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STRIKING FIRST

**Preemptive and Preventive Attack
in U.S. National Security Policy**

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Summary

As the United States recast its national security policy following the September 11, 2001, terrorist attacks, President Bush and administration officials announced that under some circumstances in the future the United States would strike enemies before they attack, because deterrence and defense provide insufficient protection against threats from fanatical terrorists or reckless rogue states armed with weapons of mass destruction (WMD). The 2002 National Security Strategy (NSS) codified this doctrine, declaring that in the future, “preemptive” attack would be an important U.S. tool for dealing with anticipated threats from terrorists and from rogue states developing nuclear, biological, or chemical weapons. The NSS did not suggest that the United States would always strike first against such threats, but declared that the United States would not necessarily wait until an enemy attack was imminent to strike first.

Preemption, Prevention, and Anticipatory Attack

Although the NSS and other U.S. policy statements use the term “preemption” to refer to striking first against perceived security threats under a variety of circumstances, generations of scholars and policy-makers have defined preemption more restrictively, distinguishing it from preventive attack.

Preemptive attacks are based on the belief that the adversary is about to attack, and that striking first will be better than allowing the enemy to do so. Preemption may be attractive because it promises to

make the difference between victory and defeat, or merely because it will make the ensuing conflict less damaging than it would be if the enemy struck first. Preemptive attacks are quite rare, though the possibility of preemption was a central concern of nuclear strategists during the Cold War; the archetypical example is Israel's attack against Egypt in 1967 that began the Six-Day War.

Preventive attacks are launched in response to less immediate threats. Preventive attack is motivated not by the desire to strike first rather than second, but by the desire to fight sooner rather than later. Usually this is because the balance of military capabilities is expected to shift in the enemy's favor, due to differential rates of growth or armament, or the prospect that the opponent will acquire or develop a powerful new offensive or defensive capability. Israel's 1981 raid on the Osirak nuclear facility was a classic preventive attack, as was Operation Iraqi Freedom, the U.S.-led invasion of Iraq in 2003.

Preemptive and preventive attacks have important differences; in addition to those already noted, international law holds that truly preemptive attacks are an acceptable use of force in self-defense, while preventive attacks usually are not. However, they are driven by similar logic, and since it is often useful to talk about both at the same time, the authors use the term *anticipatory attack* to refer to the broader category that includes both types of strategies. Anticipatory attack can be viewed as a continuum ranging from purely preemptive to purely preventive actions: All of them are offensive strategies carried out for defensive reasons, based on the belief that otherwise an enemy attack is (or may be) inevitable, and it would be better to fight on one's own terms.

Preemptive and preventive attacks are distinct from "operational preemption," taking military actions within an ongoing conflict that are intended to reduce the enemy's capabilities or to achieve other effects by acting before the enemy launches an attack or takes some other undesirable action, such as deploying or dispersing its forces. Anticipatory attacks often involve operational preemption, but need not do so, and operational preemption may occur in any sort of conflict.

Costs, Benefits, and Risks of Striking First

Strategists and policymakers who are contemplating preemptive or preventive attacks should take a host of military and political considerations into account. Together these determine two fundamental strategic variables: the degree of *certainty* that the adversary will strike if the anticipatory attack is not launched, and the *first-strike advantage* expected from carrying out the anticipatory attack compared to allowing the opponent to attack on its own terms. The more certain the enemy threat is, and the greater the advantage offered by striking first appears, the more attractive anticipatory attack will be.

The Advantage of Striking First

How much better off the state expects to be if it carries out the anticipatory attack than if the adversary attacks at the time and in the way of its choice is in large part a military question. If attacking promises great success while defense is unpromising, the first-strike advantage will be large. When considering preempting an imminent threat, it is the benefits and costs of literally striking first, and of being struck, that matter. For preventive attacks, the consequences of expected changes in the combatants' strengths and vulnerabilities between the time when a first strike would be launched and the time when the enemy would choose to attack are what count.

