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ABSTRACT OF DISSERTATION

Tomislav Z. Ruby

The Graduate School
University of Kentucky

2004

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THE IMPORTANCE OF PRINCIPAL-AGENT MOTIVATION ALIGNMENT
AND CONSTRAINING DOCTRINE ON MORAL U.S. TARGETING DECISIONS**

ABSTRACT OF DISSERTATION

A dissertation submitted in partial fulfillment of the
Requirements for the degree of Doctor of Philosophy in the
College of Arts and Sciences
At the University of Kentucky

By
Tomislav Z. Ruby

Lexington, Kentucky

Director: Dr. Karen A. Mingst, Professor of Political Science

Lexington, Kentucky

2004

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ABSTRACT OF DISSERTATION

WAGING MORAL WAR: THE IMPORTANCE OF PRINCIPAL-AGENT MOTIVATION ALIGNMENT AND CONSTRAINING DOCTRINE ON MORAL U.S. TARGETING DECISIONS

Should U.S. political decision-makers decide to wage a moral war, it is not as easy as merely saying “go do it.” To ensure moral targeting decisions, American national political leaders must suffer the costs of monitoring in terms of time and money, and provide not only detailed direction, but also constant oversight to ensure objectives are clear and subordinates carry out directions. Military officers must ensure that their motivations align with those of their principals, and they must ensure that constraining doctrine for planning and executing combat operations is followed. Having satisfied these variables, moral targeting decisions, wherein proportionality of non-combatant casualties is weighed against target necessity, should then be easily attainable.

The process of aligning motivations with respect to desired outcomes, and the process of planning strategies according to doctrine together lead to moral targeting decisions. By following the processes of getting war plans approved according to published U.S. doctrine, a deliberate dialogue is followed with direction and feedback through several steps of planning and approval that result in multiple people working on a product that results in a sort of corporate “buy-in”. I posit that it is difficult to follow this process and end up with targeting decisions that do not weigh harm to non-combatants against the necessity of individual targets, especially when principals and agents come

together to deliberately ensure they align their motivations with respect to objectives.

This theory is applicable to U.S. involvement in war, but is not necessarily generalizable to other countries.

Through case studies of American involvement in Desert Storm (the first Gulf War), Operation Allied Force (NATO's air war over Serbia), and the U.S. War on Terror (campaigns in Afghanistan and Iraq), I find that only in the War on Terror were moral targeting decisions consistently made by US national leaders. Furthermore, that was the only case study wherein both constraining doctrine was present and principal-agent motivations were aligned with respect to objectives. The other two cases showed that the variables were not followed and proportionality-necessity decisions were not made.

KEYWORDS: Morality in War, Ethics in International Affairs, Just War, Military Bureaucracy, Military Doctrine

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Tom Ruby800 kb

DISCLAIMER

The views expressed in this dissertation are those of the author and do not reflect the official policy or position of the U.S. government or the Department of Defense.

Chapter One

Introduction

Soldiers have many faults, but they have one redeeming merit; they are never worshippers of force. Soldiers more than any other men are taught severely and systematically that might is not right. The fact is obvious. The might is in the hundred men who obey. The right (or what is held to be right) is in the one man who commands them. – G.K. Chesterton¹

It is the seventh day of the war. The highly touted five-day air campaign has not brought the enemy's leadership to the negotiating table as planned. The air war has not gone well and the emboldened enemy has decided to test U.S. ground forces.

The officers sitting in the Joint Targeting Coordination Board morning briefing can feel the tension. Charging into the room, the Joint Force Commander is visibly frustrated as he takes the seat at the head of the table. After a long pause, he calmly but forcefully delivers the following, "I want you to open up the target list. The gloves are coming off. By next week, I don't want a single person in that country to have electricity, to be able to drive to the store, to send their kids to school, or to be able to get water out of their faucets. If their leadership is going to force this war on us, then I want every person in their country to feel the effects of their decision! Get to work!"²

Is there a difference between a moral and lawful order, and if so, how do the planners and executors in the military chain of command below that Joint Force Commander ensure that his direction is carried out within those moral and legal bounds? Military members are required by the Uniform Code of Military Justice (UCMJ) to obey

¹ G.K. Chesterton, "Thoughts Around Koepenick," *All Things Considered* (1908), obtained from The American Chesterton Society online at www.chesterton.org.

² Scenario developed by Major Gerald Swift in "The Teaching of Morality in Warfighting in Today's Officer Corps," Air Command and Staff College, Montgomery, Alabama, research paper, 10 April 2001, <https://research.au.af.mil/papers/student/ay2001/acsc/01-208.pdf>.

the lawful orders of their superiors. But those officers also know that they are accountable for their actions and cannot later make the excuse that they were merely following orders if those orders were illegal. They must consider the ramifications of carrying out any directive, given their discretion within the military bureaucracy.

The United States finds itself today in the position of being able to attack a wide variety of targets throughout the world with precision undreamed of even 20 years ago. This precision engagement capability, a core competency of the U.S. Air Force, leads to a serious debate about the ability of the U.S. to project power at any place and at any time with a precision that will minimize the threat to non-combatants. However, despite the promise of precision engagement, we have only recently seen it brought to fruition, and still there are questions of excessive collateral damage.

Although precision weapons capability has continued to improve, we found during Desert Storm (the first Gulf War) and Allied Force (NATO's Air War Over Serbia) that the U.S. still inflicts politically and morally unpalatable levels of civilian and non-combatant casualties due to poor planning, poor execution and poor decision-making. We also find it generally accepted that we need to inflict various levels of pain upon the enemy population to bend them to our will. To this end, there is increasing concern that states are letting slide long-held moral norms such as Just War tradition.

I believe that there *is* a moral way to wage war, whether in the air, on the sea, or on the ground. This dissertation contends that the U.S. military in general, and the Air Force particularly, should maintain a high level of morality in the conduct of air operations. In doing so, the U.S. can help save the lives of its airmen as well as innocents on the ground. Doing so will not only achieve national interest, but can remove a point

of contention after the conflict that takes away attention from the objectives that were achieved. There must be a balance between the actions that are necessary to achieve American national objectives and the proportionality of harm done to non-combatants to achieve those objectives.

I am cautious, however, of the notion that what is moral should be viewed as a question of what is legal. Who would be the ultimate arbiter of legality? Either there is an international standard for conduct in war or each state follows its own rules as it sees its own national interest. If the U.S. accedes to a new movement in international law that David Rivken and Lee Casey describe, then U.S. national interests will cease to matter.

This "new" international law purports to govern the relationship of citizens to their governments, affecting such domestic issues as environmental protection and the rights of children. Among other things, it would: nearly eliminate the unilateral use of military force; create the unattainable requirement of avoiding all civilian casualties in combat; promote the criminal prosecution of individual state officials by the courts of other states and international tribunals; and permit-or even require--international "humanitarian" intervention in a state's internal affairs. Recast as such, international law constitutes a real and immediate threat to U.S. national interests.³

Charles Dunlap further posits that many of the most influential non-governmental organizations (NGOs), some of whom style themselves as speaking for those without a voice, are actually pushing a political agenda that specifically counters the U.S. He says these groups that attempt to broaden and use international law against the U.S. are "no more than self-selected, idiosyncratic *interest* groups who are not accountable to any

³ David B. Rivkin, Jr., and Lee A. Casey, "The Rocky Shoals of International Law," *The National Interest*, (No. 62, Winter 2000/2001), pg. 35.

ballot box.”⁴ If that is the case, then the U.S. needs to be very wary of trends in international law and what some consider morality.

In this debate, morality and law cross on issues and in depths of argument. Should we require our policy-makers and service members to follow what some consider international law, even if the U.S. did not ratify that law? Some might argue that the U.S. cannot further the national interest by being beholden to vague international law. I argue that following a moral standard is *not* incompatible with warfare and *is* actually in the national interest. Doing so *may* in some cases result in more U.S. combatant casualties than if we disregarded moral norms. However, in the long run, such action *will* further the national interest. Although this is not the main issue in this dissertation, it provides a possible answer to the question of why the U.S. should follow Just War norms. That leads to the question of what makes it more likely that the U.S. will conduct war in accordance with these norms.

Although there are many reasons why states may choose to fight a moral conflict – expression of national values, desire to follow international law, expression of military values, reduce post-war reconstruction costs, avoid domestic opposition to the war, because precision weapons technology makes it easier to do so, or to make postwar settlements easier to reach – in the end, I believe it is in the state’s national interest to do so. Following moral norms could engender trust within the international community, benefit our servicemen if they are captured by setting a standard for others to follow, and could lead to a better peace after conflict simply because there is one less issue of ill will to deal with after conflict termination. Removing a key stumbling block that is often

⁴ Charles Dunlap, “Law and Military Interventions: Preserving Humanitarian Values in 21st Century Conflicts,” Paper presented to the *Humanitarian Challenges in Military Interventions Conference*, Kennedy School of Government, Harvard University, Washington, D.C., 29 November, 2001, pg. 3.

difficult to overcome after cessation of hostilities, namely determining how to dole out justice for immoral conduct in war, might allow negotiators to focus on peace after wars.

I do not posit that international law is somehow a threat to U.S. interests or stability. The U.S. has, after all, supported or sponsored much of the law governing international regimes in all areas from trade to movement of peoples. Much regime theory literature tells us that international laws can actually strengthen norms over time. I would say that there truly is an accepted norm that non-combatants are deserving of immunity from harm. But the potential for laws to codify a moral calculus for targeting will fail to take into account the possibility that what would be considered proportional for the side that is losing would be considered disproportionate and immoral for the side that is winning. So international law has its place, but could be opposed if it restrains a country from doing what it feels it must to secure its own interests.

I contend that a culture of acceptance of moral norms, such as exists in the U.S. military and will be explained in Chapter 4, is more important than following specifically coded international law. Furthermore, morality, while coded in the several Geneva and Hague conventions, leaves specific circumstances either open for debate or for the states to decide on their own as to what constitutes necessity. It is therefore necessary to go beyond coded international law and follow a model for achieving moral targeting decisions. How does following moral norms play out internationally? Two ways in particular follow.

First, several prominent historical figures have told us that the type of war fought will determine the type of peace achieved.⁵ No empirical studies have been conducted to

⁵ Sir Basil Henry Liddell Hart observed in his book *Strategy*, “If you concentrate exclusively on victory...the peace will be a bad one, containing the germs of another war.” That admonition echoes Fred

show whether moral decisions during war make a difference after the war. However, a strong normative case for that argument can be made that if we want to avoid answering questions of moral conduct after a war, we should conduct military operations in a morally sound manner during the war. This could be a purely utilitarian reason to follow moral norms -- to attain wartime objectives without moving the public focus of operations to international law. Dunlap says that “the predominance of lawyers in U.S. military interventions is as much a concession to the verities of modern war as it is an altruistic commitment to human rights.”⁶

Before we can decide to follow a set of moral norms, we need to know what moral norms are and how they have become accepted. Then we need to implement them. But is it as easy to do as it is to say? The bureaucratic nature of the U.S. government and military presents opportunities for various individual and organizational motivations and processes to prevent or derail moral decisions.

Although many have written about morality in warfare, I have yet to find a model for making moral decisions in military operations. It is an important topic for political scientists to study because of the potential implications for the U.S. after conflicts are concluded. The greater research program under which this dissertation falls is why moral norms should be followed at all. While such a research program would contain multiple avenues of research, I focus on developing a model to ensure moral decisions are made in U.S. combat operations. Those moral decisions will aid in attaining national interests. They may or may not actually lead to a better state of peace, but without achieving the

Charles Iklé’s concern in *Every War Must End*, “It is the way in which a war is brought to an end that has the most decisive long-term impact.” In fact, a Presidential Decision Directive, PDD 56, published by the Clinton Administration in 1997, provides a good start by outlining policy guidelines for developing an interagency operational political-military plan to achieve such a vision for a better state of peace.

⁶ Dunlap, pg. 6.

national interest through moral ends, we will never know whether they can measurably affect that peace.

Moral and ethical norms have been historically, and are today, widely debated and studied. Many aspects of what constitutes morality in warfare and the implications for not following moral norms are written about widely. However, little has been said about how to ensure moral outcomes in operations rather than dealing with non-combatant casualties after the fact. In the following chapter, I will review three bodies of literature: Just War tradition, civil-military relations, and finally bureaucratic politics literature.

The first literature, traditional Just War Doctrine, lays the foundation for the study of morality and warfare and for this dissertation. This literature is vital because it shows that throughout history, there were accepted moral norms in combat. The literature discusses what classic authors say norms should be in warfare. I will, however, show that none of these authors have actually presented a model of how to achieve moral ends rather than merely stating what is and is not moral.

The second literature I review is the civil-military relations. This literature explores how civilians and their military subordinates interact and is key to the discussion of determining and refining national objectives and military strategies to attain them. This literature is important because of the discussions of the interaction between policy, strategy and doctrine, as well as the issue of the civil-military relations gap. These issues affect the process of making moral targeting decisions.

Finally, I review the bureaucratic politics literature, specifically that dealing with political control of bureaucracies. I will show the effect that bureaucratic politics and principal-agent interactions have on decisions made prior to and during the conduct of

military operations. This literature is important in that it forms the foundation of the model I will present for making moral decisions in war. The principal-agent literature affords us a framework for understanding the relationships between senior decision-makers and general officers, and between generals and their subordinate planners and combat forces. However, I will show that the bureaucratic politics literature does not help us understand specifically when principals and agents are in accord and how that affects moral decisions in operations.

In the third chapter, I define what constitutes moral decision by key American national leaders in military operations, namely balancing the proportionality of acceptable non-combatant casualties against the necessity of achieving certain objectives or attacking specific targets. I then propose a theory and model of making moral decisions in American military conflicts. That model posits two particular variables as key to making moral decisions: alignment of principal-agent motivations within the war planning and war making bureaucracy, and constraining military doctrine.

After discussing my research design, I explain in Chapter 4 the established planning and execution process for the military from which we can measure variance in operations. This chapter also shows efforts of the military to include morality in the planning process. I then present three comparative case studies in which I test my model and hypotheses. The cases are Operation Desert Storm (the First Gulf War), Operation Allied Force (the Air War Over Serbia), and the ongoing Global War On Terrorism, to include operations in Afghanistan and Iraq. Understanding that the present conflicts are ongoing, and incomplete, it would not be responsible to consider these operations since

there was limited, but sufficient evidence to consider with respect to the model presented herein.

Applying the model presented in this dissertation to past conflicts might show us that what we considered tremendous victories did not pass the definition of morality as outlined in chapter three of this project. That did not necessarily make those conflicts immoral, even though many in hindsight would consider them so. Perhaps the subject was not at the forefront of discussions in that time or age. Perhaps the morality of the decisions would have been different, but we cannot say definitively whether or not the outcomes of those conflicts would have changed.

National interests were surely gained by winning WWII despite the fire-bombings at Dresden and Tokyo, but did those actions materially support the effort and were they necessary? Most would argue that they were not. Would a model to make moral decisions have made a difference? Would it have mattered if a model was present? To answer that question, I will develop a model and test it against two past U.S. wars and one that is presently ongoing. If this model is followed by American leaders in the future, they should not only attain national objectives in war, but avoid situations such as trials in international courts, poor relations with allies and foes alike, and conflicts over justice after the war termination.

Chapter Two

Just War, Civil-Military Relations, and Bureaucratic Politics: Understanding the Moral Issues Facing Modern War Fighters and Planners

John Ford, writing during World War II, asked “Do the majority of civilians in a modern nation at war enjoy a natural-law right of immunity from violent repression? The answer is an emphatic affirmative.”¹ The violent repression by one warring state against another that Ford wrote about can bring about long-term consequences that may not seem pressing at the time, but will have to be dealt with at some future point. That may mean international condemnation or it may mean leaders standing trial in an international court. The main point is that consequences exist and must be considered by national leaders.

There has to be some reason to follow ethical norms or standards in military conflicts. Doing so must further some interest or else it is an illogical strategy. So what can the interest be in following moral norms in war? The notion that ethical norms exist and should be followed for utilitarian reasons is grounded in historical and modern literature as well as in the recurring education and training of military officers in the subject. However, these norms, while consistently accepted in principle by American political and military leaders, are not consistently followed in practice, as will be shown in the case studies.

¹ John Ford, “The Morality of Obliteration Bombing,” In *War and Morality*, Richard A. Wasserstrom, Ed., Belmont, Ca: Wadsworth Press, 1970, pg.23.

Failure to follow these norms has led to several protracted conflicts, whose anticipated peace does not materialize even after military hostilities cease. Many recent conflicts, such as Bosnia, Kosovo, and Liberia not only have not ended, but also have resulted in open-ended peace-keeping deployments in the face of recurring animosities. Were ethical norms to be followed by decision-makers and military leaders, many perceptions, feelings of mistrust towards the U.S., and post-conflict troubles may be overcome, or perhaps even prevented.

Moral conduct in war is often discussed during times of peace, but often forgotten during times of conflict. When the time comes to commit the full range of a nation's power options in a conflict -- be it economic assistance to sanctions, or humanitarian support to war -- positive ethical norms are often either not considered, or are considered and dropped because of a perception that following said norms would restrain leaders from achieving objectives. Furthermore some observers would argue that there is a political constraint that values American military lives over the lives of enemy non-combatants. In other cases, those within the interagency process who are responsible for developing an end state vision might argue that ethics play no part in warfare, or that by too closely following ethical norms constrains leaders from achieving a decisive victory.

In this chapter, I first review the classical Just War literature as the overarching context for this dissertation. The reason the U.S. should follow Just War norms is not only to achieve national objectives, but also to achieve them justly to facilitate attainment of the national interest. I follow the Just War literature with a review of the relevant writings on civil-military relations to determine the extent to which that literature helps us understand the interaction between the civilian leadership and the military in setting

positive ethical norms from the outset of a conflict. However, merely stating that a military force will act morally does not necessarily make it so. Bureaucratic factors can derail even the best plans and intentions. Therefore, I finish this chapter with a review of the bureaucratic politics literature. Since the planning and execution of military operations is a bureaucratic process, it should be subject to the same forces that apply to other areas of government. If bureaucratic politics describe the decisions made during combat operations, then the U.S. can develop a model of how to achieve positive moral decisions in war.

Mark Amstutz, in his book *International Ethics*, says, “moral values are essential in developing a sound foreign policy and creating norms and structures that are conducive to a more peaceful and just global society.”² That viewpoint, however, has not been shared by political scientists, commentators, or national leaders throughout history or in present times. From Machiavelli to Dean Acheson, leaders have seen morality and ethics as restraints, rather than norms worthy of consistently following. Thomas Hobbes said that where there are no assurances of any state guaranteeing the compliance of moral norms, states will follow those norms when their interests require it, and will not when their interests conflict with said norms.³ Yet this pragmatic, or realist view of the world has not thwarted the development of positive moral norms that govern war.

Classical Just War Theory

The great body of literature on Just War tradition, from the Greeks and Romans to Augustine and through Aquinas, from Grotius and de Vittoria, to Walzer and Hehir, holds

² Mark Amstutz, *International Ethics*, Lanham: Rowman and Littlefield, 1999, pg. 198.

³ Thomas Hobbes, *Leviathan*, Harmondsworth: Penguin Books, Ltd., 1981, pg. 166.

that there is an ethical norm that not only is understood and discussed, but should be followed for the common good. Over the centuries, a common understanding of what is just and unjust has slowly formed and been modified and generally accepted almost universally. The common understanding, however, has always been after the fact and abstract in nature. Given the constructs of just decisions and conduct in war, one might think that there is a clear guide to follow. In fact that is not at all the case.

The reader of Just War Doctrine will see that, contrary to early Christian injunctions against violence, in the end, the decision as to what is and is not just is determined by the necessity of each individual situation. We are left with a realization that what may be grossly immoral for one side in the conflict might be acceptable for the other party. Today, morality and utility are reconciled. However, without a model to follow, a model which does not exist today, future researchers and writers will have fertile soil to till and determine, only after the fact, what was and was not moral.

The justification for a country to engage in war, or *jus ad bellum*, includes six elements: just cause; declaration by competent authority; right intention; limited objectives; last resort; and reasonable hope of success. *Jus in bello*, or just conduct in war, consists of discrimination between combatants and non-combatants, and proportionality of violence to achieve ends.⁴ The *jus in bello* principles, which are the basis for this study, rest on the firm foundation of individual responsibility for decisions. This responsibility will form a key element of my definition of a moral targeting decision. These Just War principles, if followed, can be powerful guides for states in

⁴ For detailed explanations of each principle, see Michael Walzer, *Just and Unjust Wars*, New York: Basic Books, 1977; Mark Amstutz, *International Ethics*; and Bruno Coppieters and Nick Fotion, *Moral Constraints on War*, Lanham: Lexington Books, 2002.

achieving just ends in conflict. If shunned, they result in problems that eventually must be dealt with at some later date.

In his *History of the Peloponnesian War*, Thucydides firmly lays the foundation for all future writers who posit that moral restraint in war takes a back seat to necessity, especially when those restraints clash with interests. In the Mytilenian Debate, the question of reprisals against Mytilene is debated after Athens put down a revolt from the island city-state. Cleon and Diodotus of Athens debate whether or not non-combatant prisoners from Mytilene, in addition to the combatants, should be put to death in reprisal for the revolt. While Thucydides himself calls it a “distasteful mission” and writes of the issue as though there was a norm accepting protection of non-combatants, the debaters themselves speak in terms of interests rather than moral norms. Diodotus, arguing against the reprisal said that the Mytilenians may be “the most guilty people in the world, but it does not follow that I shall propose the death penalty, unless it is in your interests; I might argue that they deserve to be forgiven, but should not recommend forgiveness unless that seemed to me the best thing for the state.” So the issue was not whether the reprisal killings were moral or not, but whether it was in the national interest.⁵

In the Melian Dialogue, Thucydides chronicles the discussions between the Athenian delegation, which demanded Melos’s surrender and inclusion in the Athenian empire. The Melians, in refusing, point out that they “trust that the gods will give us fortune as good as yours, because we are standing for what is right against what is wrong.” To which the Athenians counter, “Our aims and our actions are perfectly consistent with the beliefs men hold about the gods and with the principles which govern their own conduct.” Thucydides himself writes of the murder of innocents as repugnant

⁵ Thucydides, *The History of the Peloponnesian War*, Harmondsworth: Penguin Books, Ltd., pp. 212-223.

to him, and we can assume to other people in general, because Athens was turning aside the Greek norm of immunity for non-combatants or proscription from aggression against them. The result was that after the Melian refusal and Athenian siege, the Athenians “put to death all the men of military age they took and sold the women and children as slaves.”⁶

Still, the greatest Greek philosophers spoke of the ideal states that respected non-combatants. Socrates, in Plato’s *Republic*, lays down the norms of granting immunity from harm to non-combatants. Furthermore, Alexander the Great forbade reprisals against non-combatants.⁷ So we see from the days of antiquity, there was a dichotomy between the exhortations to follow certain norms and the practices of the states.

Likewise, Roman history shows examples of this dichotomy. Julius Caesar says “there is nothing further from my nature than cruelty,” when describing his release of defeated enemies.⁸ Yet, Caesar’s *Conquest of Gaul* gives us an example of the Roman acceptance of not protecting non-combatants. After defeating a Germanic force, the Romans were sent out to round up the fleeing women and children. They were “hunted down by the cavalry which Caesar sent out for that purpose.” The Romans then massacred those caught and captured in battle who had not thrown themselves into the Rhine to perish.⁹ For the Romans, despite Caesar’s personal propensity to mercy, if there was a general acceptance of a standard of immunity from harm held by non-combatants, the Romans felt no need to follow it.

⁶ Thucydides, pp. 400-408.

⁷ Paul Christopher, *The Ethics of War and Peace*, Upper Saddle River (New Jersey): Prentice Hall, 1999, pp. 10-11.

⁸ Christopher, pg. 11.

⁹ Julius Caesar, *The Conquest of Gaul*, Middlesex: Penguin Classics, 1951, pg. 94.

Paul Christopher says that Ambrose, former Roman governor of northern Italy, and later Bishop of Milan, laid the foundation for the Christian tradition of Just War by implying two principles found in the modern doctrine. First is that soldiers have a duty to protect the innocent and second is that guilt for initiating wars, even unjust wars, does not extend to the soldiers fighting the war. That is, the soldiers conducting combat should be judged only on their actions in combat and not for the political considerations their leaders made in deciding to go to war.¹⁰ These considerations of distinguishing the guilty from the innocent lay the foundation for other church and secular writers and even be codified in canon law.¹¹

St. Augustine took Ambrose's writings a step farther. He was very concerned with the justifications and intentions of leaders entering wars and of just conduct of the soldiers following these leaders. Augustine said that the "man must be blameless who carries on the war on the authority of God, of whom every one who serves Him knows that He can never require what is wrong."¹² Langdan writes about Augustine's support for punitive war to right a wrong and restore a moral order. He quotes Augustine as saying "He whose freedom to do wrong is taken away suffers a useful form of restraint, since nothing is more unfortunate than the good fortune of sinners, who grow bold by not being punished."¹³ This statement shows that Augustine was concerned with the salvatory welfare of the offender, a natural concern for a bishop of the Church. Yet this concern eventually became a norm of international relations. Thus Ambrose and

¹⁰ Christopher, pg. 25.

¹¹ Christopher, pg. 26.

¹² John Langdan, "Elements of St. Augustine's Just War Theory," *Journal of Religious Ethics*, (Vol. 12, No. 1, Spring 1984), pg. 24.

¹³ Langdan, pg. 25.

Augustine, while leaving few positive rules for the conduct of war, offered a strong concept that served as a baseline for future scholars.

The most notable of these scholars was arguably the greatest philosopher and Christian theologian of the past two millennia. Thomas Aquinas, who lived in the middle of the 13 century, detailed three necessary conditions for a war to be considered just: right authority; just cause; and just intent.

In the first place, the authority of the prince, by whose order the war is undertaken...it is to them that it belongs to bear the sword in combats for the defense of the State against external enemies.

In the second place, there must be a just cause; that is to say, those attacked must, by fault, deserve to be attacked.

In the third place, it is necessary that the intention of those who fight should be right; that is to say, that they propose to themselves a good to be effected or an evil to be avoided...those who wage wars justly have peace as the object of their intention.¹⁴

Telford Taylor points out that St. Thomas stressed the importance of pure motives. A prince could not use a just grievance to go beyond the cause of the war and exact gratification or blood lust.¹⁵ While Aquinas defined the criterion by which states could justly enter into wars, he did not specifically expand on what constitutes standards of conduct for those within wars. His definition of the doctrine of double effect (to be examined in later pages), used today to limit actions within wars (*jus in bello*), was developed to justify wars of self-defense. Discussion of justice in war was left to succeeding generations of scholars, both religious and secular.

Vittoria, de Vatel, Suarez, and Grotius all added to and refined Thomistic writings on Just War. Vittoria (1480-1546) separated proscriptions for *jus ad bellum* from *jus in*

¹⁴ Telford Taylor, "Just and Unjust Wars," in Malham Wakin, Ed., *War, Morality, and the Military Profession*, Boulder: Westview Press, 1986, pg. 228.

¹⁵ Taylor, pg. 229.

bello. He argues against the deliberate slaughter of innocents, and names as innocents “women, children, farmers, foreign travelers, clerics and religious persons, and the rest of the peaceable populations.”¹⁶ Vittoria expanded St. Thomas’s doctrine of double effect and applied it to actions taken in war. In doing so, he espoused the need for specific military necessity to override protection for what we would today recognize as collateral damage:

Great attention must be paid...to see that the greater evils do not arise out of the war than the war would avert...In sum, it is never right to slay the guiltless, even as an indirect and unintended result, except when there is no other means of carrying on the operations of a just war.¹⁷

Grotius built upon Vittoria’s work. A secular legalist often regarded as the founder of international law, he abhorred war and what it did to societies. Since there was no positive law or tribunal to handle what he saw as unjust actions in war, Grotius called on people to depend on human reason and international custom as the authority for what was and was not acceptable.¹⁸ He refined the *jus ad bellum* and *jus in bello* strictures of Aquinas and Vittoria by providing specific examples for each requirement.

Perhaps Grotius’s most important legacy was his discussion of innocents and the doctrine of double effect. He posits that certain actions may result in indirect consequences that endanger innocents, and that such actions are morally acceptable if these actions do not result in intentional or foreseeable death of innocents. Yet this admonition was not always hard and fast. He says that the extent of the risk to innocents must be left to prudent judgment.¹⁹ Therefore he leaves open the possibility that what

¹⁶ Christopher, pg. 56.

¹⁷ Christopher, pg. 56.

¹⁸ Christopher, pg. 87.

¹⁹ Christopher, pp. 92-95.

some people would consider excessive would be acceptable if it is decided by a competent authority, whom he declines to define.

These medieval and early modern Christian and secular proponents of Just War doctrine were critical to the foundational understanding of moral norms and international relations, but they did not necessarily carry the day. Telford Taylor tells us that as the Reformation took hold in Europe and the Pope's temporal power waned, fewer scholars wrote of and argued for moral norms in war. International justice, once decided by princes of the Church, became settled by the wars the church once sought to limit.²⁰

Even Thomas More, beheaded by Henry VIII for his defense of the Catholic Church and Papacy, and later named a saint, wrote against the teachings of the very Church fathers he so defended. In his seminal 1516 book, *Utopia*, More argues for justice in a utopian world. He posits that Utopians only go to war in "self-defence, to repel invaders from friendly territory, or to liberate the victims of dictatorships...but also to make reprisals for acts of aggression." On the other hand, he then tells of how Utopians will declare war on any country that kills or injures a Utopian, and will accept nothing short of surrender of the guilty, which results in death or slavery. Finally, More proposes that war's aim is to get what they failed to gain peacefully, and to "punish offenders so severely that nobody will ever dare do such a thing again."²¹ We see in More a seeming clash between the realist tenets of self interest and normative tenets of Just War as expounded by the very Church fathers More so defended.

Niccolo Machiavelli took a very pragmatic, or realist, vision of war, one not constrained by moral norms. Machiavelli, in *The Prince* and *Discorsi*, sees the world in

²⁰ Taylor, pg. 230.

²¹ Thomas More, *Utopia*, London: Penguin Books, 1965, pp. 109-111.

terms of power and self-preservation. He posits that states must expand and conquer or else be ruled themselves. War was inherently brutal, and severe rule by the prince is necessary to hold the state together.²² Machiavelli was credited with bringing the concept of rationality to warfare. He contended that it was rational to expect the enemy to do all it could to win, and thus to act under restraint was to invite defeat.²³

Taylor points out that when the nationalistic wars and consolidation of states raged across Europe for several centuries thereafter, the concept of Just War was “scorned as sentimental rubbish, hopelessly vague in content and impossible to enforce for lack of tribunal to pass competent judgment.”²⁴ War became the method of choice, in fact the only true method, by which states could exert their power and guarantee their sovereignty.

States, however, grew weary of the devastation of war and tried to limit its horrors through treaties and international law. The Hague and Geneva Conventions of the late 1800s and early 1900s attempted to codify the laws of land warfare and treatment of prisoners of war.²⁵ The 1928 Kellogg-Briand Pact, or Pact of Paris, attempted to outlaw war altogether.²⁶ Yet such a pact did not prevent German or Japanese aggression in World War II, the Cold War, or regional conflicts since. Kellogg-Briand was berated as naïve, as was Wilson’s League of Nations, an argument later used against the UN.

On the other hand, Charles Beitz, in his book *Political Theory and International Relations*, disagrees with the notion that reality forces states to act pragmatically and

²² Felix Gilbert, “Machiavelli: The Renaissance of the Art of War,” in Peter Paret, Ed., *Makers of Modern Strategy*, Princeton: Princeton University Press, 1986, pp. 24-25.

²³ Gilbert, pg. 30.

²⁴ Taylor, pg. 230.

²⁵ See <http://www.lib.byu.edu/~rdh/wwi/hague.html> and <http://www.yale.edu/lawweb/avalon/lawofwar/geneva03.htm> for these conventions.

²⁶ See <http://www.thisnation.com/library/kellog-briand.html> for an electronic copy of the treaty.

disdain moral norms. He posits that states have an interest in following ethical norms, and circumstances exist in which it is rational not only for states to act ethically, but also for them to expect other states to act ethically as well.²⁷ Michael Walzer follows Beitz's normative line in *Just and Unjust Wars*. He argues that if we truly lived in a realist world, countries would simply tell other countries what they intended to do and then do it. In truth, he says, states mostly want to act, or to seem to act, morally.²⁸ Walzer provides a detailed study of all facets of Just War, both *ad bellum*, and *in bello*.

Walzer delves deeply into the historical underpinnings of Just War doctrine, and applies it to issues of the day. He describes certain hard and fast rules, positing that excessive harm, which arises by violating Just War standards, must be prohibited. To achieve victory, a state must do what is necessary to win to avoid excessive loss of life, but not more than is necessary. This point is a serious one and a point that seems today to be overshadowed by the desire to limit all non-combatant casualties.

Walzer posits that proportionality demands any evil or injury done to the interests of mankind, must be weighed against the contribution said act makes towards victory.²⁹ The most serious problem with these hard and fast rules on proportionality and necessity is that they defy rigorous empirical measurement. How does one define excessive harm? How does one deal with necessity in an empirical sense?

Gingras and Ruby argue in *Joint Forces Quarterly* that leaders of modern states must use superior intelligence-gathering capabilities, precision weapons, and information technology to ensure against certain acts during war that are clearly disproportionately

²⁷ Charles Beitz, *Political Theory and International Relations*, Princeton: Princeton University Press, 1979, pp. 31-34.

²⁸ Walzer, pg. 12.

²⁹ Walzer, pg. 129.

harmful to the necessity those acts require. For example, bombing the water supply of military installations can have a positive effect on a war effort. But if that water supply also feeds a large non-combatant population, and subsequently cholera breaks out among the innocents, that act is clearly not proportional to the necessity of that military act.³⁰

As this is such an important decision in international affairs, Gingras and Ruby posit that no person below the rank of a Joint Forces Component Commander (normally a 3-Star General in the U.S. armed forces) be allowed to make the decision as to how much non-combatant risk is proportionate to the necessity of a given objective.³¹ And in many cases, that decision should be made by a senior civilian, if not the President himself, for the importance of such decisions is far-reaching to all Americans, not just servicemen.

Michael Carlino, in “The Moral Limits of Strategic Attack,” argues that the U.S. must shift its perception of the importance of force protection to take into account the importance of non-combatant immunity. Carlino, a U.S. Army officer, argues against the notion that the lives of American servicemen are more important than the lives of innocents in an opposing state. He argues that in the quest to protect American servicemen’s lives for political purposes, the U.S. accepts higher levels of non-combatants casualties if they are “unintended.” Carlino, however, argues for an expansion of the doctrine of double effect in modern aerial warfare.

Carlino forcefully argues that there is a difference between unintended and unforeseen. If noncombatant casualties are foreseeable, he says they must be avoided.

It follows that it is contradictory to then cause harm to the very people whose right to life the military is obligated to protect...They are not the threat and cannot be considered legitimate targets...Unintended

³⁰ See Jeffrey L. Gingras and Tomislav Z. Ruby, “Morality in Modern Aerial Warfare,” *Joint Forces Quarterly* (No. 25, Summer 2000), pg. 109-110.

³¹ Gingras and Ruby, pg. 111.

implies accidental, not simply unfortunate. If a casualty is foreseen as a result of an action, it is difficult to consider that casualty unintended.³²

Thus, a student of the history of war and morality readily sees a progressive development of thought and practice limiting what people ought to do against each other in war. What was once a hard and fast proscription against harming non-combatants has changed over time. Just War thinking to this point has moved from the notion of the irreconcilability of ethics and utility to its reconcilability. Whether that present norm of necessity is followed is another matter, but it can impact the future beyond the present battle or conflict and present a ruler or state with consequences far beyond the battlefield.

But determining normatively whether wars achieve moral ends is difficult across states and cultures, despite moral claims by any national leadership. Coppieters and Fotion posit that discussions on ethics and war are strongly constrained within national borders – writers from one state are rarely known in other states – yet the subject is discussed in many and varied cultures. They maintain that Just War is not merely a theory. Just War, they argue, has roots in transcultural experiences, concepts and principles.³³

Yet in their case studies of Belgian, Chinese, Russian, and American understanding of Just War, Coppieters and Fotion mention that the contributors to their cases do not share the same opinion as to the legitimacy of force, or how to interpret Just War principles. “In our case it was not so much the importance of the various principles that was an issue in the sometimes heated discussions we had in preparing this book, but rather their concrete meaning in a particular context and whether particular conflicts had

³² Michael Carlino, “The Moral Limits of Strategic Attack,” *Parameters* (Vol. 32, No. 1, Spring 2002), pp. 15-29.

³³ See Bruno Coppieters and Nick Fotion, *Moral Constraints on War*, Lanham: Lexington Books, 2002.

been correctly described and analyzed.”³⁴ This seems to violate the principle upon which the book is founded. They say that there is a recognized moral norm around the world. However, that disagreement between the authors due to their perspectives given a particular context shows that Just War doctrine is essentially malleable. If one considers and accepts national interests, then such a contextual understanding is entirely appropriate. What is unjust to one side in the conflict may be justified to the other due to their necessity and threat to existence. Therefore it is appropriate to question how standards or accepted norms can exist.

Neta Crawford touches on this very issue in her article “Just War Theory and The U.S. Counterterror War.” Her contribution is an argument for a positive use of Just War doctrine in conjunction with national interests. By reconciling moral norms to utilitarian logic, she discusses how U.S. national leaders use the doctrine of double effect to argue that unintended casualties were not disproportionate to the intended target’s necessity. Crawford’s important omission, and one this dissertation should rectify, is that these statements of unintended casualties are always made after the fact. She does not discuss any efforts by the Administration to make proportionality-necessity decisions before targets are attacked or how such a decision would be made.³⁵

The classical just war thinkers and the modern authors who add to and clarify the doctrine lay a strong foundation for leaders and warriors alike to contemplate what is acceptable in war. However, the literature discusses morality in only general terms and then after the fact. It is easy to look back on individual situations such as My Lai and determine that moral norms were broken. The literature provides guides to follow but

³⁴ Coppieters and Fotion, pg. xvi.

³⁵ Neta C. Crawford, “Just War Theory and the U.S. Counterterror War,” *Perspectives on Politics* (Vol. 1, No. 1, March 2003), pp.5-25.

does not give us a model to achieve those moral ends. I will provide a model that builds in part on the foundations laid over the centuries by these Just War theorists.

One issue that Just War writers agree upon is the requirement for competent authority – national civilian leadership in our modern context – to make certain critical decisions dealing with war and morality. These issues provide a natural bridge to a short review of a literature that helps us understand the dynamics of these decisions. Civil-military relations are a broad sub-field of security studies, and one that can help frame the issue of moral ends to military operations.

Civil-Military Relations and Moral Conduct in War

The study of civilian control of the military and how soldiers and statesmen interact is too broad to cover in detail here. However, certain key issues in the literature aid us in understanding the relationship between civilians and the military and how that relationship can affect moral decisions in war. This literature is important because of its discussion of the interaction between policy, strategy and doctrine, as well as the issue of the civil-military relations gap. These issues are important to review because they affect the process of making moral targeting decisions.

What is absent from these discussions, however, is an agreed-upon delineation between policy, doctrine and strategy, a discussion of moral actions with respect to civilian control of the military, and the possibility that in the “gap” we might find an explanation of how morality comes into play. As much of this literature crosses lines with the bureaucratic politics literature, I will avoid discussing motivations and processes here. These will be reviewed in the following section on bureaucratic politics.

I will primarily review the importance of military advice to the civilian government and how that process may lead to the perception of a gap in relations. Furthermore, the importance of defining national objectives and military doctrine and then selecting appropriate strategies to achieve those objectives is an important aspect of this literature. In that line of the literature, I am confident that my model strongly supports Huntington's assertions of the officers' responsibility to the state and society.

Samuel Huntington, in his seminal work, *The Soldier and the State*, delves into the relationship between the officer and the state, and argues that professional officers are vital to the security of the state. Huntington describes the difference between the American professional soldier, who is conservative in nature, and the American civilian leader, who tends towards liberal policies. But in his strongest statement, Huntington says "Civilian control exists when there is proper subordination of an autonomous profession [the officer corps] to the ends of policy."³⁶

Few would argue this point. But merely disagreeing with policy should not mean that civil-military relations are bad as long as the officers follow lawful orders. Huntington states that officers (and here he means the senior military leadership) must first keep the national civilian leadership informed as to the security requirements of the state. Second, they must analyze and advise the civilian leadership as to the potential impact of alternative courses of action from the military positions (one codified in joint doctrine today). Finally, Huntington posits that the military officer must execute the national civilian leaders' decision no matter how "violently" they run counter to his own judgment.³⁷ That admonition is exactly what other contemporary researchers suggest is

³⁶ Samuel P. Huntington, *The Soldier and the State*, Cambridge: Harvard University Press, 1957, pg 72.

³⁷ Huntington, pg. 72.

the problem with military advice, namely that such concerns with policy decisions can lead to the military prevailing over civilian authority.

Michael Desch, in *Civilian Control of the Military*, writes about the deterioration of civil-military relations in the U.S. since the end of the Cold War and posits that the key indicator of civilian control is who prevails when the military disagrees with the civilian leadership.³⁸ While Desch admits that military coups are extremely unlikely in the U.S., he discusses instances of the U.S. military prevailing over civilian leaders when there is disagreement on policies, such as women in combat roles in the Army, or the Air Force convincing its civilian Secretary to not honorably discharge an officer discharged for adultery. But he also cites several instances of civilians exercising their proper control by prevailing over the military in issues such as strategy during the Gulf War. The tone of the discussion leaves the reader to wonder whether military reservations and concerns about policy are an example of poor relations.³⁹

For example if the Chairman of the Joint Chiefs of Staff disagrees with the President on the need to deploy U.S. forces overseas, the nature of the disagreement can indeed show poor civil-military relations. If the Chairman publicly disagrees with the President in the media and states that he and other senior officers will carry out those orders, albeit reluctantly, that would most certainly constitute poor civil-military relations because the top military officer is undermining the authority of the President. On the other hand, if the Chairman privately meets with the President and conveys his concerns and the President changes his position on the deployment, I would not consider that to be an example of poor relations. The President always has the option of removing his senior

³⁸ Michael Desch, *Civilian Control of the Military*, Baltimore: Johns Hopkins University Press, 1999, pg. 4.

³⁹ Desch, pp. 31-33.

military advisor, or any officer, who he feels is not supporting lawful orders. And if the officers question those orders based on moral grounds, then either way the issue is resolved, be it a change in policy or the firing of the officers, there will be clear responsibility for those decisions.

Highlighting the experiences of four militaries that ruled their states, Desch explains that they lost cohesion and military effectiveness. He uses the histories of Germany, Brazil, Argentina, and Chile to argue that it is in the best interest of the military to remain subordinate to the civilian leadership.⁴⁰ And indeed, as will be shown in greater detail in Chapter 4, the U.S. military desires civilian control, but it also takes seriously the advisory role of its senior leaders. These two issues are not, however incompatible. Should the military not have any opinion as to the best way to achieve national strategy? The notion of withholding military advice could potentially raise moral problems, especially if the military advice concerning necessity is different from the civilian leaders' desires.

Desch rightfully brings up this point of military subordination to the leadership. He thus follows in Huntington's tradition of pointing out "a political officer corps, rent with faction, subordinated to ulterior ends, lacking in prestige but sensitive to the appeals of popularity, would endanger the security of the state." What he does not argue, though, is the next part of Huntington's premise that the military that is strong and immune to politics is a "steadying wheel in the conduct of policy."⁴¹ The unmeasurable aspect of this control is to know when, as in the cases of Germany, Argentina, Brazil, and Chile,

⁴⁰ Desch, pp. 114-115.

⁴¹ Huntington, pg. 464.

the officers are acting politically and endangering state security, or when they have important moral issues to raise that affects both state security and national interests.

It is not such a fine line between political officers endangering security and officers questioning their guidance. After all, Huntington's says pointedly, "the military man has the right to expect guidance from the statesman."⁴² But it is possible that this gap in what the officer seeks and the direction the civilian may be willing to offer holds the moral dimension of what will guide the officer and civilian in making moral targeting decisions in operations.

If national civilian leaders directed their military to attain some objective that the military leaders felt was not in keeping with national interests or international law, then the military is bound by the Goldwater-Nichols Act to advise the President. Furthermore, if the guidance is vague, or allows wide latitude, militaries could develop strategies that result in excessive noncombatant harm that can be the responsibility of not just the military, but the civilian leadership as well. This is a critical issue because while international law holds national leaders responsible, it also hold those who execute national directives responsible as well. Elected civilian leaders have the right to be wrong, thus they have the final say. However, military officers have the right and indeed responsibility to raise moral issues. And the civilian leaders hold the ultimate trump card with the power to remove military leaders who disagree with them and elevate others whom they believe will follow their orders.

In that respect, as long as militaries carry out the orders they are given, I do not see a breakdown in civil-military relations if the military questions certain civilian directives. If the military never raised to the national leadership issues that were

⁴² Huntington, pg. 72.

questionable to senior officers, it would not be difficult to envision military doctrines and strategies changing with every administration leading to great instability and less security for the country. On the other hand, if they refused to carry out orders they did not prefer, that would be a breakdown.

We should not underestimate the importance of the advisory role the military can play with national civilian leaders to help them decide between the multiple options mentioned above. Peter Roman and David Tarr point out that senior military leaders claim that their expertise in the management of military operations has no civilian peer, thus they covet freedom of action in war. The authors note that such a claim is merely an assumption that is often freely conceded by the national civilian leadership, yet should be questioned. Merely practicing and training for many years while rising through the ranks does not necessarily mean that the senior military leaders will make the right choices in war. While the authors do not mention moral questions and the consequences of military strategy decisions made without civilian oversight, they do later say that generals' views can be fallible and thus political leaders should challenge or even overrule their military advisors.⁴³ This point will be made clear in the case studies when we see senior political decision-makers allowing wide latitude to military leaders that can have serious national political implications as well as moral ones for innocents in war.

Roman and Tarr point out that in today's international political environment, political leaders look to appoint senior military leaders that have the national security knowledge and experience to be good policy advisors, not merely war fighters. They posit that the Goldwater-Nichols Act of 1986 has allowed this political

⁴³ Peter J. Roman and David W. Tarr, "Military Professionalism and Policymaking: Is There a Civil-Military Gap at the Top? If So, Does It Matter?" in Peter D. Fever and Richard H. Kohn, Eds. *Soldiers and Civilians: The Civil-Military Relations Gap and American National Security*, 2001, pp. 405-408.

professionalization of the officer corps and a knowledge base “inherently valuable” to both military and civilian leaders.⁴⁴

But any objective understanding of advisorship requires an acknowledgement that not all advice will be in line with the predetermined desires of the national civilian leadership. This point and the claims of Roman and Tarr seem to contradict the assertion that civil-military relations suffer when military desires prevail over those of civilian leadership. I agree with Desch that if for some reason the military refuses to follow lawful orders or drags its feet in doing so, or even publicly debates the issues after presidential decisions are made, then civil-military relations suffer.

But if the wishes of military advisors (who are asked for their advice) prevail over the wishes of a civilian such as the Secretary of State, that should not necessarily mean that civil-military relations are poor. This is especially true if issues such as moral decisions are involved, in which military officers could be responsible for after a conflict. Furthermore, multiple advocacy from multiple statutory military advisors can also lead to conflicting desires and advice from senior military leaders in addition to civilian advisors showing that the military is not necessarily a unitary agent with a single desired course of action.⁴⁵ This makes it all the more important for clear guidance from which military officers can plan operations with clear moral ends rather than leaving it to the senior military commanders.

Others call for the need to provide clear measures of effectiveness to aid officers in formulating strategies that lead to battlefield victory. Stephen Rosen, in discussing

⁴⁴ Roman and Tarr, pg. 412.

⁴⁵ See Roman and Tarr, pp.416-424, for an excellent discussion of how some senior military leaders are seen by civilians as both advisors and policy-makers, and how it is important to differentiate between the different types of advice given. By statute, these senior officers have access to the President to advise, which the president may decide to place more weight upon than his civilian advisors.

innovation and the need to radically alter the manner in which we fight, mentions that when innovation is required in wartime, “it is because an inappropriate strategic goal is being pursued, or because the relationship between military operations and that goal is misunderstood.”⁴⁶ This description of the need for measurable, attainable objectives is made necessary in today’s strategic environment where the line that once existed between the non-combatant realm and the military realm no longer exists. The decision as to what constitutes an “appropriate” strategic goal, and thus an appropriate level of non-combatant casualties must not be left to military servants, but should be made by national civilian leaders.

