

# HOW CAN WE REALLY PROTECT NATIONAL SECURITY?

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...we have about 50% of the world's wealth but only 6.3% of its population. This disparity is particularly great as between ourselves and the peoples of Asia. In this situation, we cannot fail to be the object of envy and resentment. Our real task in the coming period is to devise a pattern of relationships which will permit us to maintain this position of disparity without positive detriment to our national security.<sup>1</sup>

## I. INTRODUCTION

National Security has been defined in a variety of ways. According to some scientists, the prevention of AIDS is a matter of national security.<sup>2</sup> According to American steel industry, protecting this industry is a matter of national security.<sup>3</sup> Roy D. Follendore thinks national security is a matter of putting science over religion.<sup>4</sup> The United States' Joint Forces Command thinks national security is a matter of "Full Spectrum Dominance" that means almost total control of the lives of people in strategic areas including rural areas on this

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1. George Kennan, United States State Dept., Policy Planning Study 23 (24 February 1948).

2. David F. Gordon, National Intelligence Officer at the National Intelligence Council, speaking in a Panel "Comparative Perspectives on the Stability Implications of AIDS in Africa" at a conference entitled "France and the United States: Strengthening Collaboration on HIV/AIDS in Africa" organized by The Center for Strategic and International Studies, in collaboration with The Brookings Institution's Center on the United States and France (3 December 2001).

3. AMERICAN IRON & STEEL INST., SPECIALTY STEEL INDUS. OF NORTH AMERICA, STEEL MFR. ASS'N & THE UNITED STEELWORKERS OF AMERICA, A STRONG U.S. STEEL INDUSTRY: CRITICAL TO NATIONAL DEFENSE AND ECONOMIC SECURITY (2001).

4. Roy D. Follendore, *Science a Matter of National Security* (July 5, 2002) at [http://www.noisetoknowledge.com/a\\_matter\\_of\\_national\\_security.htm](http://www.noisetoknowledge.com/a_matter_of_national_security.htm) (last visited Mar. 12, 2003).

planet as well as outer space.<sup>5</sup> And according to American President Bush, “confronting Iraq is a matter of national security.”<sup>6</sup>

In recent times, national security has been used to justify the direct and indirect projection of American military force around the world.<sup>7</sup> Thus, for example, American’s invasion of Afghanistan was justified as an obscure form self-defense premised on a broad understanding of national security. And America’s unyielding support of the Israeli regime, despite its massive violations of human rights and the often heard claim that this support is a partial cause of terrorist attacks against Americans, has been justified as in the interest of American’s national security. To many these examples make it appear that just as beauty is often said to be in the eye of the beholder, national security appears to depend on one’s perspective rather than on empirical evidence or a broad consensus as to its definition.

National security appears to be a national interest that we merely know when we see it. It is something that every American understands, if not explicitly at least implicitly enough to be able to stand behind a foreign policy of military excursion abroad in the name of national interests. What if we viewed these two examples from the eyes of some of those against whom the acts are committed in the name of national security the contradiction becomes even more pronounced?

An Afghan soldier, for example, defending his country as he has done under successive regimes and because it the only work available, has a different perspective of the bombs that fall out of the sky from unseen planes cruising at unimaginable heights. He might not understand the need for America to promote its national security by destroying his country. He might not understand why he, like the young American soldiers who attack him, should not patriotically defend his family and country from attack. And he may not be able to accept in peace the bomb that falls on his village while he is out trying to defend his country and kills all eleven members of his extended family. This ordinary Afghan might well be driven to devoting the rest of his life to extracting retribution from a foreign government that destroyed all he held dear and those whom he had protected even through the country’s protracted civil war. He might even be willing to give his life to extract revenge on those who hurt so many he loved.

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5. Jim Garamone, *Joint Vision 2020 Emphasizes Full-spectrum Dominance*, AMERICAN FORCES PRESS SERVICE (2002).

6. George W. Bush, *Bush Says Confronting Iraq Is “Matter of National Security*, Radio address to the Nation” (Oct. 12, 2002).

7. Ivo H. Daalder, James M. Lindsay, & James B. Steinberg, *The Bush National Security Strategy: An Evaluation*, Brookings Institution Policy Brief (Oct. 4, 2002).

Similarly a young Palestinian woman who has witnessed the oppression of her people all her life and who suffered repeated indignations as she tries to finish her university degree might not understand American's support for the government that oppresses her people. After she has seen her friends killed by Israeli soldiers shooting American bullets or been harassed countless times at ad hoc check points she might not be able to accept how American interests require causing her and her people this suffering. Finally, when she graduates and the only perspective for her life appears to be a harrowing existence under an oppressive regime, she might also be willing to sacrifice her life to strike out against the oppressor by all means at her disposal.