However, examining the military component of the first-strike advantage can be no more than a first step in understanding its role in national security policy. Anticipatory attacks usually entail significant political costs in the international arena, especially when the threat that prompts them does not appear dire to others; these can outweigh even considerable military advantages to striking first, as they did in Israel's decision not to launch a preemptive attack against Egypt in October 1973. Concern for national or personal reputations can press either for or against striking first. There are also domestic political costs and benefits to take into account, and considerations of law and morality are often intertwined with these political concerns.

The Certainty of the Threat

If there is a first-strike advantage, the second major factor in deciding whether to launch an anticipatory attack comes into play: The degree of certainty that the enemy attack that it is intended to avert is otherwise inevitable. If it were absolutely certain that the enemy were going to attack and that no deterrent measures could prevent this, anticipatory attack would automatically be the best policy to choose if it appeared better than being attacked. However, the future is rarely this certain, and the possibility that the enemy attack is not in fact inevitable must be considered. The less certain it is that the enemy will attack if given the opportunity, in spite of any deterrent measures or exogenous events in the meantime, the less weight should be given to the first-strike advantage. There are two principal sources of uncertainty in assessing the likelihood of an enemy attack. One is imperfect intelligence, being less than certain about the adversary's plans, intentions, or motivations because insufficient information about them is available. The other is not being confident about what the future holds because this is genuinely uncertain. The first tends to dominate in cases of imminent threats, while in seeking to prevent longer-term actions, existential uncertainties become more powerful.

Weighing the Pros and Cons of Anticipatory Attack

If striking first appears highly advantageous against a seemingly certain threat, anticipatory attack becomes a relatively easy choice, as it was for Israel in 1967. However, such situations are extremely rare in international politics. Conversely, and much more commonly, if a threat is fairly uncertain and anticipatory attack appears only marginally better than the alternative, leaders readily turn to other strategies, particularly deterrent ones, as the United States did when the Soviet Union was first developing nuclear weapons.¹

Two types of situations present far more difficult decisions. The first occurs when the enemy is expected to attack, but the advantage of striking first does not appear large enough to make anticipatory attack

¹ See the appendixes to this volume for descriptions of these and other preemptive and preventive attack cases.

a simple choice. If striking first appears far worse than the status quo, even slight uncertainty about the inevitability of the enemy attack may be enough to make attempting to avoid the conflict appear better than initiating it; for the United States, the Cuban missile crisis was such a case.

The second class of difficult cases arises when states possess large first-strike advantages, but are significantly uncertain about when, or even whether, they will be attacked. This type of situation looms large in the current security environment, particularly when threats of potential nuclear attack or the possibility of nuclear or particularly dangerous biological weapons being acquired by terrorists is involved. In such cases, the costs of not acting to prevent the threat from materializing have the potential to be extremely high. However, the costs of striking unnecessarily may also be considerable, and rallying international and domestic approval for anticipatory attacks to prevent threats that are not certain tends to be difficult.

Legality and Legitimacy of Anticipatory Attack

Whether an anticipatory attack would be permissible under international law is an important consideration for decisionmakers, if not always in its own right, then because legality affects perceptions of the legitimacy of the attack, and thus its political costs and benefits. The establishment of the International Criminal Court also raises the possibility that judgments could be rendered and enforced against U.S. officials and military personnel involved in planning, ordering, or participating in an attack that is deemed to be illegal.

In general, the use of force is legal in international politics only when it is necessary for national or collective self-defense, or is authorized by the United Nations Security Council. Because the latter is highly unlikely in cases of preemptive or preventive attack, for such attacks to be legal they must meet the requirements for “anticipatory self-defense.” Based on the principle that armed force must be used only as a last resort, the criteria for anticipatory self-defense have tra-

ditionally held that the attacker must have certain or nearly certain knowledge that an attack by its adversary is imminent.

This “restrictionist” standard prohibits preventive attacks, as well as preemption against uncertain or ambiguous threats. In response to the emergence of threats such as nuclear weapons that can be employed with little warning, legal scholars (whose arguments carry great weight in adjudging international law) have proposed some changes to these criteria, though none has yet gained widespread acceptance. One is that anticipatory attack should be permissible if the attacker is about to lose the ability to forestall the threat (as in the case of the Osirak raid), even if the enemy attack itself is not yet imminent. Another proposal is that terrorists should be considered always to pose an imminent threat due to the nature of their attacks.