Finally, Eliot Cohen counters the myth of the “normal” theory of civil-military relations. This theory posits that once direction is given to the military leaders, the civilians should stay out of the way and allow the military to fight the war the best way they can. Cohen points out that where militaries have had the freest hand, they produced the worst results.⁴⁷ He points out that contrary to the conventional wisdom, civilians did not overly micro-manage the Vietnam War. Rather a lack of oversight led to the failures in Southeast Asia.⁴⁸ Likewise, he points out that despite intervention by political leaders in the Kosovo war, the objectives were ultimately met without a single U.S. casualty.⁴⁹ Such oversight is now especially crucial given the intense focus on international law and morality in the international environment.

⁴⁶ Stephen Peter Rosen, *Winning the Next War*, Ithica: Cornell University Press, 1991, pg. 35.

⁴⁷ Eliot Cohen, “The Unequal Dialogue: The Theory and Reality of Civil-Military Relations and the Use of Force,” in Peter D. Fever and Richard H. Kohn, Eds. *Soldiers and Civilians: The Civil-Military Relations Gap and American National Security*, 2001, pp. 430-458.

⁴⁸ Cohen, pg. 439.

⁴⁹ Cohen, pg. 437.

Cohen does touch on this issue of moral hazard and political objectives. He points out the fact that it is “one of the greatest sources of frustration for soldiers” that political leaders are so often not able or willing to clearly articulate the desired end state to which the military must devise strategy and operational plans to achieve national objectives. He concedes the necessity that the relationship between civilians and military be unequal.⁵⁰ He echoes Huntington by positing that this unequal relationship also requires the civilian leadership to be as precise as the military officers want them to be.

We often hear national leaders and members of Congress interviewed on television news shows saying that the civilian leaders should stay out of the way and let the military fight once the decision is made to go to war. Yet, few would agree that the U.S. military, as opposed to the elected and appointed/confirmed senior civilian leadership, should decide U.S. objectives in a conflict. Huntington chronicles the process by which the military took greater and greater responsibility for civilian functions during WWII, functioning in diplomatic and political roles. He says, “The military floundered about without any clear notion as to the policy of the government.”⁵¹ He did not say that the military prevailed over the president, but only that the military had to assume greater responsibilities during the war that should have been the purview of civilian secretaries. While some may argue that the direction the military took was what the civilian leadership wanted, that point is immaterial and may be accidental. Without clear direction and oversight of the military, delegation can become abdication.

Related to the topic of civilian control is the discussion of what form that direction to the military should take. Barry Posen, in *The Sources of Military Doctrine*

⁵⁰ Cohen, pp. 448, 452.

⁵¹ Huntington, pg. 323.

discusses the important relationship between military doctrine and national security strategy and the stability that can result or be lost through this relationship. Without using the term, he posits that military doctrine and national security strategy are endogenous, meaning they affect each other. But he also points out that functional specialization between the diplomatic corps and military officer corps prevents effective political-military integration. He says that political and diplomatic leaders lack a sufficient understanding of military doctrine to force the doctrine to come into line with desired political strategies.⁵² This lack of understanding can work against efficient and necessary oversight by national civilian leaders and could then lead to decisions that are not moral with respect to proportionality.

One example of this observation is that the U.S. Army continues to hold to a doctrine relying on heavy armor and mechanized infantry regardless of the national security strategy. The political and diplomatic corps put forth a national strategy that requires more mobile forces that are able to fight more unconventional wars. Yet the Army continues to maintain heavy forces that cannot rapidly deploy long distances. As though foreseeing this situation, Posen wrote that militaries seek independence from civilian authority to reduce the uncertainties of military combat, thus producing doctrines that are not well integrated with national security strategy.⁵³ This may be the case today with the U.S. Army. On the contrary, the U.S. Air Force has developed doctrine that focuses on rapidly achieving national objectives in a flexible manner without necessarily fighting through enemy forces to achieve those objectives.⁵⁴

⁵² Barry Posen, *The Sources of Military Doctrine*, Ithaca: Cornell University Press, 1984, pp. 52-53.

⁵³ Posen, pg. 58.

⁵⁴ See AFDD 1, *Air Force Basic Doctrine*.

The German government was set to enter WWII with a war strategy that did not reflect its doctrine. Yet Posen notes that the German strategy shifted early in the war to one that did reflect its new doctrine, but only through the urging of key senior officers and planners, and not the senior civilian leadership.⁵⁵ The result was the rapid advance through France and the conquest of most of the European continent. In the case of WWII, many would contend that military and national leaderships were less concerned with *jus in bello* principles the longer the war went on.

In today's geopolitical environment international law, and norms within the U.S. officer culture, make *jus in bello* considerations important in planning military operations. If the tasked objectives and strategy are not consistent with doctrine, the military owes it to the leadership to raise the issue for consideration and resolution by the national civilian leadership. Likewise today, military leaders owe it to civilian leaders to explain how discrepancies between strategy and doctrine can lead to moral problems with respect to targeting decisions that could deflect attention away from battlefield successes and on moral conduct in the war.

Finally, Posen discusses the issue of collaborative or coalition warfare by positing that NATO's peacetime collaboration would result in enhanced wartime performance. He argues that such collaboration would help overcome the friction of combat operations.⁵⁶ In a strictly military sense, this is arguably true, but it is unlikely that Posen considered moral questions in formulating this hypothesis. As the Allied Force Case Study will show, the U.S. military and civilian leadership differed on moral norms, as did the U.S. and other NATO allies both at the military and political levels.

⁵⁵ Posen, pp. 87-88.

⁵⁶ Posen, Pg. 243.

These disagreements show that moral questions add another dimension to Posen's excellent research on doctrine and its relationship to national strategy. The issues concerning strategy are issues that cut to the core of a proportionality-necessity decision in targeting. If there is a significant disagreement over strategy, then there may arise legitimate issues over what is necessary to achieve objectives. This is where moral questions arise and should be addressed by the military leaders and civilian decision-makers alike.

Whereas Posen studied the effects of doctrine not matching national strategy during WWII, Benjamin Fordham discusses how those differences may come about. He posits that the different policy emphases between the Republican and Democratic parties tend to divide the services against each other. He says that Democratic support of large conventional forces and Republican support for nuclear deterrent and Air Forces led to different emphases by the services.⁵⁷ As Carlino pointed out, there are moral implications to this very truth about emphasis. If the heavier ground forces are used, more American lives can be lost but there can potentially be fewer enemy non-combatants lost as opposed to aerial bombardment which may cost fewer U.S. lives and put at risk more enemy non-combatants. This is an issue that must be decided by the national political leadership, but the differences in emphasis and service strength are not necessarily bad if they give multiple options to the national political leadership.

Having reviewed these critical writings on achieving national goals, I think it important to discuss terminology related to civil-military relations and moral conduct in war. The key terms that must be defined here for understanding throughout this

⁵⁷ Benjamin O. Fordham, "Military Interests and Civilian Politics: The Influence of the Civil-Military 'Gap' on Peacetime Military Policy," in Peter D. Feaver and Richard H. Kohn, Eds., *Soldiers and Civilians: The Civil-Military Gap and American National Security*, Cambridge: MIT Press, 2001, pp. 346-347.

dissertation are policy, strategy, and doctrine. These terms form the foundation of many authors' arguments about civil-military relations. However, in the literature, there is not a consistent understanding or agreement on what these terms mean and how they are operationalized. As such, there cannot be a consistent application of how they affect the morality of decision-making in military operations. The military, on the other hand, definitively separates and defines these terms. These terms must be understood and baselined for a consistent understanding in this research paper. In the following chapter, I will define these terms and show how the differences affect moral decision-making.

Besides the disagreement in terminology in the civil-military relations literature, there are issues surrounding the potential for the military not agreeing with directives from the civilian leadership. But what happens when there is no direction at all? When is delegation appropriate and when does it become abdication? This is the second major omission in the literature. The authors in this field do not address the possibility of abdication of civilian leadership with respect to clear guidance to the military. All assume that the civilian leadership would naturally lead their militaries. Yet, both Huntington and Cohen, while decrying such instances, discuss civilian leaders stepping aside once decisions are made and allowing the military latitude to conduct operations. This literature misses the implications of national leaders not providing guidance to the military. As mentioned earlier, civilian leaders have the right to be wrong, and thus have the final say. However, they should ensure they exercise that right and give clear direction.

This is extremely important because as Carlino argues, if given the decision to make for themselves, military officers will protect their own at the expense of the enemy

populace.⁵⁸ And when military leaders minimize the threat to their pilots by ordering them to fly above a particular altitude and thus limit the precision of their attacks, the civilian leadership can easily direct the military to accept a greater risk. But in not doing so, do those civilian leaders also share in the responsibility for non-combatant casualties? This is a key question that could be answered if the civil-military relations literature discussed the concept of abdication of decision-making responsibility.

There was an emerging literature in a different field of study that might have touched on this issue, but it dealt mainly with congress and agencies established to implement welfare policies.⁵⁹ Matthew McCubbins, however, goes a step further and attempts to draw the line between delegation and abdication. If the principals, in this case national civilian leaders, provide the military broad direction and trust those military officers to carry out their orders, that would be delegation. He posits that leaders abdicate when their interests conflict with those of their delegated subordinates **and** when the subordinates have such a degree of knowledge over the superiors that effective checks are impossible.⁶⁰ However, McCubbins does not add another possible element of abdication.

Neither of McCubbins's elements of abdication are necessarily present when national leaders fail to give detailed objectives to the military, such as what Huntington says military officers should expect. I would contend that the leadership abdicates if it leaves to the military the responsibility to determine wartime objectives even if the

⁵⁸ See Michael Carlino, "The Moral Limits of Strategic Attack," *Parameters* (Vol. 32, No. 1, Spring 2002), pp. 15-29.

⁵⁹ See A. Wildavski and J. Pressman, *Implementation* (3 ed.), Berkeley: University of California Press, 1984, and Daniel Mazmanian and Paul Sabatier, *Effective Policy Implementation*, Lexington, Ma: Lexington Books, 1981.

⁶⁰ See Matthew McCubbins, "Abdication or Delegation? Congress, the Bureaucracy and the Delegation Dilemma," *Regulation* (Vol. 22, No. 2, Summer 1999).

President and military are in agreement on the issues and the President can overrule the military's decisions. This would not necessarily be an instance of poor civil-military relations, but could lead to them if the military feels it has a responsibility dumped on it for which it will later be accountable. It could also lead to poor civil-military relations if the civilian leadership leaves those decisions to the military and then attempts to regain control in the middle of the operation. Without clearly delegated objectives, who is responsible to make the moral judgment of what is an acceptable level of harm to non-combatants?

One might counter that the issue of abdication is moot since Samuel Huntington and Peter Feaver both posit that oversight of the military by national civilian leaders is the way to get them to do what you want.⁶¹ Feaver asks the central question "How do civilians control the military? How is it that civilian institutions are able to impose their will on the more powerful military agents?"⁶² These are key questions to the notion of just conduct in war, and although Feaver does not specifically discuss moral outcomes of military operations, his study does go straight to the heart of whether the military will "work" or "shirk" (defined as going against the will of the superior), given specific direction, in this case, to limit non-combatant casualties.

However powerful oversight can be in ensuring military leaders perform as directed, the concept of oversight assumes involvement by civilian leaders. Thus abdication is absent from the literature. It is important to discuss, however for one fundamental reason. Civilian control over the military is key because civilian leaders are elected and ultimately responsible for policy and strategy and thus for the morality of

⁶¹ See Huntington, *The Soldier and the State*, and Peter D. Feaver, *Armed Servants*, Cambridge: Harvard University Press, 2003.

⁶²Feaver, pg. 1.

national decisions. While they should listen to the advice of their senior military advisors, civilian leaders are the elected ones and need to give direction to military officers to achieve national objectives. If senior military advisors vehemently disagree with civilian direction, then either there is a serious potential moral problem on the horizon, or else they should be replaced by civilian leadership for someone who will carry out direction. If the potential problem foreseen by the military surfaced, then the electorate would have the opportunity to remove those leaders at the ballot box.

In summary, the civil-military relations literature provides us with an important understanding of what constitutes a proper relationship between the civilian leadership and the military. That relationship is one in which the civilian leadership sets policies and determines national objectives with input and advice from the military, who then follows the lawful orders regardless whether or not that direction was what the military desires. The literature outlines how civilians use the military to plan and execute combat operations to attain national objectives. What the literature omits is the important discussion of moral actions as a result of that relationship. Furthermore, while critical to the discussion, there are no clear definitions to the concepts of policy, strategy, and doctrine.

Applying Just War principles to achieve lasting resolutions to conflict is not as easy, however, as merely having a national leader deciding that his forces will act justly. If there is to be justice to achieve peace, we need to know how to achieve that just and moral outcome. In today's age of global reach in combat operations, combat units larger than entire medieval armies, information technology that brings multiple decision-makers into play on every facet of combat operations requires an understanding that modern

militaries are bound by the forces of other large bureaucracies. Therefore, it is not enough that senior leaders decide that their forces should act morally. The bureaucratic organization must work with and against the forces that could derail such moral decisions. The bureaucratic politics literature offers some insights to help us understand the forces involved with these moral civil-military decisions.

Bureaucratic Politics and Its Affect on Moral Targeting Decisions

I showed in the previous section that the civil-military relations literature was important to this study because it addresses the important relationships between civilians and their military subordinates, especially with respect to the definition of national interests and objectives and the military strategies required to attain them. But that literature assumed that orders would be followed. The bureaucratic politics literature, on the other hand, delves into the means of control and oversight, as well as the motivations principals and agents have to align their interests to get a job done. This literature, I believe, is necessary to understand the moral component in civil-military relations and combat planning and execution.

Graham Allison, noted author on bureaucracy and its impact on decisions, posits that the type of organization and the routines found therein constrain and shape behavior. He argues that organizational routines and standard operating procedures can determine outcomes regardless of the issue on the table.⁶³ For example, during the Cuban Missile Crisis, the Air Force based its entire proposed strategy of a bombing campaign against Cuba on the assumption that the Soviet Missiles were mobile. The missiles were in fact

⁶³ Graham Allison and Philip Zelikow, *Essence of Decision (2nd Ed.)*, New York: Longman, 1999, pp. 147-147.

fixed, but the identification of the missiles as mobile precipitated a planning process that took on a life of its own. However, what Allison did not discuss was how individuals within these organizations can make decisions on their own that impact their organization and the country. An example would be why individual pilots would decide not to bomb certain targets or target others against orders. Such decisions cannot be based solely on organizational routines or standard operating procedures. There has to be some other reason.

If the procedures in place tell someone to do something and yet he does something else, then there must be an element of will in the equation of decision-making. The bureaucratic politics literature, and especially the principal-agent model literature addresses this subject.

The principal-agent model broadly claims that there is a relationship between principals, such as the President, Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and their bureaucratic agents, in this case, the military planners and executors. The theory claims that both principals and agents are rational utility maximizers whose interests often, and sometimes necessarily, diverge. Principals, who are elected (or appointed and confirmed by those who are elected) monitor and control their agents in order to ensure outcomes in line with the public interest and to ensure political control over the unelected bureaucracy.⁶⁴

Such a model comes with normative assumptions that elected officials should be able to control unelected bureaucrats and that agents try to shirk attempts at political

⁶⁴ For an excellent summary of the Principal-Agent model, see Richard W. Waterman, Amelia Rouse, and Robert Wright, "The Venues of Influence: A New Theory of Political Control of the Bureaucracy," *Journal of Public Administration Research and Theory*, (Vol. 8, No. 1, Jan 1998), pp. 13-39.

control. Furthermore, within the model there are assumptions of goal conflict between principals and agents as well as an information asymmetry in favor of the agents.⁶⁵

One serious problem with this model of bureaucratic politics is that in trying to simplify the model to these normative assumptions, you lose too much interaction and reality in complex relationships. For example, Waterman, Rouse and Wright show that dyadic models of principal-agent interaction do not adequately capture dynamic interactions between bureaucrats and their bosses during complex operations.⁶⁶ With respect to the military bureaucracy, this notion well explains the fact that planners and executors must respond not only to their own motivations, but to multiple principals, such as their commanders, the President, and even the International Criminal Court (who is not directly communicating with them).

Thomas Barth furthers this notion of balancing motivations by positing that bureaucrats who take an oath to uphold and defend the constitution must balance Presidential interests against other constitutional considerations.⁶⁷ For the military, this equates to the bottom line that every officer has the choice of following orders or resigning his commission if he believes the orders run contrary to his oath of office. Barth contends this tension produces a *healthy* inertia that prevents large swings in policy from one direction to another from administration to administration.

Peter Feaver, in following the principal-agent model of bureaucratic politics, says that the military will decide whether or not to obey orders based on whether or not they feel they will be caught and punished. Feaver posits that civilian principals will not

⁶⁵ Waterman, Rouse, Wright, pg.14.

⁶⁶ See Waterman, Rouse, Wright.

⁶⁷ Thomas J. Barth, "Constitutional Subordinate Authority," *Administration and Society* (Vol. 25, No. 2, August 1993).

necessarily punish their military agents when caught disobeying. Such a decision, according to Feaver, depends on a strategic interaction between civilians and the military, and on the external environment.⁶⁸

And when discussing punishment of the military, Feaver does so largely in group terms, such as punishing an entire service by cutting its budget, and the difficulties that arise with such decisions.⁶⁹ He does not discuss how individual officers decide to obey or shirk, and what recourse the civilian and military principals have to enforce such obedience on individual actors or agents. Those answers seem to come from authors who have studied not the military, but civilian bureaucrats. I contend that their findings help us understand how to get military leaders to follow and not shirk.

Others research obedience of subordinate bureaucrats and sabotage of their superiors. John Brehm and Scott Gates did not discuss the military bureaucracy, but they did study police officers, who closely resemble the military in their duties and subordination to civil authority. The authors found that officers who like their jobs are less likely to shirk, as are more professional officers.⁷⁰ But these findings do not account for senior military officers who shirk and who had to pass through the strictest professional standards, and who must like their jobs in order to remain even after retirement was possible.

Looking further at bureaucratic politics research, the literature is vast, both contradicting and sharpening the normative assumptions that principals want to provide oversight and that agents want to shirk. Niskanen posited that bureaucrats were budget

⁶⁸ Feaver, pp. 55-58.

⁶⁹ Feaver, pp. 87-94.

⁷⁰ John Brehm and Scott Gates, *Working, Shirking and Sabotage*, Ann Arbor: University of Michigan Press, 1997, pp. 159-164.

maximizing due to their information monopoly on cost of service, and were thus hard to control.⁷¹ However, Downs, Conybeare, and Bendor, Taylor and Van Gaalen, refute Niskanen by showing that not only are bureaucrats not monolithic, they are not budget maximizing.⁷² How does this discussion of budget maximization apply to moral norms in war? Although none of these authors discusses the military bureaucracy, it would be easy to envision situations in which militaries skirted moral norms to achieve decisive outcomes beyond objectives set by national leadership in order to strengthen their positions and budgets. But as the authors note, not all bureaucrats are budget maximizing and hence, not all military officers will skirt norms merely to strengthen their service's position. Such evidence will be seen in the case studies.

Hedge, Menzel and Krause show that agents don't merely shirk, but often try to influence their superiors by advocating their positions.⁷³ One obvious application of this principle is to see how successful military officers could be in advocating restraint in military action to their superiors. The nature of that advocacy is central to the issue of civil-military relations and thus to moral outcomes. If military leaders publicly advocate a position counter to the administration (such as did Colin Powell in 1993 on the issue of involvement in Bosnia), then that could be seen as a clear case of insubordination or shirking. On the other hand, strong advocacy out of the public eye could be seen by

⁷¹ William A. Niskanen, "Bureaucrats and Politicians," *Journal of Law and Economics* (Vol. 18, 1975), pp. 617-44.

⁷² See Anthony Downs, *Inside Bureaucracy*, New York: Little-Brown and Company, 1967 Chapters 3-9; John A Conybeare, "Bureaucracy, Monopoly, and Competition: A Critical Analysis of the Budget Maximizing Model of Bureaucracy," *American Journal of Political Science*, (Vol. 28, No. 3, 1984) pp. 479-502; Jonathan Bendor, Serge Taylor, and Roland Van Gaalen, "Bureaucratic Expertise versus Legislative Authority: A Model of Deception and Monitoring in Budgeting," *American Political Science Review* (Vol. 79, No. 4, 1985), pp. 1041-60.

⁷³ David M., Hedge, Donald C. Menzel, and Mark A. Krause "The Intergovernmental Milieu and Street-Level Implementation." *Social Science Quarterly* (Vol. 70, June 1989), pp. 285-99.

some as just as insubordinate if opposite civilian directives, or it could be seen as good subordinate advocacy if it changes the mind of the civilian leader.

Wood and Waterman showed that from agency to agency, there was political response in behavior to leadership changes.⁷⁴ Regardless of the politics of the principals, agents changed their behavior to suit their bosses. The question that springs from their research relating to my topic is whether or not subordinates would respond to morally motivated changes in leadership as they respond to politics. If so, then we should be able to predict moral decision-making in war. Finally, Stehr shows that agents *want* overhead direction, saying that they desire to comply with their bosses.⁷⁵ This literature gave us a more precise way of understanding and sharpening the normative assumptions of subordinate behavior and under which conditions they will hold true.

Calvert, and McCubbins and Weingast argue that the process of policy execution can be understood as a game among the principals (legislature and executive) and the agents (bureaucrats).⁷⁶ Banks considers the cost to principals of monitoring agents to prevent shirking, and details the multiple asymmetries that come into play in each relationship.⁷⁷ Banks's study casts doubt on Huntington's and Feaver's assertion that oversight is the best path to take. The time it takes to monitor agents, especially when the agents have information and knowledge asymmetries over their principals, keeps the principals from performing other functions that might be more profitable. He argued for other forms of oversight instead of monitoring. While these authors focused on the

⁷⁴ Dan B. Wood, and Richard W. Waterman, "The Dynamics of Political-Bureaucratic Adaptation," *American Journal of Political Science* (Vol. 37, No. 3, 1993), pp. 497-528.

⁷⁵ Steven D. Stehr, "Top Bureaucrats and the Distribution of Influence in Reagan's Executive Branch." *Public Administration Review* (Vol. 57, No. 1, 1997), pp. 75-82.

⁷⁶ Randall L. Calvert, Mathew D. McCubbins, and Barry R. Weingast, "A Theory of Political Control and Agency Discretion," *American Journal of Political Science* (Vol. 33, No.3, 1989), pp. 588-611.

⁷⁷ Banks, Jeffrey, "Agency Budgets, Cost Information, and Auditing," *American Journal of Political Science* (Vol. 33, No. 3, 1989), pp. 670-99.

President, Congress and government agency bureaucrats, their work can apply to the military.

As can be seen, this body of literature spawned a more detailed study and evaluation of the methods of control of the bureaucracy. While some authors discuss budgetary controls on bureaucracy, others discuss procedural constraints and structural design as the best methods of controlling the bureaucracy and preventing shirking.⁷⁸

These procedures and structures discussed in the civilian bureaucracy equate to doctrine in the military. Doctrinal procedures and structures are good examples of what the military does to ensure national objectives are achieved in military operations. However, the multiple authors of these papers did not discuss variables that might result in agents not following direction (shirking) despite structural and procedural control.

One other angle to the control issue comes in the form of professionalizing the bureaucracy. Downs and Wilson, as well as Brehm and Gates, discuss the importance of motivations such as professional norms in limiting goal conflict between principals and agents and thus making easier the control of bureaucracy.⁷⁹ As these papers looked at the civilian bureaucracy, there was naturally no discussion of military professionalization or morality in these works. However, that does not mean that notion is absent in literature.

I will consider the subject of military professionalization and moral norms in Chapter 4.

⁷⁸ See Jonathan Bendor, and Terry M. Moe, "An Adaptive Model of Bureaucratic Politics," *American Political Science Review* (Vol. 79, No. 3, 1985) pp. 755-774; Mathew D. McCubbins, "Legislative Design of Regulatory Structure," *American Journal of Political Science* (Vol. 29, 1985), pp. 721-48; Mathew McCubbins, Roger Noll, and Barry Weingast, "Structure and Process, Politics and Policy: Administrative Arrangements and the Political Control of Agencies," *Virginia Law Review* (Vol. 75, 1989), pp. 431-482; Kathleen Bawn, "Political Control Versus Expertise: Congressional Choices about Administrative Procedures," *American Political Science Review* (Vol. 89, No. 1, 1995), pp. 62-73; Andrew B. Whitford, "Bureaucratic Discretion, Agency Structure, and Democratic Responsiveness: The Case of the United States Attorneys." *Journal of Public Administration Research and Theory* (Vol. 12, No. 1, 2002), pp. 3-27.

⁷⁹ See James Q. Wilson, *Bureaucracy*, New York: Basic Books, 1989; John Brehm, and Scott Gates, "Donut Shops and Speed Traps: Evaluating Models of Supervision of Police Behavior," *American Journal of Political Science* (Vol. 27, No. 2, 1993), pp. 555-81.

As Anthony Downs points out, bureaucrats are not monolithic in their thinking. Military bureaucrats certainly demonstrate Downs's main theoretical claims that bureaucrats (in this case planners and executors of military operations) have widely varying preferences, and that when that bureaucracy fails to accomplish its given missions, it is because of those varying preferences over outcomes and means to outcomes.⁸⁰ Thus, it follows logically that there are doctrinal bureaucratic processes with respect to military war planning that can be followed to yield a moral conduct of operations. Just as easily, though, the bureaucratic process (e.g. administrative design, procedures, hierarchy, etc) designed to ensure continuity within operations can be legally skirted to produce a strategy that would yield less moral results if the decision-makers believe the situation warrants a departure from established doctrine.

The bureaucratic process and organizational dynamics make it difficult, if not impossible, for senior civilian and military leaders to put their arms around all the issues surrounding the attainment of security ends and the means to achieve those ends. The higher in rank a person rises, the fewer things he is able to focus on in depth.⁸¹ Senior leaders, operate on a macro, vice micro, level of issues. They focus much more on the politics of a conflict than in the heart of the debate over what is a morally acceptable balance between acceptable non-combatant casualties and military necessity required to achieve national objectives. Field grade (Major, Lieutenant Colonel, and Colonel ranks) planners and executors are in the thick of that micro-level of operations and think about

⁸⁰ See Anthony Downs, *Inside Bureaucracy*, (New York: Little -Brown and Company, 1967).

⁸¹ Downs, p. 58. "Officials near the top of the hierarchy have a greater breadth of information about affairs in the bureau than officials near the bottom, but the latter have more detailed knowledge about activities in their particular portions of the bureau. This implies that no one ever knows everything about what is going on in any large organization."

that issue, and making policy recommendations to national leadership, even though it is not the field graders' ultimate decision.

It is easy to make parallels between those staff officers who disagree with a particular order to plan operations and bureaucrats opposed to an administration's policies. On the other hand, there are some significant differences. In the military, staff officers (the bureaucrats) as well as their directors (agency heads) are not in lifetime appointments with civil-service protection. With few exceptions, staff officers and directors rotate through their respective jobs every 2-3 years, constantly renewing their organization with new goals, fresh perspectives and field experience, and motivations.⁸² On the other hand, what remains consistent, if not constant, are doctrinal (procedural) guidelines, law, and a planning process that ensures some measure of bureaucratic continuity over time.

For example, regardless of who the President, Secretary of Defense (SecDef), Chairman of the Joint Chiefs of Staff (CJCS), regional Commanders in Chief (CINC), and staff planners are, there is a formal doctrinal process for planning and conducting operations, that carries with it the weight of law. All these aforementioned players must act within this formal process in order to plan and execute military operations. The interesting aspect of this seemingly bureaucratic process of red tape for planning and executing war is that it almost never yields similar results from conflict to conflict. While it is almost certain that from operation to operation strategies and plans will be different, one would hope that moral decisions would be consistent. The model presented

⁸² Data provided author from the Air Force Personnel Center on 1 October 2003 shows that intelligence officers in the rank of major and lieutenant colonel across all staffs spend an average of 2.9 and 2.7 years in their staff jobs respectively. Data for intelligence officers closely mirrors other operational career fields on all staffs. Thanks to the Air Force Personnel Center (AFPC/DPAOO).

herein can help to ensure that moral decisions are consistently made in military operations.

Whether overtly or by chance, military leaders and bureaucracies can undermine even the best efforts to achieve a just war and lasting peace. Barry Posen notes that “Military organizations have a certain inherent power within states that stems from the function they serve, and they try to increase this power by mystifying their art.”⁸³ He further adds that militaries will pursue offensive doctrines which increase the rewards those services can gain, especially in budgetarily constrained times. This desire for the offensive could come into conflict with just war norms and potential long-term settlements, however, Posen does not discuss the issue in terms of its impact on the morality of operations. After all, if limiting casualties and the targets open to attack in an opposing state limits the degree to which a military can act, those within that military may feel threatened and shirk oversight or direction from civilian leadership.

This literature shows that sabotage and shirking are not necessary outcomes of bureaucracy. Importantly for this dissertation, the bureaucratic politics literature lays a foundation for understanding how to achieve moral ends in war. The principal-agent model forms the basis for the theoretic model presented in the following chapter. However, the literature does not address abdication in the detail needed to understand the issue in terms of wartime directives and implementation. Furthermore, there is no consensus or definition to know when principals and agents are in accord with each other. Merely achieving the principal’s goal does not mean the agent was in accord. I will address both abdication and whether principals and agents were in accord through detailed qualitative case study.

⁸³ Barry Posen, *The Sources of Military Doctrine*, Ithica: Cornell University Press, 1984, pg. 45.

The literatures reviewed in this chapter all discussed some decisions or decision-making process. Just War laid a foundation for moral decisions in war. Civil-military relations discussed decisions made in the relationship between soldiers and civilians. Bureaucratic politics literature discussed how to ensure that agents carry out the decisions principals make. If we strive for moral targeting decisions in military operations, we should be able to discern how to ensure those decisions are made. The following chapter introduces a theory and model of how to ensure moral targeting decisions are made in military operations. If that is accomplished, we can then use this knowledge to further national interests and to work on true resolution to conflicts involving military operations without having a wound left open to fester and overshadow resolution efforts.

Chapter Three

Making Moral Targeting Decisions In War: The Importance Of Aligned Principal-Agent Motivations And Constraining Doctrine

Presentation of Theory and Model

In the previous chapter I placed my research topic in three seemingly diverse bodies of literature. Classical Just War literature sets moral norms for men to follow in deciding whether to go to war and for what is acceptable once in war. But there is no framework in the literature for what goes into making a moral decision. Civil-military relations literature gives us an insight into the types of relationships that could potentially produce moral and immoral decisions in war. However, this literature also assumes that civilian leaders will always provide direction to the military and that the military needs to do what the civilian leadership says. That leaves open the possibility of military officers following direction and not making moral decisions. Finally, the bureaucratic politics literature offers us a framework of understanding how principals and agents can align their motivations, ensuring not only good civil-military relations, but more importantly for the purposes of this dissertation, that moral decisions in war are made.

From these literatures and the aforementioned limitations and strengths follows my theory, which posits that constraining military doctrine and alignment of principal-agent motivations impact whether or not moral targeting decisions are made in times of war. Despite the strong evidence that shows the U.S. military *wants* to make the moral

decisions (see Chapter 4), merely wanting to do the right thing does not necessarily lead to moral decision being made. If the U.S. military bureaucracy that is responsible for planning and executing combat operations can be understood using the framework of military doctrine and bureaucratic theory, then political and military leaders may be able to use bureaucratic politics literature to understand the forces that lead to variation in the planning development process and execution of operations. More importantly, they can use that knowledge to limit the variation in moral decisions that can arise as a result, in order to ensure a moral conduct of operations.

I contend that variations in bureaucratic principal-agent motivations and military doctrine (namely the administrative structures and processes the military uses to plan and conduct operations) lead to differences in the morality of decisions that arise from military plans and strategy, regardless of the objectives outlined by national civilian leadership. Following a doctrine that constrains actors to plan to achieve specific national objectives and working within doctrinally established structures should theoretically yield more moral decisions in combat operations than not working within such structures or following such procedures. However, another indicator of moral decisions in military operations may be the alignment of motivations of the planners and executors within the Joint Planning and Execution Community (JPEC) of the U.S. Armed Forces with those of senior principal decision makers.

If there is goal-conflict, meaning a difference in what the military planners and executors think is right, and what they are ordered by national leaders to accomplish, then one of two things happens. Officers will either try to influence the leadership, through feedback and position advocacy with the goal of altering directions to the military, or

they may try to achieve moral ends by affecting the planning and execution process to achieve an end that is in line with their own conception of morality.

Neither doctrine nor aligned motivations can, by themselves, ensure morality in decision-making. Both are necessary, yet insufficient in themselves. However, the entire process of planning and conducting operations can lead to varying moral decisions. U.S. military doctrine does not tell leaders and planners to be moral, but as will be shown, it does exhort decision-makers to take proportionality and necessity into account. But that alone does not ensure moral decisions. Likewise if principals and agents get together to deliberately align their motivations with respect to the objectives for an operation, that does not necessitate moral decisions if they don't follow a doctrinal process.

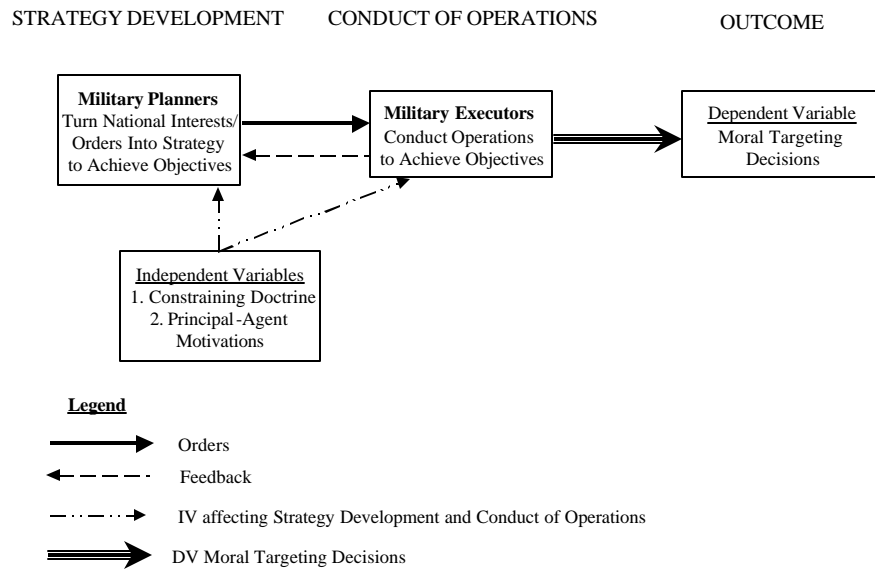
I contend that the process of aligning motivations with respect to desired outcomes, and the process of planning strategies according to doctrine together lead to moral targeting decisions. By following the doctrinal processes of getting plans approved as outlined in Chapter 4, a deliberate dialogue is followed with direction and feedback through several steps of planning and approval that result in a detailed process with multiple people working on a product that obtains a sort of corporate "buy-in". I contend that it is difficult to end up with targeting decisions that are not proportional to necessity, especially when principals and agents come together in a concerted effort to ensure they align their motivations through this doctrinal process.

The following model illustrates my theory.

Model

The process of developing military strategies to achieve U.S. national interests, and executing those strategies to achieve national objectives yields varying moral results based upon the interactions of the players and variables shown in the following model:

Figure 3.1, Process to Achieve and Variables Affecting U.S. Targeting Decisions in War



Defining the Dependent Variable

In my review of literature relevant to moral decision-making, I discussed the concept of morality in war in broad terms. Here, I will narrow the concept to making moral targeting decisions in war. Such decisions are critical to determining the total levels of damage that will result from combat operations as well as expected numbers of individual non-combatant casualties. Once the decision to go to war is made, the decisions of what to target and by what means are the most important moral decisions that principals can make.

It is important to clearly explain how I define moral targeting decisions in war in order to show variance from one military operation to the next. Some of these concepts defy rigorous empirical measures, no matter how detailed the case studies, and there will remain a certain debate over what decisions meet Just War criteria. In considering what is and is not just, we must consider both the ends, and the means to those ends. Neither is quantifiable on any measurable scale. These are subjective measures, and as such, they are open to challenge. However, I will accept that challenge for the purpose of conducting this study.

I define as moral a targeting decision wherein a senior principal specifically determined whether foreseeable non-combatant and combatant casualty rates are *proportional* to the *necessity* of any given objective issued by military or civilian leadership. As Michael Walzer notes, proportionality and necessity must be balanced so that no harm is done that does not “tend materially to the end [of victory].”¹ If there is clear evidence that the proportionality-necessity decision was made for each individual target or objective, then I consider the dependent variable to be positive. If the targets

¹ Michael Walzer, *Just and Unjust Wars*, New York: Basic Books, 1977, pg. 129.

were not considered for proportionality and necessity, or if a blanket number of maximum acceptable non-combatant casualties was given for all targets, regardless of necessity, then I do not consider the dependent variable to have been met.

Furthermore, to be considered a moral decision, for accountability purposes, I contend that the proportionality-necessity balance decision must be made at the level of Joint Force Commander (JFC – the combatant commander with overall command responsibility for the particular operation or conflict) or above (Secretary of Defense or President) for each objective or target where foreseeable non-combatant casualties are likely.² I contend the decision should rest at this level because this is the commander that has legal authority to conduct combat operations (Title 10 U.S. Code, Section 161) when directed by the President and Secretary of Defense.³ The responsibility inherent in these decisions means that no person without that responsibility should be delegated that authority.

In all three cases researched herein, there is evidence for the decision either being made or not made. However, if there was not evidence of a positive decision, one could infer whether proportionality-necessity decisions were made based on publicized targeting decisions and reports of collateral damage. Such inferential examples can reinforce hard data on targeting decisions.

Some may question whether “street-level” military actions may have deleterious moral implications and whether I should not lower the threshold for decision-making below the joint force commander to those commanders engaged in tactical operations. Those “street-level” actions can indeed have moral implications, however, by the time

² Jeffrey Gingras and Tomislav Ruby, “Morality in Modern Aerial Warfare,” *Joint Forces Quarterly* (Summer 2000), pg. 111.

³ *UNAAF*, pg. i.

low-level military units are employed, the means with which they can inflict harm disproportionate to the overall objective is normally quite low. If the proportionality-necessity decision is made, but for some reason a member of the military, or group of members, decide to go outside the bounds of that decision, that particular act might very well be illegal and would definitely be outside the bounds of the morality of the targeting decision that was made. Such an act would be criminally investigated under standing laws for murder or disobedience and would not compromise the morality of the proportionality-necessity targeting decision.

The significance level of acceptable non-combatant casualties may vary based on some criteria defined by the national leadership, or it may be established in some standing orders from the Joint Force Commander. General guidelines, however, such as “minimize civilian casualties” would not be considered sufficient as they are vague and leave the proportionality-necessity balance decision to planners and executors.

As Michael Carlino argues, it is not enough that expected casualties be considered in the proportionality-necessity balance, but also those unfortunate casualties that should have been foreseen.⁴ In that sense, today’s military is different from the past in one significant way. From ancient history through the middle ages and into the early 20th Century, militaries had to make positive attempts to directly and disproportionately harm non-combatants due to the clear separation of the battlefield from the population. If they ever ransacked a village, it was clear that they intended to do so. The norm was for armies to fight armies in the field. On the contrary, militaries today have to make

⁴ See Michael Carlino, “The Moral Limits of Strategic Attack,” *Parameters* (Vol. 32, No. 1, Spring 2002), pp. 15-29.

positive attempts not to harm non-combatants since the line between military and civilian has not only been blurred, but, in some cases, erased.

This definition must suffice for the means to achieve a moral targeting decision. It would be possible, however, for a conscious proportionality-necessity balance to be made by a senior decision-maker and for accidental unintended non-combatant casualties to occur. Such a situation might happen if a precision weapon malfunctioned by failing to guide to its target, killing a large number of people that were not expected to be affected in the operation. Such a scenario would not be considered an immoral decision unless the malfunction was known to be likely.

On the other hand, we must also allow for the possibility that the proportionality-necessity decision was either not made, or was made without regard to moral ends. In that event, it is also possible that during the planning or execution process the outcome could be affected towards a different end than that directed by the senior decision-maker. Therefore, for the purposes of this study, I attempt to determine whether or not established doctrine constrained a proportionality-necessity balance to be made at a senior level, and whether variations in principal-agent motivations affected command relationships sufficiently to prevent moral decisions based a proportionality-necessity balance.

While some might posit that such a definition of a moral targeting decision in operations is open to blatantly immoral ends as long as some competent authority determines the balance and the military carries out the orders, I would have to concede such a possibility. It would be easy to conceive of a hypothetical situation wherein civilian principals and military agents conspire to disregard a proportionality-necessity

decision for targeting during a future conflict. However, as I mentioned earlier in this chapter, I would find such a situation unlikely in the extreme. I cannot imagine a situation in which national civilian and military leaders would conspire to disregard proportionality and have those decisions carried out without question by their subordinate officers. Chapter 4 will expound on the reasons for this confidence in greater detail.

As easily as some might conceive of immoral decisions being made, there are many points in the process from defining interests to executing a strategy during which a blatantly immoral policy could be derailed by morally-minded subordinates. Again, the point of this paper is not to write a treatise on morality, but to show variance in moral decisions given the previously stated definition. After all, Walzer notes that the limits of proportionality and necessity do not explain the most critical judgments we make of our military leaders; that they must calculate costs and benefits only up to a point, doing their utmost to win, but only doing that which is necessary to achieve that end.⁵

At this point it would be appropriate to refer back to my analysis of the civil-military relations literature with respect to terminology. I stated that the authors within that field had not been consistent in their definitions, and therefore their resultant analysis was also inconsistent. This is important here because one of my dependent variables, doctrine, is a key concept in that literature. I therefore define and delineate the key concepts of policy, strategy and doctrine.

While U.S. Joint Doctrine differentiates between the three terms, the Air Force Doctrine Center best points out the important differences in the three concepts in its Command Briefing (see Figures 1, 2, 3 below). Air Force Doctrine Document 1 says

⁵ Walzer, pp. 129-130

Military doctrine describes how a job should be done to accomplish military goals; strategy defines how it will be done to accomplish national political objectives...Strategy originates in policy and addresses broad objectives and plans for achieving them. Doctrine evolves from military theory and experience and addresses how best to use military power...However, because war is an “instrument of policy,” military commanders must ensure that policy governs the employment of military power and be prepared to adapt operations accordingly.⁶

These differences in terminology highlight the separation of responsibility between civilian and military leaders. They also confirm the responsibility that military leaders have in carrying out the will of the national civilian leadership. The military does not set policy; politicians do. The military, in consultation with national civilian leaders, develops strategies and plans to carry out specific national tasking to achieve objectives. Doctrine is the military’s guide in doing so. But when the military disagrees with the policy, or if the political leadership requests the military to perform a task that is not doctrinal, then civil-military relations can be challenged and factors affecting moral decisions become more relevant to the issues examined in this study.

The following figures illustrating the different terms come from the Air Force Doctrine Center’s command briefing and are used with permission.

⁶ AFDD 1, pg. 4.

Figure 3.2

This is Policy

If it...

- **Gets you in or keeps you out**
 - **Debates national interest, starving children, ethnic cleansing**
 - **Considers individual action, NATO, UN, regional coalitions**
 - **Bounds your response**
 - **War, total war, nuclear war, savage demarche**
 - **Answers the questions**
 - **Do chemicals = nuclear?**
 - **Do satellite attacks = homeland attacks?**
 - **Do information attacks = homeland attacks?**
- **Ex: The US will not allow Country X to Obtain nuclear weapons**

Figure 3.3

This is Strategy

If it...

- **Is about how to apply available capabilities**
 - **Within the existing international environment**
 - **To gain desired ends**
 - **Using approved means (national or international)**
 - **Considers:**
 - **National or Operational Objectives**
 - **Alliances and the role they play**
 - **Threat, politics, personalities, public opinion**
- **Ex: The US will pre-emptively disable Country X's nuclear capabilities with a coalition, if possible, or alone if required, using a combination of land, air, and sea power.**

Figure 3.4

This is Doctrine

If it is about...

- **How you organize and operate**
- **The Military's agreed upon operationally relevant body of best practices and principles supported by:**
 - History
 - Exercises, wargames, contingencies
 - Debate and analysis

And if it is...

- **Authoritative, but not directive**

- **Ex: A single Air Component Commander should command and control all joint service air assets to achieve the Joint Force Commander's objectives**

Hypotheses

Having presented my theoretical model of achieving moral decisions in war and having discussed the specific terminology for this model, certain hypotheses naturally spring from the theory. In considering this model, it is important to note that the cycle of planning and executing operations (to be expanded upon in the following chapter), although doctrinally well defined, is subject to factors that can derail consistently moral targeting decisions. Limiting harm to noncombatants is not always possible, even if national civilian and military leadership desire it. This model, therefore, leads to the following hypotheses:

1. *Moral targeting decisions in U.S. military operations are more likely when national civilian leaders specify objectives for the military to achieve in combat operations. Without specific objectives, it is not possible for either the civilian leadership or the military CINC to determine what a target or objective is worth with respect to non-combatant casualties.*
2. *Moral targeting decisions in U.S. military operations are more likely when Joint Doctrine and Service Doctrines constrain officers to develop strategies to achieve specified objectives. Without such constraining doctrine, planners may develop brilliant strategies that defeat enemy forces, yet still do not achieve specified objectives or avoid excessive non-combatant casualties.*
3. *Moral targeting decisions in U.S. military operations are more likely when military planners' and executors' (agents) motivations are aligned with those of national leaders (principals). Without aligned motivations, it is possible that military leaders will shirk the direction given them by political leaders because of their best intentions to win the war.*

Operationalization of Variables

Military Planning and Execution Bureaucracy and the Principal-Agent Model

In this section, I describe and expand on my two independent variables, aligned principal-agent motivations, and constraining military doctrine within the military planning and execution bureaucracy. Rather than merely state my variables, it is necessary to describe the framework within which these variables are studied in my cases. Furthermore, it is important to discuss the factors that affect these variables in order to understand how the variables affect moral decision-making in war. I operationalize these variables by describing in depth the factors that affect them.

Before discussing the factors affecting these variables, I explain how they should be elaborated within the context of the principal-agent model of bureaucratic politics. As mentioned in the previous chapter, the model begins with the normative assumption that elected officials (national civilian leaders) should be able to control unelected bureaucrats (military commanders and war-fighters). At the same time, there are theoretical assumptions that there is goal conflict between principals and agents as well as an information asymmetry in favor of the agents. Therefore, agents will shirk.

The principal-agent research has shown that these normative assumptions break down when one looks beyond dyadic interactions and do not adequately capture dynamic interactions that take place between multiple principals and multiple agents at multiple levels of command in combat planning and execution in complex operations.⁷ With respect to the military bureaucracy, this notion explains the fact that planners and executors must respond not only to their own motivations, but to multiple principals, such

⁷ See Waterman, Rouse, Wright.

as their commanders, the President, and even the International Criminal Court (who is not directly communicating with them).

The multiple layers of unelected principals below the level of the President and SecDef seem to violate the principal of unity of command which is considered by many the most important precepts of military doctrine.⁸ Thus, even setting aside day-to-day reality of military desire for direction, and accepting the assumptions of the model that principals must control shirking agents, how would the national civilian and military leadership control the military bureaucracy? The answer is through oversight.

There is a problem, however, with monitoring. It is very often costly and ineffective. Waterman and Meier posit that principals will not exert precious resources to monitor agents that already agree with their objectives. On the other hand, they say the most problematic cases are those where the leaders are not sure their subordinates support their objectives.⁹ If we accept the monitoring assumption, how would principals control bureaucratic discretion (which is also shown in the model early in this chapter)? The best methods are through structural design and well-defined procedures, which the military knows as doctrine.