To the Afghan and the Palestinian, and to most people in the world, the American's national interests, particularly the national security, are not as easy to understand as we may think. Furthermore, perhaps our failure to understand how people understand us is actually undermining our own national security. To many people around the world America's national interests may seem more like the version of national interests described by noted British Prime Minister Winston Churchill who referred to

[A] party of great vested interests, banded together in a formidable confederation, corruption at home, aggression to cover it up abroad ... sentiment by the bucketful, patriotism by the imperial pint, the open hand at the public exchequer, the open door at the public-house, dear food for the millions, cheap labour for the millionaire.<sup>8</sup>

## II. HOW WE PROTECT AMERICAN'S NATIONAL SECURITY RIGHT NOW

The way we understand national security has of course influenced how we protect it. Thus when we defer to the President's understanding of national security—as both Congress and the American people appear to have done—we also defer to his means of protecting it. To date these means have meant reliance on the analysis of friendly private bodies and our own government's intelligence agencies, which are part of the executive. The former have been more involved in macro policy issues. For example, the National Heritage Foundation has studied terrorism and claims to know that the goal of terrorists are “first to change United States policy, and ultimately to destroy American and Western civilization.”<sup>9</sup> While this might be true this superficial insight adds little to efforts to end terrorism, however, this vague term may be defined.

The government's own intelligence agencies are the bodies we really count on to protect national security. These bodies appear to view national security

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8. Winston Churchill quoted in Lapham, L., “Spoils of war. (Notebook). (reflecting on whether or not 9/11 attacks have really changed the world),” *Harper's* (March 2002).

9. Heritage Foundation National Security Task Force *Defending the National Homeland* ix (2002).

as a function of their own capacity building and the projection of force around the world. This means surveillance, law enforcement and analysis of information within the United States and, as the Joint Forces' Vision 2020 report cited above ensures us, the projection of military force abroad. Furthermore, since 7 October 2001 the United States government has been more than ready to use force abroad. Its attack on Afghanistan, launched less than a month after the 11 September tragedies in New York and Washington are confirmation. As it is the use of force abroad that is the means of protecting national security that perhaps more than any other influences how people abroad view our security, let me concentrate on a few points related to this policy.

First, it is important to understand that the decision to use force is almost exclusively made by the executive branch of government. This is not only the case when Congress has granted the American President broad powers as it has recently concerning Iraq,<sup>10</sup> but also in broader area of national security policy. Although popular sentiments and country or region specific analysis may play a role, they are digested inside the White House like hors d'oeuvres before the entrée of discussions start within the National Security Council. From the first ever use of a nuclear weapon by the United States in 1945 to the decision to invade Afghanistan decisions to use force abroad to protect national security ultimately rest with the President of the United States.<sup>11</sup> And the primary advice to the President is given by the National Security Council (NSC). This body advises "the President with respect to the integration of domestic, foreign, and military policies relating to the national security."<sup>12</sup>

Second, the NSC, established in 1947 and moved to the White House in 1949,<sup>13</sup> is concerned first and foremost with protecting America's national interests as viewed internally. This might not be surprising except that its mandate includes national security and foreign policy, in other words, how America behaves towards the rest of the world as well. In recent years it has become increasingly clear that the NSC has the upper hand in foreign policy. Thus even if the country or region specialists in the Department of State suggest a particular course of action in a crisis situation, it will only be the chosen policy path when the NSC agrees with it. And while the Secretary of State is one member of the NSC he is outnumbered by other members whose understanding

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10. "Authorization for the Use of Military Force Against Iraq," H.R.J. Res. 114, 2nd Sess. (2002).

11. See LOUIS MORTON, *THE DECISION TO USE THE ATOMIC BOMB* 493-518 in K.R. Greenfield, *COMMAND DECISIONS* (1960) and Letter dated 7 October 2001 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council, UN Doc. S/2001/946 (7 October 2001).

12. US Commission on National Security/21st Century, *Organizational Description: The National Security Council 2* (21 April 2001).

13. See National Security Act of 1947, Pub. L. No. 235, 61 Stat. 496, 50 U.S.C. 402, amended by the National Security Act Amendments of 1949, 63 Stat. 579, 50 U.S.C. 401 *et seq.*

of international society is often much more limited and often partisan to narrow American national interests. As a result, much of American's national security policy—especially that part which concerns the international community—is based on what is best for America. President Bush expressed this basis best when he threaten the rest of the world stating that “You’re either with us or against us in the fight against terror.”<sup>14</sup>

Third, our national security system, in part because it has become so centralized in the Executive branch of government, is also increasingly opaque. Thus when the United States decided to assassinate suspected terrorist in Yemen on 3 November 2002 hardly anyone new that such an action was even possible under US law. Or rather hardly anyone knew that the President had reversed a previous moratorium on overseas assassinations by a secret decision. Thus National Security Advisory Condoleezza Rice, could describe the killing as “well within the bounds of accepted practice” in an interview in which she further assured her audience “that no constitutional questions are raised here.”<sup>15</sup> What else the government can do? Americans may never know as interests of national security trump their right to know. More and more Americans right to participate in their own government is being restricted.