A further-reaching possibility, consistent with current U.S. policy statements, is that attackers should be permitted greater latitude to strike first against more severe threats (such as possible nuclear attack) than against milder threats, such as being allowed to strike based on less certain information. However, this has not yet been proffered to any significant degree by legal scholars, most of whom hold that the degree of potential harm from a security threat does not affect the legality of striking first against it. In general, a trend may be developing toward setting more permissive conditions under which first strikes would be legal, allowing action further in advance of enemy attack and perhaps against threats that are less certain, but it is too early to draw such a conclusion with certainty.

Legitimacy is a broader, more flexible, and more ambiguous concept, informed by perceptions of legality but affected by many other factors as well. If a military action is clearly legal, this generally confers considerable legitimacy upon it. However, an action may also be considered legitimate if it is perceived to be undertaken for a moral purpose, even if it does not strictly accord with the law. Judgments of an attack’s legitimacy (unlike its legality) may also change over time, and vary among different audiences.

Striking First in Future U.S. National Security Policy

The post-2001 U.S. doctrine of anticipatory attack is cast in deliberately ambiguous terms, and the National Security Strategy does not even raise the possibility of striking first against targets other than terrorists or hard-to-deter states possessing or pursuing weapons of mass destruction. Yet these are categories that encompass the most serious threats likely to face the United States during the near to medium term, so to entertain the possibility of carrying out preventive as well as preemptive attacks against them is very significant: Past U.S. leaders have also occasionally considered but almost never launched anticipatory attacks in response to perceived security threats, and situations in which such actions have appeared even moderately attractive have been relatively few and far between.

However, both changing international conditions and the distinctive attitudes and beliefs of the current administration make the United States more likely to carry out anticipatory attacks than it has been in previous decades. First, the sorts of threats against which deterrence and defense provide the least reliable protection now loom larger than they did in past decades. The perceived inadequacy of deterrence relates primarily to extremist adversaries whose behavior the United States has little ability to influence; reduced confidence in the adequacy of defensive measures is due mainly to the rise of highly destructive terrorist threats, especially the possibility of nuclear attacks. Second, the unprecedented military preeminence of the United States expands the range of possible uses of military force that American leaders can reasonably consider, including conducting anticipatory attacks. Finally, current U.S. leaders have made clear that they are less concerned by the possibility of diplomatic fallout from their actions than other recent administrations have been, reducing the weight of one often prominent cost of striking first. (See pp. 93–94.)

Nevertheless, most of the considerations that have caused anticipatory attacks to be infrequent in the past continue to apply today, so it is very unlikely that large-scale anticipatory attacks will become commonplace in U.S. security policy. Many threats cannot be usefully addressed by anticipatory attack because they are not recognized early

enough to be averted, and although intelligence may be improved and military responsiveness increased, some threats are intrinsically difficult to anticipate. Moreover, even when such opportunities do exist, they are often militarily unattractive or the military advantages they offer appear meager compared to their potential political costs. (Ironically, this is particularly true for the United States, because the military power that gives it unrivaled ability to launch anticipatory attacks also reduces the need for them: The more powerful a state is, the more likely it is to be able to deal effectively with most of the threats it faces through deterrence or defense.) Major preventive attacks in particular often promise less than decisive results unless the attacker is willing to conquer, occupy, and remake the target state, as the United States is now seeking to do in Iraq. (See pp. 94–96.)