It is not surprising, therefore, that these methods have been instituted by the Department of Defense to ensure principal control over the agents, and to grant discretion in certain instances where the information asymmetry is accepted and advice from agents is desired. On the other hand, doctrine is developed to limit discretion in order to ensure the objectives set by the senior decision makers are achieved. Regardless how well the

⁸ See Joint Pub 1, *Joint Warfare of the Armed Forces of the United States*, Chairman of the Joint Chiefs of Staff, Washington, D.C., 10 January 1995, pg. III-1, and Air Force Doctrine Document 1, *Air Force Basic Doctrine*, pg. 12.

⁹ Richard W. Waterman and Kenneth J. Meier, "Principal-Agent Models: An Expansion?" *Journal of Public Administration Research and Theory* (Vol. 8, No. 2, April 1998), pg. 192.

procedures and structures are defined, however, it is still possible to skirt them to achieve decisions that would be classified as immoral regardless of the will of the senior decision makers.

In the following sections, I define and describe the two independent variables in my model: principal-agent motivation alignment and constraining doctrine. Within each section, I outline the variable itself and the factors that affect that variable, and ultimately, the morality of targeting decisions in war. The first independent variable I discuss is alignment of principal-agent motivations.

Variable 1: Aligned Principal-Agent Motivations

Principal-agent motivations are aligned when senior military and civilian decision-makers clearly agree on the rationale for the conflict as well as the objectives and end states for the particular operation. Aligning motivations of principals and agents is not as easy as the boss telling the subordinate to do something and the subordinate saluting smartly and carrying out the orders. Furthermore, I do not measure motivations. Rather, I determine whether principals and agents work to align their motivations. Several key factors affect whether and how bosses and subordinates align their motivations.

For example, many government executives must spend so much time coping with their agencies' external environment that they have relatively little opportunity to shape its internal life. Moreover, the typical Defense Department presidential appointee is in office for less than 2.5 years with many positions going vacant for long periods of time.¹⁰

¹⁰ Cheryl Y. Marcum, Lauren R. Sager Weinstein, Susan D. Hosek, and Harry J. Thie, *Department of Defense Political Appointments: Position and Process* (Rand Corporation, 2001), pg. 42.

As a result, the task of a government agency is more likely than those of a commercial firm to be defined by factors other than the preferences of the executive.¹¹

The average tour length for field grade officers in staff assignments is between two and three years.¹² In that respect, staff officers are not much different from presidential appointees in terms of tenure. With constant turnover among the staff planners and even more frequent turnover among senior leaders, the opportunity exists for planning staffs to change their direction with respect to moral decision-making as often as their leadership changes or as often as enough officers transition onto the staffs to change their philosophy regarding the issue of morality.

Thus, devising a strategy to achieve a given set of objectives can yield numerous morally varying targeting decisions. Graham Allison notes, “The specification of operational objectives is as malleable as the notion of efficiency itself.” He goes on to say that organizations “influence the prioritization of purposes into a definition of their ‘mission’ and are especially influential when the mission is translated.”¹³ In this respect, new planners and bosses constantly rotating through planning staffs have great leeway in varying the scope of the objectives given them by the civilian leadership from operation to operation. Motivations of the planners can therefore have a serious impact on the direction of operations and therefore on moral decisions.

Given this constant staff turnover and ability to define their mission, how can governments and their militaries move toward a certain moral direction or norm over

¹¹ James Q. Wilson, *Bureaucracy*, New York: Basic Books, 1989, p. 32.

¹² Data courtesy Air Force Personnel Center. Officers in assignments coded as Joint Duty billets must be left in the position for a minimum of 24 months to obtain Joint Duty Credit in their records. Assignments on the service staffs vary. Due to budgetary constraints and desire to maintain staff continuity, however, the services also generally adhere to the 2-3 year staff tour length.

¹³ Graham Allison and Philip Zelikow, *Essence of Decision*, 2nd Ed., New York: Addison Wesley Longman, 1999, pg. 151.

time, regardless of their leadership? James Q. Wilson introduces an applicable framework to this issue that identifies four factors that form the foundation for principal-agent motivations.¹⁴

Within the context of this dissertation, Wilson's bureaucratic framework can best account for the variation in the U.S. military's motivations in attempting to ensure moral targeting decisions in combat operations. That is, principal and agent motivations can be thought of as the summation of the four factors Wilson introduces: circumstances, beliefs and interests, and constraints. In this section I describe how each affects principal-agent motivations. In the case studies, I address each of these to show how the overall principal-agent motivations either were aligned or not during the three conflicts studied herein.

Circumstances

The first factor that affects principal-agent motivations is *circumstances*, which can be considered the political and international context within which issues arise.¹⁵ Examples of circumstances that can affect military planners and executors are issues such as media access to the battlefield to report on noncombatant casualties, the nature of the operations, i.e. are we responding to a direct attack on the US or are we engaged in a peacekeeping operation, and most importantly, the gravity of the threat to national interests.

Aside from the international context, other circumstances Wilson discusses as very important are peer expectations and clarity of goals (in the military case,

¹⁴ Wilson, *Bureaucracy*, chapters 3-9.

¹⁵ Wilson, *Bureaucracy*, Chapter 3.

objectives).¹⁶ Peer expectations are recognized as a critical component of why soldiers and airmen and sailors fight. Historian John Keegan posits that, aside from the will to survive, the most important reasons soldiers stay in the line of fire next to their comrades is so as not incur their comrades' contempt.¹⁷ The first two case studies will show that peer expectations were different in these operations with respect to moral decision-making. Such differences affected principal-agent alignment and moral decision-making.

Rosen also notes another circumstance that motivates officers in their decisions, namely the structure of the security environment.¹⁸ As mentioned previously, the line between the non-combatant and militarily significant has been all but erased. In the present day, the worldwide focus on non-combatant casualties has forced the military to consider innovative ways of employing precision munitions that had not been considered in past conflicts. Such examples will be explored in the final case study. Rosen posits that this contextual understanding of the security environment drives the military to plan and exercise for what they think the next war will be like.¹⁹ If the planners and executors see their circumstances, such as the security environment, differently than their principals, then it may be difficult to align their motivations.

Beliefs and Interests

The second and third factors that affecting principal and agent motivations, are *beliefs* and *interests*.²⁰ In this dissertation, these are understood to be personal beliefs and personal interests. Variation in both of these can lead to variation in motivations of officers to place emphasis on moral considerations in the planning and execution of

¹⁶ Wilson, *Bureaucracy*, p. 48.

¹⁷ John Keegan, *The Face of Battle*, (London: Penguin Books, 1976) pg. 51.

¹⁸ Rosen, pg. 75.

¹⁹ Rosen, pg. 20.

²⁰ Wilson, Chapters 4-5.

military operations. Wilson posits that it is underlying beliefs and interests that affect bureaucrats' behavior.²¹ Given the often-wide latitude afforded by national decision-makers to military planners, beliefs and interests are important factors that support the norms and culture by which the planners use their discretion in shaping the very interests and objectives they must later plan to achieve. But those beliefs and interests are not always exogenous.

Aside from a person's underlying convictions, another factor can have an impact on his interests. For example, power is afforded to those who rise through the ranks, yet the decision on promotion is made by senior officers themselves. Rosen points out that regardless underlying beliefs, it is in the officer's best *interest* to do what his superiors require of him, not by being a "Maverick."²² Steven Stehr also shows that agents *want* overhead direction, saying that they desire to comply with their bosses.²³ This reality can be a serious force against change, and for working, not shirking, unless some more powerful interest emerges to supercede career goals.

One potential force for superceding individual career goals is an organizational culture that becomes embedded in an individual's underlying beliefs. Wood notes "effective action requires insulation to assure that policy reversals do not occur with every fleeting political whim."²⁴ Such insulation can lead to interests and beliefs gaining a foothold or even becoming entrenched in organizations over time.

²¹ Wilson, pg. 51.

²² Rosen, pp. 20-21.

²³ Steven D. Stehr, "Top Bureaucrats and the Distribution of Influence in Reagan's Executive Branch." *Public Administration Review* (Vol. 57, No. 1, 1997), pp. 75-82.

²⁴ B. Dan Wood, "Does Politics Make a Difference at the EEOC?" *American Journal of Political Science*, 1990, Vol. 34, pg. 503.

Wood and Waterman discuss this very issue and refer to the phenomenon as “tonal shifts” in bureaucratic adaptation, wherein changes occur over a period of time in response to multiple stimuli.²⁵ They posit that information asymmetries – in this case by the military – would lead to a shifting culture over time as the agents learned and adapted to a changing environment. This concept which Wood and Waterman posit could be considered analogous to an internal culture in which learning occurs over time within the greater bureaucracy. Whether it is called a culture or a phenomenon in which standards evolve based on learning, is not as important as the notion that it does occur.

Such tonal shifts have resulted in homogenous beliefs within the U.S. military officer corps resulting in what some consider the civil-military gap wherein military officers are more religious and conservative than the rest of society.²⁶ If this is indeed true, one could infer that officers would be more likely to consider Just War norms, whose foundation was religious, in their conduct of operations than civilian leaders with differing beliefs. This would make principal-agent motivations difficult to align, if indeed true.

Yet the case studies should show that in the multiple principal-agent relationships, the officers’ professional beliefs and interests did not consistently clash with those of their civilian leaders. Furthermore, if culture were a primary variable, rather than a factor in motivations, then the culture should remain constant or evolve linearly over time. But Wood and Waterman show that, within the civilian bureaucracy, there is usually political change in behavior to leadership changes in the agencies, regardless the ideology of the

²⁵ B. Dan Wood and Richard Waterman, “The Dynamics of Political Control of the Bureaucracy,” *American Political Science Review*, 1991, Vol. 81, pg. 801.

²⁶ See Peter Feaver and Richard H. Kohn, editors, *Soldiers and Civilians* (Cambridge: MIT Press, 2001).

agents and the parties of the principals.²⁷ This would support Rosen's findings that officers would do what their bosses want them to do and not necessarily what a culture asks of them.

Constraints

The final factor that can impact principal-agent motivation is *constraints*. While circumstances are the international and political context, Wilson describes constraints boundaries around motivations. They are methods by which leaders can prevent shirking, on the one hand, or setting clear and objective standards to allow an unambiguous sense of mission, on the other.²⁸ It is entirely conceivable, and will be shown in the case studies, that when clear missions are delineated, moral motivations are constrained. However, as the principal-agent literature has shown, there can be multiple principals to an agent in any given situation. One factor that must be considered here is that agencies outside the chain of command can constrain principal-agent motivations through the threat or possibility of sanction. One such external organization that can constrain or bound motivations is the International Criminal Court.

Military officers closely follow the debates surrounding international law and the ICC and discuss the possibilities of that organization constraining their actions.²⁹ Two

²⁷ See Dan B. Wood, and Richard W. Waterman, "The Dynamics of Political-Bureaucratic Adaptation," *American Journal of Political Science* (Vol. 37, No. 2, 1993), pp. 497-528.

²⁸ Wilson, Chapter 6.

²⁹ For example, see Charles Dunlap, "Law and Military Interventions: Preserving Humanitarian Values in 21st Century Conflicts," Paper presented to the *Humanitarian Challenges in Military Interventions Conference*, Kennedy School of Government, Harvard University, Washington, D.C., 29 November, 2001, pg. 4. Dunlap argues that international law is being hijacked and used against the U.S. as a tool to limit valid military options and counter U.S. national interests. He posits that foes of the U.S. "see this development [near real-time television broadcast of what appears to be a Law of Armed Conflict violation] as a *vulnerability* to be exploited. Lawfare, he argues, is a way to make it appear that the U.S. is waging war in violation of international law. Additionally, Dunlap points out that General Hal Hornburg, Commander of Air Combat Command, noted that while lawyers are present in all combat situations to advise the commanders and planners, they "need to understand things bigger than just the law. They've got to understand combat."

faculty members of the Air Command and Staff College tap into this concern. MacCuish and Ruby develop a scenario-based research paper in which a U.S. general officer is brought up on charges before the International Criminal Court (ICC) for orders he approved, based on his beliefs and interests, which would not have been punishable under the Uniformed Code of Military Justice.³⁰ This paper examines the potential for principal and agent motivations being seriously misaligned due to orders being given that a principal considers just, but subordinates do not, and their disobedience springing from a constraining desire to not be put in front of the ICC.

Another element of constraining principal and agent motivations is oversight. Senior officers, such as a Joint Force Commander, will always be in a position to monitor planners to ensure compliance with his directives. Oversight by the general, however, is subject to the same motivations as those described here as affecting the planners. No matter how much the senior leader is convinced that a target's importance warrants higher levels of non-combatant casualties, the planner may still be concerned about ICC prosecution despite his *belief* that the target is worth the casualty risk. In this respect, despite oversight from his direct boss, the planner may take into account other factors in the performance of his job and the information he presents to the general.

So while there are constraints placed on all the principals and agents involved in the planning and conduct of military operations, those constraints *form* principal-agent motivations rather than act as variables in themselves. In some situations, officers might be purely motivated by the desire to stay off the dock in the ICC, but in other situations,

³⁰ Donald MacCuish and Tomislav Z. Ruby, "The International Criminal Court (ICC): Could American Military Officers be tried in the Hague?" *Pew Case Studies in International Affairs*. Washington, D.C. Georgetown University Institute for the Study of Diplomacy, Case 270. 2003. See also the Uniform Code of Military Justice, <http://www.constitution.org/mil/ucmj19970615.htm>

that concern is not a factor at all. I shall show examples of these situations in the case studies presented in the following chapters.

The bureaucratic politics literature, as well as examples of real-world situations shows us that beliefs and interests, context, and constraints affect alignment of principal-agent motivations. But that only forms one variable in this study. The other variable that needs to be operationalized is doctrine. Doctrine - and its two major components, structures, and processes - also impacts moral outcomes to military operations.

Variable 2: Constraining Military Doctrine

As mentioned previously, monitoring of agents by principals is costly and often ineffective. Levels of discretion vary based on the expected alignment of principal and agent goals. One area in which discretion seems to be both broad and constrained is in military doctrine. For the purposes of this research, constraining doctrine comprises those structures and procedures that lead officers to develop strategies to achieve specific objectives set out by the President and Secretary of Defense. If constraining doctrine is present in an operation and is followed then this variable will be considered present.

Prior to discussing the operationalization of this variable, one brief analogy should illuminate doctrine and the level of discretion it affords. If a businessman is asked to stop at the supermarket on his way home from work, he knows that, in his particular family, doctrine says that low cost is more important than brand name. He knows that freshness is very important, but not necessarily at any cost. He also knows that 2% milk is better for his family because of the lower fat content than whole milk.

This man knows that he may break with the best practices and principles (doctrine) of his family if there is an overriding reason to do so, but this discretion is balanced by the bounds of his family's doctrine. He does not need a list of which specific brand of milk to buy, and he knows that if he needs cream for tonight's dinner, he may choose a fresher brand for a bit more money to achieve a better dinner result.

Likewise, military leaders and planners do not need to be told which specific bombs to drop from which airplanes against which specific targets. That is not doctrine. Doctrine provides a framework with ample discretion for agents to achieve the principals' objectives. But doctrine must be understood to be made up of two primary factors, *structures* within which principals and agents work and the *processes* they use to do their jobs. The following sections cover how processes and procedures affect moral targeting decisions. Chapter Four as well as the case studies expands upon this discussion with specific examples from U.S. military doctrine.

Structures

When considering the bureaucratic structures and their impact on the moral outcome of military operations, we must first bound the structures that can have an input on those outcomes. It would be too narrow a study that merely considered the military bureaucratic structure within a joint staff. To fully appreciate the magnitude of impact varying bureaucratic structures can have, we must first consider the vast number of different structures military planners and executors must coordinate and work with in their daily jobs.

According to Allison, bureaucratic structures constrain behavior in that they are established and oriented those organizations "towards doing whatever they do." He gives

the example of the Chinese restaurant and how it is structured to achieve one particular end, namely, serving Chinese food.³¹ Likewise planning and execution bureaucracies in the military are established to perform specific tasks. When you step outside those structures you step outside those constraints. In Allison's analogy, you cannot reasonably expect to order a hamburger or pizza at a Chinese restaurant. Likewise, one should not expect planning and execution organizations to seamlessly coordinate with or take direction from organizations outside their established structure. Yet this expectation often exists. The moral outcomes of operations, therefore, cannot but vary from expected outcomes.

On any given issue calling for military planning and execution, the planner on a CINC staff, in addition to coordinating within his own staff structure, will have to coordinate with the Joint Staff at the Pentagon, other CINC staffs, and his service component staffs on a wide range of issues from logistics to tactics. There simply is not the expertise on every staff to handle all issues. Therefore, a more federated planning approach is taken. In addition, depending on the scope of the operations, the planner may also have to coordinate with the National Security Council staff, the State Department staff for his region, the NATO staff, multiple non-governmental organizations (NGOs) and private volunteer organizations (PVOs), as well as certain service staffs that are key to modern operations such as "Checkmate"³² and the "Skunkworks,"³³ two Air Force divisions on the Air Staff in Washington.

³¹ Allison, pg. 145.

³² "Checkmate" is the Current Operations Division of the Operations Directorate on the Air Staff; HQ USAF/XOOC.

³³ "Skunkworks" is the Strategy Division of the Plans Directorate on the Air Staff; HQ USAF/XOXS.

According to Allison, forcing these outside organizations to work with established structures, ones that were built without the “add-ons” for a reason, would be akin to improvisation, rather than orchestration. He says that structures do not include people brought together temporarily for a transient purpose.³⁴ Thus, the very constraints that drive an organization to achieve the end for which it was established make it difficult to achieve evolving objectives in a dynamic environment. This makes variation between the expected outcomes, and those that actually result, likely.

The potential, thus, for missed or withheld information, leading to a greater risk to both combatants and non-combatants alike, is increased when the strategy that the ad hoc organization is tasked to develop requires full information. This military example is one that McCubbins, Noll, and Weingast posit in civilian bureaucracy: “Structure and process determine the quantity, quality and completeness of available information and the extent to which policy decisions must be supported by this information.”³⁵

Another potential source of variation in moral decision-making based on doctrinal structure is the number of varying and diverse organizations *within* the established structures with which planners must coordinate. For example, if the planners on the NATO staff in Mons, Belgium and the planners of the NATO Commander in Chief, Allied Forces Southern Europe (AFSOUTH) staff, were directed to support the NATO Combined Air Operations Center (CAOC) at Vicenza, Italy, one could reasonably expect variation in moral decisions based on the differences in the bureaucratic structures. As Allison posited, each organization specializes in what they are designed to do, and when

³⁴ Allison, pg. 145.

³⁵ Matthew McCubbins, Roger Noll, and Barry Weingast. “Structure and Process, Politics and Policy: Administrative Arrangements and the Political Control of Agencies,” in *Virginia Law Review*, (Vol. 75, 1989), p.440.

multiple organizations are thrown together in a planning process that is not strictly followed, outcomes different from those expected by principals may result. Even if the organizations have the true objectives in mind, they may not achieve the desired outcomes simply because of the different areas of emphasis they focus on based on their own niche.

If the conflict was commanded and controlled out of the CAOC in Italy, with the NATO Supreme Commander in Belgium, and with planners and targeteers in Washington, D.C., England, Germany, Italy, and Belgium all trying to coordinate on the daily planning and subsequent execution of the war, the potential to miss the balance between necessity and proportionality could be very real. When principals are not present to clarify guidance and they are not available except through telecommunications at set times, and if a process such as targeting is federated across multiple organizations in multiple countries and time zones, specific directives can be missed or overlooked leading to targeting decisions not vetted for proportionality by senior leaders. Add to these diverse organizations input from the State Department, the National Security Council Staff, the NATO allies, and ad hoc groups, the coordination required to conduct the operation could become almost unmanageable, let alone a process that would ensure a moral balance between necessity and proportionality.

Having considered the ways in which variations doctrinal structures can impact the moral outcome of military operations, I address the other element of this doctrinal variable. Processes developed over time and deliberately designed to achieve certain purposes, such as moral conduct of operations, round out the important doctrine variable in this study.

Processes

In his classic *Inside Bureaucracy*, Anthony Downs posits that structure and motivations aside, processes can be put in place to produce particular ends or induce particular behaviors, regardless of motivations. He says that:

Whenever there is no clear linkage between the nature of an action and its value or ultimate end, pressure arises for the development of formal rules to help individuals decide their behavior. Formalized rules are efficient means of coordinating complex activities. If no such rules existed, each bureau member could respond to any given situation in whatever manner appeared appropriate to him at that time.³⁶

Likewise, Allison states, “Like house thermostats, organizations rely on relatively prompt corrective actions to eliminate deviations between actual and preset, desired temperature” and the temperature outside.³⁷ One can thus infer that when the Joint Planning and Execution Community (JPEC) deviates from their procedures, moral decisions can vary from the desired outcome. Therefore, the DoD works to establish constraining doctrinal procedures with oversight to limit such deviation. While moral decision-making has not traditionally been the primary concern, it has become more important over time. Doctrinal procedures and oversight can help to ensure moral decisions are made.

Given the wide possibilities of strategies, and hence outcomes, of operations, even within doctrinally defined procedures, how can the military planning and execution bureaucracy be steered into a direction to achieve moral outcomes? As I mentioned in the previous section, law can influence individual motivations. Staff Judge Advocates (military lawyers) are present on every planning staff and must advise commanders as

³⁶ Downs, p. 59.

³⁷ Allison, pg. 152.

part of the planning *process*. This insertion of lawyers into planning is what Charles Dunlap refers to as “Lawfare.”³⁸

Dunlap contends that hyperlegalism within the planning and execution process works against the effective use of U.S. military power by constraining strategy, thus opening the U.S. to vulnerabilities by enemies that will hijack international law in the hopes the U.S. will not attack certain types of targets in order to prevent outcries from the international community. In this case, both agents and principals lose control over the process and potentially the desired objectives that they plan and strategize to achieve. Such was a line of discussion of a panel at the Strategic Studies Institute-sponsored conference on Morality in Warfare in April 2001 at the Army War College.

On the other hand, there exists within the doctrinal process the opportunity for sabotage of the objectives by officers within the planning and execution bureaucracy. Brehm and Gates note that sabotage is an overlooked, yet significant phenomenon in which subordinates prevent particular objectives from being achieved.³⁹ Examples could be pilots refusing to drop bombs on certain targets they deem unnecessary, or planners inserting targets that were not vetted by senior leaders that the planners think are important. On the other hand, Brehm and Gates point out that when the principals become concerned enough about a process, regardless of the reason, oversight of the process becomes more stringent, and their desired outcomes become more likely.

Downs points out “many decisions of bureaus covered by formal rules involve interactions with people outside the bureau. If no formalized rules governed such decisions, the bureau’s response to similar conditions might be quite different for

³⁸ Dunlap, pp. 4-6.

³⁹ John Brehm and Scott Gates, *Working, Shirking and Sabotage* (Ann Arbor: University of Michigan Press, 1999), pg., 28.

different clients. The less the importance of the decisions involved, the more likely they are to be handled by rules rather than by explicit review of high authorities.”⁴⁰ Likewise doctrine established processes for formal coordination between various staff elements and command levels to achieve given national and military objectives. When followed, it is more likely that moral targeting decisions will result and the military will not have to “mitigate potentially undesirable consequences resulting from the outcome of those operations.”⁴¹

Having defined my variables and described how they affect moral decision-making, I next outline the design by which I conduct my research and determine the effect of these variables in actual case studies of U.S. military action.

Research Design

In this dissertation, I determine whether two independent variables, constraining doctrine, and aligned principal-agent motivations, account for variations in moral targeting decisions in American military operations. I use Frendreis’s most-similar research design for this dissertation. Frendreis posits that case studies are best used when you have a small number of cases on one or all the variables. Frendreis recommends that in the most similar design, control variable(s) do not vary across cases.⁴²

In this dissertation, I study three cases of American conflict: Desert Storm (the First Gulf War), Allied Force (the Air War Over Serbia), and the Global War on

⁴⁰ Downs, pp. 59-60.

⁴¹ Joint Publication 3-60, *Joint Doctrine for Targeting*, Chairman of the Joint Chiefs of Staff, Washington, D.C., 17 January 2002.

⁴² John Frendreis, “Explanation of Variation and Detection of Covariation: The Purpose and Logic of Comparative Analysis,” *Comparative Political Studies* (Vol. 16, No. 2, July 1983), pp. 255-272.

Terrorism (to include only the overseas operations against Afghanistan and Iraq, the Second Gulf War). While some observers might argue that Afghanistan and Iraq should be separated because they are different types of operations, I decided to keep them together in a single case for several reasons. First, the U.S. military considers them both campaigns within a single global war on terrorism. Second, the key planning staff officers planned both operations. Finally, a single joint force commander determined the proportionality-necessity decision for all pre-planned targets for both operations.

I chose these three particular conflicts as cases for the following reasons. First, the international environment is similar for all three conflicts: the Cold War is over; the U.S. is the overwhelming military and economic power; while arguing that interests were definitely at stake, U.S. *vital national survival interests* were not threatened; the U.S. led international coalitions in each conflict. Second, all three of these conflicts were fought under the military structure established under Goldwater-Nichols in 1986 meaning that the legal and doctrinal hierarchy and command framework were common for all three conflicts, eliminating the possibility of structural change as a variable. There have been other deployments and conflicts during this time, but these cases constituted major employment of U.S. force in response to major international crises.

Third, there is a general constant in many of the officers involved in all three operations: given the 12 year time between the first and third case, a large number of the military actors participated in all three conflicts. Many officers who were the primary war-fighters as Captains and Majors in Desert Storm participated in Allied Force as planners and executors and are now commanders or senior planners in the War on Terrorism. The same participants should see different outcomes based on variation in the

variables. Finally, there is a great deal of primary source information available on the processes (doctrinal or not) used in the planning and execution of these operations as well as the factors influencing bureaucratic motivations of the primary participants.

The US, as the primary superpower in the world, can normatively affect what other states do in their own military operations. Thus, if the U.S. acts morally, there is a strong precedent set for similar operations by other countries.⁴³ Furthermore, I chose to study the U.S. military for two other primary reasons. First, I am studying situations in which there is a military-civilian bureaucratic hierarchy that makes decisions in war. Certainly the U.S. is not the only country in which such a hierarchy exists, but it does exist, and is well accepted as a stable bureaucracy. Second, I chose to study the U.S. military, and the Air Force in particular, due to the availability of data for each of my cases, as well as the fact that the air forces, due to technology and political decisions, have been the primary combat elements employing weapons in the vicinity of noncombatants since 1991. Finally, by limiting the research to variation between conflicts involving the US, I remove the possibility of an external national culture variable potentially affecting the outcomes between different countries.

One potential problem with the design of this research is the fact that the cases may not be conditionally independent due to temporal dependence. This means that it is possible that what was learned from these variables in one conflict might impact the dependent variable in the next case. If all three conflicts were conducted at the same time with different countries at war, then the research design could more accurately determine

⁴³ See Joanne Gowa, "Rational Hegemons, Excludable Goods, and Small Groups: An Epitaph for Hegemonic Stability Theory?" *World Politics* (Vol. 41, 1989), pp. 307-324, and Michael C. Webb and Stephen Krasner, "Hegemonic Stability Theory: An Empirical Assessment," *Review Of International Studies* (Vol. 15, 1989), pp. 183-198, for a discussion of hegemonic stability theory and the influence of a hegemonic state on others in the international community.

the outcome variable independently from case to case. But the fact that wars take place in temporal succession makes this a design issue that I cannot isolate and control for. However, this issue with the design is common to many such qualitative case studies and must be accepted here due to the nature of the issue researched and inability to conduct detailed quantitative analysis on internalization of moral norms in the military bureaucracy during the period of my research.

One other issue that is not controlled for in this study is the potential socialization of the officer corps to make moral decisions. I did not attempt to control for this factor because I contend that although the U.S. military actively tries to socialize its officers to make the right decisions for various reasons, such as wanting to avoid international incidents, wanting to avoid defending officers in court, and simple economy of force, any socialization to norms impacts the variable of motivational alignment, but is not strong enough to make a difference on its own.

The results of these case studies indicate that during Desert Storm, moral targeting decisions were not consistently made. There was not established doctrine that constrained planners and executors to specifically link military operations to national objectives. Furthermore, principal-agent motivations were not necessarily aligned to achieve those ends. During Allied Force, moral targeting decisions were also not consistently made. Sound doctrine did exist, but principal-agent motivations were not necessarily congruent with national objectives. However, in operations against Afghanistan and Iraq, moral targeting decisions were made. Sound doctrine constrained planners and executors to conduct operations only so as to achieve national objectives. At the same time, principal-agent motivations supported the achievement of moral

decisions. Thus, with sufficient variation across the independent variables, I am able to discern variation on the dependent variable in a methodologically sound manner.

The cases can be seen to fall into a simple 2 X 2 matrix of variables as shown.

Table 3.1, Case Study Matrix

<p>No Constraining Doctrine and Principal-Agent Motivations Not Aligned →</p> <p>Not Moral Targeting Decision</p>	<p>No Constraining Doctrine and Aligned Principal-Agent Motivations →</p> <p>Not Moral Targeting Decision</p>
<p>Constraining Doctrine but Principal-Agent Motivations Not Aligned →</p> <p>Not Moral Targeting Decision</p>	<p>Constraining Doctrine and Aligned Principal-Agent Motivations →</p> <p>Moral Targeting Decision</p>

Sources

For Desert Storm and Allied Force, there are available numerous well-researched papers that deal with the variables of this dissertation. In addition to these journal articles, Gordon and Trainor⁴⁴, have written about various aspects of decision-making in Desert Storm, and I synthesize their research in this dissertation. For the Desert Storm case, I rely heavily on the Air Force Historical Research Agency, which maintains complete transcripts of official Air Force research interviews with the key participants (planners, and commanders) of that operation conducted by professional historians shortly after the end of that war. Furthermore, as a participant-observer in Desert Storm, I draw upon my own experience as the chief mission-planner at a multi-squadron, multi-national fighter wing that attacked surface targets daily during the war.

⁴⁴ Michael R. Gordon, and General Bernard E. Trainor, *The Generals' War*, 1995, Boston: Back Bay Books.

For the Allied Force case study, I use journal articles, open source interviews with key military and civilian leaders of the operation, and primary source memoranda and studies from the Air Force. During Allied Force, I was assigned to the Headquarters Air Force Doctrine Center, and was given permission by the commander and vice-commander to use unclassified internal correspondence and reports for this research project. A Government Accounting Office report on doctrinal lapses in Allied Force is another key source document. Furthermore, I have the unclassified notes taken by the Chief of Targets Intelligence for NATO during the operation, as well as personal observations of several planners and flyers who participated in this conflict.

For the War on Terror, since it is ongoing at the time of this research, the volume of source material will necessarily be less developed than the previous two operations. However, I have had access to several key participants that I interviewed in research visits and over the telephone. Some of these participants are the Chief of Target Development at U.S. Central Command (the Unified Command with responsibility for prosecuting the conflict in Afghanistan and Iraq), the director of Intelligence at Air Force Special Operations Command, a member of the Strategy Planning Council in the Pentagon, members of Checkmate, the Air Force contingency planners in the Pentagon, as well as field grade officers at the Air Operations Center in the Persian Gulf region and forward controllers in Iraq. In addition to these primary sources, I refer to several briefings presented to various commanders and policy-makers in the DoD.

Some might argue that it is best to wait until after the present operations are completed before including them in as case studies for measuring these variables. However, I believe it would have been irresponsible to ignore available data merely to

wait for these conflicts to conclude. Most importantly, the volume of available data is not as important as the quality of data. In this dissertation, I am most interested in the pre-planned targeting decisions. For the War on Terror case, I have sound sources that describe these decisions very credibly.

Conclusion

In 1995, President Clinton found out that as the senior-most principal in the U.S. government, he did not have the complete control he thought he had with respect to deploying forces to Bosnia for the NATO and UN Peacekeeping missions. He told the Secretary and Assistant Secretary of State that *he* would decide if and when to deploy U.S. forces overseas. They replied that the DoD and NATO bureaucracies, both civilian and military, had designed and approved plans, in his name, that would automatically deploy U.S. forces if certain trigger events occurred. The principal-agent motivations and objectives of the Pentagon senior leaders, the State Department leadership, foreign governments, and the President all differed. Yet this international plan was in place and was executed despite the different preferences by the actors.⁴⁵ If this was the case in a peace-keeping deployment, imagine the potential moral issues that could result if this occurred in combat operations.

Downs points out:

The very nature of large organizations creates a number of obstacles that prevent efficient spontaneous coordination. These obstacles fall into two major categories: conflicts of interest and technical limitations. Conflicts of interest spring from differences in the explicit goals officials pursue, and in their modes of perceiving

⁴⁵ Allison, pg. 275.

reality. Technical limitations occur because each person has limited capacity for knowledge and information.⁴⁶

It is critical that both the senior decision makers who set and define the national interests, as well as the planners and executors who plan and carry out operations to achieve them desire moral outcomes, with respect to proportionality and necessity. If the motivations of those who set national objectives are in line with those who translate those objectives into strategies, as well as with those charged to carry out those strategies, it is likely the outcome will be deemed moral. However, the fact that there are multiple agents in multiple layers of command that can have varying motivations almost ensures that somewhere in the process, planners and/or executors will not be in agreement with the political and senior military decision-makers.

For those reasons, doctrinal structures and procedures are established to constrain discretion and ensure outcomes are in line with set objectives. Note that nowhere in U.S. joint doctrine nor in Air Force doctrine are planners told to make moral decisions. Doctrine tells them the best way to plan strategies to achieve national objectives.

Specifically, the Joint Force Commander may limit or restrict action against certain targets based on political considerations, military risk, the Law of Armed Conflict, Rules of Engagement (ROE).⁴⁷ How does he make that determination? Joint Publication 3-60, *Joint Doctrine for Targeting*, says the Joint Force Commander must take into account the Law of Armed Conflict. It specifically mentions, among other issues to consider necessity and proportionality. The document says that “Under no circumstances would military necessity authorize actions specifically prohibited by

⁴⁶ Downs, p. 50.

⁴⁷ Joint Pub 3-60, *Joint Doctrine for Targeting* (Washington: CJCS, 2002), pg. III-2.

LOAC such as...the deliberate targeting of innocent civilians.” Furthermore, the pub says “the principle of proportionality prohibits occurrence of collateral civilian casualties so excessive in nature when compared to the expected military advantage to be gained as to be tantamount to the intentional attack of civilians, or to a wonton disregard for the safety of the civilian population.”⁴⁸ However, the Joint Pub does not go so far as to tell the commander how to weigh that proportionality and necessity.

That specific process, within the doctrinally established structures, produces those moral decisions when principal and agent motivations are aligned. The falsifiability test for my theory and model would be met if doctrine was followed and principals and agents aligned their motivations to specifically decide on immoral actions. However, my theory contends that such an end is highly unlikely when principals and agents work to align their motivations and when planners follow doctrine.

Some spurious possibilities also exist. It would be possible that, despite a moral decision on proportionality-necessity, an accident, such as a weapons malfunction, causes a different outcome. Also, if the senior decision maker does not make a proportionality-necessity decision, it may still be possible for the planning and execution bureaucracy to rectify that lack of decision through set structures and procedures to achieve a moral outcome. On the other hand, if the senior leader does not make the moral balance decision, and the bureaucracy does not follow procedures within established structures, then a moral outcome cannot be guaranteed. The case studies that follow should shed light on these issues and show how variations occur.

However, before presenting the case studies, I discuss in the next chapter the lengths to which the Defense Department goes to professionalize the officer corps and to

⁴⁸ JP 3-60, pg. A-1.

assure moral motivations. That chapter will also detail the established doctrinal processes and structures that will serve as the baseline for understanding and discerning variance in the three case studies that follow.

Chapter Four

Controlling The Environment: Shaping Values And Processes In The U.S. Military Officer Corps For Planning And Execution Of Military Operations

Having established a theory that posits principal-agent motivations and doctrine as the primary determinants to moral targeting decisions in U.S. combat operations, it is appropriate to discuss the methods the American military and national civilian leadership use to shape the motivations of military planners and combatants as well as the doctrinal processes and structures that guide combat planning and operations. In this brief chapter, I first discuss some steps the military, particularly the Air Force, uses to educate its officer corps on moral norms as well as methods of increasing professionalization, which the bureaucratic literature tells us decreases shirking. I then discuss the present state of doctrine and the formalized structures within which planning and execution are supposed to take place and processes that are supposed to be followed.

Influencing Bureaucratic Motivations

Downs and Wilson, as well as Brehm and Gates discuss the importance of motivations such as professional norms in limiting goal conflict between principals and agents and thus making easier the control of bureaucracy.¹ Brehm and Gates show that for police officers, the culture of shirking and obedience varies from city to city and from external circumstance to circumstance. Most importantly, they claim, is the very strong finding that professionalism affects shirking. Brehm and Gates find that the most

¹ See Anthony Downs, *Inside Bureaucracy*, New York: Little-Brown and Company, 1967, James Q. Wilson, *Bureaucracy*. New York: Basic Books, 1989, and John Brehm and Scott Gates, "Donut Shops and Speed Traps: Evaluating Models of Supervision of Police Behavior," *American Journal of Political Science* (Vol. 27, No. 2, 1993), pp. 555-81.

professional police officers shirk 46% less than the average policeman. And policemen that dislike their jobs shirk 20% more than average.² The U.S. military obviously understands the issue of professionalism and principal-agent relationships as is evidenced by the continuing professionalization of the officer corps.

The military services use both peer expectations and professional military education to enhance professionalism. Within the U.S. Air Force, peer expectations are a consistent motivator for excellence. In fighter squadrons throughout the Air Force, every pilot's scores on training events such as bombing accuracy and gunnery rankings are posted for all to see. In the culture of the Combat Air Forces (CAF)³, peer evaluation and ranking is important for motivating officers to maintain a keen fighting edge. Fliers need to know that their wingmen will always be there and will be competent enough to accomplish the tasked mission no matter how difficult it is to find the target and how rough the defenses surrounding that target. However, peer expectations are not systematic motivators to perform well and obey commanders. A more formal method to instill professionalism is the system of professional military education within the services.

The system of Professional Military Education (PME) that exists in its present form was formalized by the Goldwater-Nichols Defense Re-organization Act of 1986. Each service runs a three-tiered system of officer education consisting of schools for junior officers, intermediate service schools for field grade officers (command and staff colleges) and senior service schools (war colleges). While all the schools differ somewhat in their specific course offerings, all meet a standard of instruction set by the

² Brehm and Gates, 1993, pp 574-575.

³ That subset of the Air Force which carries out offensive and defensive combat missions.

Chairman of the Joint Chiefs of Staff. For example, the Air Command and Staff College (ACSC) curriculum, accredited by the Southern Association of Colleges and Schools, offers professional seminar courses in three broad primary areas: leadership and command, national and international security studies, and national military planning and execution processes.

Within the curricula of these PME schools, besides studying national security processes and international relations, the schools also educate and annually refresh all military personnel on the Code of Conduct, as well as the Laws of Armed Conflict (LOAC).⁴ Air Force Major Gerald Swift, in a research paper for the Air Command and Staff College, details the extent to which the DoD educates its officers on this issue in order to motivate them towards proper behavior in the planning and conduct of operations.⁵

Swift notes that the Department of Defense has institutionalized Law of War training in the services through DoD Directive Number 5100.77, *DoD Law of War Program*. This directive is meant to ensure that DoD components: observe the law of war obligations, implement programs to prevent violations, and provide for reporting and investigating violations. Each Military Department Secretary is responsible for ensuring that “the principles and rules of the law of war will be known to members of their respective Departments, the extent that such knowledge be commensurate with each individual’s duties and responsibilities.”⁶ Whether for the purpose of encouraging their

⁴ Examples of LOAC training can be found at:
<http://www.offutt.af.mil/55thWing/55JA/Briefings/loac/HISTORY.HTM>,
<http://www.afcee.brooks.af.mil/ja/briefings/LOAC.ppt>.

⁵ Major Gerald Swift, “The Teaching of Morality in Warfighting in Today’s Officer Corps,” Air Command and Staff College, Montgomery, Alabama, research paper, 10 April 2001.

⁶ Swift, pg. 5.

officers to internalize norms, or to make them understand the consequences of their actions, the services are trying to influence the bureaucratic motivation of planners and executors.

As an example of how one service affects motivations by implementing this directive, I will summarize the Air Force's program. Law of Armed Conflict training in the Air Force is structured to comply with the DoD directive. Air Force Policy Directive 51-4 mandates that "all commanders make sure their people are trained in the principles and rules of LOAC needed to carry out their duties and responsibilities" at least annually.⁷ The directive states that, as a minimum, instruction must include "training required by the 1949 Geneva Conventions for the Protection of War Victims and the Hague Convention IV of 1907, including annexes."⁸ Furthermore, Air Force Instruction 51-401 assigns Air University the additional responsibility to "include instruction on LOAC in Air War College, Air Command and Staff College, Squadron Officer School, Reserve Officer Training Corps, and Senior Noncommissioned Officer Academy curricula to ensure adequate knowledge of the subject commensurate with the nature of each enrollee's duties and responsibilities."⁹ This example is representative of like education in all services.

Although the curricula of the professional military education offerings in morality and ethics is not standardized among the service war colleges or command and staff colleges, the education does occur consistently from junior to senior level at all schools. While some schools offer electives in morality and warfare, others include specific

⁷ Air Force Policy Directive 51-4, *Compliance with the Law of Armed Conflict*, Headquarters U. S. Air Force, 26 April 1993, pg. 1.

⁸ AFPD 51-4, pg. 1.

⁹ Swift, pg. 6.

lessons on these topics in their core courses. The Army War College even conducts an annual mock war crimes tribunal against World War II Air Force General Carl Spaatz for the decisions to firebomb Dresden and Hamburg with senior officer students sitting in judgment.¹⁰

Besides teaching officers the legal side to moral issues surrounding planning and executing combat operations, the courses go further. Some specifically emphasize feedback to the higher levels of leadership requesting clarification or making recommendations. In various war gaming exercises at the Air Command and Staff College, objectives given by the President and SecDef are purposely made vague or unclear or even contradictory to reinforce in the officers the need to request clarification from senior leadership.¹¹ Furthermore a major learning point that the schools try to instill in the officers is that even with clear and unambiguous objectives, the possible strategies to achieve those objectives vary tremendously. Therefore, if they accept unclear or vague objectives without questioning them or making recommendations to senior leadership, the possible strategies become nearly infinite and open the greater possibility for unlawful actions.

The point is that DoD considers the subject important enough to teach Law of Armed Conflict to officers and enlisted personnel at least annually and then more rigorously in their professional education, whether to ingrain as a belief or to deter non-compliance. It is no longer acceptable for the serviceman to say, as did King Henry V's men "We know enough if we know we are the King's men. Our obedience to the King

¹⁰ Swift, pp. 7-13.

¹¹ The Joint Planning Exercise is the practical exercise at the end of the Joint Campaign Planning Course, and the Aerospace Exercise (AeroEx) is the culmination, or capstone, course at ACSC.

wipes the crime of it out of us.”¹² But beyond countering potentially non-aligned motivations with education on Laws of War, the Department of Defense also deals with potential variations in moral outcomes by establishing structures and procedures for planning and conducting combat operations.

If professionalization was the sole answer to the issue of bureaucratic shirking, principals would not need to establish processes and structures. Terry Moe showed a comprehensiveness of relationships between multiple principals and agents in civilian bureaucracy that parallels the military process.¹³ Planners and executors are influenced by the President, their CINC, their own commander, their peers, professional norms, and their PME, among others. Those influences run concurrently and do not necessarily align, so there are instated structures and procedures to regulate agent actions.

McCubbins, Noll, and Weingast posit that deviations by the agency (in this case the military planning bureaucracy) from the outcomes intended by principals (in this case the President, SecDef, and Congress) are difficult to punish after the fact, and therefore they establish strict procedural rules to achieve those outcomes.¹⁴ In the following section, I will describe the doctrinal processes by which DoD attempts to control and direct the conduct of operations, and how that relates to moral decision-making. I will then introduce examples of variation in following processes that will be covered in greater detail later in this dissertation in the case studies.

¹² Walzer, pg. 39

¹³ See Terry Moe, “Control and feedback in Economic Regulation: The Case of the NLRB,” *American Political Science Review* (Vol. 79, No. 4, Dec 1985), pp.1094-1116.

¹⁴ Mathew McCubbins, Roger Noll, and Barry Weingast, “Structure and Process, Politics and Policy: Administrative Arrangements and the Political Control of Agencies,” *Virginia Law Review* (Vol. 75, 1989), pg. 443.

Control Through Doctrinal Processes

As if in response to Downs, the DoD and services have put into place elaborate systems of processes to ensure particular outcomes, not the least of which is a moral conduct of operations. Many of these processes carry the weight of service or joint doctrine, which both the joint publications and service doctrine documents such as Air Force Doctrine Document 1, *Air Force Basic Doctrine*, say are authoritative, but not directive.¹⁵ This means that although each situation is contextually different and commanders and planners must take into account that context, the doctrine should be followed unless there is strong cause to disregard it. In the following paragraphs, I will outline the doctrinal planning processes for both deliberate planning and crisis action planning as described in Joint Pub 5-0, AFDD 2, and AFDD 2-1.¹⁶ These processes are designed to achieve particular outcomes, as Downs notes, despite potential individual or organizational motivations to the contrary.

When planning military operations, orders from the President and Secretary of Defense are passed on to the planners with specific directions for the planning process and desired end state. In the template for Joint Doctrine-directed orders issued on behalf of the President and Secretary of Defense, the first items to be specified are the tasked organizations, their specific relationships (such as who is supporting and who is supported), and directions for coordinating among themselves. The following paragraphs summarize what Joint Doctrine says a military staff structure should look like.

¹⁵ See Joint Pub 3-0, *Doctrine For Joint Operations*, 10 Sep 2001, pg. i, and Air Force Doctrine Document 1, *Air Force Basic Doctrine*, September 1997, pg. v.

¹⁶ See *Joint Staff Officer's Guide*, Joint Publication 5-0 *Doctrine for Planning Joint Operations*, Air Force Doctrine Document (AFDD) 2 *Organization and Employment of Aerospace Forces*, Air Force Doctrine Document 2-1 *Air Warfare*.

Joint Publication 0-2, *Unified Action Armed Forces (UNAAF)* provides doctrine and policy for unified direction of the U.S. armed forces, defines command relationships and chains of command, and provides policy and doctrine for establishing joint commands and their staffs. It outlines the basic formation of a joint force with a commander and a mixture of subordinate joint task forces, service, and/or functional components. It also lays out the doctrinal staff that a joint force commander should consider establishing, but allows for the commander to deviate for operational necessity.¹⁷

Doctrinally, each staff should have the following divisions: Manpower and Personnel (J-1), Intelligence (J-2), Operations (J-3), Logistics (J-4), Plans and Policy (J-5), and Command Control, Communications and Computers (J-6) under the direction of a Chief of Staff.¹⁸ One potential variation comes into play when some staffs combine their planning and operations functions, which some officers believe burdens the staff officers and raises the likelihood that some functions will be missed or not accomplished as well as if they were separated. A larger variation in outcomes can occur when ad hoc organizational structures are established that are not in line with doctrinal norms. In such instances, officers on staffs responsible for coordinating planning or execution functions that do not know about the ad hoc structures may miss an important step in the coordination process. They may also get unwittingly involved in “turf battles” over important issues.

Two phases of national military planning, namely deliberate planning and crisis action planning, are established in U.S. joint doctrine with detailed procedures listed for

¹⁷See Chairman of the Joint Chiefs of Staff, Joint Publication 0-2, *Unified Action Armed Forces (UNAAF)*, 10 July 2001.

¹⁸ UNAAF, pp. V-14-15.

each. Both are relevant to my model and theory in that these are the specific doctrinal procedures that, if followed, should lead to moral decision-making prior to and during war. Deliberate planning is a *peacetime* process by which combatant commanders turn guidance from the President and Secretary of Defense into an executable plan in a continuously updated and collaborative cycle that takes 18-24 months.¹⁹

Desert Storm and the Iraqi campaign in the War on Terror were based on deliberate plans that were “on the books” at U.S. Central Command. From a bureaucratic theory standpoint, it would seem that the deliberate planning process is designed to limit bureaucratic discretion (in his case by the planning bureaucracy – the Joint Strategic Planning System (JSPS)) because of the strict procedural guidelines established in joint doctrine that are rigidly enforced by the Secretary of Defense. Let me review those procedural guidelines.

