, border clashes, exchange of threats or territorial occupations all may trigger an expanded but genuine justification of self-defense. Incidents prompting war can be manufactured as well. The transparent rationalizations of Nazi rhetoric and the attacks staged by the Japanese in the 1930s combined with the toothless response to aggression of the old League of Nations led the United States to champion the United Nations. In the UN Charter, war is legitimate only as a genuine matter of national self-defense.²³

The West Point speech raised two troubling questions. Is it prudent or right for a nation to wait for an anticipated first, catastrophic blow before “defending” itself? If the answer is no, then what evidence of hostile intentions and unconventional weapons threat-capacity should constitute the threshold at which triggers a first-strike as an act of self-defense? Anticipatory self-defense had long been a controversial doctrine, precisely because it lowers the threshold of war by giving propagandists an opening to manufacture incidents and inflate fears in the interests of promoting conflict. On the other hand, true self-defense was predicated on a rationale that linked making war to an actual or impending attack—and not to a first-strike that is imagined as possible, likely, or even inevitable at some future point. The West Point speech did not get into the complex issue of proof standards; rather, its task was to announce that the reigning policies which had won the Cold War—containment—and had kept the peace—deterrence—since the beginning of the nuclear age were now to be considered to be null and void. We should get them, before they get us, the President was saying. Who “they” were, and how this view could be refined into policy, was left for different members of the executive to announce and defend.

CHENEY AT THE VFW

In August 2002, Dick Cheney delivered a speech that left little doubt how the “new thinking” would be translated into action. The Vice-President begins with a warning. The threat the shadow world of terrorism has “*spread among more than 60 countries*”; thus, victory in Afghanistan, while welcome, should not lead to complacency. “*As we face this prospect, old doctrines of security do not apply. In the days of the Cold War we were able to manage the threat with strategies of deterrence and containment. But it’s tougher to deter enemies who have no country to defend. And containment is not possible when dictators obtain weapons of mass destruction, and are prepared to share them with terrorists who intend to inflict catastrophic casualties on the United States.*”²⁴ Oddly, the Cold War is recollected as a successful

management exercise, where a risk-averse Soviet state made deterrence work by policing terrorist factions. Cheney has a nomination for the fanatic most likely to share “WMD” with terrorists: Saddam Hussein. Still, Cheney would use the Cold War comparisons, despite little public notice, to define present exigencies.

Cheney’s indictment is clear and unequivocal at the outset: “***Simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends, against our allies, and against us. And there is no doubt that his aggressive regional ambitions will lead him into future confrontations with his neighbors—confrontations that will involve both the weapons he has today, and the ones he will continue to develop with his oil wealth.***”²⁵ The Vice-President cannot commit the United States to war; rather, he defers the decision to the President, who will call upon consultation and make time for a full, public debate; but Cheney concludes with a dire warning, drawn forward from the past. “*To this day, historians continue to analyze that war [World War II], speculating on how we might have prevented Pearl Harbor,*” Cheney then adds, “*a terror network, or a murderous dictator, or the two working together, constitutes as grave a threat as can be imagined.*”²⁶ Regret and foreboding coalesce, trigger fear and motivate, but what would be the threshold at which action should be undertaken?

The answer arrives in a pivotal passage. “*As former Secretary of State Kissinger recently stated: **The imminence of proliferation of weapons of mass destruction, the huge dangers it involves, the rejection of a viable inspection system, and the demonstrated hostility of Saddam Hussein combine to produce an imperative for preemptive action.**’ If the United States could have preempted 9/11, we would have, no question. Should we be able to prevent another, much more devastating attack, we will, no question. This nation will not live at the mercy of terrorists or terror regimes.*”²⁷ The justification reasons: Just as we would have prevented 9/11 with a strike against plotting terrorists, so should we prevent an attack from Saddam Hussein, an outlaw regime. Prudence demands nothing else. That Hussein possesses now, is acquiring, and has used chemical weapons in the past proves the aggressive intentions of his regime; when the evidence becomes definitive, it will likely be too late to prevent loss—just as it is now too late to prevent the 9/11 terrorists from their ghastly deed. The analogy creates an associative rhetoric that foregrounds action against a harm that can still be avoided as compensation for inaction to prevent a loss that can’t be recovered. Such substitutions assuage guilt, sanctify memory, and convert fear to positive motivation. Yet, analogical reasoning is incomplete on its own grounds because the comparison of present to past alone cannot articulate a threshold for determining

publicly *what* to do and *when* to do it. The past and future surround, yet do not define the threshold at which a present decision is justified.

International justification for going to war is well established as a response in accord with the needs for self-defense. A nation need not await its adversary to literally strike the first blow, however. Preempting the enemy with a proportionate response is justified when a state “*faces an imminent threat that is otherwise unavoidable.*”²⁸ The criteria for justifying preemption are clear and of long-standing. In the Caroline case (concerning cross-border incidents between the United States and Canada), Daniel Webster argued that, “for self-defense to be legitimate, the British had to demonstrate a ‘necessity of self-defense, instant, overwhelming, leaving no choice of means, and no moment of deliberation, and acts could not be ‘unreasonable or excessive.’”²⁹ Thus, three principles became a cornerstone of international law for justifying a preemptive strike: (1) Necessity demands that, “all reasonable alternatives to the use of force be exhausted.” (2) Proportionality “limits any defensive action to that necessary to defeat an ongoing attack or to deter or to preempt a future attack.” (3) Imminence is “a standard [that] combines an exhaustion of remedies component with a requirement for a very high reasonable expectation of future attacks—an expectation that is much more than merely speculative.”³⁰ Scholars conclude that the support for United States intervention into Afghanistan was justified as preemptive self-defense and met these criteria.³¹ Whereas the standing and conditions of “preemption” are consensually established, a similar-sounding term and alternative justification for war, “prevention” is much more controversial.