The 2003 invasion of Iraq has further reduced the probability of major anticipatory attacks by the United States in the near future. The occupation of Iraq will continue to require large numbers of American troops for some years to come, reducing the number of U.S. ground forces available for similar operations elsewhere. Mustering either domestic or international political support for another operation like Operation Iraqi Freedom (OIF) and motivated by similar concerns would be extremely difficult following the discovery that Iraq did not in fact possess a large arsenal of biological and chemical weapons or a substantial nuclear weapons development program. The credibility both of intelligence assessments of WMD threats and of U.S. policymakers advocating anticipatory attacks will be dramatically weaker in the wake of OIF. The postwar costs of the Iraqi (and Afghan) occupations may further reduce the palatability of military operations likely to lead to similar occupations. Finally, the likelihood that OIF will be reprised elsewhere may also be reduced by its success, as the rapid defeat of the Iraqi regime by a relatively small invasion force should tend to discourage other states from provoking a U.S. invasion. However, these factors apply far less powerfully to attacks, such as most counterterrorist operations, that do not involve large-scale, sustained military operations and other OIF-like costs, especially when they can be conducted covertly. (See pp. 96–98.)

Leading Scenarios for U.S. Anticipatory Attack

Traditionally, anticipatory attacks have been contemplated most prominently in nuclear stand-offs, and in rivalries among states seeking to conquer—or to avoid conquest by—their neighbors. For the United States, there are three types of scenarios in which anticipatory attack is likely to be most relevant in the near to medium term.

Preempting cross-border aggression against vulnerable allies, in the form either of invasion or of coercive bombardment, could foil or blunt such attacks, especially by North Korea against South Korea or by China against Taiwan. However, a conventional first strike could not be expected to disarm North Korea effectively, let alone China, so while preemptive attack might limit U.S. and allied damage, it would involve starting a very expensive war, and would probably appear unacceptable unless it seemed very certain that an enemy attack was imminent and could not be averted short of war. (See pp. 99–101.)

Striking first against terrorists is of course attractive; against suicide attackers, there is no other time to do so. Deciding to preempt terrorist attacks at the tactical or operational level—for example, to arrest or kill the members of a terrorist cell before they can mount their intended attack, or before they take some other dangerous action such as gaining control of a nuclear weapon—is generally an easy policy decision, and such preemption is likely when sufficient information about the terrorists' identities, locations, or plans is available. Such attacks are typically carried out by police forces or occasionally by military special operations forces (SOF). Preventive attacks against terrorists—that is, attacking a terrorist group before they initiate hostilities—involve considerations similar to those for preventive attacks against states, and the possibility of starting a conflict that might otherwise have been avoided will loom large in policymakers' thinking if the target group is powerful. (See pp. 101–102.)

Attacking states to prevent the spread of weapons of mass destruction—principally nuclear or sophisticated biological weapons—into terrorist or other unacceptably dangerous hands may be the most important and the most challenging role for anticipatory attack in the current security environment. However, several factors limit how

often such operations are likely to be carried out by the United States. First, nuclear proliferation is infrequent—only two states currently in the nuclear club (Pakistan and North Korea) joined it in the past two decades, and only one other country (Iran) appears poised to develop nuclear weapons in the next few years. Although the world may be entering a period of accelerated nuclear proliferation, it is by no means clear that this is the case. Moreover, states that do have serious WMD programs can be expected to take concerted measures to limit their vulnerability to preventive attack, as Iraq did very successfully following the Osirak raid. (See pp. 103–105.)

Political Consequences of Anticipatory Attack

When considering striking first, it is critical to consider potential effects on third parties, particularly in cases of preventive attack as a response to WMD proliferation. It is likely that such attacks, at least if they are effective, will deter some states from pursuing the development of weapons that might bring a similar fate down upon themselves. However, it is also likely that others will conclude that U.S. propensity and capability for preventive attack makes it all the more important to possess nuclear weapons or some other powerful deterrent to American attack, especially if the United States appears unwilling to risk conflict with states that do possess nuclear weapons. As a general tendency, one should expect that weaker states will be relatively susceptible to intimidation, while larger or more powerful ones will be better equipped to develop such weapons in ways that are less vulnerable to attack—it should come as no surprise that Iran has been less inclined to give up its nuclear program since OIF than Libya was. (See pp. 105–106.)

Threatening or launching preventive attacks may also increase the likelihood of other states attacking their enemies preventively. This is not likely to be a matter of countries simply imitating the United States, but rather the result of U.S. policy and actions weakening international norms against such first strikes, making it less politically costly to violate them. This does not mean that there will be an epidemic of preventive attacks in hotspots around the world, but it would be surprising if

preventive attacks did not become more common if the United States maintains that they are potentially acceptable. (See pp. 106–107.)