Deliberate Planning. The Deliberate Planning Process contains five distinct phases, each with specific milestones, responsibilities, and coordination required. Those phases are initiation, concept development, plan development, plan review, and supporting plans development.²⁰ Each phase comprises multiple steps requiring coordination between the regional combatant commander staffs and outside, supporting players. As the tasked CINC (through his staff) accomplishes each specific step in the process, that step is reviewed and approved by the Chairman of the Joint Chiefs of Staff, with advice and input from his Joint Staff. The Chairman, as the principal advisor to the SecDef and President acts on their behalf to ensure the process runs on schedule and

¹⁹ Joint Pub 5-0, Chapter III, Section B.

²⁰ Joint Pub 5-0, p. III-4.

fulfills the principals' intent. At the end of the process, the completed plan is approved by the SecDef.

As this process consumes countless hours of time and resources among the supported staffs and all the supporting staffs, it is in the planning bureaucracy's interest to produce a plan that will be approved by the principals. On the other hand, planners work to protect their own interests and desires. This can result in requests for changes to the guidance, or variations in strategies to achieve the desired ends. In this respect, motivations and structures come into play despite strict procedures to affect outcomes. It is the long-term nature of the deliberate planning process that should ensure the development of plans that would result in moral outcomes. However, the international environment does not necessarily allow for long-term development of plans. Therefore, just as U.S. military doctrine establishes a strict process for deliberate planning of foreseen long-range potentialities, there is also a planning procedure for near-term crises.

Crisis Action Planning. Crisis Action Planning (CAP) uses established "procedures to adjust or implement previously prepared joint operations plans, or to develop and execute Operations Orders where no useful plan exists for the evolving crisis."²¹ Unlike deliberate planning, CAP is governed by an actual, evolving geopolitical context. Additionally, rather than 18-24 month planning cycle, CAP is expected to be accomplished in hours or days.

CAP can be thought of as a tennis match where the responsibility moves from combatant commander and his staff to the CJCS and his staff and then back again to the field. The CAP phases are situation development, crisis assessment, course of action

²¹ Joint Pub 5-0, pg. III-9.

development, course of action selection, execution planning, and execution.²² The key point to take away is that while the process is doctrinally defined, each step is open to being affected by the motivations of the multiple bureaucratic players, as well as the multiple senior leaders involved.

Deviations from the defined process can cause significant variations in moral outcomes to operations. For example, an Operations Order (OPORD) is required to be issued by the commander responsible for the operation “for the purpose of effecting the coordinated execution of an operation.”²³ If it is not issued, that coordination required to execute operations, such as defining support relationships and accession of command, will likely be absent.

These detailed processes for planning operations shows that the military desires to prevent recurrent instances of straying outside established procedures and structures which can lead to uncertain outcomes. In this effort, the military expends considerable effort to ensure that commanders as well as officers on planning staffs and key organizations are taught crisis action planning at Professional Military Education courses. For example, a lesson on CAP taught at the Air Command and Staff College (Montgomery, Alabama) to the top field grade U.S. and foreign officers states the following rationale for knowing the process of CAP:

Many ignore Crisis Action Planning procedures until a crisis occurs, then “look them up” once they need them. Perhaps we feel that we do our best work “on the fly” or “inventing as we go along.” While imagination and innovation are valuable skills when planning for any contingency, graduates of Phase I JPME at the staff college level are expected to be well-versed in planning

²² Joint Pub 5-0, pg. III-11.

²³ Joint Pub 5-0, pg. GL-10.

procedures—the other members of your joint team won't have time to teach you this information in a crisis.²⁴

Military officers are told to “analyze national security and military strategic direction as well as appropriate guidance in alliance and coalition directions, including long- and short-term objectives for conflict termination.”²⁵ That springs from direction in *Joint Doctrine for Campaign Planning* which states in bold lettering: “**When objectives are unclear or ambiguous, the combatant commander or subordinate joint force commander must seek clarification and convey the impact, both positive and negative, of continued ambiguity with the NCA [National Command Authorities].**”²⁶ And because the staff, not the commander himself, develops the plan it is all the more important to request clarification. While some might argue that conveying to the President and Secretary of Defense what the commander believes to be the “impact of ambiguity” inserts the military into a political decision-making process, such is their responsibility as combatant commanders as defined in law.²⁷

Perhaps the most important document in the process of making a moral targeting decision is Joint Publication 3-60, *Joint Doctrine for Targeting*. This publication describes the structures and procedures that result in the best practices and principles of targeting. Targeting is “the process of selecting and prioritizing targets and matching the appropriate response to them, taking account of operational requirements and

²⁴ Air Command and Staff College, Joint Campaign Planning Course, Lesson JP-513, Teaching Plan, 2001, pg. 4.

²⁵ Air Command and Staff College, Joint Campaign Planning Course Teaching Plan, Lesson JP-509, pg.7.

²⁶ Joint Pub 5-00.1, *Joint Doctrine for Campaign Planning* (Washington: CJCS, 2002), pg. II-3.

²⁷ The Goldwater-Nichols Act of 1986 states that combatant commanders have a responsibility to advise the President in addition to commanding forces in their theaters.

capabilities.”²⁸ Nowhere does the definition of targeting mention morality or proportionality, but it does discuss economy of force and achieving objectives. The best way to do that is through the establishment of a Joint Targeting Coordination Board (JTCB) which the publication says should be established to unify the effort of planning.

But is the process of making moral targeting decisions as easy as saying “make it so” and have those principles followed? The following case studies show it is not. While the definition of targeting does not include words about proportionality and necessity, the Joint Targeting Pub does discuss those principles and exhorts officers to consider them in making their targeting decisions. Furthermore, JP 3-60 leaves this responsibility in the hands of the JTCB members (and ultimately with the Joint Force Commander himself when he approves the target list) and leaves the discretion to the JFC to make that balance. In my model, this is the lowest level at which the decision should be made, and if it is, I consider it a moral decision. But once again, there is wide latitude afforded that commander in determining what is necessary and what is proportional.

In the wake of NATO’s air war against Yugoslavia, during which time national leaders from the many NATO countries delved deeply into the planning process by selecting targets and overruling military decisions on targeting, many leaders within the services decided to not repeat the same mistakes in future conflicts. Six months after Operation Allied Force, the U.S. Air Force held an unpublicized summit of 4-Star generals and key subordinate general officers in January 2000, to discuss the deviations from doctrine that occurred during the Yugoslav war.²⁹

²⁸ Joint Pub 3-60, *Joint Doctrine for Targeting* (Washington: CJCS, 2002), pg. I-2.

²⁹ Author was a member of the Air Force Doctrine Center and participant in the planning of the summit to include topics and issues for general officers to address.

The first goal of the summit was a review by AF senior leadership of the conduct of the war and a call for generals to explain their deviations from doctrinal structures and procedures. The second was to show a consensus on the importance of following doctrine in the future in order to avoid moral issues and the poor publicity that comes with it. Such a summit reinforces Brehm's and Gates' contention that supervisors cannot know their subordinates' true preferences; they can only monitor actions.³⁰ Hence the desire to attempt effective control through establishment and oversight of structures and procedures is necessary.

These examples of the military attempting to deal with individual and bureaucratic motivations through teaching standards of conduct and defining structures and procedures for planning and carrying out operations show that the military believes them necessary to achieve certain outcomes. These examples of teaching Law of Armed Conflict and standards of conduct were consistent throughout the period of the cases studied. But did these doctrinal procedures and annual refresher courses in Laws of War lead to moral targeting decisions in combat? The following comparative cases study the effects of variation in motivations and doctrine on the morality of military outcomes.

³⁰ John Brehm and Scott Gates, *Working, Shirking and Sabotage*, Ann Arbor: University of Michigan Press, 1997, pg. 19.

Chapter Five

Desert Storm Case Study: Morality Meets Precision and the First Live Media War

We have got to review things to make sure we're not bombing just for the sake of indiscriminate bombing. – General Colin Powell, Chairman of the Joint Chiefs of Staff¹

I. Introduction

Given a theory in which constraining doctrine and aligned principal-agent motivations affect moral outcomes in military operations, I seek to determine in this chapter whether events in Operation Desert Storm² confirm my model. I define as moral those decisions in which the non-combatant and combatant casualty rates are reasonably expected to be *proportional* to the *necessity* of any given objective issued by military (joint force commander or above) or civilian (President and Secretary of Defense) leadership. Furthermore, to be considered a moral outcome, for accountability purposes, I contend that the proportionality-necessity balance decision must be made at the level of Joint Force Commander, or higher, for each objective or target where foreseeable non-combatant casualties are likely.³

In Desert Storm, despite the low level of casualties compared to previous wars, the proportionality-necessity balance was not made according to my model. Doctrine at

¹ William M. Arkin, "Baghdad: The Urban Sanctuary in Desert Storm," *Airpower Journal*, 11, 1, Winter 1997, pg. 4.

² For the purposes of this chapter the dates for this operation are August 1990 to March 1991. Although combat operations did not begin until January 1991, planning for the operation began in August 1990.

³ See Jeffrey Gingras and Tomislav Ruby, "Morality in Modern Aerial Warfare," *Joint Forces Quarterly* (Summer 2000), pg. 111.

the time of the war was not adequate, either structurally or procedurally, and principal-agent motivations did not necessarily align prior to and during the war.

During Operation Desert Storm, the American people watched in rapt attention, many during all their waking hours, newscasts coming from the Middle Eastern deserts. People saw a war seemingly fought with precision, almost sanitary in its cleanliness. Bombs fell into elevator shafts or through specific windows in specific buildings. CNN showed videos of cruise missiles flying over the streets of Baghdad and making precise turns towards specific military or government targets. The effect was different than seen in any previous wars in that entire sections of cities were not destroyed.

The word on the streets of the Iraqi capital was that the populace was safe from direct attack, and as the war progressed, life seemed to take on a surreally normal quality despite the daily bombings. General Norman Schwarzkopf, the Commander in Chief, U.S. Central Command said, “We are not indiscriminately targeting civilian targets and I think that the very action of the Iraqi ’s themselves demonstrates that they know damn well that we’re not attacking civilian targets. Since right now they’ve dispersed their airplanes into residential areas, they’ve moved their headquarters into schools, they’ve moved their headquarters into hotel buildings, [and] they’ve put guns and things like that on top of high rise apartment buildings. Under the Geneva Conventions that gives us the perfect right to go after those things if we wanted to and we haven’t done it.”⁴

But was the war conducted in such a precise and clean manner as depicted? Certainly, there were not daily attacks on the major population centers of Iraq as there were in World War II, Korea, and even Vietnam. The U.S. public and its coalition states would likely not have accepted direct attacks against the noncombatant population.

⁴ *Biography*, Television interview, The Arts and Entertainment Network, 1991.

However, another picture of the morality of the conduct of operations in Desert Storm has emerged since the end of the war, a picture that is less clear as to decisions and outcomes. NBC News Military Analyst Bill Arkin noted, “Even the highest military and civilian decision makers evidently did not understand the bombing campaign. Moreover, disproportionate attention focused on Baghdad - an otherwise statistically minor part of the air war - bred misguided assumptions about targeting and strategy, ones that persist to this day.”⁵

General Charles Horner was quoted as having told his flyers that no targets in all of Iraq were worth the loss of a single airplane.⁶ As a result, many targets that would normally have been attacked during daylight to increase weapons accuracy were instead hit at night, lowering accuracy of non-precision delivery methods. Furthermore, many other attacks were conducted from higher altitudes far higher than coalition aircrews normally practiced, also reducing accuracy. Arkin claims that 3,200 civilians died during Desert Storm and that far more were left affected by the loss of electricity due to targeting of power plants.⁷ Was this harm to non-combatants proportional to the necessity of driving the Iraqi army out of Kuwait? While the total number of non-combatant deaths seems low compared to previous wars, the issue remains whether those deaths were necessary to achieve objectives.

In this chapter I broadly consider the targeting decisions made during the conduct of military operations in Desert Storm with respect to joint service and Air Force doctrine and the motivational alignment of the key participants. First, I review the doctrine at the

⁵ Arkin, “Baghdad: The Urban Sanctuary in Desert Storm,” pg. 4.

⁶ Thomas A. Kearney and Eliot A. Cohen, *Gulf War Airpower Survey Summary Report*, 1993, Washington, D.C., pg. 214. Hereafter referred to as GWAPS.

⁷ William Arkin, “Not Good Enough Mr. Rumsfeld,” *Washington Post* online edition, www.WashingtonPost.com, 25 February 2002.

time of the operation to determine the extent to which it constrained planners and operators to turn national objectives into theater strategy. I consider the processes and structures in place at the time of the war and determine the extent to which they contributed to moral outcomes.

I then describe the various principal-agent relationships and attempt to determine how individual motivations affected the planning and development of strategy, given the available doctrine, and thus the moral outcomes of the war. I bound the scope of the case study by defining who I consider to be the key principals and key agents of the war. I then discuss motivations of the key participants and how they affected the direction of the war effort, that is, how they exercised control over following doctrine. Finally, I discuss whether the proportionality-necessity balance was properly made.

II. State of U.S. Military Doctrine Prior to Desert Storm

In 1990, modern joint doctrine (both structurally and procedurally) was in its infancy following the Goldwater-Nichols Defense Reorganization Act of 1986. That law came about as a result of the realization that failures in Vietnam, the Iranian hostage rescue, Lebanon, and Grenada all had several major common denominators: “poor military advice to political leaders, lack of unity of command, and an inability to operate jointly.”⁸ One of the keys of Goldwater-Nichols was the development of Joint Doctrine, namely the best practices and principles of joint operations instead of methods that put primacy of one service over the others.

⁸ See James R. Locher, “Has It Worked?” *Naval War College Review*, Vol. 54, No. 4 (Autumn 2000), pg. 96. In this article, Locher explains how Congress was forced to reorganize the DoD in the wake of the services’ refusal to reorganize and operate jointly. See also David T. Fatua, “The Paradox of Joint Culture,” *Joint Forces Quarterly*, Issue 26 (Autumn 2000), pp. 81-87, for a discussion of the difficulty of removing service parochialism in all doctrinal and planning issues.

Joint service doctrine in 1990 was, simply put, Army-centric. The U.S. military planned to defend Europe from a Soviet invasion primarily with heavy army forces supported by tactical airpower. Strategic air power was accepted to mean nuclear, and thus was discussed separately from joint terminology and support to the Army. A reading of joint doctrine at the time of the Gulf War shows that the documents were much more about service rivalries than about service integration to achieve nationally-defined objectives.

The two main governing joint doctrine documents applicable to Desert Storm were JCS Pub 26, *Joint Doctrine for Theater Counterair Operations (from Overseas Land Areas)*, dated 1 April 1986, and Joint Pub 3-0 (test pub), *Doctrine for Unified and Joint Operations*, January 1990. Neither document guided U.S. forces in targeting to achieve national objectives or to take into account a proportionality-necessity balance. The only conceivable objective was victory by defeating the enemy's army. Few, if any military and civilian leaders thought about doctrine in terms of achieving specific political objectives through the military use of force. The U.S. military was so focused on a general war in Europe, where survival was at stake for our allies, that little thought, if any, was given to planning and executing strategies for objectives short of total defeat of an opponent. Discussion of limited war only served to remind officials of Vietnam.

At the time these publications were promulgated to the services, there was intense interservice rivalry for funding and prestige. Carl Pivarsky, an Air Force Lieutenant Colonel at the Air War College in 1992, noted that at the time of Desert Storm, "Current joint doctrine produces barriers to the equal participation of the most powerful Air Force in history from the joint maneuver paradigm. Its logic is carefully crafted to keep the air

component from command of any portion of the JFC 's battlespace. The air component is denied the command authority that can be exercised by any other shooter on the battlefield.”⁹

There was no military-wide agreement how best to use the new technologies, precision attack capabilities, and information technology that allowed forces to dramatically increase the tempo of operations and decrease the decision cycles. On the contrary, interservice rivalries written into old doctrine were destructive of efforts to achieve national objectives. *Certain Victory*, the U.S. Army 's official account of Desert Storm, avidly recounts the air component 's 'failure' to support the surface commander's 'scheme of maneuver' (the Army's own plan of what they wanted to do).¹⁰ Furthermore, when visitors walked through the Pentagon's River Entrance, the one closest to the Secretary of Defense and Joint Chiefs of Staff offices, the graphic depictions of Desert Storm show the "war" to begin with the Army's advance into Kuwait and Iraq and did not mention 43 days of war conducted by air forces of all the U.S. services and allied countries.

The dysfunctional parochialism of doctrine made targeting to support national objectives difficult by not directly tying strategy to objectives. One could also argue that this doctrinal problem allowed the major escape of Iraq's Republican Guard forces which then led to the famous attacks on the "Highway of Death." There was no common agreement on a concept of operations to unify effort. Of the issues surrounding principal direction over moral decision-making within doctrinal bounds, Pivarsky wrote:

⁹ Carl A. Pivarsky, "Airpower in the Context of Dysfunctional Joint Doctrine," Air War College, Montgomery, Alabama, research paper, 1992. pg. 13.

https://research.au.af.mil/Papers/special_collection/max-pap/mp07.pdf.

¹⁰ Pivarsky, pg. 18.

XVIII Corps created an additional sanctuary for the enemy along the escape routes at Basrah that could not be appreciated at the time. The actions of XVIII Corps, like those of VII Corps, were doctrinally correct. The retrospective assessment of that action in *Lucky War* embraces the spirit of jointness and is refreshing for that reason if no other. Although the official U.S. Army version of the events outlined in *Certain Victory: the U.S. Army in the Gulf War*, blames the CINC for interfering with Corps commanders as well as the air component for the escape of the Republican Guard, more current information revealed in *The General's War* contradicts the Army official position. *The fixing of blame throughout Certain Victory diverts attention from our fundamental problem; a dysfunctional joint doctrine rooted in the concept that only surface maneuver forces [read U.S. Army forces] should command and control the battlefield.* Unless this issue is confronted and resolved the integrity of joint doctrine will remain subject to the politics and friction of component competition and not component cooperation. The ideal of team warfighting will remain at odds with the reality of a corrupt doctrine.¹¹ (emphasis original)

Like joint doctrine, Air Force doctrine was woefully dated at the commencement of Desert Storm. The most current Air Force doctrine document at the time, Air Force Manual 1-1, was promulgated in 1984, and it, too, focused on nuclear warfare and support to Army ground operations.¹² Dated doctrine does not necessarily mean bad doctrine, but, in this case the document and its contents were hardly known to the forces deployed to the Persian Gulf region to fight the war.

Neither I, nor any officers in the 363rd Tactical Fighter Wing Mission Planning Cell, or officers at Central Command Air Forces (CENTAF) Headquarters with whom the 363 TFW Mission Planning Cell coordinated ever mentioned Air Force doctrine in

¹¹ Pivarsky, pg. 27.

¹² Air Force Manual (AFM) 1-1 was released in 1984. See also Lt Col Kurt Cichowski, "Aerospace Doctrine Matures Through A Storm: An Analysis of the New AFM 1-1," http://www.maxwell.af.mil/au/aul/aupress/SAAS_Theses/Cichowski/cichowski.pdf, and Price T. Bingham, "Airpower in Desert Storm and the Need for Doctrinal Change," *Airpower Journal*, Vol. 6, No. 4. <http://www.airpower.maxwell.af.mil/airchronicles/apj/price.html>, wherein he claims that the real doctrine under which the war was fought was promulgated in 1959, but ignored during the conduct of this war.

planning for and conducting air operations.¹³ This was typical for all wings with whom the 363 TFW coordinated both prior to the war's commencement and during combat operations. Most importantly, although there was an understood directive to avoid civilian casualties and collateral damage to the greatest extent possible, there was no standing, doctrinal guidance that planners and executors could follow to operationalize the term "excessive" and achieve that end.

Lt. Gen. Ron Keys was the first commander of the Air Force Doctrine Center and later the Deputy Chief of Staff for Operations on the Air Staff. He notes that prior to the establishment of the Doctrine Center and publication of Air Force Doctrine Document 1, *Air Force Basic Doctrine*, in 1997, and the subsequent family of doctrine publications thereafter, doctrine was not agreed upon; it was not relevant to the technology and theory of the day; it was not disseminated and read; it was fragmented among the various regional and functional commands within the Air Force.

General Keys posits that the Air Force behaved like various native tribes: each regional or functional command had its own way of doing things, its own idea of the best way to do things; its own idea of the most important priorities.¹⁴ The result was an inability to maximize the inherent capabilities of airpower and build strategies to effectively achieve national strategic and theater military objectives. What were those objectives?

¹³ Author was a participant-observer during the First Gulf War. Author served as wing intelligence officer and Chief of the 363rd Tactical Fighter Wing Mission Planning Cell during combat operations. The 363 TFW was a workhorse air-to-ground squadron that flew over 2000 combat missions into Iraq and Kuwait against targets ranging from fielded forces to SCUDs. As such, it was typical of all air-to-ground fighter wings in theater.

¹⁴ Ronald Keys, Lieutenant General, USAF, Deputy Chief of Staff for Air and Space Operations, interview by author, Washington, D.C., 22 April 2003.

On 8 August 1990, President Bush spoke to the nation and declared the following as U.S. objectives for deploying forces:

1. Secure the immediate, unconditional, and complete withdrawal of Iraqi forces from Kuwait
2. Restore the legitimate government of Kuwait,
3. Assure the security and stability of the Persian Gulf region
4. Protect American lives.¹⁵

Key directives handed down by the president and military leadership reminded forces to minimize collateral damage.¹⁶ However, those directives clashed with various seminal teachings in military, and specifically airpower, history that emphasized breaking the will of the enemy population and defeating the nation's military. Some could argue that this was implicit doctrine. However, it was not agreed-upon, nor relevant to the types of conflicts foreseen after the Cold War. The concepts of defeating a nation in total war and merely expelling its army from another country clashed. The result was U.S. forces knowing that they were supposed to do one thing (expel the Iraqi army from Kuwait), but often executing in a different manner (bombardment of strategic-level targets in Baghdad), one in which they trained for years, which was contradictory to presidential directives.

Officers in their staff colleges widely read and were taught studies such as Carl von Clausewitz's exhortation to go after the enemy centers of gravity, the primary being the opponent's army, and Giulio Douhet's advice to target the will of the enemy through aerial bombardment, and the 1930s Air Corps Tactical School's Industrial Web study,

¹⁵ Thomas A. Kearney and Eliot A. Cohen, *Gulf War Airpower Survey Summary Report*, 1993, Washington, D.C., pg. 27. Hereafter referred to as GWAPS.

¹⁶ Charles A. Horner, 2 December 1991, Transcript of Oral History Interview conducted by Suzanne Gheri and Richard Reynolds, Air Force Historical Research Agency, Maxwell AFB, Alabama, Document Number K239.0472-93, pg. 23.

which led to the plan to defeat Germany in WWII. These teachings were taken by many officers to be doctrine, and the official doctrine that existed at the time of Desert Storm took into account these historical principles and precepts. The moral problem arose when the national objectives laid out by the President, and supported by United Nations resolutions, and the multi-national coalition opposing Iraq, were limited to some strategy short of what the military traditionally planned in unconstrained war wherein the survival of the state was at stake. The U.S. military did not adjust its strategy to align with the limited objectives. Thus the targeting strategy could not claim necessity (with respect to the national objectives) for many of the targets that were repeatedly attacked during the war.

Strong doctrine that detailed the process of developing a strategy that links national objectives with available capabilities in a non-nuclear environment was absent. The situation that existed in August 1990 allowed for “proving” one theory over another. Edward Mann, in his detailed study of airpower theory and its impact on Desert Storm, notes that:

[Colonel John] Warden and his planners hoped to correct what they felt were America's previous “mistakes ” of applying airpower in a gradualistic, supporting role (especially in Vietnam)...Indeed, some of the planners hoped to prove that airpower could in fact win a war “all alone.” At the very least, the U.S. would avoid the horrible mistakes of Vietnam (i.e., bomb a little here, a little there, and see if the enemy is ready to be more accommodating). They called their plan Instant Thunder in direct opposition to the Vietnam era's Rolling Thunder campaign. There would be no gradualism or escalation —no pauses in the bombing until Hussein gave up or the Iraqi conscript army removed him.¹⁷

¹⁷ Edward C. Mann, Colonel, USAF, *Thunder and Lightning: Desert Storm and the Airpower Debates*. 1995, Montgomery: Air University Press, pp. 1-2.

While the bombing without pauses until Hussein gave up was not part of the President's official direction, it is arguable that this was the actual desire of the administration because the senior civilian leaders did not overrule this strategy.

Had doctrine for planning joint or even service air operations been available and understood at that time, it is unlikely that the process of developing and publishing a strategy to evict the Iraqi forces would have been less coherent than the process which actually took place. Doctrine gives us the agreed upon best practices and principles. But when it isn't available, people do the best they can to make it up as necessary. The result in Desert Storm was, in many respects, a brilliant example of event-driven process-generation in real time. Yet with no doctrine to guide the war planning, a fragmented and highly compartmentalized process evolved.

According to the *Gulf War Airpower Survey (GWAPS)*, researched and written by Thomas Kearns and Eliot Cohen, Schwartzkopf's CENTCOM staff did not have the manpower and experience to develop an air plan for the situation that faced them, especially since they were burdened with managing the deployment of forces. In fact, there was "no complete operations plan or operations order in existence that captured the essence of the planning taking place."¹⁸ The doctrinal structure and process that flows from Presidential direction through planning to execution simply did not exist.

Needing a way to retaliate against Iraq and defend Saudi Arabia with the Air Force and Navy air assets available to him in theater, Schwartzkopf requested planning support from the Air Staff in Washington. He did not know that since shortly after Iraq invaded Kuwait, Colonel John Warden had led a small group of officers in the Air Force

¹⁸ GWAPS, 33.

Operations Directorate's Warfighting Division (called "Checkmate") through a process in which they developed a plan to defeat Iraq using airpower alone.

Warden's plan involved attacking Iraq's key "centers of gravity" – those elements of the Iraqi state from which the enemy forces obtain their strength. It was simply assumed that doing so would lead to Iraq's withdrawal from Kuwait. Targets included Saddam Hussein himself, and his ability to lead his forces, as well as regime control targets, nuclear, chemical, and biological weapons facilities, electrical power grids, and military production facilities. The initial plan called for only Air Force assets to attack Iraq and all but openly claimed that Iraq would capitulate based on this short air campaign.¹⁹

Schwarzkopf, accepting the only plan available at the time, sent Warden and his planners to Riyadh to brief Lt. Gen. Chuck Horner, Schwarzkopf's air component commander and senior commander in theater. Horner was not pleased with Warden's presentation. However, instead of throwing out Warden's plan, he turned it over to Brigadier General Buster Glosson, a man he brought in to specifically run air planning. Glosson and his staff built upon Warden's original plan as more and more assets arrived in theater.²⁰ Glosson, who had not read Warden's book or papers, did understand the concepts of his strategy. The effect was to take one plan developed outside doctrinal structures and build upon it in another non-doctrinal structure.

The Special Planning Group, the secret organization headed by Glosson, was quickly nicknamed the Black Hole by those in theater, and although its existence was known within the CENTAF staff, admission to its offices in the basement of the

¹⁹ GWAPS, 35-37.

²⁰ Gordon and Trainor, 96.

headquarters building in Riyadh was strictly limited and controlled by Glosson himself and the wing commanders of the various deployed units.²¹ The secrecy in which the Black Hole operated extended to the entire CENTAF staff to include the intelligence directorate. The very organization tasked with providing information, analysis and targeting support to the combat planners and commanders was not provided access to the plans in the Black Hole that required their support. Such doctrinal disconnects impeded any proportionality-necessity balance being made and thus led to questionable targeting decisions once the war began.

It is often said that necessity is the mother of invention, and that since the U.S. was in a situation that required bold leadership, bold new leaders, like Warden, would step to the fore and provide that leadership. On the other hand, if we rely on situational leadership and someone to step up to show brilliance in times of crisis, then we leave ourselves open to failure if such a leader does not appear. Hence the need for sound doctrinal procedures and structures. Checkmate was not a part of CENTCOM or CENTAF. Warden was not charged to correct previous mistakes. That is not to say that his organization should not have been asked to support the planning effort. Doctrine is never that rigid, lest it become dogma. However, the fact remains that Warden was a supporter of the process that allowed him to be the key driver instead of follower.

The lack of sound doctrine at the time of the war makes it impossible to compare what was supposed to happen from what actually happened. The procedures and structures established prior to the war were ad hoc and accepted as necessary to fight in a coalition environment. From flying the air tasking order on Lear Jets to every base due to

²¹ See Michael R Gordon and Bernard E. Trainor, *The Generals' War* for detailed descriptions of the establishment and functions of the Black Hole.

a lack of procedures for transmission, to establishing separate organizations like special planning cells that did not share information with officers who were not read into special plans, the innovative procedures developed by planners made it difficult to determine the long-term impact of this war. There was not a doctrinal baseline from which to measure moral variance from that doctrinal norm. When doctrine to create strategies based on national objectives did not exist, the moral outcome was left to the motivations of principals and agents. In the following section, I will show how those motivations did not necessarily align and the impact that had on the moral outcomes of the war.

III. Principal-Agent Motivations in Desert Storm

In any discussion of principals associated with military operations, it becomes necessary to bound the actors. Otherwise, one could make an argument that every actor that was in any supervisory or leadership position was a principal, which, factually is true, but not practically for this study. In this case study, I define as principals:

- President - George Bush
- Secretary of Defense - Richard Cheney
- Chairman of the Joint Chiefs of Staff - General Colin Powell
- Commander in Chief, U.S. Central Command - General Norman Schwartzkopf
- Joint Forces Air Component Commander (JFACC) - Lieutenant General Charles Horner
- Director of Air Campaign Planning for CENTAF - Brigadier General Buster Glosson
- Deputy Chief for Offensive Air Planning - Lt. Col. David Deptula
- Director of Checkmate - Colonel John Warden.

While some of these officers were lower ranking than the national leadership, they certainly must be considered as principals because of the decisions they made in the planning and execution process. Colonel John Warden was not a national leader, but he

did make the fundamental planning decisions upon which the entire Gulf War campaign was based. The commanders of the other service components were certainly key players, especially in the ground campaign, but, the decisions and motivations of these named principals played such an important role that we do not lose critical information by omitting any others.

Unlike the key principals, one could argue that every soldier, sailor, airman and marine was an agent because every one of them had the opportunity to either follow directions, or to shirk on every mission they were assigned. It is neither methodologically possible, nor necessary, to examine the decisions of every individual person who participated in the war. Another study could well research the motivations and decisions made by lower level actors, and the role of principal oversight of those agents.

It is necessary, however, to determine and bound the key agents in this war. The key agents studied herein were also principals themselves, such as General Schwartzkopf, General Horner, General Glosson, and Colonel Warden. Their actions and decisions were different, based on the circumstances, constraints, and their beliefs and interests in which those actions and decisions were made, as a principal or as an agent. The other agents I considered in this study, too numerous to name individually, were the Black Hole Staff, the Wing Commanders and staffs of the bomb-dropping wings, and the aircrews who flew nearly 120,000 combat missions during the 43 days of the war.²²

In the following sections, I consider the factors affecting principal-agent motivation alignment as presented in Chapter 3. Principal and agent motivations and how those motivations affected moral decisions were decidedly affected by chronological

²² GWAPS, pp. 184-185.

events and by the limited options available to them in addition to their personal biases. Individual people in their positions made key decisions at key moments which led to particular actions and results. A short chronology of events leading to the planning process will introduce the circumstances in which key principal and agent motivations came into play.

Circumstances

Iraq invaded the small Gulf emirate of Kuwait on 2 August 1990, just two days after General Norman Schwarzkopf briefed the service chiefs, the JCS Chairman, and Secretary of Defense that he thought such an invasion was unlikely. Without standing U.S. forces in the CENTCOM Area of Responsibility, any forces sent to repel the anticipated Iraqi invasion of Saudi Arabia and the Gulf oil fields would have to deploy from the U.S. or bases in Europe. When Generals Schwarzkopf and Horner briefed President Bush and his Cabinet at Camp David on Saturday, August 4th, their only briefing options were for defense of Saudi Arabia with minimal forces. The President sent the generals to Saudi Arabia with the SecDef to gauge the situation from the theater. General Schwarzkopf left Horner in Riyadh as the forward U.S. military commander and returned home to oversee deployment planning with the JCS Chairman.²³

One key circumstance Horner faced was that if he was to defend Saudi Arabia, the only immediate combat power that could be brought to bear would have to be air power. If Iraq did not invade Saudi Arabia, and the task was to expel the Iraqi military from Kuwait, air power would still be the dominant element until such time as sufficient

²³ Richard T. Reynolds, *Heart of the Storm: The Genesis of the Air Campaign Against Iraq*, 1995, Montgomery: Air University Press, pp. 1-13.

ground forces could be assembled for an invasion and attack against entrenched Iraqi forces.

Besides a defensive plan, Schwartzkopf wanted an option to directly attack Iraq and take the fight to Saddam offensively, thus forcing him to withdraw support from his forces in Kuwait. Because his air component, as well as his own headquarters, was focused on the logistics of deploying personnel and equipment halfway around the world, Schwartzkopf called the Air Staff in Washington to ask if they could come up with a “strategic air campaign” plan. He was very happy to hear that the Air Staff already had a team of officers headed by Colonel John Warden working such an option and gave them the charter to develop the plan.²⁴

For three days prior to Schwartzkopf’s request that the Air Staff develop a strategic air campaign, Colonel Warden and his staff had been engaged in comprehensive planning to produce an air option that the CINC could use before ground forces were even deployed to theater. By the time he briefed Schwartzkopf and Powell, Warden had developed what he thought was a plan to take down the Iraqi regime with Air Force assets alone.²⁵ Since this was the only clear plan and the only serious planning effort being conducted either in Washington or the CENTCOM staffs, it necessarily became the foundation for the eventual war plan.

Warden briefed Secretary of Defense Cheney that after only six days of an air campaign, the expected results would be:

²⁴ Reynolds, pg. 24.

²⁵ Mann, pp. 15-22. See also John Warden, 30 May 1991, Transcript of Oral History Interview conducted by Suzanne Gheri, Edward Mann, and Richard Reynolds, Air Force Historical Research Agency, Maxwell AFB, Alabama, Document Number K239.0472-113, John Warden, 22 October 1991, Transcript of Oral History Interview, Air Force Historical Research Agency conducted by Suzanne Gheri, Maxwell AFB, Alabama, Document Number K239.0472-114, John Warden, 10 December 1991, Transcript of Oral History Interview conducted by Suzanne Gheri, Air Force Historical Research Agency, Maxwell AFB, Alabama, Document Number K239.0472-115.

- ❑ Iraqi National Leadership Destroyed
- ❑ Iraq's Strategic Offensive and Defense Eliminated for Extended Period
- ❑ Internal Economy Disrupted
- ❑ Iraq's Ability to Export Oil Not Significantly Degraded
- ❑ Gulf Nations Have Ability to Deal With Residual Iraqi Forces²⁶

On Schwartzkopf's direction, Warden took his plan to Riyadh in August 1990 to brief General Horner on how to bring Saddam Hussein to capitulation without fighting his army in Kuwait. Horner, however, was facing the possibility of an Iraqi assault into Saudi Arabia if U.S. forces attacked Baghdad. His *circumstance* on the ground in Riyadh was quite different from what planners in Washington faced. When Warden told Horner that he (Horner) focused too much on the Iraqi army, Horner abruptly sent Warden back to Washington. He didn't want someone from Washington telling him to ignore what he believed to be the primary threat to his command.

To build the plan that Horner could put his own stamp on, he brought in Buster Glosson, Schwartzkopf's former deputy Joint Task Force Commander off a command ship in the Persian Gulf. Glosson kept several of Warden's planners, the primary being Lt. Col. Dave Deptula, and expanded and built upon Warden's plan. Horner told them that Warden had brought a good theoretical study, a good start at a target list, but that he wanted Glosson's people to turn it into an executable plan.²⁷

That plan had to include the geopolitical reality that the theater of operations was halfway around the world from the United States. Moving large numbers of personnel and equipment meant that any military action would have to wait until a sufficient force was available to achieve the given objectives. As UN resolutions passed and more

²⁶ Gordon and Trainor, 188.

²⁷ David Deptula, 22 May 1991, Transcript of Oral History Interview conducted by Suzanne Gheri, Edward Mann, and Richard Reynolds, Air Force Historical Research Agency, Maxwell AFB, Alabama, Document Number K239.0472-81, pp. 36-37.

countries joined the coalition, these assets would have to be integrated into the ad hoc structures and their forces would have to be found a role to play in eventual operations.

Constraints

The issuance of United States objectives on August 8th was not the first step in the process that led to war. Generals Schwartzkopf and Horner had previously met with the President and the National Security Council to brief them on the situation and options for defending Saudi Arabia and the Gulf States. The generals briefed the NSC that they could, with deploying airpower assets, defend Saudi Arabia and “punish” Iraq if they attacked with chemical weapons.²⁸ The generals were directed to begin planning for such a contingency in the event that diplomatic and economic instruments of power did not work.

As mentioned in the doctrine section, the President and Joint Chiefs Chairman admonished their commanders to minimize collateral damage.²⁹ General Horner notes that President Bush repeatedly discussed the moral limits (*constraints*) on this operation and the need to garner international support for any U.S. actions.³⁰ Horner himself was so concerned about the propriety of a plan to specifically go after Saddam Hussein that he told his staff that the U.S. might suffer repercussions for 200 years. “In the short term, yeah, we might win, but in the long term, the way the Arab world will view us will not be

²⁸ GWAPS, 33.

²⁹ Charles A. Horner, 2 December 1991, Transcript of Oral History Interview conducted by Suzanne Gh eri and Richard Reynolds, Air Force Historical Research Agency, Maxwell AFB, Alabama, Document Number K239.0472-93, pg. 23.

³⁰ “The President started asking questions... ‘We don’t want to make war on the Iraqi people.’ It gave us legitimacy. ‘How do we fit in as part of the family of Nations.’ It guided everything we did from then on out, and it really paid off in the long term.” Horner, Document Number K239.0472-93, pp. 15, 23.

to our advantage.”³¹ Yet, even then such desires did not translate to systemic decisions regarding proportionality and necessity. The problem is that those directives to minimize collateral damage, no matter how noble, cannot guarantee moral decision-making if not operationalized in the form of a specific proportionality-necessity balance decision for each objective and target.

General Glosson did state that he presented some examples of targets in every target set to the President and Cabinet specifically to put them on the table in order to prevent “selective recall” after the conflict. He briefed what he considered to be the most controversial targets in each set so as to leave “no doubt in anybody’s mind as to what type of targets” they planned to attack.³² However, there was no discussion at that time on proportionality weighed against necessity to achieve objectives. In fact, Glosson states that until the “bunker problem” (the attack against the Al Firdos bunker to be discussed in detail later in this chapter), nobody in Washington ever had any input into the target selection process.³³

It is evident in the documents I researched and in my experience and discussions with colleagues from Desert Storm that there was a constraint to wage a moral war. However, the meaning of that constraint was not clearly understood. It was certainly not an error of commission at the time. The leaders genuinely wanted non-combatant casualties to be as close to zero as possible. However, merely stating that desire did not ensure the moral outcome. Absent clearly defined constraints, the beliefs and interests of the principals and agents became the primary factor in moral motivations.

³¹ Deptula, Document Number K239.0472-82, pg. 30.

³² Glosson, Document Number K239.0472-89, pg. 81.

³³ Glosson, Document Number K239.0472-89, pg. 81.

Beliefs and Interests

General Norman Schwarzkopf was in a position unlike any commander since the Korean War. He was a unified commander of an operation that, unlike Vietnam with its multiple simultaneous operations and commanders, would see a single commander in charge of all forces and operations in his theater. Though a ground combat soldier by training and experience, Schwarzkopf understood the need to bring together all elements of the force. Furthermore, faced with the prospect of combat operations halfway around the world with no forces stationed in theater, he could not afford to be parochial in August of 1990. Had Schwarzkopf been motivated by service rivalries, he would likely not have requested a plan from the Air Force and then accepted it so willingly.

It seems apparent from interviews with Schwarzkopf's subordinates, as well as histories such as those of Gordon and Trainor's *The Generals' War*, that Schwarzkopf was motivated by a sincere desire to achieve the national objectives with the lowest cost in total lives possible. He was not about to authorize an expected high-casualty ground invasion until overwhelming force was in place.³⁴ Despite calls from within the Army Staff for a ground invasion lest the Army find itself unnecessary after the war, Schwarzkopf won out. General Horner says that Schwarzkopf was under intense pressure to start the ground campaign before he did. His underlying *beliefs and interest* won out. Horner says: "If Schwarzkopf is a hero, I will tell you why he is a hero:

³⁴ Michael R. Gordon, and General Bernard E. Trainor, *The Generals' War*, 1995, Boston: Back Bay Books, pg. 193.

Because he did not want to spend a life unnecessarily of a single soldier. That is absolutely true.”³⁵

General Horner, the Joint Force Air Component Commander (JFACC), was also concerned about casualties, but he was in a different position than Schwartzkopf. Horner was only weeks away from retirement when Iraq invaded Kuwait. He was a fighter pilot who came up through the ranks during Vietnam and the Cold War era and who had reached the pinnacle of command. He was not interested in interservice rivalries, but wanted to achieve the president’s objectives with the lowest cost, and not fight any ideological or parochial service battles.³⁶

Disturbed by the incremental nature of U.S. escalation in Vietnam, he pushed for a rapid achievement of objectives, but all the while within the moral bounds set by the President. Horner discussed these bounds in the early days of August 1990:

You have got to understand where we were at the time. We didn’t have a policy. We didn’t have an [Iraqi] invasion of Saudi Arabia...The things that happened when the President started asking questions showed, first of all, a great moral aversion to war...that provided sort of the yardstick by which I measured every one of our actions.³⁷

Horner distrusted planning carried out in the Pentagon rather than in the theater where the war would be fought. He felt it was too much like Vietnam where officials in Washington selected targets and dictated courses of action to theater commanders.³⁸ This

³⁵ Charles A. Horner, 4 March 1992, Transcript of Oral History Interview conducted by Suzanne Gheri and Richard Reynolds, Air Force Historical Research Agency, Maxwell AFB, Alabama, Document Number K239.0472-94, pg. 22.

³⁶ Charles A. Horner, Document Number K239.0472-93 and Document Number K239.0472-94. In both these interviews, as well as interviews of Deptula and Warden, especially in the descriptions of Horner’s disapproval of Warden’s plan as too parochial, it is clear that Horner was more interested in a plan to achieve the objectives than a plan which might validate air power.

³⁷ Charles A. Horner, Document Number K239.0472-93, pg. 15.

³⁸ Gordon and Trainor, 91.

mistrust would play an important role in his later decisions, especially with respect to the actions of Pentagon planners.

Horner explained the purpose of his assault on Washington planners in a television interview after the war, “War is extreme violence and the way to halt the suffering is to get the war over as quickly and decisively as you possibly can. You have a moral obligation to get it over as quickly as possible and that is why we fought this war with such great intensity and unyielding pressure on the enemy until we had accomplished our goals.”³⁹

But back in Washington, the motivations were not merely on achieving objectives. While those in the military and civilian leadership certainly looked to achieve the national objectives with minimal loss of life, there was also the need to prove personal theories and maintain service primacy.

The Chairman of the Joint Chiefs of Staff, General Colin Powell presided as the senior military officer at a time when shrinking military budgets were seen as inevitable, yet when forces had to be deployed in support of national interests. He was very concerned with unnecessary loss of life as well as interference by officers in Washington in what was a CINC’s command.⁴⁰ While skillfully managing the Washington front of this war through his daily press briefings, presidential updates and Congressional testimony, General Powell was ever an Army officer. He was not in favor of an air only plan (even one which included significant Naval and Marine air assets), as evidenced by numerous statements made both in public and in private.⁴¹

³⁹ “Wings Over the Gulf”, Television documentary, *Discovery Channel*, 1991.

⁴⁰ Charles A. Horner, Document Number K239.0472-94, pg. 35.

⁴¹ See Reynolds, *Heart of the Storm*, Charles A. Horner, Document Number K239.0472-93, pg. 23., and Buster Glosson, 29 May 1991, Transcript of Oral History Interview conducted by Edward Mann, Suzanne

When told that the air campaign might achieve the President's objectives without a ground invasion, General Powell shifted the focus of the effort to ensure Army participation when he stated, "Okay, but I don't want those guys [the Iraqi army in Kuwait] to go home. I want to destroy those tanks." Such a formal change to the President's objectives was never made in writing, although it was eventually carried out.⁴² Schwartzkopf even warned Brigadier General Buster Glosson about Powell's desire to see the Army obtain a greater role prior to Glosson's briefing of the air campaign plan to the President. After Secretary Cheney approved the briefing, Powell told Glosson to cut the presentation and to not give it all to the President.⁴³

Powell's beliefs and interests also played a major role. His service parochialism and desire to see the Army play a significant role can be seen in his response before Congress to the plan put forth by the Air Force. Rather than arguing more forcefully against the merits of the accepted strategy, an argument he may have won given the desire to expel the Iraqi army out of Kuwait, he instead argued against the air campaign's architects in a personal manner. This argument looked like a service rivalry more than a difference in strategic vision. Furthermore, the strategy Powell desired would likely have caused far more U.S. casualties, which would have been unacceptable to the administration and public.

Instead, Powell made the following comments about air combat planners:

Many experts, amateurs and others in this town, believe that this can be accomplished by such things as surgical air strikes or perhaps a sustained air strike. And there are a variety of other nice, tidy, alleged

Gheri, and Richard Reynolds, Air Force Historical Research Agency, Maxwell AFB, Alabama, Document Number K239.0427-89, pp. 35-37.

⁴² Edward C. Mann, *Thunder and Lightning: Desert Storm and the Airpower Debates*, 1995, Montgomery: Air University Press, pg. 63.

⁴³ Buster Glosson, Number K239.0427-89, pp. 33-45.

low-cost, incremental, may-work options that are floated around with greater regularity all over this town. One can hunker down, one can dig in, one can try to disperse to try to ride out such a single dimension attack. Such strategies are designed to hope to win; they are not designed to win.⁴⁴

From the very beginning, Powell argued that airpower had its limits. He recalled the days in Vietnam where his soldiers took bullets even after American aircraft bombed opponents' positions.⁴⁵ This is not to say that Powell had a political agenda against air power, but that he did not see evidence in his career that it would work as laid out in the air plans. Finally, when it came time to select a deputy for Schwartzkopf, Powell looked past Air Force Lt. Gen Butch Vicellio and selected instead Army Lt. Gen. Calvin Waller, an old friend of Schwartzkopf's. While Powell had good reason to select Waller – he believed Waller to be the one man who would be able to temper the commander's volatility – the top three leadership positions were held by Army generals, giving the appearance that Powell's motivations lay outside sound doctrinal employment.⁴⁶

Perhaps the most important person and catalyst for principal-agent motivation discussions in Desert Storm was Colonel John Warden. Colonel Warden was first and foremost a great thinker. He wrote a book in 1988 titled *The Air Campaign* wherein he put forth his theory of airpower. Warden's beliefs and interests formed the basis for the eventual U.S. operation and the debate that raged for a decade thereafter.

Warden posited that it was possible to incapacitate and separate the leadership of a country from its forces and render that country incapable of resisting if coercion did not motivate that country to capitulate. Rather than use airpower merely to support ground

⁴⁴ Gordon and Trainor, pg. 178.

⁴⁵ Gordon and Trainor, pg. 133.

⁴⁶ Gordon and Trainor, pg. 187.

forces in a gradual manner, or gradually escalate as in Vietnam, he believed it was possible to attack an enemy from the inside out and thus win the war without ever employing surface forces.⁴⁷ Although many claim today that Warden's writings merely repeated the thoughts of the Air Corps Tactical School of the 1930s, this was a radical theory in an era where even the senior Air Force fighter commander said "Tactical aviators have two primary jobs – to provide air defense for the North American continent and support the Army in achieving its battlefield objectives."⁴⁸

Because it became the basis for the eventual campaign, it would be prudent, at this point, to examine the theory of airpower put forth by Warden first from a methodological and then from a moral perspective. It is important to understand that Warden was not putting forth a doctrine, but a strategy of how to achieve a particular end. It was the absence of a practical doctrine that allowed this strategy to form the core of the Desert Storm plan that was executed against Iraq in 1991.