“Prevention is cold blooded,” Lawrence Freedman explains, “it intends to deal with a problem before it becomes a crisis, while preemption is a more desperate strategy employed in the heat of crisis. Prevention is the product of calculation, a strategic moment of launching an optimum first strike against a weaker power before it has a chance to grow stronger.”³² From a 19th Century perspective, prevention occurs in those situations when there is time for deliberation; then, the costs and benefits of making war can be assessed. Preventive wars have costs that preemptive self-defense does not: “The superior power can expect to be accused of bullying, acting prematurely, perhaps on no more than a hunch. To the extent that A does not care about international opinion, this may not matter, but without a compelling cause, preventive war can soon look like any other sort of aggressive war and thus provoke a reaction elsewhere—from diplomatic isolation to the formation of alliances among potential victims.”³³ The standard of prevention lowers the threshold for conflict by equating the justification for self-defense with the insecurities of any nation wishing war. In short, Jeffrey Record concludes: “[P]reemptive war has

legal sanction. Preventive war, on the other hand has none, because the threat is neither certain nor imminent.”³⁴

The long-standing, important distinction between preemptive and preventive wars put the administration in a predicament. Iraq had not attacked the United States, nor was there evidence of an immediate threat: indeed, the United States had and was continuing to over-fly the country without so much as the loss of a single airplane, although thousands of sorties had been conducted. So, an invasion fought on the traditional definition of preemption would be unjustified. On the other hand, the administration held “no doubt” that Hussein had “WMD” and was “amassing” more. It would be too late to prevent damage, were these weapons to be used; even possession alone would change the balance of power in the Middle East. The key to undoing this tangle and releasing legitimated action is Kissinger’s phrase “the imminence of weapons of mass destruction,” a phrase which transfers the criteria of imminence from the actions of armies commanded by a state to the possession of certain categories of weapons which themselves constitute a reason for war.

STRATEGIC DOCTRINE

The National Security Strategy of the United States (NSS 2002), the 2002 version of a document transmitted by the executive branch to Congress annually, makes the new thinking official.³⁵ Significantly, the NSS 2002 echoes—sometimes directly quoting—the Chief Executive’s West Point Speech: “*We cannot defend America and our friends by hoping for the best. So we must be prepared to defeat our enemies’ plans, using the best intelligence and proceeding with deliberation. History will judge harshly those who saw this danger but failed to act. In the new world we have entered, the only path to peace and security is the path of action.*”³⁶ In this view, warfare may be conducted at a place and time of a nation’s choosing based on anticipation of an enemy’s “plans.” This premise would loose the United States from international norms on war-making and embrace the strategy of “prevention.” Yet, the NSS 2002 does not embrace this openly-controversial justification, but rather attempts to shift the meaning of a single word to put in place a keystone in the arc of thinking for a new age: imminence.

“We must adapt the concept of imminent threat to the capabilities and objectives of today’s adversaries,” NSS 2002 reads.³⁷ Enemies that will not engage in a direct, obvious attack, but who will “use weapons that can be easily concealed, delivered covertly, and used without warning” populate the threat-field of current policy. A nuclear first-strike, even if by only a single weapon however crude, would be catastrophic. So, “adapt” the term “imminent” to a new age, the crucial reformulation being:

The United States has long maintained the option of preemptive action to counter a sufficient threat to our national security. The greater the threat, the greater the risk of inaction—and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertain remains as to the time and place of the enemy’s attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively.³⁸

NSS 2002 appears to build on Kissinger’s idea that the threshold of imminence is the possession of unconventional weaponry by a hostile power and as such possession of nuclear, biological or chemical arms falls within the new definition of preemptive war. A national policy grounded in traditional definitions of preemption occupies the moral and political high ground because it makes war a matter of self-defense, when all other alternatives have failed.³⁹ The high ground works to considerable political advantage in building coalitions, by offsetting political costs. A rationale built for war on grounds of “prevention,” for instance reduces the cause for war to the perceptions of an aggressor, thereby imperiling international consensus about the types of war and thresholds at which conflict is justifiable. Since preventive wars lower prestige, even while perhaps increasing threat-credibility, these initiations of conflict may have substantial political costs.

In shifting the definition of preemption, NSS 2002 tries to capture the rhetorical high ground; yet, the argument appears to muddle crucial distinction in international law and collective security. Since Webster’s *Caroline* case, imminence has been connected to an immediate threat-situation. To be true self-defense, there is no time for deliberation and little room for choice because war is in the process of breaking out. The only question is how to respond. In contrast, the Bush doctrine situates the determination of war as a matter of deliberation, a weighting of evidence supporting alternatives for the best time to strike. War is made as a matter of calculation of the likely success of a first-strike. In fact, supportive scholars such as Michael Glennon find “no dramatic change” in the Bush doctrine which, they claim, merely updates policy to take into account international violence with terrorist networks, modern surveillance, threats from nuclear, biological or chemical weapons, and the necessity for preventing threats on a global scale. It is not Cold War cataclysm but rogue state support of terrorism that is the only novel issue.⁴⁰ Yet, according to Elaine Bunn, preemption accentuates the following policy predicament:

[T]he closer to the “imminent” end of the spectrum a situation falls, the easier preemption is to justify politically, but the harder it may be to be operationally decisive, because the adversary will likely have protected the intended targets of preemption through deception, hardening, burial, dispersal, or predelegation of

release. Conversely, the farther it is from the imminent use end of the continuum situation is, the less acceptable it is likely to be to world opinion.⁴¹

Thus, the doctrine puts operational success at odds with political efficacy.

The shift of the term “imminence” also imperils an additional constraint, “proportionality,” with a similar resulting paradox. Preemption is justified only in so far as an impending attack is thwarted, but unjustified to the extent that its invocation is a transparent, self-serving pretext for launching an all out war. Yet, in NSS 2002 the idea of proportion is relativized, not to proper force used to preempt the success of an underway attack, but to the costs of waiting and becoming a victim. The harms of sustaining a first-strike, compared to the collateral damage in taking out the shadowy enemies of a failed state, create a calculus that strongly favors early rather than later “preemption.” Thus, the threshold for evidence of enemy possession and intent requisite for justified “preemption” is substantially lowered by the new doctrine. A weak evidentiary requirement feeds, rather than unravels, Bunn’s dilemma, however. The weaker the evidence of nuclear, biological or chemical arms possession, the harder it may be to build a sense of threat that would spark a coalition; the greater the evidence of possession of unconventional weaponry, the higher the thresholds for guaranteeing the success of a first strike-become because a failed effort would precipitate the very attack and harms that are feared.