Implications for Future U.S. Defense Planning

The following are the study's principal conclusions regarding the importance of preemptive and preventive attack for the U.S. armed services. In general, planners should not expect preparing for such operations to be a key driver for change in U.S. military capabilities.

Anticipatory attack is a niche contingency. If U.S. anticipatory attacks will be considered more often than in previous decades, but large ones will remain quite infrequent, the armed forces, especially the U.S. Air Force, will need to be prepared to conduct first strikes, but will not be able to optimize for them. Fortunately, anticipatory attacks do not call for a suite of capabilities fundamentally different from those required for other types of operations. In fact, on the whole, they will tend to be *less* demanding than the requirements for defensive warfare, because they will by definition be fought on terms relatively favorable to the United States. (See pp. 107–108.)

Military requirements for anticipatory attack are largely case-specific. At the operational level, requirements for anticipatory attack against a Chinese invasion force assembling near Taiwan, North Korea's nuclear weapons, or a terrorist group preparing to attack the United States will have far less in common with each other than each will have with the requirements for fighting the same adversary in a defensive or retaliatory scenario. (Consider that Operation Iraqi Freedom would have looked essentially the same if Saddam Hussein had been found to have orchestrated the September 11 attacks, in which case it would have been a counteroffensive campaign instead of a preventive one.) What is needed will depend upon the characteristics of the adversary, the details of key target sets, likely contributions of U.S. allies, and so on. Therefore, a general inclination toward or against anticipatory attacks on the part of national leaders will tell military planners relatively little about how to prepare for them. Instead, it is the probability of carrying out particular types of anticipatory attacks against specific

adversaries that should be taken into account when investing in military capabilities. (See pp. 108–109.)

Anticipatory attack strategies place high demands on strategic intelligence capabilities. For preemptive strategies, assessing the inevitability and imminence of the enemy attack is enormously important for sound strategic decisionmaking. For preventive attacks, the future capabilities and intentions of the adversary matter most, shifting the intelligence problem to one primarily of prediction. Although any military strategy suffers if intelligence about the enemy is deficient, anticipatory attack is particularly dependent upon understanding the enemy's intentions, which often presents uniquely challenging problems for collectors and analysts of intelligence because of the limited degree to which intentions can be deduced from observing easily visible objects and actions. Even when dealing with threats that require conspicuous preparations by the adversary, determining whether these represent the prelude to an attack or merely feints or defensive measures is likely to depend on collecting closely held information through human or signals intelligence. This does not mean that it is impossible to divine the enemy's intentions or that the United States should not try to improve its ability to do so. However, the intelligence problems involved are intrinsically difficult ones that can be reduced but not eliminated, and expectations about the utility of anticipatory attack should always take this into account. Not only does the U.S. Air Force operate a wide variety of reconnaissance and surveillance systems that are critical for collecting intelligence to assess potential threats from adversaries and to estimate the prospects for dealing with these through anticipatory attack, its traditional focus on strategic attack, manifested most recently in its institutional advocacy of effects-based operations, also should place the service in the forefront of thinking about how to gather and analyze such information. (See pp. 109–112.)

Preempting cross-border aggression requires being able to strike quickly and decisively. If the threat can materialize with little warning, it becomes necessary to position and maintain the appropriate forces in a posture that permits the preemptive attack to be launched on relatively short notice, whether through forward basing, rapid deployment, long-range strikes, or a combination of these. However, the ability to

react rapidly also depends upon collecting and processing the necessary intelligence, and on decisionmakers deciding to launch the attack, quickly enough for the armed forces to act. (See p. 112.)