And finally, because American is willing to use unilateral means to protect its national security—including the use of force abroad—there are more frequent opportunities for clashes with international law. The attack on Afghanistan is an example of the use of force in clear violation of international law. It was not under United Nations auspices, although it could have been if the United States had cared to ask. And it was not self-defense because the United States itself admitted that it had not been attacked by the government of Afghanistan. The only possible legal qualification of American action is as the use of force against another sovereign country's territorial integrity and political independence—a clear violation of international law. This is at least what most legal observers outside the United States believe, but American jurists have often voiced less certainty. They do this by stretching the definition of armed attack beyond its breaking point or by claiming the law has changed, which is just another way of saying that the law can be ignored when the primary basis for the alleged change is merely what the American government thinks.

An observer is bound to conclude that United States people today allow national security to protected by the Executive branch without little control, on the basis of narrow national interests, with little transparency of process, and often in violation of international law.

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14. CNN, *You are either with us or against us* (Nov. 6, 2001), available at, <http://www.cnn.com/2001/US/11/06/gen.attack.on.terror/> (last visited Mar. 12, 2003).

15. Bill Vann, *White House Defends CIA Killing of US Citizen in Yemen* (Nov. 12, 2002) at, <http://www.wsws.org> (last visited Mar. 12, 2003).

### III. WHAT OTHERS THINK AND WHY IT IS IMPORTANT

Colin Powell's words that the 11 September 2001 attack was not merely an assault on America, but was "an assault on civilization, it was an assault on democracy, it was an assault on the right of innocent people to live their lives,"<sup>16</sup> could just as well be uttered by any of the than three billion people around the world commenting on how the United States' world dominance has left them impoverished, living on less than \$2 USD per day. These people will be unlikely to sympathize with the national security interests that allow the United States to use force in their country in the ways described above. Some of them, not an insignificant number, are likely to be sympathetic to anyone who offers them as chance to revenge attacks that have harmed them, their families or their country.

President Bush has suggested that the war on terrorism is merely "good against evil."<sup>17</sup> Observers, and the American government's own actions, have extended this understanding to mean that terrorism has no cause.<sup>18</sup> Such understandings, however, fly in the face of the facts and the clear words of terrorist themselves. The facts indicate that American enjoys some immense advantages in the world. It has the world's strongest military and it is the world's largest per capita consumer of goods and energy. In fact, if every other country consumed the world's resources at the wide pace that America is doing so, we would have, since the middle of the last century, already exhausted the earth's habitable environment.<sup>19</sup>

As individual Americans we may wish for the basic values of respect for international law, human rights, human freedoms, the equal value of human life, and a life of plenty, but as a group of people we have been unable to admit that to achieve these at the level which we desire them, we have to exploit and even harm others around the world. Even after 11 September 2001 and in light of polls that declare that more people hate America today than did fourteen months ago, Americans refuse to believe that this might be they do not practice what they breach.

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16. Paula J. Dobriansky, *The Diplomatic Front of the War on Terrorism: Can the Promotion of Democracy and Human Rights Tip the Scales?*, Address to the Heritage Foundation (Dec. 21, 2001) (*quoting* Collin Powell), available at, <http://www.heritage.org/Research/NationalSecurity/HL724.cfm> (last visited Mar. 12, 2003).

17. See, e.g., President George W. Bush, & Japan Prime Minister Koizumi "Remarks at Press Photo Opportunity in front of the White House Colonnade" (Sept. 25, 2001).

18. Michael Radu, *E-Notes: The Futile Search for "Root Causes" of Terrorism*, available at, <http://www.fpri.org/> (last visited Mar. 12, 2003).

19. WORLD WILDLIFE FUND, *LIVING PLANET REPORT* (2002).

If America were to accept that terrorism is “a political act, a response to United States foreign policy”<sup>20</sup> then perhaps they could understand how those who are exploited could view terrorism it as “an act of war waged by people too weak to have a conventional army or one large enough to take on the United States.”<sup>21</sup> If terrorism is understood in this way then it is not difficult to understand the response of national security in terms of peace making whereby concessions might have to be made to preserve our way of life. These concessions might require a depreciation of our standard of living in order to increase the standard of living of others around the world whose resources we exploit. But this is perhaps the price why must pay for national security. This is perhaps what we do not want to accept. But America were to think in terms of adding to what it gives the world instead of limiting what it takes from the world, then perhaps we could live in peaceful co-existence.

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20. Charley Reese, *Face It: United States Foreign Policy Contribute to Acts of Terrorism*, ORLANDO SENT., Aug. 18 1998. Reese is a former soldier in the United States military.

21. *Id.*