The articulation of a new doctrine influences, but does not determine, the language within which policy is defended by an administration. Condoleezza Rice, the National Security Advisor, worked rhetorically to tie preemption with traditional approaches justifying war and peace: “*The National Security Strategy does not overturn five decades of doctrine and jettison either containment or deterrence,*” she said in defending the redefinition of “imminence.” “*As a matter of common sense, the United States must be prepared to take action, when necessary, before threats have fully materialized.*” Quoting George Schultz, she concluded: “*If there is a rattlesnake in the yard, you don’t wait for it to strike before you take action in self-defense.*”⁴² Lending perspective, familiarity, common sense, and vividness are reassuring and sophisticated rhetorical strategies. Confusion sometimes works just as well. What can be made of this statement by Secretary of Defense Rumsfeld? “*Prevention is also—has a connotation that’s somewhat more acceptable than preemption. It sounds a little fairer—if there is such a word; that you’re trying to prevent something from happening at the last minute is the implication—the connotation of that word to me*”? This apparent, guileless confusion is followed with a precise, Orwellian inversion of international law: “*Preemption is slightly different in the sense that it suggest[s] that you have a reason to believe something’s **going to happen, could happen**, that is notably unpleasant, and you make a conscious decision to go out and stop that from happening.*”⁴³ In the Secretary’s

view, preemption becomes untethered from what is an imminent event and becomes predicated upon what is “going to” or “could happen” at some undefined future date, “call it what you wish.”⁴⁴ Thus, the posture of the Bush administration worked to legitimize a war Iraq by expanding the definition of preemption, and muddling its difference from prevention.

PRE-WAR LEGITIMATION CONTROVERSY

In a democracy, the decision to take a nation to war requires public support, in the long, if not the short-term. The “war on terror” had received unanimous support of the Congress, at least as so far as the attack on Afghanistan was concerned. The question of what further engagements would be fought, even in the shadow of 9/11, were more uncertain. The autumn of 2002 saw the United States Congress embroiled in a fractious debate whose outcome reached all the way to the United Nations. The administration had gone to Congress with its newly minted redefinition of preemptive war and proposed an authorizing resolution that would allow the President to take care of problems in the broader Middle East as he saw fit. The proposal was modified substantially and reshaped to answer War Powers concerns; then in early October a resolution authorizing the President to determine the necessity for an invasion on his terms was brought to the floor of the United States House and Senate. To attain a solid majority, the bipartisan initiative directed the President of the United States to first follow the route of gaining a resolution at the United Nations on arms inspections; only if the inspections failed, would the President then be authorized to take stronger measures. Crucially, the President was given nearly unchecked power to determine the success or failure of the arms control process.

Many in Congress, while repudiating the doctrine of preemption, nonetheless supported the resolution because, for them, it was important that the United States “speak with one voice,” and this sort of resolution would be the most likely to send a strong message to Saddam and preserve the peace. Nevertheless, the authorization for war had the unmistakable fingerprints of preemptive thinking on it. The Resolution reads, in part:

Whereas Iraq’s demonstrated capability and willingness to use weapons of mass destruction, the high risk that the current regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack combine to justify action by the United States to defend itself.⁴⁵

The certainty of the administration’s public statements and private briefings to Congress that Saddam had “WMD,” was developing more, and would likely share with terrorists already in Iraq

made opposition to the resolution difficult, especially in the shadow of 9/11. As Miriam Shapiro concludes: “Although the administration has characterized its new approach as ‘preemptive,’ it is more accurate to describe it as ‘preventive’ self-defense. Rather than trying to preempt specific, imminent threats, the goal is to prevent more generalized threats from materializing.”⁴⁶

The President spoke to the United Nations to see if a peaceful route to avoiding war could be taken through gaining a resolution that would persuade Hussein to reopen serious weapons inspections. The political leverage the administration was able to muster in persuading the United States Congress extended, on a limited basis, to persuading traditional allies of the United States.⁴⁷ The United Nations did vote for renewed inspections, but failure to comply with Resolution 1441 would bring not “war” but the more ambiguous threat of “serious consequences.”

In the administration’s fall campaign, the new security doctrine had revealed strategic strengths and weaknesses in convincing domestic and international publics. “WMD,” an acronym connoting ultimate terror, is a useful symbol that conglomerates three distinct threats—biological, nuclear, and chemical weapons—into an acronym that can be used in an omnibus fashion when describing weapons Iraq had, may have, or could have in the future. Such an omnibus term, however, occludes the size, availability, and specific types of threats faced in situations. Chemical weapons for example are not nearly as destructive as nuclear bombs. Still in the shorthand phrases of political argument one is associated with the other. So, too, the term “terrorist” was deployed to occlude differences among secular and religious groups who, themselves, are at war with each other. “Terrorist” filled in the slot for the term “enemy” and it follows that all enemies need to be fought. Finally, Hussein made a tempting target: given his history of warfare in the Middle East, the unfinished status of the 1991 war, and his stature as a dictator. These fears made for sufficient justifications to get the UN to listen to the need to renew weapons inspections. In the shadow of 9/11, fear is as compelling as is defending Hussein’s regime politically unpalatable.