Preventive attacks to eliminate nuclear threats call for extremely effective intelligence and strike capabilities. Permanently removing a state-level nuclear threat by using military force will generally require not only destroying weapons (if they have been built) and production facilities, but replacing the regime that chose to develop them; doing this against any plausible future adversary would be a far more ambitious and costly undertaking than the relatively easy invasion of Iraq. If the goal is merely to degrade an enemy nuclear program temporarily, more limited force may be sufficient, but the attack usually must be powerful and thorough enough to cripple the enemy's efforts for a substantial period, and in the post-Osirak world no state developing such weapons will make this easy to do. Against a target state that already possesses nuclear weapons, the ability to destroy not just some but all of the weapons in a preventive attack is likely to be a minimum strategic requirement under any but the most desperate circumstances. The greatest constraint on doing all of these things will be intelligence regarding the targets, though the ability reliably to destroy the elements of the target sets, which are likely to be limited in number but very well protected, may require powerful defense-suppression capabilities and specialized ordnance for attacking hardened and deeply buried targets, or for destroying targets while minimizing nuclear or other environmental contamination. To the extent that preventive attacks are less likely to be supported by allied and other states than more clearly defensive operations, preparing to carry out such attacks may also call for emphasizing forces that can be employed with relatively little in the way of international cooperation, including basing and overflight permission, such as reconnaissance, surveillance, strike, and support aircraft able to operate at very long ranges or from the sea, and to reach their targets stealthily or by flying above denied airspace. (See pp. 112–113.)

Military requirements for anticipatory attacks against terrorists depend on the frequency of such operations and the balance between attacks against small groups and sustained operations

against insurgencies. Because counterterrorist operations are primarily the domain of police and, to a lesser degree, SOF, conducting such attacks on a limited scale has little effect on military force structure, but doing so intensively over the longer term would require substantial increases to SOF force structure, a path down which the United States has begun to move since September 2001. Preventive attacks against insurgent groups resemble other counterinsurgency warfare, so doing a lot of either one calls for corresponding investment in U.S. and allied SOF and other military and nonmilitary components that are disproportionately required in counterinsurgency, foreign internal defense, and related operations. (See pp. 113–114.)

Reliance on anticipatory attack as a key strategy can be perilous. Anticipatory attack can be very alluring, and there is a danger that both political and military leaders will place too much stock in it, as occurred in Europe before 1914 and in Israel after the success of the Six-Day War. Because anticipatory attack offers certain advantages (such as seizing and retaining the military initiative) that are likely to be particularly resonant for military leaders, while the potential diplomatic or other political costs are outside the narrow focus of military planning, military leaders must be especially wary of overestimating the desirability of striking first. (See pp. 115–116.)

Preemption may be an attractive strategy for U.S. adversaries. This study focuses on anticipatory attack as a strategic tool for the United States. However, states or other actors expecting to be attacked by the United States may perceive powerful incentives to strike first; dangerous though it is to start a war against the world's only superpower, allowing the United States to attack on its own terms is likely to be even worse. It is only when a U.S. attack appears to be inevitable that a state should be willing to start such a war as a defensive measure, but if such a perception exists, striking first may appear to be the only way for a weaker adversary to compensate for its military disadvantage. Chinese military doctrinal writings already raise the possibility of striking first against U.S. forces in the event of a confrontation over Taiwan. The possibility of enemy preemptive attacks has important implications for U.S. military planning. Detering preemption by threats of escalation or retaliation is unlikely to be effective when facing enemies who

expect to suffer regime change or catastrophic losses to an imminent U.S. attack, since they will have little to lose. Thus, discouraging such threats will depend on active and passive defenses, including designing forces, basing architectures, and deployment schemes with the objective of minimizing their vulnerability to preemptive attacks. (See pp. 116–118.)

Anticipatory attacks call for extensive communication between civilian and military leaders. Nowhere is the Clausewitzian dictum that war is an extension of politics truer than in preemptive and preventive attack. In order to provide the necessary capabilities, military planners must know what their political leaders intend with respect to anticipatory attack, with far more specificity than is provided by broad policy statements such as the National Security Strategy. Senior military officers need to keep national decisionmakers familiar with the extent and limits of their capabilities, particularly if preemptive options are going to be considered in conditions where the time available for making strategic choices is limited. Such information should ideally be familiar to political leaders long before a crisis develops, since an understanding of the extent and limits of the possible should be taken into account even during routine peacetime security policymaking. (See pp. 118–119.)