Warden argued that rather than seeing the enemy as merely an army, an air force, and a navy, the entire state should be looked at as a system. He argues that "Contrary to Clausewitz, destruction of the enemy military is not the essence of war; the essence of war is convincing the enemy to accept your position, and fighting his military forces is at best a means to an end and at worst a total waste of time and energy."⁴⁹

To convince the enemy to accept your position, Warden posited a theory that advocated bypassing those fighting forces and sought instead to coerce the enemy into

⁴⁷ See John Warden, *The Air Campaign*, Washington, D.C.: National Defense University Press, 1988, and John Warden, "The Enemy As a System." *Airpower Journal*. 1995, Vol. 9, No. 1: 40-55.

⁴⁸ General Robert D. Russ, USAF, Commander, Tactical Air Command, "Open Letter to the Field," *AirLand Bulletin*, 81-1, Langley AFB, Va, 31 March 88, pg. 7.

⁴⁹ Colonel John A. Warden, III, USAF, "Air Theory For the 21st Century," in Schneider, Barry R. and Grinter, Lawrence E. *Battlefield of the Future: 21st Century Warfare Issues*, (Air War College Studies in National Security; no. 3). Revised edition. Maxwell Air Force Base, Ala.: Air University Press, 1998. Researched online at <http://www.airpower.maxwell.af.mil/airchronicles/battle/chp4.html>.

capitulating. This concept of parallel warfare held that it was not necessary to sequentially attack targets or target sets, but that they could be attacked simultaneously to achieve multiple concurrent effects. This concept found much support within the DoD prior to Desert Storm, and has even made it into the capstone Air Force Doctrine Document 1.⁵⁰ In the context of the Middle East, this type of strategy may prove superior to those planned to defend Germany's Fulda Gap in the 1980s against a Warsaw Pact armor invasion.

Warden provided a model by which to understand how the entire enemy state can be viewed as a system.⁵¹ In this model (Table 5.1), he shows how any enemy, be it a person, a state, a cartel, or a company, can be broken down as a system for conceptual and targeting purposes. The top row shows the various examples of systems, and the left hand column shows the five major elements to be targeted in any of these systems.

⁵⁰ *Air Force Doctrine Document (AFDD) 1*, 1997, pg. 24.

⁵¹ Warden, *Air Theory*. Warden's theoretical model was not doctrine prior to Desert Storm. It was theory. Subsequent to the war, when AFDD 1 was written, many aspects of his model were incorporated into Air Force Doctrine, however, not the entire theory. His theory was not agreed upon as the best practices and principles by the Air Force, and would not necessarily have led to the appropriate strategy to achieve the given national objectives for the war. Doctrine lays out broad principles that are then applied to each given operation and objective, rather than a hard and fast rule to target national leadership, for example, in each war.

Table 5.1

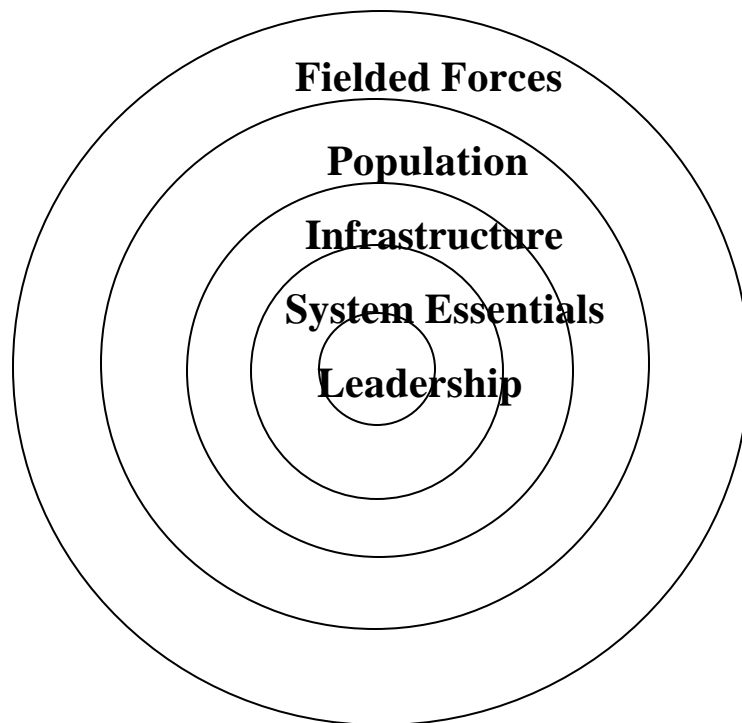
Warden's Model of Targeting Systems⁵²

	Body	State	Drug Cartel	Electric Company
Leadership	Brain -eyes -nerves	Government -communication -security	Leader -communication -security	Central Control
System Essential	Food/oxygen -conversion via vital organs	Energy (electricity, oil, food), money	Coca source plus conversion	Input (heat, hydro) Output (electricity)
Infrastructure	Vessels, bones muscles	Roads, airfields, factories	Roads, airways sea lanes	Transmission lines
Population	Cells	People	Growers, distributors, processors	Workers
Fielded Forces	Leukocytes	Military, police, firemen	Street soldiers	Repairmen

⁵² Warden, Air Theory.

Warden also provided a second conceptualization of the same model, his famous “5 Rings,” showing how he considers the center rings the most important for targeting (Figure 5.1).⁵³

Figure 5.1
Warden’s Model as a 5-Ring Conceptualization



⁵³ Warden, Air Theory.

In discussing his model, Warden consistently emphasized Sun Tzu's exhortation that winning without defeating your enemy's military is the greatest victory. "Strategic war is war to force the enemy state or organization to do what you want it to do. In the extreme, it may even be war to destroy the state or organization. It is, however, the whole system that is our target, not its military forces (emphasis original)."⁵⁴ It is important to note that there is an inherent assumption that the overriding objective in any conflict requires attacking all aspects of the state simultaneously, bringing down the opposing regime or government if necessary. There is no mention that the objectives could be less than total defeat of the opposing state.

When researching the motivations that directed Warden in his planning efforts, one overriding thing became clear: Warden was an unapologetic, zealous airpower advocate who stopped at nothing to advance his views and prove his theory. Throughout his post-Gulf War interviews with historians, he continually stated that senior leaders both in the Air Force and other services did not understand air power nor its possibilities.⁵⁵

When he felt that the Joint Chiefs Chairman General Powell prevented his plan from going forward to the President, Colonel Warden convinced Senator John Warner (Republican from Virginia) of the Armed Services Committee to phone the President and ask that the service positions be presented (the Air Force Chief of Staff was firmly behind Warden). He also took his presentation to Undersecretary of Defense Paul Wolfowitz in

⁵⁴ John A. Warden, III., "The Enemy As a System," *Airpower Journal*, Vol. 9, No.1 (Spring 1995), accessed online at <http://www.airpower.maxwell.af.mil/airchronicles/apj/warden.html>.

⁵⁵ Warden, Document Number K239.0472-113, Warden, Document Number K239.0472-114, Warden, Document Number K239.0472-115.

order to line up political support for his plan among defense civilians.⁵⁶ When DoD blocked the CIA Director's request to have Warden brief them on his plan, he went anyway without approval.⁵⁷ He was certainly committed to this plan and his idea of how to defeat the Iraqi regime.

It appears obvious that the expected results Warden briefed to Cheney (listed in a previous section) do not match the President's limited objectives. To that charge Warden countered in a post-war interview, "a great country cannot have a little war. There is no such thing as a limited war. If you weren't prepared to expend the effort that was going to assure victory, then you shouldn't play."⁵⁸ Absent strict doctrinal guidance, Warden's motivations to see his service win a war without Army involvement and his understanding of historical conflict led him to devise a plan that would prove his theory correct. Because his motivations were not aligned with the motivations of his principals, without oversight and deliberate alignment, Warden's plan would have led to disproportionate non-combatant casualties.

Warden's plan, however, was not implemented unchecked. To this day we do not know, and can only surmise whether it would have worked as briefed in August of 1990. We do know that proportionality and necessity were not really considered in that plan. The following section will cover that process in the actual conduct of the war, and I will show the impact of the variables doctrine and principal-agent alignment on the actual conduct of operations.

⁵⁶ Warden, Document Number K239.0472-113, pp. 88-90, 107-108, 112-113.

⁵⁷ Warden, Document Number K239.0472-115, pp. 14-15.

⁵⁸ John Warden, Document Number K239.0472-114, pg. 4.

IV. Moral Intent Versus Moral Decisions: Proportionality vs. Necessity

While Warden was motivated by a desire to show that air power could bring a country to capitulation, thus achieving the national objectives, Glosson and Deptula set out to achieve the national objectives first. They both believed that air power could do the job without a ground invasion, but they also understood that it was possible and politically necessary to attack not only leadership targets in Iraq, but also simultaneously the Iraqi military in Kuwait.⁵⁹ They factored in circumstances and constraints rather than only their beliefs and interests. To that end, they took the basis of Warden's plan and, maintaining close contact with him in Washington, built upon it and expanded it as more forces arrived in theater until the war eventually was executed. Their motivations were more aligned with their principals than were Warden's.

The approved plan was even trumpeted by *Air Force Magazine* as a righteous one. "Instant Thunder had one restriction in common with earlier American strategic bombing: It was designed to avoid civilian casualties."⁶⁰ The Secretary of State and Undersecretary for Political Affairs even reviewed the final target list with the Secretary of Defense and Joint Chiefs Chairman just days prior to the war's commencement and found it to be politically acceptable.⁶¹ However, that "one restriction" did not lead to specific proportionality-necessity decisions to ensure civilian casualties were limited. Merely approving targets without collateral damage estimates and issuing orders to limit such damage is at best contradictory. Had these principals found the target list

⁵⁹ Glosson, Number K239.0427-89, pg. 44.

⁶⁰ James P. Coyne, "Plan of Attack," *Air Force Magazine*, April 1992, pp. 41-42.

⁶¹ GWAPS, 46.

unacceptable, it may not have mattered. By that time, the plan was too firmly set to significantly change had they so counseled.

Research since the war has uncovered questions that should have been discussed during the strategy development. There was a dichotomy between the moral intent (evident in the pre-war discussions on limiting casualties mentioned earlier) and the outcomes (lack of proportionality-necessity decisions) of combat operations as a result of the strategy developed by Warden and refined by General Glosson and his Black Hole planners. There is no question that the key players understood morality and ethical norms, but that understanding did not necessarily, and in itself, translate to moral targeting decisions.

Warden never advocated a direct attack on the enemy's civilian population; he believed such attacks are difficult and "morally reprehensible." He discussed the difficulty of affecting enemy populations through direct attacks and the dubious results of attempting to break the will of a population. He acknowledged that although such attacks are reprehensible, they will likely continue in the future by other countries. Yet nowhere in the discussion of civilian population did he discuss the morality of indirect effects on the populace, and nowhere did he posit the possibility of limited objectives against an enemy state.⁶² Thus we saw that without constraining doctrine the declared limited objectives outlined above were left to be achieved with a strategy that was not limited, but total in nature.

Attacking enemy leadership and its support mechanisms theoretically can bring a regime down quicker than working to defeat the opposing armed forces. Supporters of precision airpower can rightly point out that the number of bombs required to achieve

⁶² Warden, *The Enemy As a System*.

specific objectives is a small fraction of that required in World War II or even Vietnam. One laser-guided bomb could achieve the same effect that required more than 9,000 bombs in WWII.⁶³ Given new precision technology and the horror of WWII firebombings, the days of mass obliteration bombing of cities and civilian populations became repulsive to Western norms. However, attacking leadership and support mechanisms normally means targeting dual-use facilities. Cutting electricity to a command post in an enemy capital could well mean cutting electricity to non-combatants.

When General Mike Dugan, the Air Force Chief of Staff, told the media that the overwhelming force used against Iraq would be air power and that the “cutting edge would be Baghdad,” he was relieved and retired for openly discussing the plan ahead of the war.⁶⁴ However, J. Bryan Hehir, Professor at Harvard’s Weatherhead Center and Dean of Harvard’s Divinity School said that Dugan’s words repudiated the central tenet of limited warfare: the protection of non-combatants. He says that the nature of Saddam’s “ruthless” regime made it all the more important to not punish the innocent people for the leader’s actions.⁶⁵

Yet Dugan was correct in his words, if not his presentation. He told the media what he was briefed. He was not relieved for promoting an immoral strategy, but for publicizing the plan while it was still secret. While never refuting Dugan, the administration merely distanced itself from him by stating that the General was not in the chain of command.⁶⁶

⁶³ Gordon and Trainor, 189.

⁶⁴ J. Bryan Hehir, “Baghdad as a Target – An Order to be Refused,” *Commonweal*, 26 Oct 1990, pp. 602-603.

⁶⁵ Hehir, “Baghdad as a Target,” 603.

⁶⁶ Gordon and Trainor, 100-101.

Most fundamentally, Colonel Warden's theory and subsequent plan, although not intended specifically to harm innocents, was not consistent with national objectives or the moral norms of Just War. The September 1990 CENTAF Operations Order, written by the Black Hole staff and approved by General Horner, stated: "When taken in total, the result of Phase I will be the progressive and systematic collapse of Saddam Hussein's entire war machine and regime."⁶⁷ Arguably, despite limited stated objectives, this is exactly the outcome President Bush desired.⁶⁸

Yet, Generals Schwartzkopf and Powell both disavowed such objectives. Furthermore, such objectives ran counter to another section of the same Operations Order that directed avoiding "anything which could be considered as terror attacks or attacks on the Iraqi people."⁶⁹ Such contradictory direction by the air headquarters, as well as the continued influence of Colonel Warden's theory on his former staff members in Riyadh would necessarily require decisions by the planners on which directions to follow. Again, in the absence of well-defined doctrine, these decisions were left entirely to the motivations of individual officers.

For example, when a mission is not clearly defined, questions arise as to discretion and moral bounds at the pilot level. During Desert Storm several pilots in one fighter wing, who were targeting an anti-aircraft artillery location, upon seeing the gunners flee their guns and run to bunkers, targeted the bunkers so that the gunners could not come back to fight another day. Other pilots in the same package of aircraft targeted only the anti-aircraft guns.

⁶⁷ GWAPS, 45-46.

⁶⁸ Bob Woodward, *The Commanders*, 1991, New York: Simon and Schuster, pg. 237.

⁶⁹ GWAPS, 45-46.

After the mission, the pilots gathered together with their intelligence officers and commanders to discuss whether it was their job merely to take out the anti-aircraft guns, or to kill the gunners if they were away from the guns. That particular discussion centered not so much on the issue of morality, as one might expect, but on peer expectations. The pilots who targeted the fleeing gunners raised the question of peer support with respect to those who did not target the men. The issue at the tactical level was whether the pilots cared more about their fellow fliers or the fleeing gunners.⁷⁰ But leaders at higher headquarters thought more strategically.

However, nowhere in any of the documents, interviews, or books that I researched did I find that Horner, Glosson, Deptula or Warden mention weighing proportionality against necessity, despite, for example, Warden's previously mentioned belief that it is reprehensible to attack noncombatants. That does not mean that they did not weigh those moral issues. Obviously, it would not be necessary to use those specific terms to make a moral decision. However, there is no evidence of any debate as to the necessity of any targets against the given objectives, how many non-combatant casualties would be worth those targets or objectives. Some notable examples of lasting outcomes due to a lack of proportionality-necessity decision follow.

The Al Firdos bunker incident was the most visible example of unintended consequences during the war. It is even more significant because while a true accident (and thus not a war crime), it highlighted the process of targeting and the lack of senior oversight over the process which my model says is necessary.

⁷⁰ Author was 363 Tactical Fighter Wing Mission Planning Cell Intelligence Chief during Desert Storm, the Gulf War of 1991. He led the officers and enlisted who planned all combat missions and debriefed the fliers upon their return from their missions.

Three and one half weeks into the war, on the night of 13 February 1991, two F-117s each dropped a 2,000 pound laser-guided bomb onto one of ten known leadership bunkers being used on various schedules in the Baghdad suburbs.⁷¹ What intelligence did not know was that the Iraqi government had put civilian non-combatants into the upper floors of one particular building under the guise of a shelter without informing the people that the building was actually a leadership bunker. The result was 204 innocents killed and a media frenzy that brought the first major international scrutiny of the war onto the targeting process.⁷² Despite the fact that placing non-combatants at a valid command and control target is a clear violation of the Geneva Conventions, it seemed as though international media scrutiny was placed on the American planners of the attack, rather than on the Iraqi leadership.

After the bunker incident, Lt Col Deptula had to provide justification for every target and rationale for going after any targets in Baghdad.⁷³ Prior to the 13 February attack, General Glosson was himself the approval authority for all targets, not General Schwartzkopf, who had legal command authority over the operation.⁷⁴ After conferring with Schwartzkopf, Powell and Glosson, both Secretary Cheney and President Bush stated that they supported Glosson in selecting that bunker as it was a military target and that the Iraqis should have known not to place civilians there.⁷⁵ Although it was a military target, no one explained how attacking that command bunker would lead to the

⁷¹ GWAPS, pg. 69.

⁷² Mann, pg.

⁷³ David Deptula, 12 December 1991, Transcript of Oral History Interview conducted by Suzanne Gheri, Edward Mann, and Richard Reynolds, Air Force Historical Research Agency, Maxwell AFB, Alabama, Document Number K239.0472-85, pg. 121.

⁷⁴ An Air Force historian asked Glosson, "Sir would you say that for the initial weeks of the war, and certainly prior to the actual start of the war, that you and your folks had virtual autonomy in target selection and what have you?" To which Glosson answered with one word: "Total." Glosson, Document Number K239.0472-89, pg. 83.

⁷⁵ Glosson, Document Number K239.0472-89, pp. 84-85.

attainment of the primary objective of expelling the Iraqi Army out of Kuwait, nor how necessary that target was and the weight of non-combatant casualties that would be acceptable to achieve the effect on the target.

On another target set, the air attacks rapidly shut down the electrical system forcing Iraq to use back-up power, yet the Iraqis quickly restored this damage without external assistance, showing that the Coalition inflicted little long-term destruction on the Iraqi power system.⁷⁶ Some critics quoted in the GWAPS stated that the strategic air campaign resulted in very few Iraqi civilian casualties due to power outages. However, other critics believe that the loss of electrical power “contributed to” 70-90,000 postwar civilian deaths above normal mortality rates between April and December 1991 due to the interruption of power to water purification and sewage treatment. According to NBC News Military Analyst Bill Arkin, the final death toll was 111,000.⁷⁷

These numbers or casualties, in and of themselves, are not inherently immoral. However, they indicate a degree to which analysts and historians should question whether proportionality and necessity decisions would have been made to allow this result if the estimates prior to targeting those elements would have yielded these casualty figures.

All of the above-mentioned operations had varying effects on achieving objectives, but one target set stood out as the most decisive in the outcome of the entire conflict. The attacks on the Iraqi fielded forces were very effective, resulting in at least 50% armor vehicle attrition before the start of the ground war.⁷⁸ This is quite ironic as it is the outer, and supposedly least influential, ring in Warden's theory, yet attacks on this ring had the most success with respect to stated objectives. Adding to the irony, they

⁷⁶ GWAPS, pg. 75.

⁷⁷ GWAPS, pg. 75.

⁷⁸ GWAPS, pg 119.

were not listed on the “strategic” target list because of their tactical nature and mobility. Yet the attacks on the Iraqi forces in Kuwait so debilitated them that when coalition forces rolled into Kuwait, Iraqi forces either retreated, surrendered, or were found decimated.

The bottom line from the Desert Storm strategic aerial bombardment campaign is that the “strategic” portion (those attacks against regime support targets in Baghdad) likely did aid in the speed and decisiveness of the victory. Yet the extent to which it brought about a quicker end to the war may never be accurately known. What is conclusively known is that the use of air power against the fielded forces was very effective and had a decisive impact on the outcome of the war. Attacks against fielded forces yielded extremely low collateral damage due to the lack of non-combatants in the vicinity of fielded forces, yet achieved the major objective of weakening the Iraqi army and forcing its removal from Kuwait.

V. Conclusion

It is readily apparent that senior civilians who ordered this war intended to limit the suffering of the non-combatant population in Iraq. Furthermore, the officers who planned and executed this operation acknowledged the moral issue of harm to non-combatants as a factor in planning. However, that intent to limit harm to non-combatants did not necessarily translate to specific decisions on the necessity of targets and the level of acceptable non-combatant casualties. There were, it appears certain, moral motivations by the principals and agents. But there was not a process of specifically aligning those motivations between principals and agents. Furthermore, there was no

doctrine in place to drive planners and commanders to translate objectives into moral targeting strategies.

When asked about pre-war doctrine, Colonel Warden responded, “If we mean the 1984 Air Force 1-1, then it was neither validated nor invalidated because the 1984 version, in my mind—and this may be somewhat unfair—was so unspecific that there was no real solid thread, core, belief that was incorporated in it other than that air power was good.”⁷⁹ That lack of specificity allowed the planners the latitude to go outside of and beyond the desires of the American national leadership.

General Buster Glosson said, “You cannot develop an air campaign unless you know what the objective is and what you are trying to do. Once you know what that is, and if you have the luxury of having the resources of the entire free world at your disposal, you should ask yourself a straightforward question: ‘What is the smartest military way to reach these objectives with the minimal amount of casualties and the minimal collateral damage.’ I think in today’s society we must strive to that end. I think it is consistent with our way of life and the type of people we are—what we are all about as a Nation.”⁸⁰ Did the U.S. do what Glosson said? The answer, from my research, is only partly. The administration and planners tried to define objectives, but did not coherently determine the means to achieve them with minimal casualties.

To General Horner, the objectives were clear: “After talking to Schwartzkopf, to the President, the idea was this: To get the Iraqi Army out of Kuwait. That was right from the President, and to cripple the nuclear/biological/chemical—I use ‘cripple’

⁷⁹ Warden, Document Number K239.0472-114, pg. 60.

⁸⁰ Glosson, Document Number K239.0472-89, pg. 120.

because it was revisionist history. It was destroy.”⁸¹ However, Colonel Jim Blackburn, Director of Targets for the Air Staff in 1990, and a planner on Colonel Warden’s ad hoc staff, stated repeatedly to his superiors during the planning, as well as to historians after the war, that he was concerned over the difference in General Schwartzkopf’s objectives and those that Colonel Warden developed.⁸²

Clearly some planners recognized a misalignment of principal and agent motivations that could have led to less than moral targeting decisions. Blackburn did not say whether his concern was moral or practical, but either way, a practical concern could have a moral component, especially with respect to targeting elements of the enemy state that do not materially lend to the attainment of the national objectives.

Likewise one of the two key links between Warden’s planning group and the Black Hole in Riyadh, Lt Col Dave Deptula, said that the daily guidance for planning did not come from the JFACC, General Horner, but was developed within the Black Hole by the planners and signed out by General Glosson. He said that they had “more freedom than any operation in history,” and that their targeting decisions were based on Warden’s “5-rings thing” rather than direction from the CINC or President.⁸³ Another person that linked Warden’s planners with the wartime execution in the Black Hole, Major Mark “Buck” Rogers, said that the planners tried to counter those who were determined to fight the Iraqi Army to achieve the primary objective. Rogers stated after the war, “You don’t

⁸¹ Horner, Document Number K239.0472-93, pg. 53.

⁸² James Blackburn, 21 April 1993, Transcript of Oral History Interview conducted by Suzanne Gheri, Edward Mann, and Richard Reynolds, Air Force Historical Research Agency, Maxwell AFB, Alabama, Document Number K239.0472-73, pp. 10, 75.

⁸³ Deptula, Document Number K239.0472-85, pp. 2,4.

have to fight his force to win. You attack those things that he holds dear or those centers of gravity that will impact his ability to fight.”⁸⁴

Such a position, however, assumes that to “win” it is necessary to affect those centers of gravity outside the battlefield. By all accounts, that was not a position that the President, Secretary of Defense, CJCS and CINC held after the Al Firdos bunker was attacked based on the restriction to target in Baghdad after that attack. It seems certain that given the motivations of the principals and agents, had doctrine existed that established formal processes to ensure objectives were translated into strategy, then it is probable that, at the very least, the CINC would have been likely to make a decision to balance the necessity of the targets against the proportionally acceptable number of noncombatant casualties.

In my research, I have not found any references to any of the major players having been asked prior to the war how many total non-combatant casualties the objectives were worth. Nor was I able to find evidence of this question being asked after the war and compared to the reported casualty figures from the GWAPS. However, it is hard to imagine that the same targeting decisions would have been made if the estimates approached the actual post-war reports.

In Chapter Three I put forth the following hypotheses:

1. Moral outcomes to military operations are more likely when the planning and execution community follows established doctrinal procedures that constrain planners to develop strategy that achieves specified national objectives.
2. Moral outcomes to military operations are more likely when military planners’ and executors’ (agents) motivations, and those of national leaders (principals), are aligned and focused on moral ends.

⁸⁴ Mark Rogers, 3-4 June 1991, Transcript of Oral History Interview conducted by Suzanne Gheri, Edward Mann, and Richard Reynolds, Air Force Historical Research Agency, Maxwell AFB, Alabama, Document Number K239.0472-103, pg. 72.

In this case study I showed that few doctrinal procedures existed at the time of Desert Storm and that key players did not follow them. Furthermore, the motivations of certain key agents did not line up with principals' objectives. The lack of oversight by principals allowed for processes and structures to be established on an ad hoc basis. Although these were arguably brilliant decisions and resulted in a decisive victory, there was not a proportionality-necessity balance made for objectives or targets by the Joint Force Commander or his superiors. The result was that while senior national leaders desired moral targeting decisions, the numbers of acceptable non-combatant casualties was not consistently weighed against target necessity during Desert Storm.

Chapter Six

Operation Allied Force Case Study: Can You Stop Paramilitaries From Torching A Neighborhood By Bombing A City 300 Miles Away?

Air Vice Commodore David Whilby said this past Saturday (3 Apr) “the sole purpose of the bombing is to stop the suffering.” Yet we hear from other capitals that the purpose is to punish the Yugoslav Army for its attacks on Kosovo. But we also hear that the bombing was intended to prevent a regional humanitarian crisis, which has since grown worse than most could have imagined.¹

I. Introduction

Throughout most of the 1990s, the world witnessed the kind of ethnic warfare in the Former Yugoslav Republics that contradicted the vision of harmony and integration that Europe was trying to achieve. Despotic local rulers, rape camps, murderous criminal elements given free reign to terrorize populations, terrorists openly transferring arms drugs, and people across borders, refugees flooding European countries struggling to deal with issues from reunification to recession, international peacekeepers being used as Human Shields – these issues were a shameful blight on the progress Europe made at ending the seemingly constant warfare of previous centuries. When the Albanian population of the Yugoslav province of Kosovo began an active bid for independence and Serbian paramilitaries began a terror campaign against the Albanian population in 1998, the international community understood that an imposition of force would likely be necessary to end the latest chapter in this saga.

¹ Air Force Doctrine Center internal memorandum, dated 6 April 2000. Used with permission of HQ Air Force Doctrine Center, Maxwell AFB, AL.

After the humiliations the international community suffered in Bosnia -- with UN peacekeepers handcuffed as human shields to bridges and other potential targets without a clear response -- there was an understanding that UN peacekeepers would likely not be effective. Credible force would be necessary to compel whatever sanction the international community placed on the belligerents. NATO took the lead for this round of action against Serbia. On 24 March 1999, NATO countries initiated their first combat operations, named Operation Allied Force, to coerce Yugoslav President Slobodan Milosevic to end Serbian actions against the Albanian population in Kosovo. The decision to enter into combat operations and the criteria for Jus ad Bellum are beyond the scope of this study.

I will explore, however, the moral implications of events that occurred during combat operations. During Allied Force, constraining doctrine was in place but not followed. Furthermore, principals and agents made no effort to align their motivations with respect to objectives and targets. As a result, proportionality-necessity targeting decisions were not consistently made.

As in the previous case study, I explore the doctrine in place at the time of the operation and determine the extent to which it directed planners to take into account national objectives when developing strategy. In the case of Allied Force, the doctrine at the time of the planning for the war was sound for guiding the planning and conduct of operations. However, I show in this chapter that doctrine was not followed and could not necessarily be followed due to a lack of clear and consistent objectives. A 2001 General Accounting Office (GAO) report to Congress noted that “many U.S. participants in the operation believed that these departures [in doctrine] resulted in a longer campaign, more

damage to Yugoslavia, and greater risk to alliance forces than likely would have occurred if doctrine had been followed.”² Such a longer operation and greater damage to Yugoslavia would certainly call into question whether moral norms were followed. I review the doctrine in place prior to the war and the structures and processes that were followed and circumvented during the planning and execution of operations.

I then explore the principal-agent relationships and motivations that affected the planning and execution of combat operations. It was the motivations of the principals, planners and war fighters that affected whether doctrine was followed and whether moral targeting decisions were made. During the war, these motivations did not align between principals and agents. Whether it was disagreements as to how long the war would last or disagreements regarding appropriate targets, the alignment between principal and agent motivations was absent. I explore these variables with respect to whether or not a proportionality-necessity balance was made for each objective or target.

II. State of U.S. Military Doctrine for Operation Allied Force

After the lessons of Desert Storm, the DoD and Air Force undertook an updating, and in some cases, a baseline writing of operational war-fighting doctrine. Several key joint doctrine documents were published or revised between Desert Storm and Allied Force. The capstone joint doctrine publications, Joint Pub 1, *Joint Warfare of the Armed Forces of the United States*, and Joint Pub 0-2 *Unified Action Armed Forces* (UNAAF)

² United States General Accounting Office, GAO-01-784, *Kosovo Air Operations: Need to Maintain Alliance Cohesion Resulted in Doctrinal Departures*, Washington, D.C., July 2001, pg.2. The title to this document seems to explain why doctrine was not followed, however, even in the case of maintaining alliance cohesion, with different objectives promulgated to planners, both objectives and cohesion could have been achieved.

were published on 10 January 1995 and 24 February 1995 respectively. The two other key publications, Joint Pub 3-0, *Doctrine for Joint Operations* and Joint Pub 5-0, *Doctrine for Planning Joint Operations* were published in February and April 1995. And the *Doctrine for Command and Control of Joint Air Operations* was published in November 1994. These publications came about as a result of lessons learned by the services during Desert Storm, each being published after the standard two-year research and coordination process between the services and Joint Staff.

As with all doctrine, they are authoritative, and bear the following exhortations to the services and commanders implementing them:

The guidance in this publication is authoritative; as such, this doctrine will be followed except when, in the judgment of the commander, exceptional circumstances dictate otherwise.³

Most importantly, the new doctrine documents were more joint– that is they were not as centered on a single service as a result of the success of joint operations in Desert Storm. While they did not necessarily fully eliminate service leanings, they strongly stressed the best practices and principals necessary to achieve the good of the entire country rather than the good of the individual services.

The U.S. Air Force also undertook an update of its own service doctrine after its Chief of Staff established in 1997 the Air Force Doctrine Center, which reported directly to him and his successors. In September of 1997, Chief of Staff General Ronald Fogleman signed Air Force Doctrine Document (AFDD) 1, Air Force Basic Doctrine. The Center also undertook researching and writing the entire family of Air Force doctrine

³ Chairman of the Joint Chiefs of Staff, *Joint Pub 0-2, Unified Action Armed Forces (UNAAF)*, Washington, D.C., 24 February 1995, pg. i.

documents to put AF doctrine in line with joint service doctrine and provide the Air Force input to joint doctrine. These doctrine documents provide airmen a framework from which to organize and employ air power in the pursuit of national interest as dictated by the President. The primary doctrine documents relevant to the planning and conduct of Allied Force were the UNAAF, JP 5-0, JP 3-0, AFDD-2 *Organization and Employment of Aerospace Forces* (the draft version of AFDD-2 that was in the field being used for the planning of Allied Force was identical to the final signed version that was officially published after the war)⁴, and AFDD 2-1 *Air Warfare*.

In the following sections, I follow the format from Chapter 3 and discuss the extent to which the U.S. military followed doctrine in Allied Force based on its structures and processes. I then review the factors that affected principal and agent motivations.

Doctrinal Processes

The new doctrine publications were, first and foremost, good starting points from which planners could develop strategies to achieve objectives. The doctrinal process outlined earlier in chapter four was established and practiced by U.S. military planning staffs worldwide and set to be implemented for Allied Force. However, a set of circumstances arose that made it virtually impossible to follow established doctrine.

Objectives that military leaders require from national leaders were virtually non-existent and when available, contradictory. The planning staffs and doctrinal structures were split up and separated by General Wesley Clark, the Commander in Chief, U.S. European Command (CINCEUR) and NATO Supreme Allied Commander Europe

⁴ Personal correspondence from Lt Col (Ret.) Bob Poyner, Air Force Doctrine Center, principal author of AFDD-2, 22 August 2003.

(SACEUR).⁵ This precluded smooth and even necessary coordination between his subordinate staffs. Finally, fighting the war under the banner of NATO command and control, while separating U.S. forces and planning processes from the rest of the allied doctrinal structure, made coordination between staffs difficult at best. The result of these factors was a breakdown in the balance between proportionality and necessity.

As Serb paramilitary attacks against Albanians in the Kosovo province increased through 1998, and as the peace talks in Rambouillet, France, seemed to be going nowhere, NATO's staff issued official messages to its member states. On 24 September 1998, NATO's highest political body, the North Atlantic Council (NAC) voted to issue and Activation Order to member states' militaries to prepare for both a Limited Air Response and Phased Air Operation against Yugoslavia in support of NATO Contingency Operational Plan (CONOPLAN) 10601.⁶

However, that very month, during the lead-up to potential operations against Yugoslavia, there was an absence of clarity as to the objectives for which planners were ordered to develop strategies and an absence of constraints on planners. Senior general officers at the Headquarters U.S. Air Force, Europe (USAFE) requested the Air Force Doctrine Center to deploy three officers with a sound understanding of the region and conflict, air operations, and experience in joint planning for combat operations. The Doctrine Center agreed and sent a team along with officers from the College of

⁵ General Clark assigned the planning of the air operations to the Combined Air Operations Center in Vicenza, Italy, nominally under the command of the NATO Commander In Chief, Allied Forces Southern Europe in Naples, Italy, with key intelligence Staffs in Germany and England, as well as his own targeteers in Belgium. Courtesy Air Force Doctrine Center Case Study, November 1998, and Final Air Force Doctrine Center Allied Force Assessment, 1999.

⁶ Minutes of Evidence, "Kosovo Political/Diplomatic/Military Chronology," Select Committee on Foreign Affairs, The United Kingdom Parliament, accessed at <http://www.parliament.the-stationery-office.co.uk/pa/cm199900/cmselect/cmfa/28/9111806.htm> on 29 Oct 2003.

Aerospace Doctrine, Research, and Education (CADRE) to conduct a case study of the planning to date for potential combat operations.⁷

The purpose was to determine if the planning process had followed established doctrine to date and to assist the various staffs in correcting any problems.⁸ For three weeks, the team consulted officers at various headquarters involved in the planning to that date, including HQ USAFE, in Ramstein, Germany, HQ EUCOM in Stuttgart, 16th Air Force in Aviano, Italy, the NATO Combined Air Operations Center (CAOC) in Vicenza, Italy, 6th Fleet in Naples, Italy as well as NATO Commander of Allied Air Forces Southern Europe (COMAIRSOUTH), also in Naples.

What the officers conducting the case study found was multiple, parallel, disjointed planning processes that violated multiple doctrinal tenets. The major findings were that the planning process violated the principals of unity of command and objective.⁹ All the problems spawned from those two doctrinal principals. In the following paragraphs, I address those findings and the measures taken to correct them.

Before planning can be accomplished, strategies conceived, and coordination between various elements on the planning bureaucracy to develop a strategy, planners require specific objectives as a minimum starting point. AFDD 1 explains: “Success in military operations demands that all efforts be directed toward the achievement of common aims...this **principle holds that political and military goals should be**

⁷ Air Force Doctrine Center, “Trip Report, Warrior Preparation Center, Einsiedlerhof, Germany 18 Oct – 4 Nov 98,” 9 Nov 98. Internal unclassified report to the Commander, AFDC, by officers performing “Doctrine Wingmen” Case Study. Used with permission of AFDC Commander and Vice Commander, 2001.

⁸ Author was a participant-observer as a member of that Doctrine Center team deployed to conduct the case study in Europe in October 1998.

⁹ See Joint Pub 1, *Joint Warfare of the Armed Forces of the United States*, Chairman of the Joint Chiefs of Staff, Washington, D.C., 10 January 1995, pg III-1, and AFDD 1, pg. 12, for a discussion of the principals of war and how they guide doctrine.

complementary and clearly articulated”¹⁰ (emphasis original) According to a finding by U.S. Air Force researchers, multiple separate sets of objectives were officially transmitted to the planners and forces designated to deploy in support of operations in Yugoslavia. None were identical, each emphasizing a different aspect of the objectives, such as to maintain alliance cohesion, or to degrade the Yugoslav air defenses, or to destroy fielded forces. The objectives from the Commander, US EUCOM, did not match those transmitted by the Joint Staff, or those sent by the Air Component Commander or even one low level staff in Germany that had no authority to transmit the objectives but did so anyway.¹¹

The clarification of those objectives was one thing the “doctrine wingmen” were not able to rectify. Every staff they visited and assisted, and every commander they spoke to, gave the same answer, namely that clear objectives were never transmitted from Washington or from the CINC, General Wesley Clark. Inferences about the reasons for this will be discussed in the following section on principal-agent motivations. However, one theme was consistently brought up and that was that the planning staffs had to try to divine the specific intent of the President and CINC absent clearly defined and measurable objectives.¹²

The planners on the various U.S. and NATO staffs were not told specific objectives, but they were told to prepare to conduct operations, either as a coalition, or for U.S. forces only. They were told by the North Atlantic Council to prepare to implement

¹⁰ AFDD 1, pg. 13.

¹¹ Headquarters Air Force Doctrine Center Case Study Final Briefing, November 1998. Information used with permission from the Air Force Doctrine Center. Author was participant observer in this research trip to U.S. European Command to determine compliance with doctrine in the planning that led to Allied Force.

¹² Air Force Doctrine Center, “Trip Report, Warrior Preparation Center, Einsiedlerhof, Germany 18 Oct – 4 Nov 98,” 9 Nov 98.

NATO CONOPLAN 10601. This plan did not define specific objectives, but it did outline three phases of operations the planners were to define strategies for.

Phase I: establish air superiority over Serbia and supremacy over Kosovo by taking out Serbian air defense systems, and reduce Serbian command and control capabilities;
Phase II: attack military targets inside Kosovo, as well as Serbian reinforcements in Yugoslavia south of the 44th parallel;
Phase III: expand air operations to cover a wide range of military targets throughout the whole territory of Yugoslavia.¹³

However, there was no guidance as to when the phases would change, or the specifics of what end was to be achieved through these phases. With the technology available to NATO forces as well as the limited number of targets that would correspond to these objectives, it would have been possible to conduct all three of these phases in parallel, rather than sequentially. Still, these phases and their objectives were difficult to quantify and measure. The command staffs could not know how wide a range of targets to attack in Yugoslavia, or at what point command and control was sufficiently reduced.

Despite requests by nearly all planning staffs to synthesize objectives, the differences remained after the commencement of operations. Even President Clinton and the NATO Secretary-General gave speeches outlining different objectives for the NATO forces, as did the U.S. Secretary of Defense, William Cohen.

One day prior to the commencement of the war, NATO released the following political and military objectives. Political: 1. help achieve a peaceful solution to the crisis in Kosovo by contributing to the response of the international community and 2. halt the violence and support the completion of negotiations on an interim political solution.

¹³ John E. Peters, Stuart Johnson, Nora Bensahel, Timothy Liston, Traci Williams, *European Contributions to Operation Allied Force: Implications for Transatlantic Cooperation*, Santa Monica: Rand Corporation, 2001, pg. 16.

Military: 1. halt the violent attack being committed by the Yugoslav Army and security forces, 2. disrupt their ability to conduct future attacks against the population of Kosovo, and 3. support international efforts to secure Federal Republic of Yugoslavia agreement to an interim political settlement.¹⁴

On 24 March, 1999, Secretary Cohen told the media at a press conference that “The military objective of our action is to deter further action against the Kosovars and to diminish the ability of the Yugoslav army to continue those attacks if necessary.”¹⁵ This wording was a close paraphrase of the first two NATO objectives, but it did not match the wording of either the President or NATO Secretary General. That same day, President Clinton, at a press conference, stated three objectives for United States forces:

1. To demonstrate the seriousness of NATO’s opposition to [the Serb] aggression [against Kosovar Albanians] and [NATO’s] support for peace.
2. To deter the Serbs from attacking helpless Kosovar Albanians and to make them [the Serbs] pay a price for their actions if they continued to do so.
3. To damage Serbia’s capacity to wage war against Kosovo by seriously diminishing [Serbia’s] military capabilities.¹⁶

In fact, in military terminology, there is a huge difference between “halting a violent attack” and “detering further action.” Halting involves a potentially much greater use of force. But “demonstrating NATO’s seriousness” is an unmeasurable objective. Planners had three different primary objectives that would require three different levels of effort and force structures.

But those differences in direction were not the end to the conflicting guidance. A week after the previous guidance was given, the NATO Secretary General put forth the

¹⁴ GAO-01-784, pg. 20.

¹⁵ Department of Defense News Briefing, Defense Secretary William S. Cohen and Chairman, Joint Chiefs of Staff, 23 March 1999. Available on-line: www.defenselink.mil/news/Mar1999/t03241999_t0324sd.html.

¹⁶ “President Clinton Address to the Nation Regarding NATO Air Strikes Against Serbia.” 24 March 1999, On-line. Available at http://kiev.usembassy.gov/press/990326_clinton-kosovo_eng.html. Accessed 15 April 2004.

following as NATO objectives, still not identical to the guidance given previously by his staff:

1. Stop the killing in Kosovo
2. End the refugee crisis; make it possible for them to return
3. Create conditions for political solutions based on Rambouillet Accord¹⁷

Gingras and Ruby point out that serious problems can arise from a lack of coordinated direction:

The contrast in wording from an address by Clinton nine days earlier was enough to cause a serious difference of opinion regarding how to conduct the war. American planners, ordered to damage the capacity of Serbia to wage war, subjected a range of targets to attack. Other members of the Alliance did not recognize that U.S. objective as a NATO aim and would not agree to certain targets. This dispute over guidance inserted friction into the process of coordinating multinational planning staffs and into the operations of the coalition as a whole.¹⁸

Such friction can lead to political differences, such as those that arose during Allied Force. Even worse, it could hinder coordination that would prevent disproportionate non-combatant as well as combatant loss of life. While the differences could be attributed to the nature of the political behind-the-scenes dialogue taking place, the fact remains that planners and commanders needed clear and measurable objectives and direction. They must be measurable and concrete so that commanders could tell when they achieved a given objective. The question most often asked by planners and commanders to the

¹⁷ Transcript of press conference given by NATO Secretary General Javier Solana and SACUER General Wesley Clark, 1 April, 1999 in Brussels, Belgium. Accessed 15 April 2004 at <http://listserv.cc.kuleuven.ac.be/cgi-bin/wa?A2=ind9904&L=natopres&T=0&F=&S=&P=264>.

¹⁸ Jeffrey Gingras and Tomislav Ruby, "Morality in Modern Aerial Warfare" in *Joint Forces Quarterly* (Summer 2000), p. 110.

Doctrine Center study team was “How do we know when we have demonstrated NATO resolve, or degraded a capability?”¹⁹

One key doctrinal procedure that was not followed was the issuance of a formal Operation Order (OPORD). When an OPOORD, the formal document that outlines objectives, and command relationships between the combatant components, is purposely not issued, as was the case during the early planning for operations in Yugoslavia, planners and executors lack the guidance Huntington said they should **expect** to receive.

While only General Clark can definitively say why he would not publish an OPOORD, there is one possible reason that a researcher could infer. As the CINCEUR (wearing his U.S. hat) and SACEUR (NATO hat), General Clark would not have been in direct command of this operation. This operation was fought within the NATO command structure, and because the U.S. joint task force was established under the command of Admiral Jim Ellis, who was also the NATO commander of the operation and based in Naples, Italy. As such, General Clark was not in command of the forces in the field. Publishing an OPOORD would clearly delegate command authority to a subordinate flag officer who would then control forces. Without an OPOORD, the CINCEUR could continue to direct forces and conduct of operations through an informal daily video-teleconference and have all communication go through him instead of from the JTF commander directly to the Pentagon.

U.S. Air Forces in Europe published the *Air War Over Serbia (AWOS), One Year Report*, which pointed out the following in an unclassified section:

(U) As previously mentioned in the planning chronology, for reasons best known to those staffs, neither European Command nor Joint Task Force Noble Anvil developed any operations orders. Without the

¹⁹ AFDC Case Study, November 1998.

European Command staff having developed a plan or an order, the Noble Anvil staff had no firm starting point for its planning, a condition shared with European Command's other components and Noble Anvil subordinate components (Sixteenth AF as the Air Force Forces staff). Without CINCSOUTH updating a four-month old operations plan into an operations order, the JFACC [Joint Forces Air Component Commander] and his staff had no firm starting point for their planning.²⁰

Without clear guidance, strategies cannot be developed to achieve a measurable end state. How does a person measure whether the U.S. has supported the international effort? How does the alliance deter further attacks? One might argue that flying low over the country's capital city demonstrated resolve, or that it is necessary to shed blood. These unquantifiable objectives cannot lead to sound military strategy. The GAO report noted:

Since the goals of the military action were not to defeat the Yugoslavian leadership but to get it to stop the violence and reach a peace agreement, it was unclear how to achieve the goals with air operations. Several officials stated that the NATO alliance's objective of demonstrating resolve led initially to approved targets that were selected to show that the NATO alliance was serious rather than tied to a coherent military plan. It was not until the objectives were clearer with defined end states, about 1 month into the operation, that the military leaders developed guidance that could be translated into a coherent campaign.²¹

Another political decision limited the scope of the operation, which went against doctrine, but which was the prerogative of national leadership. Namely, President Clinton ruled out ground forces from the beginning of planning for combat operations. Rationale for this decision as well as others that affected doctrinal planning will be discussed in the section on principal-agent motivations. While the President had valid political reasons for ruling out ground forces, doing so publicly afforded the Yugoslavs

²⁰ United States Air Forces in Europe/Studies and Analysis, *Air War Over Serbia, One Year Report*, 2000, pg. 266.

²¹ GAO-01-784, pg. 7.

the ability to move their forces around in a manner they would not have done had the threat of ground forces remained on the table – a threat that could have tremendously aided NATO planners.

Furthermore, few targets were approved for the initial attacks and none of them would have had any effect on stopping the Serb paramilitaries from attacking Albanians in Kosovo. The GAO reports “the alliance approved only about 50 carefully chosen military targets prior to the campaign. The alliance expected to strike these initial targets, which were mostly air defense systems, within 2 days.”²² In hindsight, it is obvious that bombing surface to air missile sites outside the Kosovo province would not necessarily stop paramilitaries from torching homes. However, this strategy was followed as a coercive air campaign aimed at changing the Serb leadership’s calculus.

The military and doctrinal problem with this strategy is that you do not know if you are succeeding until the opponent ultimately gives up. There is no way to know whether one more day will make the difference or whether it will take a month of the same strategy. So this then impacts the moral targeting decisions. If there is no way to measure success until success is ultimately achieved (or in the opposite manner the U.S. decides to cease the strategy as in Vietnam), this leads to the moral question of how can the leadership measure necessity and proportionality. If there is no way to measure the success of the coercive strategy was working, it would be impossible to meaningfully say that one target was worth the necessity and another was not. All coercive targets could be said to be worth the harm to non-combatants involved.

The GAO report discusses two other areas in which existing doctrine was adequate for the operation, but was not followed, resulting in problems with the

²² GAO-01-784, pg. 8.

execution of the mission. The first is the development and issuance of dual air tasking orders (ATO). Because of the dual and separate structures (to be discussed in detail in the following section) for US-only and NATO forces, separate ATOs were issued on a daily basis. The GAO report says this did not effectively support air operations to the fullest extent possible, but that the doctrine was sound and should have been followed with the publication of a single ATO.