The NSS 2002 doctrine is not without critical proof standards, however. If intervention is to be justified on the threat of weapons of mass destruction, then it would seem to be imperative to show (1) that an adversary has nuclear, biological, or chemical arms, (2) is in the process of developing more in greater variety, (3) will likely cross a qualitatively threshold of higher threat, and (4) intends to use new unconventional weaponry either as blackmail or in aggression once developed. What are the kinds and degrees of proof necessary to meet these criteria? Strategic thinking and political consensus-making lead to different answers. The strategy of “preemption” is a desirable strategic posture in a given case to the extent that a proponent is convinced that dealing with an adversary’s weapons of mass destruction is a now-or-later imperative. Since the

costs of enduring a first-strike are great, and since political degrees of freedom diminish as the nuclear, biological or chemical arsenal of an enemy grows, the proof threshold that would necessitate a first-strike is low. False-positives are risks that preempters are prepared to take. On the other hand, the lower the threshold for war, the greater the risk of provoking violence that could or should have been resolved through other means. Low proof standards increase the risk of fighting an unnecessary and counterproductive war. Thus, the reformulated NSS 2002 doctrine invites, even demands, that advocates of force bent on creating consensus wring the greatest degree of proof out of positive evidence supporting the above criteria while minimizing negative evidence on nuclear, biological or chemical weapons development. First-strike discourse within the strategic establishment requires calculative thinking; public justifications of mounting an invasion—even in the name of liberation—are a matter of broader deliberation. Thus, there is an inbuilt impetus within the doctrine to exaggerate evidence of threats to build-up a more traditional case for war.

In the end, even with the overstated evidence deployed by the Blair and Bush administrations, the public justifications for the American war in Iraq were insufficient to create the kind of consensus that underwrote either the first Gulf War or the invasion of Afghanistan. Despite Secretary of State Collin Powell's best rhetorical efforts, the world remained unconvinced that war with Iraq was necessary.

In the winter of 2003, as the weapons inspections were ongoing, and even as no unconventional weaponry was turning up, President Bush went ahead and "*made the tough decision.*" "*He's a master at deception. He has no intention of disarming—otherwise we would have known,*" the President argued on the eve of invasion. Were Saddam disarming, Bush continued, a few inspectors "*could have showed up at a parking lot and he could have brought his weapons and destroyed them.*" Bush's posited threshold—disarm or war—does not admit to the possibility that there were no unconventional weapons—that inspections, fly-overs and sanctions have done their job already. Bush's test could not be met because—as all commissions have concluded studying the prewar situation—there was nothing to fill up the "parking lot" with.⁴⁸

Thus, the NSS 2002 doctrine led Bush to set up proof standards that reversed presumption altogether, thereby drastically lowering the chances of remaining at peace: Hussein had to prove that he *didn't* have weapons of mass destruction to avoid war. This is a convincing standard in the climate of post-9/11 anxieties, as insecurity multiplies a network of self-elaborating suspicions among those who support intervention. For instance, U.S. weapons inspector David Kay testified:

The best evidence I would suggest you look at is look at Saddam Hussein. If he had no weapons of mass destruction, why would he not let the inspectors in with full rein? And yet we can describe in chapter and verse the concealment, deception, denial techniques that were used, that ranged from physical intimidation and force, all the way up to much more subtle and technologically sophisticated methods to conceal. If you're not engaged in a prohibited activity, why would you forego \$120 billion of oil revenue? I think the best evidence that there is something there is the evidence of the perpetrator of the crime and his behavior.⁴⁹

Still, it is logically impossible to prove a negative, of course. Yet, so compelling is this rhetoric to the President that to this day Bush's public narrative justifying his personal decision to end inspections and trigger war continues to hang on a logically invalid argument—that Hussein did not prove that he did not have weapons of mass destruction.

POST-WAR LEGITIMATION CONTROVERSY

A post-war environment for a democratic victor is expected to be a period where the violence is less, not greater, than the war. Tragically, the post-war environment to the Iraqi conflict has become, if anything, even more uncertain and controversial as the road leading up to invasion. As Thomas Frank put it most starkly: “On September 11, 2001, every nation in the world voiced its support for us, sympathy for our tragedy, and willingness to join in the war on terrorism. Now, almost every nation regards us as the world's gravest threat to peace.”⁵⁰ While overstated, his point is not without merit. The war is over, but the peace is far from won.

As it became gradually clear that “Operation Iraqi Freedom” would not be received unambiguously as a moment of liberation by the Iraqis, finding unconventional weaponry became a top priority to sustain justification for the war effort. For the year following the 2003 Iraq War, the world was treated to the spectacle of an army of American specialists searching far and wide to find evidence that would legitimate the President's decision. Scant evidence supporting this pre-war rationale emerged, although there could be little doubt—were there any to start with—of Hussein's domestic atrocities. So noticeable was the gap between imagined threat and on the ground findings that in the 2004 State of the Union address, George Bush labored to shift the key rationale for the invasion, citing the Kay report, which although had found no weapons, as the President said, had found “dozens of mass destruction-related program activities and significant amounts of equipment that Iraq concealed from the United Nations.”⁵¹ Since a chemical plant or a lab can potentially be converted to weapons production, then any modern industrial state may be

said to be a potential nuclear, biological, or chemical weapons threat. The question becomes, crucially, upon what evidence military conflict ought to be initiated.

The threshold for war in a post-9/11 age appears to be “break out,” an old, Cold War term used to justify increased defense spending for new technology in light of real or imagined Soviet treaty violations. The key justification for the war, according to Senator John Warner (R-VA), was, from the perspective of 2004, “whether or not Saddam Hussein had some kind of, quote, ‘breakout capability’ for quickly producing chemical or biological weapons” that would serve as “a basis for constituting a conclusion that there was an imminent threat from Saddam Hussein and his military.”⁵² Yet, the original claims by the administration were that (1) Saddam had weapons, (2) their location was known, (3) the weapons were being amassed, (4) Iraq “WMD” constituted grave and gathering threats to Middle Eastern friends and American interests, and (5) development was going ahead at full speed, with nuclear capabilities within a year possible (or likely). As war-opponent, Senator Carl Levin (D-MI) put it in questioning Kay: “A different case for war against Iraq can be made, the case which the administration made to the American people was the presence of actual weapons of mass destruction.”⁵³

If war is predicated on the possibility of weapons acquisition, then the threshold for justifying interstate violence is removed, and the administration appeared to be lowering of the standard of self-defense: from “imminence” of an attack on the United States territory, allies or troops, to admitted and known possession of nuclear, biological or chemical arms, to the existence of suggestive evidence of such possession, to conjectures about the *intent* of a dictator at some point to develop weapons. This leads to the current central question of American foreign policy: upon what turns the decisions of war and peace for a post 9/11 era? The exchange between Senator Mark Dayton (D-OH) and David Kay, the chief U.S. weapons hunter, probes this question:

Dayton: Just based on your general knowledge, how many countries in the world today would qualify under the category of developing weapons of mass destruction-related program activities or having such activities?

Kay: Oh, I suspect you’re talking about probably 50 countries. . . .

Dayton: So if we’re going to take out those countries or their governments which are engaged in what we would call weapons of mass destruction-related program activities, we’re going to be cutting quite a world swathe.

Kay: Well, Senator Dayton, I think you’re on to the issue. We no longer are going to be living in a world in which we can control capabilities. Intentions are what are going to be important. And quite frankly, that’s what made Saddam so

dangerous, in my view. Here was an individual who had invaded his neighbors, used chemical weapons against one of them and used them against the other. So it was hard to have a benign interpretation of that individual's intelligence. And the real challenge for intelligence is going to be getting to our political leadership, not just judgments about capabilities, but judgments about real intentions. And that is tough.⁵⁴

The imputed ambitions of a dictator are unlikely to receive a vigorous public debate because there is zero political incentive to defend leaders of the ilk of the “Butcher of Baghdad.” Moreover, to rely on someone who has the international standing of a Saddam Hussein and his pacific intentions is to figuratively sanction the risk a catastrophic strike on the United States, no matter how remote the actual likelihood. On the other hand, the upside of invasion can be painted in rosy pictures of cheering crowds by naming the conflict as a war of “liberation” within the imaginative horizons of the “rising dominoes” of freedom in the Middle East. As a result of this rhetorical equation, the breaks on policy driven by suspicion and fear—as well as the means to weigh risks and benefits of an invasion impartially—are weakened, if not removed altogether. Kay supplies the motive for lowering the threshold of war:

[A]ny president, when he's presented with intelligence, has got to make a choice about how much risk he's prepared to run for the nation that he leads. It is my belief that regardless of political party, after 9/11, the shadowing effects of that horrible tragedy changed as a nation the level of risk that all of us are prepared to run, that we would like to avoid.⁵⁵

Even as Kay was testifying to the new standards of war making, administration defenders articulated a two-pronged strategy to drain off the controversy. Spokespersons reinforced the idea that Saddam Hussein was a bad actor who eventually would have developed unconventional weapons and shared them with enemies who eventually would have attacked the United States, on the one hand. On the other, some in Congress cast blame on faulty prewar arguments on the broadly defined intelligence community. The Senate intelligence committee attributed the failure of the intelligence community to “group think,” a convenient sharing of blame that finds everyone and no one guilty at the same time.⁵⁶ Yet, an even more important question of leadership remained.

Who was responsible for overestimating and vetting secret, speculative guesswork as hard won, absolutely certain public fact? The Committee demurred on the question of the involvement of administration spokespersons in spreading suspect information. So, the full, public evaluation of the Bush doctrine was kicked down the road another ten months to March

2005—past a crucial election, when public knowledge of events would matter most, and over three years after the initial debate, a time when old deliberative questions garner mostly historical interest.⁵⁷ The questions of who knew (or should have known better) in assessing the reports and spreading bad information to Congress, the public, and the world, and why such systematically distorted communication filled the public airwaves, largely unchallenged, remain open. The paradoxes of the NSS 2002 doctrine are not likely to go away, however, precisely because they reside at the heart of the convoluted questions deterrence, containment, and proliferation pose for the post-9/11 world.

CONCLUSION

In the lengthening shadows of 9/11, the Iraq war, and escalating acts of global terrorism, the justifications for war and peace are increasingly open for debate. Jane Stromseth argues, “Doctrinally, the potentially lethal combination of terrorists and weapons of mass destruction requires a rethinking of the scope of the right of self-defense.”⁵⁸ As William Taft IV and Todd Buchwald suggest, “the need to adapt the concept of imminence to the capabilities and objectives of today’s adversaries” requires “calculating” the requirements of self-defense where unconventional weapons “can be easily concealed, delivered covertly, and used without warning.”⁵⁹ Yet, the problems of threat asymmetry are not new; indeed they are an integral part of the nuclear age. Shortly after the invention of the atomic bomb, many were concerned that technology would eventually make democracies vulnerable to attacks through sabotage, suit case bombs, and the like. The strategies of deterrence and containment provided a secure path through the atomic age, but the logics of a bipolar Cold War world routed the United States around basic questions of the age, for a time, and are now in need of review and repair to face threat configurations that are inherently asymmetrical, chaotic, and changing. If 9/11 threw the need for fresh thinking into bold relief, and if the Afghanistan war provided a consensual answer of how to address these issues, the war and Iraq tore open the uncertainties of the nuclear age with burning urgency. Indeed, this war is making the connection between the language within which nations fashion collective security and the deeds of war increasingly problematic, on several levels.

First, the novel NSS 2002 doctrine decreases the security of the United States. The Iraq war has been so globally divisive and so nationally costly that it renders unlikely the kind of commitment necessary for preemptive intervention, in cases where intervention is clearly urgent. United States forces are overextended, while the NSS 2002 doctrine itself threw into controversy the criteria upon which interventions are to be decided. As a result of Iraq, humanitarian interventions are less likely to receive broad international support, and responsibility is more

likely to be shifted over to regional coalitions with unproven effectiveness. Even where nuclear, biological or chemical arms pose a genuine threat, U.S. persuasion is less effective because overstating evidence “will produce a ‘Chicken Little’ effect: a crisis of credibility with other countries whose support the U.S. may need in the future.”⁶⁰

Second, Iraq has had equivocal results on the issue of nuclear proliferation. The administration points to the success in Libya, while the foreign policy challenges concerning North Korea and Iran grow more protracted. The NSS 2002 doctrine narrowly focusing on the threat posed by a particular regime may create a tunnel-vision that loses sight of the wider message sent to potential proliferators. For these regimes, the message may be that if you actually have nuclear weapons, you are in a much stronger bargaining position than if you don’t, thereby encouraging nations on the brink of development to completion.⁶¹

Third, Iraq underscores the imprudence of American neo-isolationist policies of the 1990s. If preventive force is to work, then a substantial commitment to postwar reconstruction has to be made—long before the intervention is executed. If post-war efforts are not successful, then the same problems could reappear, in an even more virulent form. The lack of preparation for assuming responsibilities of “nation building” now appears patent, both in the disposition of the understaffed United States troops and the failure of the United States to support training of police, emergency relief, first responders and other types of forces necessary to combat “terrorism” through on the ground efforts. If preemption is to be a reigning doctrine, it must have a correlate of post-war reconstruction figured into costs, risks, and outcomes.