Second, the GAO report finds that while doctrine for joint intelligence operational support existed, it was not followed. Multiple, and often conflicting intelligence reports from various countries were not coordinated and shared within the alliance. These issues impacted the proportionality-necessity decisions through information availability and the separation of ATOs led to different principals making the decisions based on different understandings of what was being targeted.

Finally, doctrine was not followed with respect to the targeting process. Whereas joint doctrine called for a Joint Targeting Coordination Board (JTCCB) to be established by the joint force commander, this was not done in Allied Force. The JTCCB typically “reviews target information, develops targeting guidance and priorities, and may prepare and refine joint target lists.”²³ Instead, multiple organizations worked in a “federated” targeting process to develop targets that could be attacked. The problem was that absent clear guidance as to desired effects that would be achieved, and that would logically lead to attaining objectives (which were never clearly defined), the goal became finding anything that could be considered a military target, rather than achieving any desired end state. The process went in reverse of what doctrine called for, and in effect became a strategy in search of an objective, rather than the other way around..

²³ Joint Pub 3-0, pg. III-26.

According to a senior USAF planning commander, the CINC hoped a strategy would arise as a result of the targets attacked.

At the very highest levels [General Clark], DMPIs [Desired Mean Points of Impact – the actual aim points for the bombs] were carefully chosen by looking at maps and target descriptions. From this, certain targets could expect to receive some level of damage. From this, effects on target systems could be estimated. Based on this, objectives would become apparent, and in the end a strategy might fall out.²⁴

This process is exactly backwards from that presented in doctrine, but once the senior commander decided on this process, his subordinates had little choice but to follow. The senior U.S. targeteers at NATO headquarters agreed with this assessment by stating that General Clark personally selected targets based on a punishment strategy, rather than through a methodological process to achieve a given effect.²⁵ That strategy in the end worked, but doctrinally, there was no way to plan targets to achieve effects since the desired effect was the macro-level punishment of the Serbian regime. Morally, this strategy can lead to situations where there is no way to measure necessity except by saying that all targets were necessary.

According to a post-war briefing by a senior USAF general officer, the planning process skipped all the steps that would have ensured non-combatant protection.²⁶ This senior leader said, at the AF Doctrine Symposium in March 1999, that the planning process skipped from determining objectives directly to picking targets without any attempt to match desired effects with appropriate weapons or platforms. The NATO

²⁴ Senior USAF planning officer and commander during Allied Force. Personal electronic correspondence with author, 3 October, 2003. Officer asked not to be named since he is presently serving in a senior leadership position.

²⁵ Personal interviews with Col Scott Bethel, then Chief of Targets Intelligence, NATO Headquarters Intelligence Directorate. Series of interviews between April 1999 and Jun 2002.

²⁶ “Integration of Air and Space in Operational Planning,” briefing to AF Doctrine Symposium, Maxwell AFB, Ala., 1 March, 1999.

Chief of Targets during Allied Force agreed, saying that there were so many targets added to the list so quickly in order to build up a large list, that there was not enough time to accomplish a proper workup on them all.²⁷

The *Washington Post* agreed: “NATO began the war over Kosovo with a one-volume Master Target File containing 169 targets. It ended the war with more than 976, filling six volumes.”²⁸ This non-doctrinal directive resulted in a waste of resources (bombs, fuel) and lives (both of non-combatants on the ground and potentially for airmen flying through threats) without achieving any operational or strategic effect.

Of course, some may argue that this bombing did have the strategic effect of showing resolve. However, I would ask how that effect can be measured until the war is conceded by one side or the other. How can that objective be measured for proportionality? How many non-combatant lives are worth demonstrating resolve? If a national leader actually made a decision that the objective of demonstrating resolve was worth a certain number of non-combatant lives, then the strategy could only proceed up until that number was reached, whether the opponent conceded or not.

Dana Priest in the *Washington Post* reported that Clark had made the threat out to be so significant that they had more assets than targets to attack. “By late April, NATO had more combat planes than it had targets to hit. Both Clark and the airmen putting together each day’s tasking orders were frustrated.”²⁹ With so few targets and so many planes, and ever more flowing into theater, the few approved targets were continually attacked, even after they were functionally or totally destroyed. It appeared as though the

²⁷ Bethel interview. The process of building up the target list to the 2,000 targets General Clark demanded of the staff became known as “T2K” and for many people became the sole focus of their work.

²⁸ Dana Priest, “Target Selection Was Long Process” *Washington Post*, 20 September 99, A11.

²⁹ Priest, “Target Selection Was Long Process”.

alliance's objective was a particular sortie rate, rather than a desired effect or end state. From a moral standpoint, this was arguably a waste of resources and needlessly threatened the lives of NATO airmen and Yugoslav and Albanian non-combatants.

Because target selection became an issue, so did the process by which targets came to be approved. Civilian leadership inserted itself into a targeting process that would heretofore only be accepted as the military's responsibility. Prior to the conflict, the few pre-planned targets were approved at the White House in what would be considered a satisfactory moral decision, especially since the initial targets were all selected against specific remote military facilities with very low, if any, expected non-combatant harm.³⁰ However, those targets were quickly exhausted with no response from the Serbian government but defiance. So the "T2K" target process was begun. As mentioned above, this process was so intense that none of the targeteers or planners interviewed could say that they made any true non-combatant casualty estimates for their commanders. As a result, when these targets were attacked, the non-combatant casualty rate began to rise.

When casualties among non-combatants began to rise, civilian leaders began to ask what we were hitting and why we were hitting it. When those civilian leaders were not satisfied that target necessity was properly balanced against proportionality of non-combatant casualties, they exercised their authority over the military. French President Jaques Chirac, British Prime Minister Tony Blair, and Bill Clinton all determined to "review targets that might cause high casualties or affect a large number of civilians."³¹

³⁰ Ronald Chilcote, Colonel, USAF, personal interview with author, 22 Jan 2004. Colonel Chilcote was commander of the 32nd Air Intelligence Squadron, and was responsible for the pre-war target slides sent to the White House for approval.

³¹ Priest, Dana, "Bombing By Committee", *Washington Post*, 20 September 1999, A1.

The issues discussed regarding doctrinal processes are often endogenous with doctrinal structures. The processes were often not followed because structures were in place to prevent such a process, but also because of non-aligned principal-agent motivations. The following discussion will cover the doctrinal structures that affected the moral outcome of operations.

Doctrinal Structures

Another potential source of variation in moral decision-making based on doctrine is the number of varying and diverse organizations *within* the established structures with which planners must coordinate. For example, in Operation Allied Force, the planners on the NATO staff in Mons, Belgium, were not the lead planners, despite the international nature of the operation. Neither were the planners of the NATO Commander in Chief, Allied Forces Southern Europe (AFSOUTH), the legal commander for the combat operations over the Former Yugoslavia.

The lead planning and command and control center for the war was the Combined Air Operations Center (CAOC) at Vicenza, Italy. With the war commanded and controlled out of the CAOC, and with the NATO Supreme Commander in Belgium, and with planners and targeteers in Washington, D.C., England, Germany, Italy, and Belgium all trying to coordinate on the daily planning and subsequent execution of the war, the potential to miss the balance between necessity and proportionality was exacerbated.

The Air Force Doctrine Center officers that traveled to Europe to conduct the case study of planning for combat operations in Yugoslavia in October 1998 found that, at least as disturbing as the lack of clear and unambiguous guidance from senior leadership

was the completely disjointed command structure established by the commander, U.S. European Command. At the time the ACTORD was issued from NATO, there was no NATO command structure for this operation, but there were at least three U.S. joint task forces (JTF) established to handle various and overlapping missions or functions within Yugoslavia.

There was a JTF for a limited air response that was based out of the U.S. 6th Fleet Headquarters. The task of this JTF was to conduct limited air and cruise missile strikes against Yugoslav targets. The second JTF was for a phased air operation and was tasked to conduct continued strikes if a short-duration of strikes failed to coerce the Yugoslav regime to reign in paramilitary forces in Kosovo. This JTF was established at the U.S. 16th Air Force Headquarters. The third JTF was set up for the purpose of extracting the Kosovo Verification Mission personnel there under the auspices of the OSCE. In the event of hostilities towards the observers, this JTF was tasked to forcibly enter Yugoslavia to rescue these observers. A fourth JTF was in the process of being established during the case study period for the sole purpose of search and rescue of downed airmen during hostilities.³²

The doctrinal problem was that this setup broke the principle of unity of command, and thus unity of effort. All four of these functions assigned to the various JTFs were simply functions that could and should be performed under a single command structure. The first two JTFs were essentially the air and naval components of what eventually became the Allied Force command structure. But the commander of European Command wanted separate commands under his direction. Had the disparate JTFs gone

³² AFDC Case Study, November 1998.

to war as initially organized, the prospect for serious coordination issues, potential fratricide and lack of proportionality-necessity balance would have been high.

Numerous individual U.S. fighter, bomber, and tanker squadrons were assigned to all three of the JTFs concurrently. The AFDC case study researchers inquired at the various staffs about the deconfliction required to ensure that none of the assets were tasked to fly different missions at the same time by different JTFs, or that one was not tasked to fly through an area in which another asset was dropping ordinance. When asked which air taking order they would fly if tasked by multiple JTFs, the units in theater all said that they hoped it would never come to that and that the higher headquarters would work it out between themselves.³³ There was, in fact, no answer to that question.

However, the research team found that the multiple JTFs were not communicating because they had not been authorized to coordinate among themselves. The senior commanders felt that they had a good working relationship between peers, but the final case study report found that their subordinate staffs did not have that same relationship.³⁴ The case study team also found that for the JTFs that were planning strikes, there was no effort to make a proportionality-necessity balance largely because there was no guidance about what should be attacked or what end state they were to achieve.

The case study officers made a formal recommendation that a single command structure be established along established NATO command and control lines. The multiple JTFs should dissolve and the U.S. commanders of the JTFs should assume their NATO roles (which they hold aside from their U.S. commands). The JTF that was

³³ AFDC Case Study, November 1998.

³⁴ AFDC Case Study, November 1998.

commanded by the 16th Air Force Commander, Lieutenant General Short, became the air component headquarters for Allied Force. The JTF commanded by Vice Admiral Murphy became the naval component of Allied Force. These components fell under U.S. Navy Admiral Ellis, who served as Commander In Chief, Allied Forces Southern Europe (AFSOUTH). Without the outside recommendation by the AFDC study team, a team requested by senior leadership in Europe to audit the planning, it is unlikely that the changes in structure would have been made.

Two important factors facilitated this beneficial change in the command structure. First, NATO decided to afford the Milosevic government time to accept the terms of the Organization for Security and Cooperation in Europe (OSCE). Therefore, the Alert Order sent from NATO to its member states was not acted on and afforded the U.S. time to reorganize the command structure and align it with NATO. The second factor was that there was a convenient NATO structure into which the U.S. could plug its assets. General Short, besides being the commander of 16th Air force, was also the commander of NATO's Allied Air Forces Southern Europe (AIRSOUTH), and Admiral Murphy was not only the commander of 6th Fleet, but also of NATO's Strike Forces South.

If fighting only as the US, they would report to CINCEUR, General Clark. But under the NATO command, they would fight under the command of CINCSOUTH, Admiral Ellis. To align the U.S. command with the NATO command, General Clark accepted the recommendation from the AFDC case study team and disbanded the various JTFs and named Admiral Ellis the commander of the new, single JTF for Allied Force. As the commander of both AFSOUTH and the U.S. JTF (called JTF Noble Anvil), he would command forces in both chains of command jointly from one headquarters.

However, even after the formation of a single JTF (Noble Anvil), the problem was far from solved. The GAO report says the following about the doctrine and the departure from said doctrine regarding the structure under which the war was executed:

Doctrine: Formation and organization of a joint task force : A joint task force should be representative of the force that is participating and trained to be effective.

Departure From Doctrine : Joint Task Force Noble Anvil was not staffed with people representative of the force that was participating nor was the staff trained to conduct combat operations.³⁵

General Short addressed this departure in his End-of-Tour Report as a major problem from the outset of the war.

We spend all our career learning that wonderful bumper sticker: “train the way you intend to fight.” And here we did exactly the opposite. We invented a headquarters that never existed before, used as a core, the NAVEUR [US Navy Europe] staff that had no warfighting background, or experience, or training and was a Navy-only staff, and put them in charge of a NATO operation. Absolutely ludicrous. We got through it by happenstance and not by design.³⁶

Although no such incidents occurred during the war, running parallel command structures with parallel communications architectures and separating US-only information from other NATO allies could have led to political fallout due to injury to U.S. forces or loss of life from fratricide. Non-US NATO countries generally approved their own missions flown during the war based on their own calculus of the risk weighed against the expected benefit. What they were not able to balance was the risk to their forces to U.S. actions they did not know about due to separation of tasking orders.

³⁵ GAO-01-784, pg.6.

³⁶ End of Tour interview with Lieutenant General Michael C. Short, Commander, Sixteenth Air Force, (Aviano Air Base, Italy) and Commander, Allied Air Forces Southern Europe (Naples, Italy). Conducted on 23 March 2000 at Naples, pg 20. Obtained from the Air Force Historical Research Agency, Maxwell Air Force Base, Montgomery, Alabama.

Internal Air Force Doctrine Center correspondence shows that there was a great concern about potential coordination problems between U.S. and non-US forces.³⁷ For example, U.S. B-2 stealth bombers were not put on the NATO ATO. The B-2s flew from the central U.S. to Kosovo non-stop for their bombing missions. Small changes in the winds over the Atlantic Ocean or aerial refueling durations could have been enough to delay their bombers' times over their targets. But allied jets going over those same areas without knowing of the B-2s' locations could have flown underneath bombs from the bombers. Such is only one example of problems that may arise with dual chains of command.

Add to these separate chains of command organizational input from the State Department, the National Security Council Staff, the NATO allies, and ad hoc groups such as the one established by the U.S. Air Forces in Europe Director of Intelligence to determine combat assessment of targeting. These structures were outside the normal doctrinal structure of an operation, and the coordination required to conduct the operation became almost unmanageable, let alone follow a process that would ensure a moral balance between necessity and proportionality.

The aforementioned ad hoc intelligence group brought in to perform combat assessment was a classic example of what Downs says will happen in such cases: "The actual design of informal structures created primarily to serve the bureau's formal goals will be influenced by the personal goals of the creating officials. As a result, all informal

³⁷ Air Force Doctrine Center internal correspondence and correspondence with higher headquarters used with permission of AFDC.

structures and procedures in bureaus, whether primarily reactive or adaptive in nature, will be designed and used partly to serve the self-interests of the officials concerned.”³⁸

For example, this specially-picked group of intelligence officers was brought in under the direction of an Air Force Colonel to do specifically what the established structure could not or would not accomplish: find evidence favorable to the political administration and the Supreme Allied Commander, with respect to bombing accuracy and achievement of desired effects in the face of mounting evidence that the air war was not stopping Serbian action in Kosovo.³⁹ Rather than using the available intelligence information to determine how to best achieve the military outcomes, the personnel were working to justify the operations beyond the inherently visible effects of the bombing operations. This was necessary because the personnel working in the established intelligence structures that were doing the combat assessment were not finding damage to fielded forces as was stated by in daily press accounts. So another, outside group was necessary for finding and determining outcomes that the doctrinal structures could not.

American military doctrine for establishing joint commands, as well as planning and executing combat operations was in place prior to the conduct of the Air War Over Serbia was sound. The problem was that it was not followed. Certainly doctrine affords commanders the discretion to deviate from its procedures and structures when circumstances dictate. However, as was evidenced by the critical self-reflection within the military, the circumstances did not dictate that doctrine should have been set aside. The result was aircraft flying missions against targets that had no clear or even remote relationship to Serbian military and paramilitary forces operating in Kosovo or the

³⁸ Anthony Downs, *Inside Bureaucracy* (New York: Little -Brown and Company, 1967), p. 64-65.

³⁹ Bethel interview.

government directing them. U.S. combatants flying into harm's way to attack those targets and the non-combatants near them were harmed disproportionately to their necessity to achieve objectives. Given these doctrinal lapses, perhaps they can be understood in light of the principal and agent motivations that formed decision-making in this war.

III. Principal-Agent Motivations in Allied Force

As with the previous case study, it is necessary to bound the actors researched herein. Otherwise, one could make an argument that every actor in any supervisory or leadership position was a principal, which is factual, but not practically true for this study. In this case study, I will define as principals:

President – Bill Clinton
Secretary of Defense – William Cohen
Chairman of the Joint Chiefs of Staff - General Hugh Shelton
Commander in Chief, U.S. European Command and Supreme Allied Commander, Europe (SACEUR) - General Wesley Clark
US Joint Force Commander and NATO Commander in Chief, Allied Forces Southern Europe (AFSOUTH) – Admiral Ellis
US Joint Forces Air Component Commander (JFACC) and Commander NATO Allied Air Forces Southern Europe (AIRSOUTH) - Lieutenant General Michael Short

The primary agents I consider are:

General Wesley Clark
Lieutenant General Michael Short
Planners and targeteers at Vicenza, Italy, Mons, Belgium and Ramstein, Germany
Aircrew flying the combat missions

Having defined the principals and agents for this case study, I will attempt to show how the factors I outlined in Chapter 3 that affect principal-agent motivations, circumstances, constraints and beliefs and interests, affected the primary U.S. actors in this conflict. I will show how these factors affected alignment of principal-agent motivations and thus, moral outcomes of Allied Force. Because these factors all influence a single variable, it is natural that there would be a compounding effect between them, such as beliefs and interests compounding the effects of constraints or circumstances.

Circumstances

The first and foremost circumstance that affected all principals and agents was the fact that there was not a direct attack against the U.S. by an adversary. There was no U.S. vital national interest at stake. The interests affected by the Kosovo crisis would be considered as *important interests* under the construct of the 1998 National Security Strategy.⁴⁰ With mid-term congressional elections set for the autumn of 1998 and with a very difficult domestic situation in the form of a sex scandal, the President was treading carefully with domestic popular opinion and poll numbers.⁴¹ The President could not and would not fight a major war that could potentially bring down his domestic support.

⁴⁰ The White House, *A National Security Strategy for a New Century*, Washington, D.C., October 1998, pg. 5.

⁴¹ See John F. Harris, "Policy and Politics by the Numbers; For the President, Polls Became a Defining Force in His Administration," *Washington Post*, 31 December 2000, pg. A1. Harris notes "polls were the essential device in helping Clinton survive and govern in a hostile Washington climate that for at least two-thirds of his tenure required him to fight to preserve his influence." See also John M. Broder, "The White House Memo; Laurels Elude President as Public Judges War," *New York Times*, 22 June 1999, Pg A24. "Mr. Kohut [Director of the Pew Center] noted the oddity that Mr. Clinton's public approval ratings rose after he admitted an adulterous relationship with Monica S. Lewinsky, but fell markedly when he unleashed the first missile attack on Yugoslavia in March." See also Mark Gillespie, "Support For Mission Holds Steady, But Skepticism Grows" *Gallup News Service*, 2 April 1999. Gallup poll shows that 64% of

The second major circumstance affecting principal-agent motivations was the fact that this would be a coalition war. The United States would have to lead the war effort, but that fight would have to be under the NATO umbrella. As such, the U.S. could not dictate the terms of engagement or the terms to end the conflict. Under the NATO umbrella, all 19 member states (the number at the time of Allied Force) had to agree upon for all actions. Even though an American was the SACEUR, he had a British deputy and German chief of staff to counter his weight in discussions. Given the necessity for consensus, American principals and agents could do things without challenge from allies.

However, the U.S. administration and military were not ready to wait for the Alliance to make consensus decisions on those planning and execution issues they thought most important. To this fact, General Short said:

That's why we invented Noble Anvil two months before the war started. The clear message we sent to our NATO allies was "well, when it gets to shooting time, only Americans are really capable of being in charge and making the tough decisions and running things. The rest of you guys can all be helpers and facilitators but we'll make the hard decisions and run this thing." Quite frankly, our NATO allies will never forget the arrogance that we showed in doing that. And I think we'll be years in recovering from it.⁴²

From the general's words, it appears clear that there he disagreed with his principals on this decision dealing with the circumstances under which the U.S. would fight. That disagreement and the ramifications of the decision to establish a US-only side of the war governed many principal-agent interactions for the entire conflict.

Finally, the daily press briefings from NATO Headquarters in Mons, Belgium would open the entire operation to public view every day. That circumstance played in

Americans thought NATO bombing has worsened the situation, and only 41% believed that the U.S. could achieve its objectives through NATO.

⁴² General Short, End-of-Tour Report, pg. 21.

the back of every operator's mind. Having to stand up in front of journalists every day both in Europe and in Washington, principals and agents knew their actions and decisions would have to stand up to public scrutiny.

For example, one A-10 pilot who dropped bombs on a convoy of what turned out to be largely Albanian refugees was brought to Mons, Belgium, to develop a presentation of what he saw and why he bombed the convoy to the press corps at NATO headquarters. What was not said during the press conference was that he was discussing the situation as he saw it on the radio with senior commanders in the CAOC who were looking at the same convoy from a feed from an unmanned aerial vehicle. The leadership at the CAOC gave him clearance to drop on the convoy based on the belief that it was a paramilitary convoy under disguise. No other aircrew member wanted to be in the same position as this pilot and they were subsequently very hesitant to bomb anything they were uncertain of for the duration of the war.⁴³

Constraints

Several constraints significantly affected principal and agent motivations, which affected moral outcomes. Among these were the decision not to use ground forces, the strict constraint on the military to limit friendly casualties, and the strict constraint to limit collateral damage. Another constraint intended to facilitate command and control but also to limit shirking was the daily video teleconference (VTC) conducted among key principals and agents. Finally, I will discuss the impact of the presence of the

⁴³ Bethel personal interview, 12 May 2002. Also confirmed by an officer who was on duty at the CAOC at the time of this incident. Officer asked not to be named.

International Criminal Tribunal for Yugoslavia (ICTY) on principal and agent motivations.

The first constraint that led to misaligned principal-agent motivations was the limited nature of the war and subsequent escalation. For the first week of the war, the NATO alliance flew only 48 strike sorties a day. Retired Air Force General Buster Glosson, who led the planning effort during Desert Storm, commented that "When you fly less than 50 bombing sorties per day for seven days, you're not serious about what you're doing. At best, it's sporadic bombing." Furthermore, when the U.S. administration took ground forces off the table for planners from the beginning, that action severely limited the options of U.S. and NATO forces.

Alexander Haig, former Secretary of State and U.S. Army general, along with Colin Powell, opined that this was a very poor strategy. The Air Force Chief of staff even said that the strategy of limited strikes and no ground forces went against the opinion of the majority of senior military officers.⁴⁴ Without the ability to fix Serbian ground forces with the threat of NATO ground action, NATO allowed the Serbian ground forces free reign in Kosovo. At the same time NATO thus limited itself to attack other types of targets only through the air that could only coercively affect the Serbian leadership, which could not be measured and assessed by NATO planners and intelligence personnel.

Another constraint affecting principal-agent motivations was the strict order from the national civilian leadership to limit collateral damage. This constraint may have been based in large measure on the desire to maintain positive domestic poll numbers as

⁴⁴ Joel Hayward, "NATO's Air War in the Balkans: A Preliminary Assessment," *New Zealand Army Journal* (No. 21, July 1999).

discussed in the previous section. Yet this must be accepted as a valid reason for wanting to limit collateral damage. As far as my model is concerned, it is neutral as to the reasons moral decisions are made. A moral decision is not better because the decision-maker wanted to consider morality than if he made the moral decision out of a desire to maintain public opinion. However, in this case no systematic proportionality-necessity decision was made for Yugoslav targets.

There were, on the other hand, a flat number of non-combatant casualties that were set as the upper limit for any target regardless of importance. That number was 25 and it was set internally within the American planning structure and did not come from the President or his advisors. If 25 or more non-combatants were expected to be harmed by an attack on any given target, then the target was to be rejected.

There was no methodology for determining the expected number of non-combatant casualties other than guessing at how many people should be in a particular building at a given time. There was no prioritization of targets based on objectives, as was called for in joint doctrine. The planners simply wanted to do what they thought their principals desired and thus set an arbitrary number that was never challenged or questioned by their principals. Early in the war, this desire led targeteers who were closest to the general officer principals in the headquarters to make estimates consistently below 25 casualties.⁴⁵ With targeteers spread all over the world and feeding targets to the CAOC, there was no consistent method for estimating non-combatant casualties. This was both a structural and procedural problem with targeting.

⁴⁵ Bethel interviews. Author also interviewed another targeteer from the operation on 8 October 2003. This targeteer was a major at the time and requested to remain unnamed.

Here, principal-agent motivations were affected by proximity to principals and those who can coerce or provide oversight of their agents. However, this proximity did not always affect agent compliance, and the motivational differences were more likely to lead to shirking the farther away from senior principals the agents were. I will give examples of this in the following section.

Another example illustrating how motivations can change based on constraints springs from the ICTY. One key CAOC planning officer interviewed for this dissertation stated that he went into Operation Allied Force motivated to plan for a moral conduct of operations based on internalized moral norms. During the course of the conflict against Serbia, however, the Prosecutor for the International Criminal Tribunal for the Former Yugoslavia requested permission from U.S. authorities to interview certain members of the NATO planning staff on which this officer served. The U.S. denied the request, but the request sent strong signals through the force. This officer's motivation quickly changed from wanting to do the right thing morally to not wanting to go in front of an international court.⁴⁶ While the outcome of this officer's motivation was the same, as the base motivation changed which could lead to misalignment of motivations with his principals.

This officer was not confident of the U.S. being able to protect him from prosecution while stationed in another country if a foreign prosecutor and court found his actions to be punishable. Therefore, the recommendations this planner made to his commanders was affected by the constraint of fear of prosecution. He stated very strongly that he would not plan or recommend any target that could potentially be seen by

⁴⁶ Because the Department of Defense has not officially released information concerning this event, the officer cited here requested his name remain undisclosed.

others, even outside his chain of command, as being disproportionate to necessity. While this officer's sense of morality is strong, the problem with this decision is that it takes away the obligation of senior decision-makers to make the decision since they are responsible.

The circumstances and constraints described above were important to the alignment of principal-agent motivations. However, the following section will show that beliefs and interests were at least as important to moral outcomes.

Beliefs and Interests

Unarguably, beliefs and interests affected principal-agent motivation alignment tremendously during the conduct of this war. These ranged from ambition and desire to be seen as a war leader, personal beliefs in the effectiveness of air power, the interest in seeing a particular service component "having a good war," and the belief that the Serbs would fold and accept NATO terms after very limited strikes. Clashes between individuals' beliefs and interests led to serious misalignment of principal-agent motivations and to shirking, both beneficial and harmful to the moral outcome of operations in Yugoslavia.

One important belief that led to misalignment of motivations was the notion that the Milosevic government would capitulate after only a few days of bombardment. General Clark says in his book that he believed Milosevic would cave in to Western demands to accept a settlement with Kosovar Albanians because he did not want to be bombed.⁴⁷ Furthermore, the AFDC case study researchers found that all the planners and subordinate commanders stated that because of General Clark's belief that Milosevic

⁴⁷ Wesley Clark, *Waging Modern War*, New York: Public Affairs, pg. 119.

would capitulate after a mere show of bombing, the initial plan was only to target several radio relays in Kosovo.⁴⁸ Finally, General Clark was convinced by the officers who advised him and by the knowledge of his relationship with Milosevic, that Milosevic would welcome a small show of force against limited targets in order to then capitulate while holding on to power.⁴⁹

Other leaders and planners did not accept these premises, and that led to disagreements in the planning for operations. General Short, the commander of the air campaign, often disagreed with Clark. *Air Force Magazine* commented that “Had he been free to structure the air effort as he wanted, Short would have arranged for the leaders in Belgrade to wake up after the first night ... to a city that was smoking. No power to the refrigerator and ... no way to get to work.”⁵⁰ Short believed that in very short order, Milosevic's staunchest supporters would have been demanding that he justify the benefits of ethnic cleansing, given the cost to their capital. In his mind, this would not have been disproportionate since the attacks would have been devastating but short-term resulting in a change of government and potentially rapid repair of damaged infrastructure.

Short certainly cannot be shown to have desired an immoral strategy, per se, based on his preferred course of action. He believed that the harm done to non-combatants would have been lower overall by a short, intense campaign against the capital city. He felt the necessity of ending the war quickly outweighed the level of potential non-combatant harm such a strategy would bring. However, under such a

⁴⁸ AFDC Case Study.

⁴⁹ Bethel, personal interview. See also Wesley Clark, *Waging Modern War*, pg 170.

⁵⁰ John A. Tirpak, “Washington Watch: Short’s View of the Air Campaign,” *Air Force Magazine*, September 99, on-line, www.afa.org, accessed 13 April, 2000.

desired course of action, leaders could not make a proportionality-necessity decision because there is no way to measure the necessity of individual targets apart from the entire list, which would then allow destruction on a much larger scale than desired by the administration. In that respect, it would not have resulted in moral decisions.

Clearly, these differing approaches would lead to vastly different levels of non-combatant casualties. Which strategy would win out in the end? Both. When the Serbs did not capitulate after a week of bombardment, the intensity was increased. Clark demanded and received more aircraft and more targets until bombing Belgrade was a daily occurrence. The *New Republic* reported how Clark went his own direction:

With NATO's credibility on the line and Kosovar lives in jeopardy, Clark prepared to transform diplomacy backed by the threat of force into diplomacy backed by its use. But Clark's plans were vastly different from those favored by his Pentagon colleagues, who advocated the Powell Doctrine's dictate of overwhelming force in pursuit of a specific goal. Instead, Clark merged military and diplomatic action into a hybrid--as the bombing intensified, so did NATO's demands, moving from a return to negotiations to halting the ensuing ethnic cleansing to a final settlement of Kosovo's political status. It was an incremental war with incremental objectives, brazenly flouting the Powell Doctrine.⁵¹

The difference in Clark and Short's interpretations of how long it would take the Serbs to capitulate was not where their differences ended. Short believed that a strong, focused bombing campaign (doctrine called for a rapid campaign at lowest cost to achieve objectives) against the Serbian leadership would result in the shortest route to Serbian compliance and thus save the most lives. Clark believed that attacking Serbian

⁵¹ Spencer Ackerman, "Falsely Accused," *The New Republic* (Vol. 229, No 14, 6 October 2003), pp. 11-13.

forces in Kosovo was the best way to end Serb attacks against Albanians. Their disagreements were both vocal and well known both in theater and back in the US.⁵²

Perhaps no single event better showed the difference in core beliefs and interests between Clark and Short and how that difference translated to misaligned motivations and moral outcome in the conflict than Clark's very public rebuke of Short over a worldwide video teleconference during the conflict. Clark told Short that he wanted a number of B-52 bombers placed on call in a perpetual orbit over the Adriatic Sea for the purpose of being ready to strike mobile targets in Kosovo when directed. Short opined that the senior leaders needed to bring a "greater level of reality" into the discussion and that such an order would remove those B-52s from effective targeting. Clark snapped back "Right. I'm being lectured on reality by an Airman."⁵³ He said this over an open video teleconference link to forces all over Europe and in the US, effectively cutting Short's authority with his own forces.

The fact that they so vehemently disagreed on the direction the war was to take led to significant discussion among the warfighters which targets to bomb if ordered to do so. One pilot opined to me during the war that any aircrew member who does not attack any target he is given should be tried for insubordination, while another U.S. officer, flying as an instructor in another country's contingent, freely said that he and his wingmen would drop bombs in the open and claim threat reaction or weather as the

⁵² Disagreements between the generals were played out often in the daily video tele-conferences that linked all U.S. players on both sides of the Atlantic. Numerous senior officers that sat in on the daily VTCs took notes and spoke to the author of the vocal disagreements in motivation and desired direction of the war. Two officers from different locations and different staffs specifically made their daily notes from these VTCs available to the author for research. Both were very similar and detailed identical quotes from both generals.

⁵³ Multiple interviews by author with NATO Chief of Targets, COAC planning officers, and Chief of Intelligence at the CAOC.

excuse for not attacking the given target if they thought non-combatants would be harmed disproportionately to the benefit it would bring to ending the war.⁵⁴

In a complete reversal of Desert Storm, pilots who dropped their bombs out in the open, away from their designated targets, were never called to task by their peers. One key member of the NATO planning staff at Vicenza, Italy, stated that “this happened all the time, and the most amazing thing is that nobody in the fighter squadrons called them ‘wussies’,”⁵⁵ which would indicate an expectation in times past to see them as such. In this case, the peer expectations and ambiguous objectives formed a totally different context within which our planners and executors worked from 1991. These circumstances, beliefs, and interests certainly affected whether there was a moral outcome of operations. The lowest level agents, namely the aircrew themselves, made proportionality necessity decisions they felt were not being made at higher levels.

Such a low-level decision does not, however, invalidate the need for aligned motivations. These aircrew might believe a target to be unnecessary, and thus any attack on it to be disproportionate, but senior leaders normally have more information available and are responsible for making that proportionality-necessity decision. If their motivations were aligned and the agents believed their motivations as to the objectives were aligned with their senior principals, they would likely not be as quick to make this decision apart from their principals.

⁵⁴ Personal correspondence by author with several aircrew members from various deployed units during Allied Force while author was member of the Air Force Doctrine Center. Discussions occurred during April and May 1999.

⁵⁵ Air Force officers in multiple interviews in Montgomery, Alabama, and Washington, D.C. (the Pentagon). Officers asked that their identity remain anonymous for purposes of this research. Interviews were carried out in June 2002, as well as during Operation Allied Force when the author worked on the staff of the Air Force Doctrine Center.

Given the reluctance to wage an intense bombardment campaign, how did non-combatant casualties become such an issue during this war? That was partially a result of processes, namely the movement from one phase of air operations to the next, and from motivations based on media coverage. However, it was also a result of different motivations based on interests and beliefs.

Besides disagreeing with his subordinates, General Clark also had differences with his principals, General Hugh Shelton and Secretary of Defense William Cohen. He believed as a military commander, and as a geographical Commander in Chief, that he knew the situation better than did his principals. He met with Milosevic often leading up to the war and knew him from the Dayton Accords in 1995. The principals, he believed, did not “fully appreciate the overall NATO problem in the region.”⁵⁶ He even described his relationship with Cohen as “rocky.”⁵⁷

Part of the reason for this rocky relationship was that many in the principal-agent chain of command were opposed to the conflict, and were as uncomfortable with engaging Yugoslavia as they were with Serb actions in Kosovo. Clark discusses the opposition he received from the Joint Chiefs of Staff in pushing the administration to take forceful action, with the generals arguing against Clark that conflict in Kosovo was not in the national interest to commit such a large force as Clark argued for.⁵⁸ But even his air component commander, Lt. Gen. Mike Short says that there is no question that the U.S. was pushed into the conflict without a clear end state.⁵⁹

⁵⁶ Wesley Clark, *Waging Modern War*, pg. 172.

⁵⁷ Wesley Clark, *Waging Modern War*, pg. 133.

⁵⁸ Wesley Clark, *Waging Modern War*, pg. 163.

⁵⁹ Short, End-of-Tour report, pg. 36.

Clark's relationship with Cohen and Shelton was further strained because they felt he was asserting too much influence through his role as SACEUR contrary to certain positions of the United States Government. When it became clear that he was on the opposite side of key issues from his principals, such as the limited nature of the war and harm to civilians, Clark appeared more frequently in the media and tried to use back channels to the White House and State Department. At that point, he was delivered a message from Secretary Cohen via General Shelton. The message was harsh and blunt: "Get your [expletive deleted] face off TV."⁶⁰

At the close of the war, Clark ordered British General Michael Jackson to engage the Russians and prevent them from landing at the Pristina Airport before NATO forces could secure the location. Jackson refused and told him "I am not going to start World War III for you."⁶¹ And when Clark then ordered Admiral Ellis to use the Apache helicopters deployed to Albania to do what Jackson would not, Ellis refused. Asked about Wesley Clark after they had both retired, Shelton commented "I've known Wes for a long time. I will tell you the reason he came out of Europe early had to do with integrity and character issues, things that are very near and dear to my heart."⁶² While these anecdotes do not in themselves show that moral targeting decisions were not made, they do materially support the notion that principal agent relations were so strained within the military chain of command that it was difficult to align motivations towards a particular end.

⁶⁰ Thomas, Howard Fineman, John Barry, Martha Brant, Christopher Dickey, Jennifer Ordonez, Trent T. Gegax, Zoran Cirjakovic, "The Water Walker," *Newsweek* (Vol. 142, No. 13, 29 September 2003), pp. 24-29.

⁶¹ Thomas, et al., pg. 28

⁶² Joan Garvin, "Gen. Shelton Shocks Celebrity Forum, Says He Won't Support Clark for President," *Los Altos Town Crier*, 24 September 2003. Accessed on-line at <http://www.losaltosonline.com/articles/2003/09/30/news/news03.txt>.

So how did these beliefs and interests affect proportionality-necessity decisions?

As previously mentioned, there was not a proportionality-necessity decision made for each target or objective at the beginning of this war. There was, however, a standing directive not to exceed 25 non-combatant casualties. Yet even that standard was not adhered to early in the war. The NATO Chief of Targets said “we were so overtasked with numbers of targets that the targets became anonymous numbers.”⁶³ Targeteers would try to justify lower numbers of expected casualties by adjusting their assumptions of building occupancy to lower the numbers below 25 simply because they were too inundated to perform detailed analysis.

One example should illustrate the lack of proportionality in targeting to meet stated ends. In the first week of the bombing, rather than rise up against their government as General Clark expected they would, a Serb mob in Belgrade looted the McDonalds and several other American businesses. Clark then told his staff “Well, we’ll make sure they can’t get to McDonalds tomorrow,” and ordered bridges over the Danube between Belgrade and Novi Sad dropped as a reprisal without consideration for military necessity.⁶⁴ The war was in the opposite direction of these targets and they had nothing to do with slowing down Serb aggression in Kosovo. Furthermore, this would clearly be a case of shirking direction from the national civilian leadership and the strategy of limited targeting.

On the eve of the Orthodox Easter, Clark held a meeting with his Deputy SACEUR (a British Four-Star General), his Chief of Staff (A German Four-Star General), as well as his chiefs of intelligence, operations, plans, and targets. He wanted a

⁶³ Bethel interview, 12 May 2002

⁶⁴ Bethel Interviews, April 1999.

particular television station destroyed that night so that Serbian television could not broadcast any propaganda. However, the Chief of Staff asked Clark if he realized that the following day was Easter. The German officer reminded Clark that the target was very near the patriarchy of the Serbian Orthodox Church and St. Sava Cathedral, which people would be walking into at the time of the attack. Clark replied “Good. Maybe that will give them something to look at on the way to church.”⁶⁵ The attack was ordered and carried out.

Although there were no press reports of non-combatant casualties from that attack, they were anticipated by the General’s own words, yet without any discussion of proportionality or necessity. Furthermore, an attack this close to the prime religious site in the capital should have merited a deeper discussion. It was after this attack that national leaders in Washington, Bonn, Paris and London took a more personal interest in the target approval process.

Finally, when U.S. forces attacked an Albanian operating post in a publicized incident of “friendly fire,” the internal investigation revealed that General Clark had personally ordered the attack. Early in the war, General Clark gave his personal cell-phone number to select leaders in the Kosovo Liberation Army (KLA) so that they could contact him in the event the Air Component did not support their requests. In this particular instance, the Air Component staff knew the requested target was a rival KLA element, rather than Serb paramilitaries, and refused the request for air support. However, General Clark ordered the bombing. After this incident, he agreed to turn over

⁶⁵ Bethel interview, 12 May 2002

all real-time targeting requests to the targeting cell at his Air Component headquarters in Italy.⁶⁶

As incidents such as the one just described increased in frequency, NATO leaders began speaking more forcefully. Secretary Cohen told a news conference “And I'd like to be clear here. We are attacking the military infrastructure that President Milosevic and his forces are using to repress and kill innocent people. NATO forces are not attacking the people of Yugoslavia. They are attacking the military forces that are responsible for the killing and the carnage in Kosovo.”⁶⁷ To ensure that this comment and the comments of the daily press briefers in Belgium were not turned around on the allies, several NATO national leaders decided to take the targeting decisions into their own hands.

Because target selection became an issue, so did the process by which targets came to be approved. Civilian leadership inserted itself into a targeting process that had previously been accepted as the military's responsibility. When casualties among non-combatants began to rise, civilian leaders asked what was being hit and why. When those civilian leaders were not satisfied that target necessity was properly balanced against proportionality of non-combatant casualties, they exercised their authority over the military. Jaques Chirac, Tony Blair, and Bill Clinton all determined to “review targets that might cause high casualties or affect a large number of civilians.”⁶⁸

For most of the second half of the war, especially after the bombing of the Chinese Embassy, all targets in Belgrade were reviewed at the White House to ensure a

⁶⁶ Bethel interview, 12 May 2003. Confirmed by two senior officers at the COAC who worked in different staff divisions and who asked that their names be masked.

⁶⁷ Department of Defense News Briefing, Defense Secretary William S. Cohen and Chairman Joint Chiefs of Staff, 23 March 1999. Available on-line: www.defenselink.mil/news/Mar1999/t03241999_t0324sd.html.

⁶⁸ Dana Priest, “Bombing By Committee.”

proportionality-necessity balance. The bombing of the Chinese embassy was not in itself an issue of morality in terms of my model, since the embassy was misidentified by a Washington-based targeteer and not intentionally targeted for what it was. However, the intended target, an acquisitions center, was placed on the target list in the attempt at building the 2,000 target list previously discussed in this chapter without clear necessity.

After the Chinese Embassy attack and decision by national leaders to oversee the targeting process, the targeting decisions became moral. Up until that point, this decision was either not made or was made without sound justification of target necessity. While aggregate numbers of non-combatants harmed in any attack does not indicate the lack of proportionality-necessity decision, examining some publicized instances of such harm can help researchers determine how those decisions might have been made and should be made in the future. It would be appropriate here to support such a claim with several examples of targets where necessity did not outweigh the expected or foreseen non-combatant casualties.⁶⁹

Nis (6 May) – NATO targeted the airfield and a radio relay tower on this day. One of the bombs intended for the tower fell short and hit a populated area. Most likely the laser guidance package was attenuated by moisture in present clouds and caused the bomb to explode prior to the intended target. According to a NATO targeteer, the tower had just been added to the target list, and although not necessary to achieve strategic objectives, it was necessary to give the large numbers of aircraft brought in for the operation viable targets to attack.⁷⁰

⁶⁹ NATO was officially challenged on several targets by Human Rights Watch. NATO's official reply acknowledged these incidents but admitted no legal or moral culpability.

⁷⁰ Major Bill Busch, NATO Targeteer during Allied Force, interview by author, 1 Mar 00.

Surdulica Old Peoples' Home (30 May) – NATO says this was an attack against a Yugoslav barracks/command post which “shared a perimeter” with the sanatorium. NATO knew that the barracks was empty and had been targeted previously and nearly destroyed several days before.⁷¹ The military necessity of attacking this target, known to be empty, multiple times, so close to a retirement home, throws the proportionality scale completely out of balance.

Novi Pazar (31 May) – A missile/bomb hit an apartment block reportedly killing at least 11 people and injuring more than 20 others. The targets were a publishing house, printing presses and a regional television and radio headquarters. However, there was a hospital and bus station close by the intended target. At his daily press briefing the day following this attack, NATO Spokesman Jamie Shea said one of the bombs went 60 meters (nearly 200 ft) long.⁷² Although 19 of the 20 bombs hit their intended targets, one must question whether those targets were so important to the war's outcome to necessitate 20 bombs in a residential area so close to apartment blocks, a bus station and a hospital.

Leskovac Barracks - In another case, NATO repeatedly bombed a barracks in Leskovac that was empty 6 months before the bombing started. While a military target, the risk to aircrew far outweighed any benefit from repeatedly bombing an empty

⁷¹ NATO, Memorandum to Human Rights Watch in response to questions posed regarding Collateral Damage, 7 July 1999; Also, Lt Col Scott Bethel, NATO Chief of Targets, interview by author, 1 Mar 00. Human Rights Watch sent an official inquiry to NATO requesting details of this attack, among others, and rationale for attacking such a target even once, let alone repeatedly. NATO answered by describing the target and attack, but not offering any other details or responsibility. Neither should we expect NATO to officially accept responsibility of any wrong-doing in such a situation as it would put into question all targeting during the war.

⁷² “NATO's Bombing Blunders”, *BBC News*, on-line, 1 Jun 99, pg. 7.

building. The attacks left few windows on any homes in the city and disrupted medical care at the nearby hospital for the duration of the conflict.⁷³

Aside from these instances, it was well known that Serbian regular army armored forces, which moved into Kosovo to conduct the worst atrocities after the first night of Allied Force, were garrisoned outside Kosovo and parked in cantonments when NATO flew the initial sorties into Serbia.⁷⁴ Had NATO flown against those forces the first night, rather than attack targets in Belgrade, allied air forces might have achieved all three stated objectives in far less time while minimizing (likely eliminating) any collateral damage and leaving Serbia's infrastructure intact. However, the U.S. initially ignored those forces in favor of infrastructure such as bridges and factories. The result was that the Serbian forces that were vulnerable the first two nights of the war dispersed throughout Kosovo and largely survived intact during the campaign while conducting operations themselves against the Albanian population in the province.

Destroying bridges in Novi Sad, hundreds of miles north of Kosovo had no impact on forces already in the province. When asked by Human Rights Watch to justify bombing those bridges, NATO said that the result was "that the citizens of Novi Sad were inconvenienced by the loss of the easiest routes to Belgrade".⁷⁵ Again, morality requires that those targets be necessary. Inconveniencing the people of Novi Sad was not one of the stated objectives.

⁷³ Bethel interview; Busch interview; also interviews of Jelena Milivojevic, resident of Leskovac, Yugoslavia, during Allied Force, conducted by Jovanka Ruby (author's mother), 17 April, 1999 and 8 May, 1999.

⁷⁴ "Operation Allied Force: An Initial Doctrinal Assessment." Also a reading of multiple press briefings from the initial days of the war on the NATO internet site shows clearly that, while Serb paramilitaries were in Kosovo long before Allied Force commenced, Yugoslav regular army heavy units pushed into the province *after* the bombing started.

⁷⁵ NATO Memorandum to Human Rights Watch.

Far beyond solely hurting the people of Yugoslavia, destroying bridges on the Danube and along the main north-south line of communication in the region adversely affected commerce and trade in all of central and Eastern Europe. The Danube was a major route for transport of goods between the Black Sea and Central Europe, and that link was closed until the Danube could be cleared. The port of Thessaloniki, Greece, once the major port for goods to enter Central Europe, has been seriously impacted since the roads through Yugoslavia are impassable due to dropped bridges.⁷⁶ Until the bridges are repaired, goods will have to go through Italy and around through Austria to the east instead of up through Yugoslavia as in the past.

IV. Conclusion

Doctrine calls for the U.S. to be open with what the objectives are, or not attack that which does not lead to a rapid end to the war. If non-aligned principal-agent motivations preclude doing the former for fear of how it will play out on CNN, then perhaps the actions are wrong. The *Washington Post* reported that “NATO commanders were never sure exactly what it would take to break the will of Milosevic.”⁷⁷ The desire to make life for the Serbian people unbearable enough to overthrow Milosevic certainly led to a strategy that diverted significant resources away from attacking fielded forces, and wasted fuel and put aircrews in harm’s way to achieve immeasurable results on an objective that was not stated by our civilian leadership. Undermining enemy morale is a very difficult objective to measure, making it nearly impossible to compute any political-

⁷⁶ Lt Col Stylianos Karadimos, Hellenic Air Force. “Rebuilding the Balkans After the War in Yugoslavia.” Athens: Greek Air War College, January 2000, pg. 2. Translated by Lt Col Ioannis Kondarakis, Hellenic Air Force.

⁷⁷ Priest, “Bombing by Committee.”

military benefit of particular targets, and therefore nearly impossible to make a moral tradeoff decision.

Long-term effects of this type of operation are yet unknown. Even though the opposition was unable to unite, a majority of Yugoslav people had a single foe before the war: Milosevic. After the war, because of collateral damage to their country after 78 days of bombardment, Yugoslavs had two enemies: Milosevic and NATO. Another long-term impact must be the ability to learn lessons from past actions. Yet the official DoD Lessons Learned for Allied Force failed to mention anywhere within its pages non-combatant casualties and how to reduce them.⁷⁸

Barry Posen posits a theory that in order to maintain his nationalist credentials, Milosevic could not relinquish Serbia's claims to Kosovo, and therefore he developed a strategy to fight until he could gain an acceptable settlement. Posen argues that Milosevic knew that if he could absorb the bombing, NATO's restraints on collateral damage would break down and exceed the level acceptable to the European Left.⁷⁹ Prior to Posen putting forth this argument, the Air Force Doctrine Center not only agreed, but also went a step farther.

A punishment strategy is built around the expectation of psychological impact designed to coerce the adversary. However, such a strategy is dangerous because it cedes the initiative to the adversary, in that the adversary determines when (and if) he has been punished enough to yield. If the adversary chooses "no" (as in North Vietnam during Rolling Thunder or in London during the Blitz), then the strategy fails. Short of Milosevic surrendering, we had no way to determine when our objectives would be achieved.⁸⁰

⁷⁸ Department of Defense, *Kosovo/Operation Allied Force After Action Report*, Report to Congress, 31 January 2000 (Washington, D.C.: Government Printing Office, 2000).

⁷⁹ Barry Posen, "The War For Kosovo," *International Security* (Vol. 24, No. 4, Spring 2000), pp. 39-85.

⁸⁰ AFDC. Operation Allied Force: An Initial Doctrinal Assessment.

By ceding initiative to the adversary and by not having a clear and measurable objective, it becomes nearly impossible to make a proportionality-necessity decision. Both variables, doctrine and principal-agent motivation seriously impacted the proportionality-necessity decisions. Throughout the planning process, the decision was not made. However, the targeting decision was eventually withdrawn from theater military commanders and made by the President (in consultation with his advisors) during the course of the conflict. At that time, outcomes of the attacks passed the test of my model because the level of accepted non-combatant casualties was weighed by competent national leadership.

It is very important to point out that had General Clark actually made a proportionality-necessity decision, whatever his calculus was should have passed my test for competent senior authority to make that decision. However, the motivations of his agents did not necessarily match his personal motivations, essentially and eventually resulting in the removal of the decision from his purview. When the President and SecDef made the decision, their motivations did, in fact, align with the motivations of those executing the operations.

The final AFDC Allied Force report, as well as the GAO report to Congress, notes that had doctrine been followed, the necessity of targets would have been able to be determined. Sound doctrine existed prior to this operation. As mentioned, the AFDC officers sent to Europe to review the planning process in October 1998 were responsible for getting the skeleton of the command structure changed to reflect what doctrine recommended. However, the targeting process was not followed as recommended by doctrine. Had it been followed, the overall strategy would likely not have changed,

however the linkage of target necessity to objectives would have been clear and proportionality decisions would have been easier to make by the principals.

Furthermore, I have shown that there were multiple factors leading to misalignment of principal-agent motivations which prevented effective proportionality-necessity decisions. In the face of opposition from multiple staff members and senior leaders, General Clark had that decision removed from his purview and made at the national level. Had the senior U.S. military leaders in Europe followed the recommendations of the case study they requested prior to the war, arguably the issues of non-combatant casualties would have been easier to weigh against objectives, making a proportionality-necessity decision easier to make.

In the Desert Storm case study, I showed that there was not a viable doctrine and there were misaligned principal-agent motivations. There was not a proportionality-necessity decision made for targets in Desert Storm. In the eight years between Desert Storm and Allied Force, doctrine was written, propagated and understood. However, it was not followed in Allied Force. Furthermore, principal-agent motivations were not aligned. But mid-way through Allied Force, when U.S. national-level principals took the targeting authority from the military, and when leaders iteratively agreed on terms of war termination, the proportionality-necessity decision was made. In the final case study, I will show that in the War on Terror, doctrine was followed and principal-agent motivations were aligned and proportionality-necessity decisions were made.

Chapter Seven

War On Terror – Afghanistan And Iraq: Deliberately Aligning Motivations and Following Doctrine to Make Moral Decisions



I can assure you that those villains will recognize, will discover in appropriate time in the future how stupid they are and how they are pretending things which have never taken place. – Iraqi Information Minister

I. Introduction

On September 11th 2001, the United States realized it was engaged in a war that had raged for years, usually against American assets overseas. But with the attack on the United States carried out by foreign terrorists from within the United States, the U.S. government would no longer consider the problem to be merely one of law enforcement or distant from American cities. The Global War on Terrorism (or GWOT as it is called in the DoD) would be waged by the U.S. with or without assistance from other countries. And unlike Desert Storm and Allied Force, this war would be fought in more than one location, against regular fielded forces, and irregular militias, both out in the open and in urban environments. If there were opportunities for non-combatant casualties in previous wars, this conflict would certainly test the proportionality-necessity balance.

The evening of the terrorist attacks on the US, President George W. Bush told his senior national security staff the same thing he told the American public in a televised address: “We have made the decision to punish whoever harbors terrorists, not just the perpetrators.”¹ Thus began a process of planning and executing a war against both terrorists and the countries from which they operate. George Tenet, Director of Central Intelligence, told the group that the CIA had been tracking Al Qaeda for years, and that if they were serious about going after the organization, that they had a “60 country problem.” At that point Defense secretary Donald Rumsfeld asked the hard questions. He inquired whether any targets would be off the table, and whether U.S. allies might be considered for targeting. He suggested that if the U.S. was serious about this threat and fighting it as a war, the tools of war would have to go beyond merely military forces, to include diplomatic, financial, legal, and informational instruments of power.²

Such a conflict would offer nearly limitless possible consequences from the potentially limitless combinations of options available to planners and decision-makers. In this case study, I do not attempt to discern whether the decisions that were made were right for the U.S. nor will I attempt to discern the international relations implications for decisions made by states in this war. I follow the same outlines presented in the previous case studies on Desert Storm and Allied Force. I discuss the doctrine in place at the time of the planning and execution of the war and the extent to

¹ Dan Balz and Bob Woodward, “America's Chaotic Road To War: Bush's Global Strategy Began to Take Shape in First Frantic Hours After Attack,” *Washington Post*, 27 January 2002, pg. A1. Woodward and Balz were granted interviews with President Bush, all of his national security team, and their personal notes for a series of in-depth articles. The result was an eight-day series of historical articles detailing all aspects of the decision-making process from the morning of the attacks and through the following week.

² Balz and Woodward, “America's Chaotic Road To War: Bush's Global Strategy Began to Take Shape in First Frantic Hours After Attack.”

which it was followed. I then delve into the principal and agent motivations to discern whether or not they were aligned.

Unlike Desert Storm and Allied Force, this case covers a broader war in which, at the time of this writing, two major campaigns have taken place both sequentially and simultaneously. For this case study, I consider U.S. operations in Afghanistan and Iraq. It is important to note that both operations are ongoing and are not completed. For that reason, this war will not have been researched to the same extent as the previous two cases. Necessarily, the type and amount of information will be more limited than in previous cases.

However, the information contained herein should not be considered less significant. Though fewer in number, the sources are strong, especially the planning participants that I interviewed. Examples of these participants are the Chief of Target Development at U.S. Central Command (the Unified Command with responsibility for prosecuting the conflict in Afghanistan and Iraq), the director of Intelligence at Air Force Special Operations Command, a member of the Strategy Planning Council in the Pentagon, members of Checkmate, the Air Force contingency planners in the Pentagon, as well as field grade officers at the Air Operations Center in the Persian Gulf region and forward controllers on the ground in Iraq during the fight for Baghdad. In addition to these primary sources, I refer to several briefings presented to various commanders and policy-makers in the DoD.

While some may question my presenting this case before the ongoing operations are completed, I believe it would have been irresponsible to ignore available data merely to wait for these conflicts to conclude. Most importantly, the volume of available data is

not as important as the quality of data. In this dissertation, I bounded my interest primarily in the pre-planned targeting decisions. For the War on Terror case, I have sound sources that describe these decisions very credibly.

It is also important to note that during this war, with multiple campaigns and a much longer time frame than the previous two cases, the U.S. military has had the opportunity to learn and adjust to a greater extent than during the previous two wars studied. Furthermore, the military component of this war is only one component of a broad government-wide war. Seeking-out and destroying terrorists and their havens abroad would be carried out alongside prevention measures in the U.S. and financial and intelligence operations at home and abroad. Necessarily, the scope of this chapter is limited to the military campaigns in Afghanistan and Iraq. Once again, the decision to wage these campaigns was a historical fact. Other researchers will analyze those decisions. This chapter will consider the moral tradeoffs made in implementing those decisions.

In the Desert Storm case, I found that sound joint doctrine did not exist, and that had it existed, it may not have been followed because principal-agent motivations were not aligned. In Allied Force, there was sound doctrine for planning and executing operations, but misaligned principal-agent motivations prevented that doctrine from being followed. In neither of those cases was a consistent balance made between necessity of targets and objectives against the expected and foreseen non-combatant casualties.

In the GWOT case study, I show that sound joint doctrine for planning and executing operations existed and was followed. Furthermore, principal and agent

motivations were aligned. With both of these variables present, the proportionality-necessity decision was consistently made.

II. State of U.S. Military Doctrine for the War on Terror

When the GWOT began with the terrorist attacks of September 11th, 2001, three of the four major joint doctrine documents had been revised or updated since Allied Force. Joint Pub 1³, the UNAAF⁴, and Joint Pub 3-0⁵ were revised and republished shortly prior to the war with Joint Pub 3-0 having a date of 10 September 2001. The other major joint doctrine document, Joint Pub 5-0 was deemed current and did not need updating by the Joint Staff and services.

While not major in scope, some changes and additions to the doctrine publications are noteworthy. The new UNAAF, for example, mentions that new technology and informational awareness enabled commanders all the way to the President and Secretary of Defense to quickly grasp the situation, and in some cases make command decisions that were not possible in conflicts past.⁶ The document also includes new exhortations to commanders and staffs to ensure that clear commander's intent and clear directions for coordination are issued so that all subordinates know what the commander wants, even if situations change during operations.⁷ Since these aspects of command seemed to be missing during Allied Force, it was appropriate for the Joint Staff to more forcefully reiterate these aspects of doctrine in the new publication.

³ Joint Publication 1, *Joint Warfare of the Armed Forces of the United States*, Washington, D.C.: Chairman of the Joint Chiefs of Staff, 14 November 2000.

⁴ Joint Publication 0-2, *Unified Action Armed Forces (UNAAF)*, Washington, D.C.: Chairman of the Joint Chiefs of Staff, 10 July 2001.

⁵ Joint Publication 3-0, *Doctrine for Joint Operations*, Washington, D.C.: Chairman of the Joint Chiefs of Staff, 10 September 2001.

⁶ UNAAF, 2001, pg. III-13.

⁷ UNAAF, 2001, pp. III-14 – III-15.

Joint Pub 1 reminds planners, commanders, and the services that primary among the roles of U.S. military power is the “visible ability to act rapidly and decisively in regions of U.S. interest, in combat or non-combat operations.”⁸ This role would be tested in the coming campaigns of the war on terror. Gradually moving forces to a theater and building them up over long periods of time would not be acceptable in this war.

Doctrinal Processes

After the decision was made to conduct the war, the doctrinal process of planning the War on Terror was carried out in what I would consider a near “textbook” example of joint planning. In a series of meetings with his entire cabinet and smaller war cabinet, the President built a consensus on the course of action and refined the goals and objectives to present to the military. This section will detail that process and how it fell within the framework of joint and service doctrine.

In final form, what the White House came to call the Bush Doctrine was put this way: “We will make no distinction between the terrorists who committed these acts and those who harbor them.”⁹ That statement, by definition, broadened the scope of this war. However, Bush would not allow anyone to push him into a quick, but ineffective strike that merely made a show of retaliation. Woodward and Balz report that on 12 September, Bush spoke with British Prime Minister Tony Blair and that “Blair told Bush he had to make a choice between rapid action and effective action. And effective action would require preparation and planning. Bush agreed. For the second time, he said he

⁸ *Joint Pub 1*, 2000, pg. III-1.

⁹ Balz and Woodward, “America's Chaotic Road To War: Bush's Global Strategy Began to Take Shape in First Frantic Hours After Attack.”

didn't want to fire missiles at targets that did not matter.”¹⁰ From the beginning, at the very highest levels of national leadership, necessity was considered as a vital component of planning.

Later that same morning, the President met with his core national security advisors, what would come to be known as his “war cabinet.” After several pointed questions about narrowing the focus and objectives of this coming war, the President made it clear that he wanted a long-term plan to win the war against terrorism, and not a quick-strike that would make the public and national leadership feel good, but that would accomplish nothing. But just as important as defining the scope and boundaries of the war and the objectives, was the necessity, in the minds of the senior national leadership, to push the military to fundamentally change its thinking from previous wars. They would have to think about how to fight a conventional war against an unconventional opponent half-way around the world.¹¹

That was a very important point for the doctrinal process of planning for the coming operations. There was no deliberate plan on the books for this conflict (see Chapter 4). The entire process would be conducted under the doctrinal rules for crisis action planning. However, the national leadership was determined that although the plan would be developed under CAP processes, it would proceed at a measured pace, to ensure it was done right, not just fast. This important point made it possible for military planners to take the time needed to ensure all aspects of operations, to include the moral aspects, were considered, and discussed.

¹⁰ Bob Woodward and Dan Balz, “‘We Will Rally The World’: Bush and His Advisers Set Objectives, but Struggled With How to Achieve Them,” *Washington Post*, 28 January 2002, pg. A1.

¹¹ Woodward and Balz, “‘We Will Rally The World’: Bush and His Advisers Set Objectives, but Struggled With How to Achieve Them.”

The planners had to start with a clean slate. Woodward, Balz, and Himmelman report that Joint Chiefs Chairman, General Hugh Shelton was pessimistic about the commencement of immediate military options. The only approved plans for Al Qaeda were contingency plans for cruise missiles strikes against Al Qaeda training camps. Rumsfeld made it clear that the military had to develop a new paradigm of war fighting if the administration wanted to go after states that supported and sheltered bin Laden and Al Qaeda. “We've never done that before,” Rumsfeld said.¹²

So when General Shelton returned to the Pentagon from the White House, he was intent to carry out the President’s direction to return to him with options for going after bin Laden and the Taliban. He told Shelton to get with his planners and develop a plan that would “hit them hard. We're going to hurt them bad so that everyone in the world sees, don't deal with bin Laden. I don't want to put a million-dollar missile on a five-dollar tent.”¹³

On Saturday the 15th of September, the President met with his closest advisors at Camp David to agree on the course of the war. At this meeting, unlike August 1990, there was not a developed deliberate plan that the CINC could pull off the shelf to present for approval to the cabinet. He told the President that if he wanted immediate action, cruise missiles would be the only option, but that such an option would be hollow and not achieve any results. The only strategy capable of taking down the Al Qaeda network and their supporters in the Taliban would involve precision attacks from the air, in conjunction with conventional and special forces on the ground working in union with an alliance of forces opposed to the Taliban regime. The key to the war would be

¹² Dan Balz, Bob Woodward and Jeff Himmelman, “Afghan Campaign's Blueprint Emerges,” *Washington Post*, 29 January 2002, pg. A1.

¹³ Balz, Woodward and Himmelman, “Afghan Campaign's Blueprint Emerges.”

coordinating a plan between the military and CIA in a short time so that the campaign could begin as quickly as possible.¹⁴

The President directed the Chairman to proceed as briefed. Shelton then turned to the same Air Force organization in the Pentagon that developed the initial plan for Desert Storm, Checkmate. That Checkmate was given a role to play was not necessarily surprising. Although outside the doctrinal staff structure at CENTCOM, the organization had become known throughout DoD for its capable and experienced staff of handpicked officers with broad backgrounds.

While doctrine called for the combatant commander's staff to develop plans, what the President wanted first was more high-level, theoretical suggestions, not detailed plans. That is what they would provide, allowing CENTCOM to do the primary planning. The first thing the director of Checkmate and his staff did was to distill the President's objectives. They knew that to be successful, the first campaign would have to have clear, concise, and measurable objectives. But the planners did not feel that they received that level of direction from the administration. The administration countered by saying that if the military needed something clearer, Checkmate should help define those objectives formally.¹⁵

While the military had become accustomed to receiving vague direction for military operations, the reflexive response from Checkmate was to say "That is not our job." But instead, the director got his officers together and they reviewed all the statements made by the President, Vice President, Secretary of Defense, Secretary of

¹⁴ Bob Woodward and Dan Balz, "At Camp David, Advise and Dissent: Bush, Aides Grapple With War Plan," *Washington Post*, 31 January 2002, pg. A1.

¹⁵ Colonel Tom Hyde, Chief of Checkmate, HQ USAF/XOOC, personal interview by author, 14 May 2002, The Pentagon, Washington, D.C.

State, and National Security Advisor during the first week after the attacks on the U.S. The Checkmate officers condensed the remarks into concise military objectives and passed those back up the chain of command through the SecDef. Those objectives were approved the next weekend by the President.¹⁶

These were then transmitted to CENTCOM as the basis for planning the campaign, which would be called Operation Enduring Freedom.¹⁷ The planners at CENTCOM and at the Pentagon worked on a doctrinal timetable in the process described in Chapter 4 to develop a contingency plan that would be approved by the Secretary of Defense. When the Joint Chiefs Chairman told the President that it would take at least four days and more likely a week to establish the air bridge necessary to move forces and equipment to Central Asia and the Middle East for operations against Afghanistan, Rumsfeld grew ever more frustrated.¹⁸ He wanted small units moved into theater immediately, ready for operations and able to sustain themselves for short periods of time. This thinking ran counter to the norm developed since Desert Storm of building up overwhelming force and then conducting decisive operations.

Rumsfeld's exhortation did not contradict anything in doctrine. He specifically asked the military to accept greater risk and he was clearly authorized to make that decision. However, that decision to accept greater risk in no way changes the requirement to have clear objectives and to target people and facilities that will achieve them with non-combatant casualties proportional to the necessity of those objectives and targets. The result was a contingency plan formulated through the doctrinal process of

¹⁶ Colonel Tom Hyde, interview by author.

¹⁷ Interview with staff officers in HQ USAF/XOOC, Checkmate, the Pentagon, Washington, D.C., 16-17 Oct 2002.

¹⁸ Bob Woodward and Dan Balz, "Combating Terrorism: 'It Starts Today'," *Washington Post*, 1 February 2002, pg. A1.

crisis action planning, a plan approved by the President and Secretary of Defense and carried out by the regional combatant Commander-in-Chief, General Tommy Franks. According to doctrine for crisis action planning, the President had approved a course that called for a combination of cruise missile and manned bomber attacks in coordination with military forces on the ground.¹⁹ That would be the plan the world saw carried out in Afghanistan.

In Afghanistan, the preplanned targets that were considered for the first several days of the war were all weighed for proportionality and necessity and approved by the CINC, General Franks, at the lowest level. But that was only for about 20% of the targets due to the nature of the threats and the targets as they moved about the Afghan countryside.²⁰ During the entire operation, four of every five targets struck by air power assets were considered “flex” or time-sensitive targets.²¹ For those targets, aircrews took off without knowing their targets in advance and without detailed (and in many cases any) target study. They would either be given their coordinates and a target description so that they could visually identify the target and program the coordinates into GPS-aided munitions, or they would be given the name and location of a special operations controller on the ground and frequency for their laser guided bombs to be compatible with the frequency of the designator used by the special operations forces.

The nature of targeting and technology in the GWOT had evolved so far since Desert Storm that, as mentioned in the paragraphs above, 80% of the aircrew took off and

¹⁹ Dan Balz and Bob Woodward, “A Presidency Defined in One Speech,” *Washington Post*, 2 February 2002, pg. A1.

²⁰ Chief, Target Development, U.S. Central Command (officer’s name masked). Personal correspondence with author 6 November 2003.

²¹ Rebecca Grant, “An Air War Like No Other,” *Air Force Magazine* (November 2002), pg., 30. Flex targets are those that are changed after the aircrew has taken off and is en-route to the target area. Time-sensitive targets are those that are of such a fleeting nature or importance that they require assets to be taken off other pre-planned targets and flowed against the new time-sensitive target.

flew into Afghanistan without any preplanned targets. That means that their targets were detected by intelligence personnel and passed to planning officers in the Combined Air Operations Center for recommendation to the CAOC director and Air Component Commander. As one Colonel in the Pentagon noted “The targeteers and field grade planners are the ones bringing the issues up to the CINC for decisions. So the senior leaders make the moral decisions, but on the advice of their field grade planners.”²²

However, as these targets were found by the new intelligence sensors such as the Predator unmanned aerial vehicle, many of the individuals identified were moving and were often in and amongst other people, both combatant and non-combatant. Rebecca Grant notes that during the campaign in Afghanistan there was often frustration at the need for a high-level proportionality decision.

The need for target approval by Franks and levels above him sometimes slowed the campaign. According to a report in the Washington Post, CENTCOM often denied requests from the CAOC to strike newly identified targets. This reportedly provoked one officer to declare, with heavy sarcasm, “It’s kind of ridiculous when you get a live feed from a Predator and the intel guys say “We need independent verification.”²³

However, with the fleeting nature of the targets and with available weapons systems on hand, often the targeting decision could not always be requested all the way to the CINC in Florida or the SecDef or President in Washington. The result is that discretion was afforded to lower level leaders. This does not then technically satisfy the definition of a moral decision according to my model, however, these time-sensitive decisions are also outside the bounds I set for pre-planned targets. The lower level commanders had to make a battlefield decision about a potentially important target

²² Colonel Tom Hyde, interview with author.

²³ Grant, pg. 34.

escaping attack and weigh that possibility against the knowledge he had available at the time. That information, gathered in haste, and necessarily in scope limited to the area the sensors can see, is not complete. So there remains the possibility of greater consequences to the national interest than the local commander should be responsible for.

For example, there were widespread media reports about U.S. forces bombing a wedding party on 1 July 2002 in Afghanistan. The U.S. claimed that its forces were under aimed, specifically targeted anti-aircraft fire from a walled compound. The local Afghans claimed it was celebratory fire from a wedding party. The result was numerous wedding party guests killed or wounded.²⁴ In this case, the lower-level decision-makers were also the operators on patrol in their aircraft. With the belief that their lives were on the line, they returned fire. But even had they requested permission from the CINC or President (which is unrealistic to expect in such a situation), the information they would have passed up the chain to justify their request would have been the same as what they took into account to return fire on the compound.

For any target the intelligence analysts felt was a Taliban leader, the CINC himself retained targeting authority. For other time-sensitive targets, the decision was delegated to commanders in theater.²⁵ Had the CINC actually been consulted for approval of these time-sensitive targets, he may well have determined the necessity was such that the expected non-combatant casualties were acceptable to achieve objectives, but we do not know if he made those decisions. At the lower level of decision-making, the commanders making the call on proportionality versus necessity may have taken morality into account, but they likely had to make the decision in a time-sensitive

²⁴ Luke Harding, "No U.S. Apology Over Wedding Bombing," *The Guardian*, 3 July 2002, accessed online at <http://www.guardian.co.uk/afghanistan/story/0,1284,748300,00.html>.

²⁵ Chief, Target Development, CENTCOM.

environment without the benefit of further analysis. This is the difficult nature of decision-making at that level and one that falls outside the bounds of this study. It is, however, an important next step in researching this topic. Without the benefit of time to discuss moral issues surrounding targets and without perfect information, the lower the level of command, and the closer to the battle, the calculus changes the proportionality-necessity decision.

When it came time to shift the focus of the GWOT towards Iraq, the doctrinal planning process was much different than for Afghanistan. There was a standing deliberate plan on the books that was periodically updated since before Desert Storm. CENTCOM planners had been working on refining it since the days immediately after the September 11th attacks. While crisis action planning was used, the planners were updating a very current plan and had a base from which to begin, rather than starting with a blank page as they had done in 2001 for Afghanistan. Still, several updates had to be made, such as changes to the final force size, selection of units participating, and their coordinated flow into ports and airfields. The fact that all forces had to flow in from Kuwait, rather than using Saudi Arabia and Turkey made difficult work for planners as well.

The important doctrinal point about the campaign for the Global War on Terror was that there was a doctrinal process in place for both the Afghan and Iraqi campaigns and they were followed. A Joint Targeting Coordination Board composed of CENTCOM staff planners was established for both operations and it worked out prioritization and deconfliction of targets between service and functional combatant components. This targeting board also was a key element in the establishment of military necessity for each

objective and target. This information was passed through the CINC to the Secretary of Defense. The lowest level at which the proportionality necessity decision was made was by the CINC. If the CINC questioned whether a target was worth the expected non-combatant casualties, he sent the decision to the Secretary of Defense or President.²⁶

One of the most important points in my research follows. At no time in the planning process for either operation did anyone lower the level of expected non-combatant casualties to make a target acceptable to the senior leadership. Unlike in Allied Force, there was no blanket number for casualties that applied to all targets. For Afghanistan and Iraq, each target was calculated individually to determine a collateral damage estimate based on a particular weapon selected to achieve a specific effect.²⁷

If collateral damage estimate was considered to be too high for the significance of the target, the target was not attacked. If the estimate was high, but the target was necessary to the attainment of objectives, then rather than lowering the number of predicted non-combatant casualties, the targeteers and planners were directed to go back and re-plan the attack with different weapons or different attack headings and parameters to change the effects of the weapons and thus lower the estimate of expected casualties. According to the Chief of Target Development for CENTCOM, this process of adjusting attack parameters was not only extremely detailed, but occurred for most targets.²⁸

The automated tool with which the targeteers and planners determined the collateral damage estimates was a computer program called Bugsplat. The *Baltimore Sun* reported on Bugsplat and the role it plays in operations.

²⁶ Chief, Target Development, CENTCOM.

²⁷ Chief, Target Development, CENTCOM.

²⁸ Chief, Target Development, CENTCOM.

Another computer tool is known as "Bugsplat," a program that can show targeters the precise blast pattern from a specific bomb and how it would affect nearby buildings. The blob-like blast patterns on the screen resemble smashed bugs. By seeing the resulting destruction, military officers can fine-tune their attacks and select a smaller bomb that would destroy the target but result in fewer deaths and preserve neighboring civilian areas.²⁹

Bugsplat never told planners how many people would be harmed. The program simply showed the effects that should result from that particular weapon against that particular target delivered from a particular platform at a particular parameter. This allowed the planners the opportunity to change the type of weapon, or delivery parameters to change the effects of the weapons, all to reduce the harm to noncombatants.³⁰

Bugsplat was not available to planners during Desert Storm and Allied Force. Its development shows the importance of the moral dimension of targeting to senior leaders and the desire to procure technologies to assist in making moral decisions. Colonel Tom Hyde said of this fact "As we understand technology, we take on a burden of using it in a certain way. Just looking at the weapons we buy and the planning tools we use shows that we take morality into account."³¹

This process of adjusting attack weapons and parameters took the majority of the planners' time and effort prior to and during the war. However, none of the planners interviewed for this chapter, or their co-workers, lamented in any way that this became a major effort of the war. To a person, they all seemed proud of the intellectual challenge to achieve the national objectives balanced against the need to minimize non-combatant

²⁹ Tom Bowman, "U.S. Aims to Curtail Civilian Casualties," *Baltimore Sun*, 5 March 2003, pg. A1.

³⁰ Chief, Target Development, CENTCOM.

³¹ Colonel Tom Hyde, interview with author.

casualties.³² However, that intellectual challenge was not the desired end. What resulted from this process of refinement of attack parameters was precise destruction of targets and objectives with so little damage to surrounding buildings that many officers find it hard to believe that such large weapons were dropped on those targets.

According to a post-war briefing developed by the Air Force's Air Support Operations Center attached to the U.S. Army V Corps, and according to the CENTCOM Chief of Target Development, the Air Force controllers used the daily commander's intent and targeting guidance to determine a proportionality-necessity decision for time-sensitive targets that were of a fleeting nature that could not be approved by the senior national leaders. These fleeting targets could be relocated or melt into the population before calls could be made to receive permission from senior leaders. To ensure the lowest possible level of harm to non-combatants, the controllers directed their fighter aircraft to change the impact angles of their weapons, or the depth at which the weapons bury before exploding, or varying the size of weapons to limit the size of the explosion.³³ Thus, the very process undertaken by planners at higher headquarters for preplanned targets was also followed by controllers in the heat of battle and while under fire. The following picture from Baghdad, taken by an Air Force officer that controlled and directed fighters to their urban targets visually demonstrates this capability.

³² One senior officer in Checkmate asked during an interview "We'd buy these tools and take these norms into account even if nobody ever found out." 14 May 2002.

³³ Senior USAF controller (name masked) in the V Corps Air Support Operations Center, personal interview with author 6 July 2003. Also, Chief, Target Development, CENTCOM.

In this picture taken from a U.S. military convoy driving through Baghdad, an Iraqi tank can be seen after being destroyed by an air strike. Notice that apart from fire scorching the adjacent buildings were scarcely damaged. Windows remain in tact after a laser-guided bomb hit the tank.

Figure 7.1, Destroyed Tank in Baghdad³⁴



³⁴ Image courtesy officers assigned to the Air Support Operations Center co-located with the U.S. Army V Corps during Operation Iraqi Freedom.

In this section, I showed that doctrinal processes to achieve stated national objectives existed and were followed against Afghanistan and Iraq. In the next section, I will consider doctrinal structures and their impact on achieving moral ends.

Doctrinal Structures

In the War on Terrorism, the Secretary of Defense became so frustrated with the plans proposed to him as dictated by the doctrinal process that he seemed to have circumvented established structures. Rumsfeld was known to have directed specific organizations within the Army and Air Staffs to work together to develop strategies that would achieve the national objectives with fewer forces and in less time than those strategies offered him by the combatant command staff. As mentioned above, Checkmate assisted in the delineation of national objectives. Rumsfeld also ordered the “Skunkworks,” the Strategy Division within the Directorate of Plans on the Air Staff, to work with their counterpart on the Army Staff to develop what he originally requested from the CENTCOM Staff but did not receive.³⁵ One potential issue with this ad hoc arrangement outside the established structure is that it can result in variations in the moral outcomes of the operations being planned. However, that moral variation is not a necessary outcome.

While the Secretary of Defense has the authority to establish a separate structure to receive information that he does not believe he can get through his established structure, the Skunkworks officers do not necessarily have the information avenues

³⁵ Interview with staff officers in HQ USAF/XOXS, the Strategy Division of the Air Staff’s Directorate of Plans (“The Skunkworks”), the Pentagon, Washington, D.C., 16 Oct 2002. As members of this ad hoc joint planning organization, they must work with the very people the Secretary of Defense is directing them to work around.

available to them that are available to those in the established structures. They must ask for information from, and coordinate with, the very bureaucratic structures they are tasked to go around.

In the case of strategy development for the War on Terror, Pentagon officers in on the Army and Air Staffs worked closely with the planners at CENTCOM to develop a consensus and achieve “buy in” from all the key players. Thus, by the time the operations were executed, there was no friction between the doctrinal structures (such as the chain of command between CENTCOM and the President) and those organizations outside that structure (such as Checkmate and the Skunkworks).

On the other hand, there were very vehement and very public disagreements between various administration structures, such as the Pentagon and the CIA. Warren Strobel and Jonathan Landay outline the differences between the CIA and Pentagon over the *causis belli* for conducting a campaign against Iraq as part of the War on Terror.³⁶ That dispute between the Pentagon and CIA was very likely real and deep. However it is beyond the scope of this research project. I focus on the targeting decisions once the commitment to go to war is made by national leaders. Furthermore, that dispute did not affect the motivations of the principals and agents within the chain of command for this operation. Whether the principals and agents agreed with one side or the other in this dispute did not materially affect the moral outcome of operations for two reasons. First, the CIA remains outside the doctrinal planning and execution structure. Second, this dispute between the agencies was about the decision to enter into war, and not with the conduct of the war once the decision was made to fight.

³⁶ Warren P. Strobel and Jonathan S. Landay, “Pentagon, CIA In Bitter Dispute On Iraq,” *Philadelphia Inquirer*, 28 October 2002, pg. A1.

Unlike the previous two conflicts studied, there were not significant structural issues within doctrine that affected the moral targeting decisions of this conflict. It was primarily the processes, specifically the fact that processes existed and were followed, that led to a proportionality-necessity decision. Having covered the first variable that I contend affects moral outcomes, I will now turn to principal-agent motivations to determine their impact on moral conduct of operations.

III. Principal-Agent Motivations in the GWOT

In the Desert Storm and Allied Force chapters I explained how circumstances, constraints and beliefs and interests contributed to forming individual motivations. These motivations of the principals and their agents were not always aligned in those operations, and the result was that, even had there been doctrine to follow, the misalignment of motivations precluded moral outcomes of operations. In the War on Terror, however, my research indicates that where there were differences in opinion on certain subjects, the base motivations of the principals and agents aligned.

The fact that the War on Terror followed direct and costly attacks against the United States proper very likely affected the alignment of motivations of the individuals. In the face of a threat to the US, rather than a threat to another country, or some U.S. economic interest, such as oil, or some vague interest such as human rights, it is entirely understandable that individuals' motivations aligned, even if their base factors forming those motivations varied. In the following sections, I discuss those factors affecting individuals' principal and agent motivations.

Circumstances

There is a tremendous unifying effect when a country is attacked. The September 11th attacks brought out a very strong unity of purpose among the key principals and agents within the hierarchy that would lead, plan, and execute the coming war. When the House and Senate gathered their available members on the afternoon of September 11th to sing God Bless America on the Capitol steps, despite warnings by authorities of the threat, the world saw unity regardless of political party. The national leaders recognized this unity and worked to build a plan upon it.

The context within which planning began for the War on Terror was not one in which there could be a doubt about what type of conflict the nation was in. There was no doubt that the U.S. was in a war. While so many did not like the idea of waging war against an undefined entity such as global terrorism, or even a defined organization, such as al Qaeda, people generally understood that the U.S. was at war, and agreed that the war was necessary. The first issue that could potentially misalign principal and agent motivations was the difference of opinion between the principals and agents of the nature of the conflict and the nature of the response. There was, however, no difference between the President and his subordinates.

General Hugh Shelton, three weeks shy of retirement as Chairman of the Joint Chiefs of Staff at the time of the attacks, spoke for the entire U.S. military when he told Woodward and Balz that he “was relieved as he rather quickly realized Bush was not looking for an easy or obvious response, not demanding military options on his desk by the next day.” Bush himself said “he knew the military would resist committing forces to

an ill-defined mission.”³⁷ So in the immediate aftermath of the attacks on the US, circumstances actually helped align principal-agent motivations, rather than show a gap.

Constraints

Perhaps the greatest constraint on planners and commanders was the understanding that targeting would have to take into account the effects of any known or suspected weapons of mass destruction (WMD). The planners understood that after the regime change was effected, there would still be the issue of finding and potentially cleaning up any WMD that had been released. Unlike Desert Storm where certain WMD facilities were specifically targeted, prior to Operation Iraqi Freedom, there was an opposite goal. “We have this ongoing debate about what to do with WMD in Iraq. The debate was that maybe we should leave it alone until after the regime change. Know where they are to avoid hitting them rather than targeting them.”³⁸

This issue of WMD and targeting was certainly an important issue with respect to proportionality and necessity. Aside from the debate of whether the weapons actually existed, the planners used powerful tools to show expected plumes and spillage based on weather condition, types of chemicals, and the weapons modeled against. These tools helped decision-makers determine a balance of necessity and proportionality

As sure as the President was that the military would balk at ill-defined missions, he and the rest of his advisors, especially Donald Rumsfeld, believed it necessary to push the Department of Defense to think boldly and accept greater risk. Unlike past conflicts since Desert Storm where the perception and reality of constraints on the military were to

³⁷ Woodward and Balz, “We Will Rally The World,” <http://www.washingtonpost.com/ac2/wp-dyn?pagename=article&node=&contentId=A46879-2002Jan27¬Found=true>.

³⁸ Colonel Tom Hyde, interview with author.

minimize risk to U.S. service members, the national leadership directed the U.S. military to accept greater risk in planning operations in the War on Terror.

The President himself said “They [the U.S. military] had yet to be challenged to think on how to fight a guerrilla war using conventional means. They had come out from an era of strike from afar – you know, cruise missiles into the thing.”³⁹ The military had become accustomed to planning for punitive strikes or missions where force protection became the mission, rather than achieving any objectives. No longer would that be acceptable. The President further told his inner circle “We've got to think outside the box. . . . We can't think outside the Constitution, but outside the box.”⁴⁰

For the Commander in Chief of Central Command, General Tommy Franks, the acceptance of risk was necessary. Once he was certain that the leadership would accept risk, he accepted the challenge but with this caveat: “A risk, but not a gamble.”⁴¹ But that risk was understood by all to mean risk to U.S. forces to achieve objectives, not increased risk to non-combatants in order to minimize risk to U.S. combatants, as was the case in Allied Force. That was completely understood by all for the campaign in Afghanistan. However, when it came to Iraq, there was less initial agreement.

In early 2002, General Franks went to Crawford, Texas, to update the President on the progress of the campaign in Afghanistan. During that discussion, the talk turned to Iraq. General Franks showed the President the deliberate plan, the one “on the shelf” for Iraq that had been built after Desert storm and periodically updated since. It called for an even greater sized force than the one that won Desert Storm. The general told the

³⁹ Woodward and Balz, “We Will Rally The World.”

⁴⁰ Woodward and Balz, “We Will Rally The World.”

⁴¹ Evan Thomas, Martha Brant, John Barry, and Tamara Lipper, “The Education of Tommy Franks,” *Newsweek* (Vol. 141, No. 20, 19 May 2003), pg. 24.

President that that plan would not be presented. Franks promised a drastically pared down plan for overthrowing the regime. However, over the next year, Franks' staff planners would wrangle with the Joint Staff planners over the final strategy. While Army planners in the Pentagon were wary of employing small-sized forces, Franks won out as the CINC.⁴²

However, the important point for the purpose of this study is that despite initial differences in opinion over which direction the strategy should take, the constraints on the principals and agents did not cause misalignment of motivations. Neither side "won" in this difference of opinion. The leadership could have commanded obedience, but that is not what happened. The principals and agents in the various locations, through a deliberative and collegial process, worked out any differences to achieve a truly joint plan that satisfied everyone.

Beliefs and Interests

If Allied Force showed how seriously underlying beliefs and interests could affect alignment of principal-agent motivations and thus moral decisions, the Global War on Terror shows how the opposite can also be true. In the previous case studies, the principals and agents were not able to overcome their differences in beliefs and interests. The key players in the War on Terror, however, worked through any differences they might have had to achieve a unity of purpose and a moral decision-making process.

One example of deliberate discussions to determine moral standards for decision-making came from the Chief of Checkmate in the Pentagon:

⁴² Fred Barnes, "The Commander," *The Weekly Standard* (Vol. 8, No. 37, 2 June 2003), pg., 23.

This administration had serious discussions about what is right and what is wrong and who will accept responsibility...I made assumptions about moral decisions and briefed them up the chain to my general officer. Once he agreed, the responsibility became his, but it also did not relieve me of my continued responsibility to raise issues.⁴³

On the other hand, there was one belief and interest that had to be overcome by both principals and agents to fashion campaigns with moral outcomes. *Newsweek* reported that despite direction from the President and Secretary of Defense to accept greater risk, military planners were wary to do so:

The military brass has remained wary that civilians will not back them up if the body bags start coming home. As Franks put it, “You lose some people and the witch hunts start.” Rumsfeld and Franks discussed the Pentagon's “culture of risk aversion... for about two years,” Franks recalled. Franks agreed with Rumsfeld: the problem was real and deeply rooted.⁴⁴

Once again, as can be seen at the end of this passage, a single theme appeared to have overcome these differences in beliefs and interests. That was deliberate discussions to align motivations.

Over frequent meetings in Washington and even at the President's Texas ranch, Rumsfeld and Bush convinced the CINC that the national leadership was behind the him and the military and would not shy away at the first sign of casualties. Unlike speculation by many pundits on television, Rumsfeld and Franks did not disagree to the point where Franks was ordered to employ assets in certain manners. It was all Franks plan that was followed in both Afghanistan and Iraq.⁴⁵

⁴³ Colonel Tom Hyde, interview with author.

⁴⁴ Thomas, et al.

⁴⁵ Barnes, pg. 22.

Likewise, Franks built a truly joint atmosphere with his own subordinate component commanders and their staffs. Rather than jostle over primacy of whose service would get the primary role in operations, there was true collegiality and a desire to get it done right rather than advance service interests.⁴⁶ “He was obsessed with not letting the Army be elevated,” reported on of Franks’s aides. And more importantly, this stance did not distance him from his own army commanders.⁴⁷

The campaigns fought so far in the War on Terror have been unlike any in the past two decades. Rather than unclear objectives and interservice rivalries, camera-seeking military leaders and objections from the forces, this war is being fought doctrinally and with principal and agent motivations in alignment. While there have been non-combatant casualties, all the foreseen harm to innocents has been weighed against necessity by at least the combatant commander-in-chief, if not the Secretary of Defense or President. Still there have been some critics that highlight what they consider excessive noncombatant casualties.

The Associated Press published a report that 3,240 civilians died in Iraq during the month of U.S. and coalition major combat operations. The study searched hospital records throughout Iraq to determine that number, but it is not qualified in any way. The article notes researchers looked to see the profession of the deceased in hospital records. If not soldier, then the death was tallied as civilian. Yet the article also noted that many deaths came from Iraqi weaponry placed in public buildings such as schools. It also

⁴⁶ Thomas, et al. pg. 38.

⁴⁷ Barnes, pg. 25.

noted the numerous Iraqi combatants that dressed as Bedouins or women to hide their combatant status.⁴⁸

Likewise the Project on Defense Alternatives published “Operation Enduring Freedom: Why A Higher Rate of Civilian Bombing Casualties,” to publicize noncombatant casualties in Afghanistan. This report estimates between 1000-1300 civilian casualties in Afghanistan.⁴⁹ However, like the AP report on Iraq, this report looks at aggregate numbers, which can easily bias the Just War criteria through sheer numbers. The report mentions that many of these civilians were family members of the targeted al Qaeda or Taliban leaders. These casualties were specifically weighed for necessity by the CINC during that operation and thus pass the test according to my model. Again, there were no claims in these reports that the targets were not necessary, only that many civilians were killed.

The problem with these articles is that they report a number of casualties without breaking them down into the context of the individual attacks, which is what Just War theory and my own model require. There is no set number of casualties after which a conflict is considered immoral. In fact, the proportionality-necessity decision is likely to be subjective according to the many of the factors that make up principal-agent motivation alignment. Those that are not in leadership decisions with responsibility for the decisions, especially those from other countries, may certainly argue that the decisions made by U.S. leaders were disproportionate. But those same people that

⁴⁸ Niko Price, “AP Tallies 3,240 Civilian Deaths in Iraq,” *Associated Press*, 10 June 2003, last accessed at *DuluthNewsTribune.com*, <http://www.duluthsuperior.com/mld/duluthsuperior/news/6056411.htm>, 14 November 2003.

⁴⁹ Carl Conetta, “Operation Enduring Freedom: Why a Higher Rate of Civilian Bombing Casualties,” *Project for Defense Alternatives*, 24 January 2002, accessed on-line at <http://www.comw.org/pda/0201oef.html#6>, 14 November 2003.

question the decisions are not responsible and thus necessarily will have differing motivations. What makes individual decisions moral or not, according to my model, is the proportionality-necessity decision made for each target or objective.

Defense analyst William Arkin critiques the DoD for claiming that the level of non-combatant casualties are extremely low without providing a metric on how to measure low. He notes that while the military is indeed taking measures to reduce non-combatant casualties, until the DoD studies claims of non-combatant casualties in detail, there is no way to show that the government takes this issue seriously.⁵⁰ However, U.S. Central Command did investigate incidents of alleged non-combatant casualties caused by the U.S. during the conflict.

Through 29 March 2002, CENTCOM determined that coalition aircraft had dropped 21,737 bombs and that until that date, there were ten incidents which warranted review by the CINC. Of those, two involved non-combatant casualties. One incident was the bombing of a Red Cross facility that was used by Taliban forces. This facility was not on a list of facilities provided by the ICRC that coalition forces had placed off limits. The second incident was one in which an attack was made on senior Taliban officials in a convoy in which three adult females and three children were killed along with the Taliban leaders.⁵¹ Still, Arkin's point should be considered. If there is not a systematic review of non-combatant casualties made during and after a conflict, it might not be possible to know if the moral tradeoff that was made prior to and during the war worked out with respect to proportionality and necessity.

⁵⁰ William Arkin, "Not Good Enough Mr. Rumsfeld," *Washington Post* online edition, www.WashingtonPost.com, 25 February 2002.

⁵¹ Headquarters CENTCOM News Release, RELEASE NUMBER 02-03-09, 29 March 2002.

IV. Conclusion

The day after the September 11 attacks, the President met with Congressional leaders in the White House. These attacks, the President told them, signaled the start of a long-term conflict.

“This is not an isolated incident,” he said. “This is war.” The public might lose focus, he added. A month from now Americans will be watching football and the World Series. But the government would have to carry out the war indefinitely.⁵²

So it goes to this day. This war is ongoing and will likely not be completed for at least several more years. Unlike the conflicts I studied in the previous two cases, this war does not have a clear end in sight with the hopes for a successful resolution. But it can still easily be studied within the framework of the model I presented in Chapter 3. Although it was fought under a new paradigm of conventional war against unconventional enemies, the variables of doctrine and principal-agent motivation alignment were still necessary to ensure moral outcomes were attained.

President Bush stated several times in public speeches or press conferences that the U.S. would protect non-combatants. In one example he stated “we will do everything we can, as I mentioned -- and I mean this -- to protect innocent life.”⁵³ In another speech he said “I want Americans and all the world to know that coalition forces will make every effort to spare innocent civilians from harm.”⁵⁴ Whether these concerns for proportionality were born of a true moral interest or desire for a more utilitarian effectiveness is not material to this model. The fact that the President outlined the U.S.

⁵² Woodward and Balz, “We Will Rally The World.”

⁵³ George W. Bush, Press conference, The White House, Washington, D.C., 8:01 p.m. EST, March 6, 2003, Federal News Service, Inc., www.fednews.com

⁵⁴ George W. Bush, “President Bush Address to the Nation: Beginning of the War Against Iraq,” 10:15 p.m. EST, March 19, 2003, Federal News Service, Inc., www.fednews.com

position on non-combatant harm combined with a doctrinal targeting process, to include the tools to determine a collateral damage estimate, and motivations about objectives in alignment, the proportionality-necessity decisions were made.

In fact, the CENTCOM Chief of Target Development said that certain targets were not approved for attack until planners could figure out a way to lower the collateral damage estimate for that specific target.

“In the spinup to OIF [Operation Iraqi Freedom], I know that the high CDE [Collateral Damage Estimates] target set (i.e. all the leadership targets, some comms targets located in downtown Baghdad) was constantly being worked, reworked, briefed and rebriefed by COMCENT [Commander CENTCOM] to the SECDEF. The actual briefings didn't begin till late summer of 02, but were being rewickered up until OIF kicked off. I was involved in reworking several of the briefing slides around the Jan-Feb 03 timeframe. What I can tell you is that from the original list of high CDE targets, some were mitigated down to low CDE using different munitions, and others remained high, which ultimately went to the President for approval. LOAC issues, specifically proportionality and necessity, were primary considerations when looking at the high CDE targets - - in fact, one of the briefing slides for the SECDEF and President which didn't change at all were the LOAC considerations and proportionality/necessity criteria in the analysis of the high CDE targets.”⁵⁵

In this conflict, both of the variables from the model were present. Sound doctrine was available and was followed. The motivations of the agents were the same as the motivations of the principals. While the overall level of non-combatant casualties were low in the previous two case studies (in Allied force, the total non-combatant casualties were likely lower than in the War on Terror), they were not low because of specific decisions weighing proportionality of affected non-combatants against the

⁵⁵ Chief Target Development, HQ U.S. CENTCOM, personal correspondence with author 24 February 2004.

necessity of targets. In the War on Terror, however, the lowest level at which that decision was made was by the Combatant Commander in Chief.

In this war, new and powerful tools to determine collateral damage estimates were not only available, but used for every planned target. The military used innovative new methods of attack specifically to prevent non-combatant casualties. Few military members with experience in weaponeering and weapons delivery would have thought it possible to deliver 2000 pound bombs on a building without even shattering windows in the adjacent structures.