Fourth, the on-balance effect of the Iraq invasion on the “war on terror” is still open to question. The NSS 2002 doctrine was useful in framing the justification for invasion as a clear national security issue: terrorism plus nuclear weapons equals a “grave and gathering threat.” The United States did eliminate the possibility that Saddam Hussein at some unspecified future point might acquire nuclear, biological or chemical weapons and use or give them away to some unspecified group; however, the net effect of an intervention based on worst-case thinking may be to drive more people to take up terrorism and to further popularize Islamic movements. The problem with nuclear, biological or chemical terrorism is not located exclusively in the production programs of states, but on the black market and in potential theft of materials. Radicalizing greater numbers of people multiples worst-case scenarios of a first-strike.

Fifth, the doctrine of preemption exposes paradoxes internal to the logics of policy regarding asymmetrical threats, holes that have yet to be worked out publicly into a coherent legitimate narrative. At a strategic level, the further away from actual unconventional weapons deployment an enemy is, the easier it is to accomplish first-strike missions but the more difficult

it is to justify intervention. The closer to full nuclear, biological or chemical weapons deployment, the easier it is to rouse fears of attack but the harder it is to complete a successful mission, where goals demand complete success. This dilemma can be undercut by exaggeration of the present enemy threat, but the price of suspect inducement for war is the absence of pre-war consensus and spiraling post-war costs.

Sixth, a war that is widely spoken of as preventive (and therefore not defensive) no matter how well linguistically repackaged as preemption—lowers the prestige of an aggressor, especially in a community of democracies. Prestige is necessary for effective public diplomacy. The impact of positive initiatives that the United States has initiated post-Iraq in areas of AIDS, health care, food, and other foreign aid initiatives is minimized by a competing frame loosed by the Iraq war and continued with extended, disruptive violence. The extension of power may indeed increase the perception of threat potential on the part of the United States and act as an effective stick, but power without prestige increases the costs and decreases the effectiveness of gestures of good will, perceived commitment to the rule of law, and ability to counter adverse propaganda. From a public diplomacy standpoint, the newly defined preemptive wars are disasters from the outset.

Seventh, the NSS 2002 doctrine impairs administration credibility due to its differential weight of technical and public justification. Technically, preventive force may be justified on scant evidence of nuclear, biological or chemical arms possession, and in the shadow of 9/11 weak evidence apparently was sufficient to convince the administration and the public to support the war. The technical justification, however, does not engage the same proof standards as public discourse, where war is still spoken of as a “last resort” and a “just war” requires more than anecdotal evidence linked to suspicion. Further, even should national trauma motivate action, sustained public support requires a sound rationale for justifying prudent choice, at least over the long term. The result of these rhetorical constraints peculiar to preemption as a doctrine may have led war advocates to exaggerate the certainty of tenuous evidence, overlook counter-evidence, and make a case that would eventually be exposed as fraudulent on its face. Preventive force thus creates rhetorical conditions that impair credibility of an administration, which has important consequences over the long term for the fashioning and support of policy.

The administration rarely speaks of the doctrine of “preemption” any more, although the consequences of the rhetorical campaign of summer 2002 still very much mark its discourse. Indeed, when the administration publicly considered in August 2005 whether it should abandon its signature brand, the “Global War on Terror” (GWOT), in exchange for a new discourse, the “Global Struggle Against Violent Extremism (GSAVE), the President put an end to discussion.⁶²

On 6 October 2005, speaking to the National Endowment for Democracy, George W. Bush returned to Richard Cheney's initial metaphor that America is engaged in a struggle benchmarked by the Cold War. Now, it is "we" who must take it to the enemy which "[s]ome call this evil Islamic radicalism; others, militant jihadism; still others, Islamo-fascism," he opined. Of course, GWOT is "war" against a religious/secularist not a Communist constructed movement, involving dispersed non-state actors not a Soviet empire, and must be conducted with little help from democratic alliances rather than with a broad, international consensus.⁶³ In short, absent "preemption" as a doctrine that can be defended on its own, the President must to rely upon justification of policy based upon a rather imperfect Cold War simile, an ideograph pushed by the Vice President for years already without popular success. Such arguments have provided enough political legitimacy to sustain high levels of congressional military funding, but do not draw strong support at home or abroad. The lack of popular appeal appears again to invite overstatement of risk to add policy punch. In the 2005 major speech for the war, Bush supported his call for a crusade at the intensity and clarity of anti-Stalinist zeal and Berlin airlift enthusiasm with what the press found to be upon interviews with administration officials publicly unverifiable or equivocal examples of threats and successes.⁶⁴

There is a term for commitments that snarl, bind, twist, reverse, and generate ever more protracted and divisive controversy—"quagmire"—a pivotal term that is as much a metaphor for discourse as a condition of policy. Fresh, clear thinking is needed. To begin, we need reconsider traditional doctrines that informed American foreign policy and ask probing questions—rather than precipitously propound and extend a radical, new revision. The NSS 2002 doctrine of preventive war requires sustained thinking through recollecting the lessons of deterrence and containment earned through a half-century of largely successful American foreign policy. In all candor, the world did not enter a new epoch in 2001; rather, 9/11 constituted but a new, deadly chapter in what we have come to know as the nuclear age.

¹ United States, Commission on National Security/21st Century, *Road Map for National Security: Imperative for Change*, 31 January 2001, <<http://www.cfr.org/pdf/Hart-Rudman3.pdf>>.

² Kenneth Burke, "War and Cultural Life," *The American Journal of Sociology* 48 (1942): 404.

³ Michel Foucault, *The Archaeology of Knowledge* (New York: Pantheon, 1972). In this context, institutional discourse designed to persuade publics faces pressure to rationalize national and international justifications. See Erik Doxtader, "Learning Public Deliberation through the Critique of Institutional Argument," *Argumentation and Advocacy* 31 (1995): 163-184. On the linguistic turn in foreign policy studies see Frank Beer and Robert Hariman, ed., *Post-Realism: the Rhetorical Turn in International Relations* (East Lansing, Mich.: Michigan State University Press, 1996); and Gordon R. Mitchell, "Public Argument-Driven Security Studies," *Argumentation and Advocacy* 39 (2002): 57-72.

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- ⁴ John T. Rourke, *Presidential Wars and American Democracy: Rally Round the Chief* (New York: Paragon House, 1993), 140; and Cecil V. Crabb, Jr. and Pat M. Holt, *Invitation to Struggle: Congress, the President, and Foreign Policy*, 3rd ed. (Washington, DC: CQ Press, 1989), 21.
- ⁵ J. Ceaser, G. E. Thurow, J. Tulis and J. M. Besette, "The Rise of the Rhetorical Presidency," *Presidential Studies Quarterly* 11 (1981): 158-171.
- ⁶ Denise M. Bostdorff, *The Presidency and the Rhetoric of Foreign Crisis* (Columbia, SC: University of South Carolina Press, 1993).
- ⁷ Samuel Kernell, *Going Public*, 3d ed. (Washington, DC: Congressional Quarterly Press, 1997).
- ⁸ Kathryn M. Olson, "Constraining Open Deliberations in Times of War: Presidential War Justification for Grenada and the Persian Gulf," *Argumentation and Advocacy* 27 (1991): 64-97.
- ⁹ G. Thomas Goodnight (1998), "Public Argument and the Study of Foreign Policy," *American Diplomacy* 3 (1998), <<http://www.unc.edu/depts/diplomat/>>. Critical studies are episodic and inquire into the use of discourse to structure expectations across time. The aim is to evaluate strengths and weaknesses when orientations used to persuade others meet with internal inconsistencies of development or unable are to come to terms with departures need for justified adaptation. See Robert Ivie, "Metaphor and the Rhetorical Invention of Cold War 'Idealists,'" *Communication Monographs* 54 (1987): 165-182, and "Presidential Motives for War," *Quarterly Journal of Speech* 60 (1974): 337-345.
- ¹⁰ Thomas Kane, "Foreign Policy Suppositions and Commanding Ideas," *Argumentation and Advocacy* 28 (1991): 80-90.
- ¹¹ Michael C. McGee, "The 'Ideograph': A Link between Rhetoric and Ideology," *Quarterly Journal of Speech* 66 (1980): 1-16.
- ¹² Philip Wander, "The Rhetoric of American Foreign Policy," *The Quarterly Journal of Speech* 70 (1984): 339-361; Shawn J. Parry-Giles, *The Rhetorical Presidency, Propaganda, and the Cold War, 1945-1955* (Westport, CT: Praeger, 2001); and Martin J. Medhurst, "Rhetoric and Cold War: A Strategic Approach," in Martin J. Medhurst, Robert L. Ivie, Philip Wander and Robert L. Scott, ed., *Cold War Rhetoric: Strategy, Metaphor, and Ideology* (East Lansing: Michigan State University Press, 1997), 19-28.
- ¹³ Kathryn M. Olson, "Democratic Enlargement's Value Hierarchy and Rhetorical Forms: An Analysis of Clinton's Use of Post-Cold War Symbolic Frame to Justify Military Interventions," *Presidential Studies Quarterly* 34 (2004): 307-340.
- ¹⁴ David Zarefsky, "President Johnson's War on Poverty: The Rhetoric of Three 'Establishment' Movements," *Communication Monographs* 44 (1977): 352-3.
- ¹⁵ Robert Asen, *Visions of Poverty: Welfare Policy and Political Imagination* (East Lansing, MI: Michigan State University Press, 2002).
- ¹⁶ G. Thomas Goodnight, "Predicaments of Communication, Argument, and Power: Towards a Critical Theory of Controversy," *Informal Logic* 23 (2003): 119-138.
- ¹⁷ Leland M. Griffin, "When Dreams Collide: Rhetorical Trajectories in the Assassination of President Kennedy," *Quarterly Journal of Speech* 70 (1984): 111-131.
- ¹⁸ John Lewis Gaddis, "A Grand Strategy of Transformation," *Foreign Policy* (November/October 2002): 56.
- ¹⁹ Kenneth Burke, *Attitudes Toward History*, 2nd ed. (Boston: Beacon Press, 1959): 216-338. Burke examines rhetorics as self-fashioning historical and cultural constructions. The entry point into analyzing such symbolic framing is through scrutiny of the work done by key "pivotal terms" in a rhetoric, i.e. those terms that are characteristic of a complex of justifications, motivations, definitions and equations deployed by proponents and opponents of action in policy advocacy.
- ²⁰ George W. Bush, "President Bush Delivers Graduation Speech at West Point," 1 June 2002, <<http://222.whitehouse.gov/news/releases/2002/06/print/20020601-3.html>>.
- ²¹ Bush, "Graduation Speech."
- ²² Bush, "Graduation Speech."
- ²³ Anthony Clark Arend, "International Law and the Preemptive Use of Military Force," *Washington Quarterly* 26 (Spring 2003): 89-103.

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- ²⁴ Richard Cheney. "Vice President Speaks at VFW 1034d National Convention," 26 August 2002, <<http://www.whitehouse.gov/news/releases/2002/08/print/20020826.html>>.
- ²⁵ Cheney, "Vice President Speaks at VFW," emphasis added. See also Richard Cheney. "Vice President Honors Veterans of Korean War," 29 August 2002, <<http://www.whitehouse.gov/news/releases/2002/08/20020829-5.html>>.
- ²⁶ Cheney, "Vice President Honors."
- ²⁷ Cheney, "Vice President Honors," emphasis added.
- ²⁸ Miriam Shapiro, "Iraq: The Shifting Sands of Preemptive Self-Defense," *American Journal of International Law* 97 (July 2003): 600.
- ²⁹ Letter from Daniel Webster to Lord Ashburton (Aug 6, 1842), quoted in John Bassett Moore, *A Digest of International Law* 412 (1906). Cited by Sapiro, "Shifting Sands," 600.
- ³⁰ Arend, "International Law," 83.
- ³¹ Michael N. Schmitt, "Preemptive Strategies of International Law," *Michigan Journal of International Law* 24 (Winter 2003): 513-548; Richard A. Falk. "What Future for the UN Charter System of War Prevention?" *American Journal of International Law* 57 (July 2003): 592.
- ³² Lawrence Freedman, "Prevention, Not Preemption," *Washington Quarterly* 26 (Spring 2003), <muse.jhu.edu/journals/washington_quarterly/vol262freedman.pdf>.
- ³³ Freedman, "Prevention."
- ³⁴ Jeffery Record, "The Bush Doctrine and War with Iraq," *Parameters* (Spring 2003): 6.
- ³⁵ Keir A. Lieber and Robert J. Lieber, "The Bush National Security Strategy," *U. S. Foreign Policy Agenda* (December 2002), <<http://usinfo.state.gov/journals/itps/1202/ijpe/pj7-4lieber.htm>>.
- ³⁶ United States, White House Office of Homeland Security, "The National Security Strategy of the United States of America," September 2002, <<http://www.whitehouse.gov/nsc/nss.html>>. Traditionally, there is a clear distinction between preemptive action as one "initiated on the basis of incontrovertible evidence that an enemy attack is imminent," and a preventive action where war is "initiated in the belief that military conflict, while not imminent, is inevitable, and that to delay would involve greater risk." Michael Moore, "Truman Got it Right," *The Bulletin of the Atomic Scientists* 59 (January 2003): 20.
- ³⁷ U.S. White House, "National Security Strategy," emphasis added.
- ³⁸ U.S. White House, "National Security Strategy."
- ³⁹ Lieber and Lieber, "Bush National Security Strategy."
- ⁴⁰ Michael J. Glennon, "Preempting Terrorism: the Case for Anticipatory Self-Defense," *The Weekly Standard*, 28 January 2002, 24.
- ⁴¹ M. Elaine Bunn, "Preemptive Action: When, How, and to What Effect?" *Strategic Forum* 200 (July 2003): 4.
- ⁴² Condoleezza Rice, "Dr. Condoleezza Rice Discusses President's National Security Strategy," Waldorf Astoria Hotel, New York, 1 October 2002, <<http://www.whitehouse.gov/news/releases/2002/10/2002001-6.html>>.
- ⁴³ Donald Rumsfeld and Peter Pace, "DoD News Briefing—Secretary Rumsfeld and Gen. Pace," Department of Defense News Transcript, 26 September 2002, <http://222.defenselink.mil/news/Sep2002/t09262002_t0926sd.html>, emphasis added.
- ⁴⁴ Donald Rumsfeld, quoted in Michael Moore, "Truman Got it Right," 20.
- ⁴⁵ Authorization for the Use of Military Force Against Iraq Resolution of 2002, Pub. L. No 107-243, 116 Stat. 1498, 1499 (2002) as quoted in Michael N. Schmitt. "Preemptive Strategies of International Law," *Michigan Journal of International Law* 24 (Winter 2003): 529.
- ⁴⁶ Shapiro, "Shifting Sands," 599.
- ⁴⁷ Richard A. Falk, "What Future for the UN Charter System of War Prevention?" *American Journal of International Law* 97 (July 2003), Lexis-Nexis legal research database, <<http://www.lexis-nexis.com>>.
- ⁴⁸ George W. Bush, "President George Bush Discusses Iraq in National Press Conference," 6 March 2003, <<http://www.whitehouse.gov/news/releases/2003/03/20030306-8.html>>.

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- ⁴⁹ David Kay, Testimony, "Hearings on Iraqi Weapons of Mass Destruction and Related Programs," *Hearing of the United States Armed Services Committee*, 10 September 2002, Lexis-Nexis Congressional database, <<http://www.lexis-nexis.com>>.
- ⁵⁰ Thomas M. Frank. "What Happens Now? The United Nations after Iraq," *American Journal of International Law* 97 (July 2003), Lexis-Nexis legal research database, <<http://www.lexis-nexis.com>>.
- ⁵¹ George W. Bush, "State of the Union Address," 20 January 2004, <www.whitehouse.gov/news/releases/2004/01/20040120-7.html>.
- ⁵² John Warner, Statement, "Hearing on Iraqi Weapons of Mass Destruction and Related Programs," Senate Armed Services Committee Hearing, 28 January 2004, Lexis-Nexis congressional research database, <<http://www.lexis-nexis.com>>.
- ⁵³ Carl Levin, Statement, in "Hearing on Iraqi Weapons of Mass Destruction."
- ⁵⁴ Mark Dayton and David Kay, statements, in "Hearing on Iraqi Weapons of Mass Destruction."
- ⁵⁵ David Kay, statement, in "Hearing on Iraqi Weapons of Mass Destruction."
- ⁵⁶ See Anderson Cooper, "Is 'Group Think' to Blame for Iraq WMD Intelligence Failure?" CNN Transcript #071200CN.V98, 12 July 2004, Lexis-Nexis news database, <<http://www.lexis-nexis.com>>.
- ⁵⁷ In February 2004, President Bush announced creation of a presidential commission to investigate the Iraq prewar intelligence failure, giving the commission a 31 March 2005 reporting deadline. See United States, White House, "Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction," Executive Order, 6 February 2004, <<http://www.whitehouse.gov/news/releases/2004/02/20040206-10.html>>.
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