In previous wars, these capabilities could have existed, but were not developed. They were developed for this war specifically to minimize non-combatant casualties. The fact that principal and agent motivations aligned made these capabilities a reality. The fact that a doctrinal process and structures existed for these proportionality-necessity decisions to be made ensured moral outcomes.

Nicholas Wheeler argued that although the al Qaeda and Taliban leaders were responsible for many civilian casualties by exposing them to U.S. attacks, the U.S. is ultimately responsible for the moral conduct of the war.⁵⁶ In this chapter, I showed that U.S. leaders never denied or shied from that responsibility. The leaders knew some non-combatant casualties would be likely, but they made those decisions knowing the expected level of casualties and weighed that against the necessity of each target. The U.S. national leaders did exactly what Wheeler said they could not avoid.

However, as the U.S. moved from the preliminary campaign in Afghanistan, where U.S. forces targeted terrorists where there were few, if any, non-combatants in the

⁵⁶ Nicholas Wheeler, "Dying for 'Enduring Freedom': Accepting Responsibility for Civilian Casualties in the War against Terrorism," *International Relations* (Vol. 16, No. 2, August 2002), pg. 205.

mountains, to sustained operations throughout Afghanistan and to an environment in Iraq where non-combatants were more prevalent the closer U.S. forces came to Baghdad, my model cannot necessarily predict moral decisions due to the nature of time-sensitive operations. The process for approving time-sensitive targets took place at the Combined Air Operations Center in the Persian Gulf headquarters of the air component of the joint task force. Based on the CINC's daily guidance and commander's intent, the air component commander made the proportionality-necessity decision if the target was of such a fleeting nature that there was no time to discuss the issue with the CINC. If the situation on the ground was such that there was time to raise the issue to a higher level, then the CINC made the decision.

For example, when pilots believe they are under fire, they are likely to return fire. If they request permission up the chain of command, they may be told to return fire if they have not been shot down by the time the approval comes back to them. On the other hand, perhaps senior leaders would have more information and may simply tell the pilots to move away from the ground fire. So this issue of decisions when under fire is far different from the environment under which my model assumes moral targeting decisions can be assured.

The important point to make with respect to doctrinal processes is that this war was different from the previous two cases and made it easier for the moral decisions to be made. First, very few of these targets in Afghanistan, fleeting or pre-planned, presented themselves in urban areas where there was a likelihood of non-combatant casualties. In the situations where aircraft and special operations forces worked in tandem to attack Al Qaeda and Taliban forces in the open, there was no chance of harm to non-combatants.

There was no real coalition with which to coordinate, leaving all targeting decisions to U.S. commanders and national leaders.

Furthermore, the strategy was not coercive with vague objectives, but one of finding and targeting specific facilities and individuals and forces. If those forces hid in cities or in aid convoys or other such locations where non-combatant casualties were foreseeable, then the decision was raised at least to the level of the CINC when practical in time to do so.⁵⁷ In this respect, the definition of moral decisions according to my model becomes cloudy or even breaks down. If time is not available, such as when ground forces are engaged in a firefight with the enemy, then the proportionality-necessity decision is likely not going to be elevated to the CINC or higher.

The commanders of the forces engaged will be making their decisions to best protect their force while achieving some objective. That decision process as laid out in the doctrine discussion is then made by someone whose entire set of motivations are changed due to the combat situation he is in. That does not necessarily mean he will make a less moral proportionality-necessity balance, but he will not have the opportunity to raise the issue to a decision-maker that might be willing to sacrifice more U.S. forces to protect enemy non-combatants than the commander of those forces is himself.

⁵⁷ Chief, Target Development, U.S. Central Command.

Chapter Eight

Morality In War – Conclusions And Implications

There is a Clausewitzian component of friction in morality in war wherein you think that everything that is going well in war is moral. If you think the situation is slipping away and you might lose, then it is very easy to be immoral.¹

I. Summary of Findings

Jesuit Scholar John Ford, in arguing against obliteration bombing during WWII, wrote “It is enough to show that there are large numbers of people even in the conditions of modern warfare who are clearly to be classed as innocent noncombatants.” He goes on to say that “it is a fairly common fallacy in legal and moral argumentation to conclude that all is lost because there is a field of uncertainty to which carefully formulated moral principles cannot be applied with precision.”² Ford touches on two major themes dealing with morality in warfare, one of which, protection of noncombatants, I consider extensively in this project. The other, uncertainty in applying these principles, I leave for further research and to other scholars. I will touch on both in this conclusion.

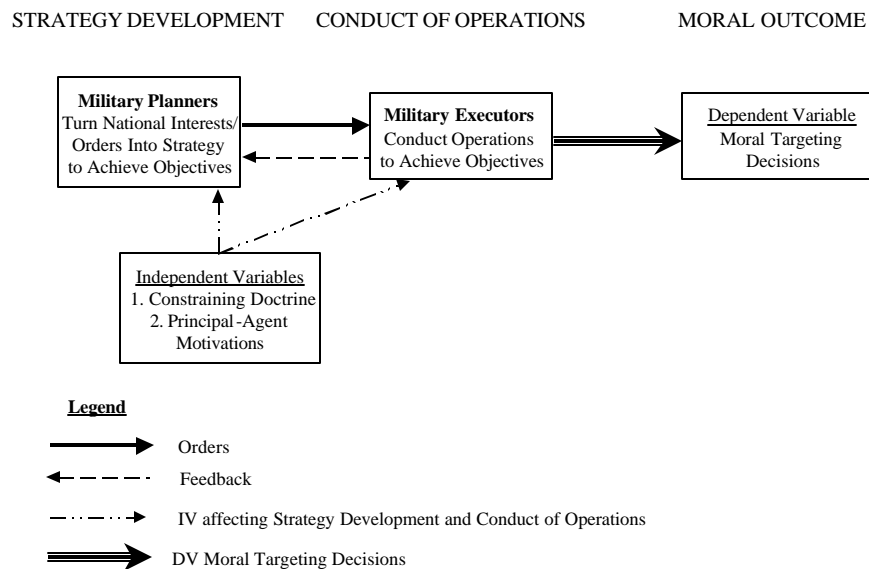
In this dissertation, I presented a model to ensure moral decisions in war. I took a seemingly ethereal end, namely moral norms that are the ultimate, but undefined goal of ethics and morality literature, and defined what constitutes a just targeting decision in war. I defined as moral those decisions by the senior decision-makers wherein they determined a specific proportionality-necessity balance for each target or objective. I

¹ Chief, Doctrine Branch (Officer’s name withheld), Strategy Division, Directorate of Plans, HQ USAF/XOXS, Washington, D.C. Interview with author, 14 May 2002.

² John Ford, “The Morality of Obliteration Bombing,” In *War and Morality*, Richard A. Wasserstrom, Ed., Belmont, Ca: Wadsworth Press, 1970, pg.19.

operationalized a theory of bureaucratic politics, namely the principal-agent model of political control over the bureaucracy, by viewing the processes of planning and executing military operations through several factors affecting alignment of principal-agent motivations. Finally, I tested the model against the three most recent major U.S. military operations: Desert Storm, Allied Force, and the Global War on Terror.

I found that moral decision-making in these wars (as defined by the proportionality-necessity balance) indeed varied with the change in the independent variables - following constraining doctrine and alignment of principal-agent motivation - as posited in Chapter 3 (Figure 3.1).



The case studies show that in Desert Storm, there did not exist doctrinal processes that would naturally lead planners to develop operational strategies to achieve national political objectives. Absent a doctrinal guide for the processes by which to plan, and structures in which to conduct this war planning, there was no way to ensure that the military targeted only those Iraqi elements necessary to achieve the national objectives. Furthermore, Desert Storm showed us how, absent doctrine, misaligned principal and agent motivations influenced the morality of decisions made during the war.

The person who arguably exerted the most influence on the strategy of the war, Colonel John Warden, was a person not in the doctrinal chain of command, and one who had motivations far different than his seniors. Thus principal-agent motivations did not align. And even after he was officially taken out of the planning effort, he continued to exert influence on the planners in Saudi Arabia throughout the war. But this outcome cannot be seen requiring blame on that one actor. It must be also seen as an absence of oversight from the principals who did not exercise the proper responsibility to ensure decisions they desired were made and carried out.

In Chapter 2, I related how Eliot Cohen argues against a “normal theory of civil-military relations” whereby civilian leaders give clear direction to the military and then step out of the way to let the military carry out that direction as best it can. Yet this “normal” model was certainly how American leaders performed during this conflict. What was seriously lacking in Desert Storm was oversight by the principals over the agents and feedback from the agents to the principals. When General Buster Glosson briefed senior principals in Washington on some of the proposed targets likely to cause non-combatant casualties, none of the principals objected. This could be seen by some as

an effort by civilian principals to get out of the way and let the military do what it does best. But like Cohen warned, simply having planned and fought simulated wars during exercises all their careers did not ensure the leaders would get it right come a real war. So there should have been oversight, as required by the principal-agent model.

Another way to view the conduct of Desert Storm was as a breakdown of civil-military relations because, as Desch argued can happen in these situations, the will of the military prevailed over the will of the civilian principals. It is possible to accept this point of view if one accepts that the direction the military was taking in the fight in Iraq was different from what the civilian leadership desired. Certainly, if the civilian leadership wanted merely to expel the Iraqi military from Kuwait, there was a serious civil-military relations gap with the military designing and executing a plan to topple the Iraqi regime.

However, although I found that principal and agent motivations did not always align, I did not find anywhere in my research any indication that these differences in motivation would have been strong enough to overcome a doctrinal process had that process existed and been followed. McCubbins, Noll and Weingast told us that there *will* be non-compliance, and that either procedural control or oversight is necessary to limit it.³ But there was neither in the Desert Storm case. Because there was a lack of oversight by senior principals, and because key agents did not think there was anything wrong with the targeting strategy, there was no dialogue to clear anything up. There was not a

³ See Mathew McCubbins, Roger Noll, and Barry Weingast "Administrative Procedures as Instruments of Political Control," *Journal of Law, Economics, and Organization* (Vol. 3, 1987) pp. 243-277, and "The Politics of Bureaucratic Structure," in *Can the Government Govern?*, John E. Chubb and Paul E. Peterson, eds., Washington: The Brookings Institution, 1989.

perceived need for any such dialogue as neither the principals or agents realized there was a misalignment of motivations, let alone that such a misalignment was detrimental.

Had there been a doctrinal process in place that linked the national objectives to a military strategy and plan, a process that was coordinated through the CENTCOM Staff and briefed to the Secretary of Defense for approval, I contend that a proportionality-necessity calculus would likely have been developed for all targets and objectives. It is certain that the key principals and agents were interested in limiting not just non-combatant casualties, but total casualties - U.S. and Iraqi, combatant and non-combatant -throughout the war.

However, without doctrine, and with misaligned motivations, no proportionality decisions were made at senior levels. Even though the Al Firdos Bunker incident led to the decision to cease bombing in downtown Baghdad, that decision was made without regard to the necessity of any targets in that city. If one accepts that no targets were important enough to strike in Baghdad after that incident, then one would have to ask why they were important enough to attack the day before that incident. It is clear that target necessity was not weighed against proportionally acceptable non-combatant casualties. Thus, despite the low numbers of claimed civilian casualties in Iraq, the targeting decisions cannot be said to have been moral within the framework of my model.

In Operation Allied Force, the prevailing concept of good civil-military relations, as expounded in Chapter 2, certainly was not borne out in that the military prevailed over the will of the civilian leadership. The will of the senior military officer involved in the operation prevailed over the will of the national civilian leadership. This occurred

despite the fact that clear doctrine for the planning and conduct of joint military operations existed.

On the other hand, one can say that the will of the civilian leadership ultimately prevailed over the general when the responsibility for target approval was moved to the White House. The President had approved the initial pre-planned target list, but those targets were attacked repeatedly, even after they were destroyed, along with other targets the senior principals did not approve. Once the White House decided to approve all the daily targets to be attacked mid-way through the conflict, the military provided an estimate of the number of non-combatant casualties in each attack along with the necessity of each target.

At that point, the targeting decisions became moral according to my model for targets being attacked for the first time. The process of targeting was conducted according to doctrinally-established procedures and the principal-agent motivations became aligned resulting in a proportionality-necessity decision being made at the level above the combatant commander-in-chief. But for every occasion in which targets were re-attacked multiple times merely to send sorties out to put pressure on the Serbian leadership, those proportionality necessity decisions were not made at all, let alone above the theater commander.

According to my model, the feedback channel worked well prior to and during the conflict, with numerous instances of subordinate agents airing their discomfort with the conduct of the war in terms of proportionality and necessity. Clearly, principal and agent motivations were misaligned with the bottleneck coming at the senior leadership level within the military. The national civilian leadership wanted to minimize noncombatant

casualties, as did the agents below the level of the senior military commanders. The feedback links between the planners and executors and the senior leaders above the CINC worked to inform the national leadership about the concerns of those executing the campaign.

Still, even after the White House withheld target authority from the theater commander, the doctrine variable only was satisfied because the president could determine the necessity of each target to achieve whatever objective he himself understood. Never during the preliminary planning for this conflict were those objectives made clear by the national leadership principals to the agents, despite requests for clarification from planners and a study by the Air Force Doctrine Center citing inability to develop a coherent strategy without clear and measurable objectives.

I contend that the combination of doctrine not being followed and misaligned principal-agent motivations led to the targeting decisions being not moral. Constraining doctrine did exist for this operation. Had it been followed with clear objectives in place, clear lines of command, and a targeting process that selected targets based solely on objectives from the very beginning, the doctrinal process may well have forced senior leaders to confront the differences in their principal-agent motivations. But the U.S. military was able to learn from their actions over Yugoslavia and incorporate their lessons into the planning process for the next war.

In the final case study of this dissertation, America's Global War on Terror, I researched both the Afghan and Iraqi campaigns to determine if targeting decisions were moral. In each of these campaigns, both the independent variables were present, as was the dependent variable. Doctrine existed and was followed and principal-agent

motivations were aligned. The result was a clear and positive proportionality-necessity decision for each pre-planned target or objective in both campaigns. This decision was made by the CINC, or if he did not feel comfortable making it, by the Secretary of Defense or President. Most notably, two processes were observed which were not followed in either of the previous cases.

First, as was the case prior to Allied Force, the military planners were not initially given clear and measurable national objectives from which to develop strategies for combat employment. However, officers in Checkmate outlined the national objectives based on statements made by senior administration officials in public speeches and private consultations. They turned this draft over to the White House and the President approved those objectives. So the potential break in the first step in doctrinal planning was overcome through feedback by planners to the senior principals.

Second, despite perceived differences in the core beliefs and interests that form principal-agent motivations, through feedback from agents and oversight by principals, those differences were purposefully worked out and those motivations were aligned prior to commencement of operations. When senior military officers were concerned that they would not be supported for developing a plan that required greater risk to both military and non-combatants as directed by the principals, they used their feedback channels to let the principals know their concerns instead of shirking or sabotaging the orders.

Principals likewise used their oversight channels to reassure the agents and continue to monitor them for compliance. This was an iterative process that continued even after alignment of motivations. When a noncombatant casualty estimate for a given target was higher than acceptable for the necessity of the target, rather than lowering the

acceptability level of casualties or reworking the estimate of predicted casualties to achieve a lower number, planners changed weapons, fuses, delivery platforms or attack parameters to achieve objectives within acceptable levels of noncombatant casualties.

The simple 2x2 matrix I proposed in Chapter 3 thus looks like this after researching the three case studies:

<p>No Constraining Doctrine and Principal-Agent Motivations Not Aligned → Not Moral Decisions</p> <p>Operation Desert Storm</p>	<p>No Constraining Doctrine and Aligned Principal-Agent Motivations → Not Moral Decisions</p> <p>Not Tested</p>
<p>Constraining Doctrine but Principal-Agent Motivations Not Aligned → Not Moral Decisions</p> <p>Operation Allied Force</p>	<p>Constraining Doctrine and Aligned Principal-Agent Motivations → Moral Decisions</p> <p>War On Terror</p>

My research in these three case studies shows that both of the independent variables are necessary, but that neither is sufficient absent the other. This is borne out by the hypotheses, the first two of which satisfy the doctrine variable. My first hypothesis is that moral targeting decisions in U.S. military operations are more likely when national civilian leaders specify objectives for the military to achieve. This occurred in the Desert Storm and War on Terror Cases, but not in the Allied Force case. Even with clearly defined objectives, misaligned motivations can undo moral ends.

My second hypothesis is that moral targeting decisions in U.S. military operations are more likely when joint doctrine and service doctrines constrain officers to develop strategies to achieve specified objectives. This hypothesis was confirmed only in the final case study. In the first case study, without constraining doctrine, an arguably brilliant plan was conceived, but it went well beyond the stated objectives. And with

misaligned motivations, even a brilliant plan cannot be guaranteed to be moral absent a doctrinal process that links a strategy to objectives.

My third hypothesis is that moral targeting decisions in U.S. military operations are more likely when military planners' and executors' (agents) motivations are aligned with those of national leaders (principals). In the Desert Storm case this was not the case, nor was it the case through most of Allied Force. Yet in Allied Force, despite the fact that the moral motivations of planners and executors seemed to match those of the senior-most principals, the senior military officers' motivations differed and there were not clear objectives by which to determine target necessity. So even when the President took control of target approval, nobody knew the criteria by which proportionality should have been, or in fact was, measured against necessity. Only in the War on Terror were principal and agent motivations aligned, and only in that case did they align out of a deliberate attempt to work through and resolve differences.

It is important to remember that this model accounts for pre-planned targets normally attacked from the air, but it also would work for pre-planned strikes by ground or special operations forces. If, however, the model was not bounded to missions flown against pre-planned targets it would begin to break down due to the dynamic nature of time-sensitive targeting and ground combat. In those situations, there is not likely to be time available for on-scene commanders to raise issues of proportionality and necessity to the CINC, SecDef or President. Such a situation does not necessarily mean that the decisions made by the unit commanders will not be moral, but the reality of such situations is that senior leaders cannot make all the decisions for all forces engaged in all places.

The daily commander's intent and overall campaign objectives should provide a guide for officers whose motivations are aligned with their seniors to make the proper proportionality-necessity balance. However, commanders in tactical situations are less likely to have the detailed information available to planners and decision-makers when they consider pre-planned targets prior to a conflict. As such the engaged commander's or pilot's interest in preserving himself and his unit may well be greater than his interest in assessing the number of non-combatants at a location that he is attacking in order to assess a proportionality balance. Thus until further research models decision-making at this level, my model for pre-planned targeting decisions must be accepted as a first step.

II. Alternative Explanations of Findings

In any study of this scope and potential importance to decision-making in war, it is necessary to posit potential alternative explanations to the findings of the presented research. In the case of this dissertation, I present three potential alternative explanations for my findings. The first is that the context of each case is truly different and that measurement of the dependent variable is not a valid measurement. The second alternative is a technological one. Precision weapons technology makes it possible to achieve more "sanitary" results in combat operations. Furthermore in an era of instant communications, it is easier for senior principals to oversee and micro-manage combat operations, and thus ensure moral decisions are being made and carried out. A third potential alternative explanation is that the officer corps is internalizing moral norms, which accounts for moral decisions being made as time goes by. I will consider each of these alternatives in turn.

It could be argued that the nature of the three conflicts studied in the previous chapters was different, and therefore the international context allowed for a different acceptability level of what is considered proportional to necessity. It is true that the level of national interest in each of the three case studies was different. In Desert Storm, the U.S. had not been attacked, and early on, there was an internal debate within the U.S. government over whether to respond at all to the Iraqi invasion of Kuwait. The threat to Western access to Persian Gulf natural resources, especially oil and natural gas, coupled with the precedent that would be set for the U.S. accepting unprovoked conquest of countries after the fall of communism led the U.S. to determine that a national interest was indeed threatened and that military action was necessary.

Given a threat to U.S. interests, especially once a decision is made to commit U.S. forces to ground combat operations, it is natural to accept a certain level of non-combatant casualties as necessary, even if that number is not discussed in specific terms. The argument here would be that the national leadership was cognizant of the image of Arab innocents harmed by American bombs and therefore gave the military broad but direct guidance to minimize collateral damage. Any evidence that the military followed that guidance could be taken as evidence that specific variables such as doctrine and aligned principal-agent motivations were not as important as the guidance given and the military's willingness to follow orders.

In the case of Allied Force, there was clearly no U.S. national interest threatened apart from the charge that the U.S. stood by and did nothing while innocents were repressed in Europe. But that argument could not alone threaten U.S. interests since people were repressed the world over and the Europeans who had the most to lose by

inaction were not moved to act without U.S. leadership. General Wesley Clark could not convince his principals that Serbia presented the threat he believed it to be.⁴ Given the lack of vital interest at stake and the level of media scrutiny towards the war, one could argue that it was natural for the administration to closely monitor targets to ensure disproportionate collateral damage did not result from operations.

And finally the context of the War on Terror was far different from the previous two conflicts studied herein. There was a direct attack on the U.S. and its people with the threat and promise of more attacks to follow. While it was extremely unlikely that the U.S. government would be overthrown, it was possible that a serious attack on national leadership and national and global financial markets could throw the U.S. political and economic engines into chaos precipitating a global crisis. So with a far greater threat to national interests, it is reasonable to expect a different calculus for proportionality and necessity. Furthermore, the nature of the countries in which the war took place was such that it was easier to discriminate fielded forces from non-combatants in open desert terrain than one would expect in urban or wooded terrain.

However, in the case of the War on Terror, the level of discrimination of non-combatants was not only shown to be greater than in the either of the other two cases, but was deliberately carried out beyond any vague orders or guidelines. In that sense the War on Terror case is counterintuitive in that the one case that should have seen a greater acceptability of non-combatant casualties was the one in which the most care was taken to avoid them. Furthermore, while in the War on Terror targets were dispersed outside of

⁴ In his personal papers, Clark discussed what he perceived the Administration's attitude to be towards the Serbian threat. "That's the flavor of it. 'It's not like this is a really serious problem.' It's like, 'Hey, let's jerk this guy's [Milosevic's] chain.' [Then,] 'Okay, we can't stand [it] anymore, it's too embarrassing politically,'" Clark said, adding: "I don't take it that way. I take it as a very serious threat to European security." See R. Jeffrey Smith, "Clark Papers Talk Politics and War," *Washington Post*, 7 February 2004, pg. A01.

cities, so was the Serbian Army in Kosovo. Yet in the War on Terror, the decision was made to target specific forces and leadership targets while in Allied Force the target list went well beyond those two target categories. So the international and domestic political context can most certainly factor into the proportionality-necessity decision, as was described in the section operationalizing the variables. However, the context is not enough in itself to account for the variance in moral decision-making in war.

A second alternative explanation for the findings of this paper is that technology allows for greater discrimination with precision weapons technology and communications that allow senior decision-makers to micro-manage operations to ensure compliance with moral decisions. In a classic example of the trend towards the belief that precision engagement will lower non-combatant casualty rates, Dwight Ryobler writes that the U.S. was poised in Afghanistan to minimize collateral damage due to technological advances such as satellite-enhanced weapons that are delivered to specific coordinates.⁵

However, Dunlap argues that countries that have put too much faith in new technologies have been responsible for a greater destructiveness in war. He contends that while precision weapons may be to some a fulfillment of a “humane” way to wage war, adversaries have learned how to confound our precision weapons and place important targets in and amongst non-combatants to bring that element of warfare back into the picture. He argues that precision munitions and their high cost raise other moral questions themselves. Must a commander use precision munitions to the exclusion of unguided

⁵ Dwight A. Roblyer, Lt. Col., USAF, “Beyond Precision: Issues of Morality and Decision Making in Minimizing Collateral Casualties,” Program in Arms Control, Disarmament, and International Security, University of Illinois, Urbana-Champaign, 28 April 2003. Accessed at <https://research.au.af.mil/papers/ay2003/affellows/roblyer.pdf>.

weapons? To what end must the U.S. procure expensive precision munitions at the expense of other domestic programs?⁶

In the cases studied herein, it would be difficult to show that precision munitions lessened non-combatant casualties. The Al Firdos bunker discussed in the Desert Storm case was hit with a precision munition. Furthermore, numerous targets cited in the Allied Force case were also attacked with precision munitions. Even precision munitions go precisely only where people tell them to go. The weapons cannot discern who to kill and who to leave alone. So the effects of the weapons are what is important to the discussion of proportionality. Even precisely delivered weapons can yield extremely lethal results. And because national leaders can communicate directly with the operators does not mean that they will always do so or will have the interest or time to ensure compliance. So technology, while important in lessening the potential for non-combatant casualties, does not ensure moral decisions will be made.

Another element of the technology issue pertaining to moral decision-making is that with present-day communications and intelligence surveillance, it is possible to find and identify targets more quickly than ever before. Furthermore, senior leaders half a world away are now able to direct forces and make critical decisions in real time. However, we also find that there is a chain of command for a reason. One of the tenets of air and space power found in Air Force doctrine is centralized control and decentralized execution. This ensures that decisions do not have to bottleneck up a chain of command to be made by a single person. But the scope of decisions that commanders make are supposed to be commensurate with their rank and position.

⁶ See Charles Dunlap, "Technology and War: Moral Dilemmas on the Battlefield," in *Ethics and the Future of Conflict*, Anthony F. Lang, Jr, Albert C. Pierce, and Joel H. Rosenthal, eds., Upper Saddle River, N.J., Prentice Hall, 2004, pp. 126-150.

With technology today it is possible for tactical decisions to have strategic implications, especially when it comes to targeting individuals and locations without all the available information. A fighter pilot who thinks he is seeing ground fire directed at him and assumes it to be the enemy can instead bomb coalition forces if he does not know that they are friendly and that they are firing horizontally instead vertically into the air. Such an incident could break apart a coalition and have broader effects than the casualties the incident incurred.

A third alternative explanation to the findings in this dissertation is that officers are internalizing moral norms over time and that that internalization accounts for the increased awareness of non-combatant casualties and the desire to minimize harm to innocents. It is certainly true, as evidenced by information presented in Chapter 4, that the military annually teaches the laws of armed conflict to all personnel and emphasizes moral issues in officers' professional military education.

Without a detailed quantitative analysis of the potential internalization of norms, it is not possible to show any empirical effect of such a theory. However there is anecdotal evidence that morality is an issue which officers think important. With the assistance of the primary research librarian at the Air University Library in Montgomery, Alabama, I found that from 1965 to 2001, 122 articles relating to ethics or morality in warfare issues were published in defense journals worldwide. Of these, 61 were written by U.S. military officers.⁷ Furthermore, a simple search by the key work "moral" showed fifty nine other research papers on this topic, written by Air Force officers and graduates

⁷ Thanks to Ms. Diana Simpson, Air University Library, for her assistance in researching from *The Air University Library Index to Military Periodicals*.

of Air Force Professional Military Education schools, were published to the World Wide Web on the Air University Library on-line database.⁸

So without empirical research on moral internalization, it is evident that the subject of morality is at least discussed between officers and written about in research papers by them. But this does not necessarily equate to moral decisions in war. Were this the case, then there would have to be some evidence that this moral internalization of norms is systematic across the officer corps and influences decisions at all levels and in all circumstances. However, this is not what happens in conflicts. As shown in the War on Terror case, the more tactical the decision, the lower the level of decision-making, the closer one is to the battle, the more difficult it is to make a balanced proportionality-necessity decision. When forces are engaged in combat operations, the calculus for proportionality and necessity seems to change from what it was in the planning phase prior to the conflict.

Colonel Tom Hyde, the Director of Checkmate in the Pentagon during the Afghan campaign said:

The Air Force institutionally expects me to take moral norms into account. It is second nature. If you give me time to think about it, I'll have a better chance to make that consideration, but if I don't have time, as in combat situations, I have to rely on embeddedness to take over.⁹

Even if decisions are raised to the combatant commander via technological advances, with U.S. forces in contact, it seems that the proportionality-necessity balance is different than it is in the pre-conflict calm. Colonel Hyde said that he relies on moral embeddedness when he does not have time to think about his decisions in detail. But

⁸ Air University Library on-line database, <https://research.au.af.mil/showstudent.aspx?type=Student>.

⁹ Colonel Tom Hyde. Interview with author.

how can one measure moral embeddedness? While the battlefield tactical commander may have internalized moral norms, no evidence shows that he is willing to put his forces at greater risk under fire to protect non-combatants. This does not mean that such evidence does not exist, however, it is beyond the scope of this research project and was not found during my research of my three cases.

III. Implications and Avenues for Further Research

Having determined the relationship of the variables doctrine and bureaucratic motivations to moral targeting decisions in the form of proportionality-necessity decisions, the work of researchers is far from complete. The classic and contemporary Just War Doctrine literature provides a foundation for what is and is not acceptable in war, but it does not offer a methodology of achieving that end and leaves open that what a country decides is its necessity is always the ultimate moral determinant. Civil-military relations literature helps us understand the relationship between soldiers and the state, but it is not consistent on key theoretical principles, such as the differences between policy, doctrine and strategy, and when oversight is necessary and effective.

This second point, oversight, may turn out to be the most important aspect of future research for morality and warfare. My research provides an alternative way of considering relations aside from who prevails when there is disagreement. I showed that it is possible to make this question moot through deliberation and alignment of motivations between civilian leaders and military subordinates.

Finally, the bureaucratic politics literature provides us with a framework to view relationships between principals and agents, which I extended to the realm of military operations. This dissertation complements recent principal-agent literature by supporting the notions that agents will shirk without strong oversight when their motivations are not aligned with their principals, and when procedural constraints are not in place. Most important, I showed that through detailed procedures (doctrine) and aligned motivations, principal and agent tensions are not a necessary end.

In this dissertation, I merely showed how moral decisions can be made in war and what stands in the way of making those moral decisions. This dissertation has not in any way closed the door to the study of morality in war. To the contrary, my research opens or highlights several avenues for further scholarly study. Four that I will briefly discuss are the issues surrounding individual responsibility, the process of determining military necessity, whether combat operations are becoming more moral over time and what would make that trend occur, and finally the benefits a state might derive from waging a moral war.

The first avenue of research this study might lead towards is this issue of individual responsibility for decisions made in war. Future researchers might determine if individuals were investigated for the decisions they made. It would be important to know if those that failed to take into account proportionality and necessity were ever prosecuted under the UCMJ. If not, then the threat of punishment under U.S. law is not credible. If the threat is truly credible, then there should be evidence to show that either all the targeting decisions are moral, or else officers and senior civilians are held accountable for decisions that are not moral. If officers and senior principals are not

being held to account for their decisions, then researchers might undertake to determine why and whether this potential lack of accountability has an effect on international relations.

The second potential research topic that should spring from this study is how national leaders determine necessity and proportionality values. In my research, I had to define moral decisions in order to be able to determine variance from that definition. But future researchers may want to look at that specific process in detail to determine whether or not proportionality and necessity are discussed by senior principals. Perhaps a norm can develop over time that does not rely on each national leader's personal determination of what constitutes acceptable non-combatant casualties.

According to my model and definition for a moral decision, as long as the CINC, Secretary of Defense, or President makes a proportionality-necessity decision, the decision is considered moral. But what calculus do these leaders use for making the determination that one target is so necessary that it is worth the lives of seventeen noncombatants, but another is worth sixty-seven. Is there a calculus at all? If there is not, can another researcher determine moral conduct without such consideration?

The Chief of the Doctrine Branch within the Strategy Division of the Air Force's Plans Directorate at the Pentagon (the Skunkworks) said it is impossible to determine necessity and proportionality when national leaders cannot even agree on objectives. "There is no nexus, no integration between military leaders and civilian leaders with respect to national objectives in war. The Bush administration is no different than the

Clinton administration in this respect. They both asked us to tell them what they should direct us to do.”¹⁰

Bill Arkin refers specifically to this issue and the moral calculus when he asks for some quantification of what it means to fight the most moral war possible.¹¹ I am not comfortable with the idea of quantifying morality by placing a number of noncombatants casualties above which is considered immoral. For that would remove the difficult issue of decision and focus attention on some number.

Others may feel more comfortable with a quantifiable number to remove the seeming arbitrariness of morality being what each national leader says is necessary. Carl Conetta argues that the US has killed up to 6,000 non-combatant casualties in both Afghanistan and Iraq.¹² His monograph brings up the issue of raw numbers and moral equivalence. He argues for the notion that the U.S. cannot kill more people in the War on Terror than were killed in the U.S. in September 2001, rather than the issue I highlight in this dissertation, namely developing a process to ensure moral targeting decisions.

When looking at the sources for the numbers in Conetta’s report and how they were determined, I find that the casualty estimate could be even higher than reported, but it could also be significantly lower. But determining the number of total casualties, while interesting and important in itself, does not serve in explaining my model. What it does is show that there may be a difference between what is an acceptable number of non-combatants for any given target and the aggregate total killed at the end of a conflict.

¹⁰ Chief, Doctrine Branch (Officer’s name withheld), Strategy Division, Directorate of Plans, HQ USAF/XOXS, Washington, D.C. Interview with author, 14 May 2002.

¹¹ William Arkin, “Not Good Enough Mr. Rumsfeld,” *Washington Post* online edition, www.WashingtonPost.com, 25 February 2002.

¹² Carl Conetta, “Disappearing the Dead: Iraq, Afghanistan, and the Idea of a “New Warfare,”” *Project on Defense Alternatives Research Monograph #9*, 18 February 2004, online at <http://www.comw.org/pda/0402rm9exsum.html>.

Hypothetically, if we were to take all of the targets on a target list for Conflict X and make individual proportionality-necessity decisions for them, we might find that while each target had some acceptable casualty number, the aggregate total would be too high for decision-makers to stomach.

Future research should delve into the linkages between specific targets and the causal chain that the military planners use to determine that target's necessity to achieve the objective set out by the national leadership. This line of research would specifically support the leadership's decision on the balance between protecting non-combatants and targeting those elements of the enemy state that will lead to attaining objectives. It would also provide theoretical and empirical support to the notion that achieving objectives short of total war is possible without massive casualties.

There is a large body of writing and research on aerial warfare and targeting. From Giulio Douhet¹³, through John Warden, to the research papers produced annually at the Air University in Alabama¹⁴, officers, strategists, and civilian thinkers have written works that attempt to provide templates for targeting enemy states. From punishment and coercion, to nodal analysis and the industrial web theory¹⁵, to unrestrained war, authors tell planners how to devise strategies to take countries down. But few mention limits on targeting based on moral grounds and few mention limits on the grounds of limited

¹³ Giulio Douhet, *Command of the Air*, New York: Coward-McCann, 1984. See also <http://www.au.af.mil/au/aul/bibs/great/douhet.htm#boo> for an Air University Library bibliography on Douhet.

¹⁴ For a listing of Air University research papers published to the World-Wide Web see <http://www.au.af.mil/au/aul/firstsearch/papers.htm>. Type the word "target" into the search window to see papers regarding targeting enemy states.

¹⁵ In the 1930s, officers at the Air Corps Tactical School developed a theory of airpower called the Industrial Web Theory. They theorized that it was possible to destroy a country's war making ability through bombardment of strategic industries. This became the template for the strategic bombing campaign in Europe during WWII. See http://www.au.af.mil/au/database/research/ay1998/saas/west_sd.htm for a paper that compares Warden's theory to the Industrial Web.

political objectives. Somewhere, there is a research program waiting to bridge these writings to Just War Doctrine.

Perhaps as a result of this line of future research, national leaders, as well as military commanders will find themselves constrained over time to plan attacks on only those elements in an enemy country which will materially achieve stated national objectives with a proportionality-necessity calculus. Then a good faith estimate of noncombatant casualties can be made before the conflict, taking into account the fog of war that invariably accompanies conflict. Furthermore, the conflict might be bounded before it even begins so that only those necessary targets are planned for attack and others are not added merely because they represent some military activity as happened in Allied Force.

On the other hand, the bureaucratic politics literature leads us to understand another alternative to the question of what factors go into determining proportionality and necessity. Perhaps future research will find that necessity changes based on the leadership's placement on the left-right continuum. What a far left Democratic administration finds necessary may be found through research to be different from what a far right Republican administration would find necessary.

Another branch of research related to this question of determining proportionality and necessity is the amount of expertise the principals and agents have with respect to this particular issue. The relationship between the three key principals, which my definition says must make the proportionality-necessity decision, will necessarily change from administration to administration. Oversight of the agents changes based on the principals' expectation of agents' expertise, as well as of agents' expectation to comply

with direction.¹⁶ Depending on the level of experience of the principals and the level of experience the principals understand the agents to have, the level of oversight may change. Another determinant would be the level at which the principals think the agents appreciate the political salience of the proportionality-necessity issue with respect to the domestic political landscape, which would naturally affect alignment of principal and agent motivations.

A third avenue of research that would complement this dissertation is determining whether military operations are becoming more moral over time. This would not necessarily be as supportive of the literature on warfare or security studies as it would be of social science in general. It would be a point of reference for studying civil-military relations and any gap that exists between the cultures of the civilian world and the military officer corps. To take this on, a researcher would need to establish a baseline of how he or she defines a level of morality, probably beginning with a detailed study of whether proportionality and necessity were taken into account and how those issues weighed on decision-making would be a good start.

One branch of this project could be to study officers that have participated in multiple operations over time. He or she could try to quantitatively determine if moral norms have affected officers and their decisions from one conflict to the next and whether their moral calculus has changed. If so, this would be a military example of Wood's and Waterman's notion of a "slow tonal change" in bureaucracy over time.¹⁷

¹⁶ Kathleen Bawn, "Political Control Versus Expertise: Congressional Choices about Administrative Procedures," *American Political Science Review* (Vol. 89, 1995) pp. 62-73.

¹⁷ See Dan Wood, B. and Richard W. Waterman "The Dynamics of Political Control of the Bureaucracy," *American Political Science Review* (Vol. 85, 1991), pp. 801-828, and "The Dynamics of Political-Bureaucratic Adaptation," *American Journal of Political Science*, (Vol. 37, 1993) pp. 497-528.

Closely related to this issue could be a study of what factors affect officers in taking moral norms into account. Is the ongoing process of professionalization of the officer corps producing leaders who take moral issues into account? If so, then this finding would support not only civil-military theorists such as Huntington, but also bureaucratic politics researchers like Brehm and Gates.

If researchers conclude that professionalization makes for a more moral fighting force, it would be important to know whether this was a deliberate end desired by the civilian leadership, or is this an unintended, but beneficial consequence. Or perhaps researchers might find, as Dr. Joe Gordon posits, that officers merely follow moral norms out of a utilitarian desire to not get hauled in front of a tribunal? He argues against Colonel Hyde's notion of moral internalization. "It is not a moral issue at all, but purely utilitarian because today the media is always there to see what decisions people make."¹⁸

The notion of officers making the moral decision and why they would do so is often a counterintuitive argument and would offer multiple avenues of research. A future researcher might posit that the U.S. acts out of a certain desire to uphold standards it sets for itself. If that were the case, he would have to show that there is a consistent standard, that it is measurable, and that the standard drove decisions with respect to morality.

Finally, and perhaps most importantly, this dissertation leads to the question of why national leaders would find it necessary, or even desirable to wage wars with the

¹⁸ Dr Joseph Gordon a former Professor of National Security Studies at the Joint Military Intelligence College in Washington D.C., is a defense analyst working for the Department of Defense in the Pentagon. Interview with author, 14 May, 2002, Washington, D.C. Donald MacCuish and Tom Ruby also make this utilitarian choice argument in "The International Criminal Court (ICC): Could American Military Officers be tried in the Hague?" *Pew Case Studies in International Affairs*, Georgetown University Institute for the Study of Diplomacy, Case 270, 2003.

goal of a victorious, and moral outcome (regardless how one specifically defines a moral outcome). The potential for research on this issue alone is tremendous.

I posited at the beginning of this dissertation that I believe it is in the country's best interest to fight moral wars. Yet others point out that the U.S. has carried out what would be considered at best questionable operations since WWII without international recrimination. One key officer interviewed at the Pentagon coined what he called "The Dresden Syndrome" to illustrate this point. He posits that even when the U.S. is winning, its officers do not want to back off until the opponent admits defeat. He says the American thinking is:

We could still lose this war yet, so lets show them they're really defeated – Dresden, Tokyo, Highway of Death in Kuwait, Mount Pastric Salient in Kosovo, Tora Bora in Afghanistan. Planners become desensitized to casualties when this happens.¹⁹

So does the "Dresden Syndrome" result in any difference in relations after a war than would have resulted without such operations? That is a topic for future research.

Others might attempt to determine whether there is another international relations benefit to waging conflict under Just War norms, such as better relations with third party states. Researchers could attempt to determine if conflicts fought under moral norms led to more lasting peace between the parties than those fought without moral restrictions. Perhaps a researcher will find that relations after an unconstrained total war are not empirically different than after fighting a morally-constrained war, which could then lead the U.S. to develop strategies to wage very fast and potentially brutal wars without regard for proportionality. Still other scholars may determine that moral norms have changed

¹⁹ Chief, Doctrine Branch (Officer's name withheld), Strategy Division, Directorate of Plans, HQ USAF/XOXS, Washington, D.C. Interview with author, 14 May 2002.

over time, making it impossible to provide a fair causal comparison of previous conflicts against modern, morally-constrained war.

This third potential avenue of research would be very important for our national civilian and military leaders. It could tell them whether there really is a national interest, apart from some cultural or religious desire, to limit harm to non-combatants. For if it were found that international relations did not suffer despite a low level of morality, then perhaps different strategies would be employed to win wars more quickly without regard to non-combatant casualties.

On the other hand, if it comes about that researchers find cases of states suffering internationally due to the way other countries perceive their actions, then such findings might alter the realist outlook on war and international affairs to make the desires of other states or international institutions a stronger variable in determining state interests. If states see a compelling interest to achieve some objective through military instruments of power that will incur a high toll in non-combatant harm, and other states do not agree and threaten some sort of sanction, then the interest the state wants to achieve through war must be weighed against the interest to conform internationally in a realist or utilitarian balance.

IV. Concluding Thoughts

McCubbins, Noll and Weingast told us that ex-ante legislative solutions to correct bureaucratic shirking do not work. In the case of the military waging war, that is even more true. Firing, and even trying in courts of law, those who wage immoral wars cannot

reverse the outcome after the fact. So they suggest procedural constraints, which in the military means constraining doctrine.²⁰ The military, through the direction of congress in the Goldwater-Nichols Act, set about to develop that doctrine which is now both detailed and well understood. But doctrine alone is not enough.

Banks and Weingast tell us that oversight is important, and that the best kind of oversight is the “fire-alarm” type that alerts superiors after a problem has occurred.²¹ In the case of the military, the fire alarm might be the media highlighting disproportionate non-combatant casualties. However, that type of monitoring is not appropriate for the military in war because principals can’t go back to undo disproportionate harm to non-combatants or the potential resultant international implications.

And Brehm and Gates remind us that while constant monitoring is the most effective way to ensure that agents follow principals’ directions, it is very costly.²² Thus other measures such as professionalization of the officer corps can help to reduce the need for, and costs of, monitoring. The U.S. does, in fact, work to continuously professionalize its officer corps. But that is not sufficient to ensure moral norms.

Regardless the professionalization of the officer corps, regardless the fire alarms in place, regardless the level of doctrine, the stakes are so high for the U.S. when it is at war that U.S. national leaders cannot rely on these for oversight over the military. National political leaders must suffer the costs of monitoring in terms of time and money

²⁰ See Matthew McCubbins, Roger G. Noll, and Barry R. Weingast, “Structure and Process, Politics and Policy: Administrative Arrangements and the Political Control of Agencies,” *Virginia Law Review* (Vol. 75, 1989), pp. 431-498.

²¹ Jeffrey Banks and Barry R. Weingast, “Political Control of Bureaucracies under Asymmetric Information,” *American Journal of Political Science* (Vol. 36, No. 2, May 1992), pp. 509-524.

²² See John Brehm, and Scott Gates, “Donut Shops and Speed Traps: Evaluating Models of Supervision of Police Behavior,” *American Journal of Political Science* (Vol. 27, No. 2, 1993), pp. 555-581.

to provide not only detailed direction, but also constant oversight to ensure moral decisions are made and carried out.

Should national political decision-makers decide to wage a moral war, it is not as easy a merely saying “go do it.” They must overcome the truths of bureaucratic politics. Bureaucrats perceive influence as emanating from various principals with a shared type of perceived influence. That means the planners and executors of military strategies respond not only to their own personal motivations, but to multiple principals as well. Furthermore, some key people are principals in one relationship and agents in another, yet all within a single framework of decision-making, planning and execution of military operations.²³ So to ensure moral decisions are made, national leaders have to cut through these multiple relationships that layer vertically, but also spread horizontally. They must make their directions understood, and if necessary replace the officers in the chain of command with others who will agree with their positions and who will carry out their orders.

There is a moral way to wage war. To do so, the U.S. must follow constraining military doctrine as well as ensure that the motivations of the principal decision-makers align with the motivations of the agent war-fighters. Such actions will not guarantee any limited level of violence, but it will justify what violence is waged. They will ensure a conscious decision about the necessity of targets is weighed against the acceptable risk to non-combatants.

²³ This military application of planning and executing combat operations fits neatly onto findings by Richard W. Waterman and Kenneth Meier, “Principal-Agent Models: An Expansion,” *Journal of Public Administration Research and Theory* (Vol. 8, No. 2, April 1988), pp. 173-202, and Richard W. Waterman, Amelia Rouse and Robert Wright, “The Venues of Influence: a New Theory of Political Control of the Bureaucracy,” *Journal of Public Administration Research and Theory* (Vol. 8 No. 1, January 1988), pp. 13-39.

Appendix

List Of Acronyms

ACSC – Air Command and Staff College
ACTORD – Activation Order
AIRSOUTH – Allied Air Forces Southern Europe
AFDC – Air Force Doctrine Center
AFDD – Air Force Doctrine Document
AFSOUTH – Allied Forces Southern Europe (NATO)
ATO – Air Tasking Order
CADRE – College of Aerospace Doctrine Research and Education
CAF – Combat Air Forces
CAOC – Combined Air Operations Center
CAP – Crisis Action Planning
CENTAF – Central Command Air Forces
CENTCOM – United States Central Command
CDE – Collateral Damage Assessment
CIA – Central Intelligence Agency
CINC – Commander-in-Chief
CINCEUR – Commander in Chief, United States European Command
CINCSOUTH – Commander in Chief Allied Forces Southern Europe (NATO)
CJCS – Chairman of the Joint Chiefs of Staff
CNN – Cable News Network
CONOPLAN – Contingency Operations Plan
DoD – Department of Defense
DMPI – Desired Mean Point of Impact
DV – Dependent Variable
EUCOM – United States European Command
GAO – Government Accounting Office
Gen - General
GPS – Global Positioning System
GWAPS – Gulf War Airpower Survey
GWOT – Global War On Terror
ICC – International Criminal Court
ICRC – International Committee of the Red Cross
ICTY – International Criminal Tribunal for Yugoslavia
IV – Independent Variable
JCS – Joint Chiefs of Staff
JFACC – Joint Force Air Component Commander
JFC – Joint Force Commander
JP – Joint Publication
JPEC – Joint Planning and Execution Community
JSPS – Joint Strategic Planning System
JTCB – Joint Targeting Coordination Board
JTF – Joint Task Force

KLA – Kosovo Liberation Army
LOAC – Law of Armed Conflict
Lt Col – Lieutenant Colonel
Lt Gen – Lieutenant General
NAC – North Atlantic Council
NATO – North Atlantic Treaty Organization
NCA – National Command Authorities
NGO – Non-Governmental Organization
OEF – Operation Enduring Freedom
OIF – Operation Iraqi Freedom
OPORD – Operations Order
OSCE – Organization for Security and Cooperation in Europe
PME – Professional Military Education
PVO – Private Volunteer Organization
ROE – Rules of Engagement
SACEUR – Supreme Allied Commander, Europe
SecDef – Secretary of Defense
TFW – Tactical Fighter Wing
UCMJ – Uniform Code of Military Justice
UN – United Nations
UNAAF – Unified Action Armed Forces
USAF – United States Air Force
USAFE – United States Air Forces in Europe
VTC – Video Tele-Conference
WMD – Weapons of Mass Destruction
WW II – World War II

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Squadron Officer School 1993

US Air Force Weapons School 1994

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PROFESSIONAL EXPERIENCE

- Sep 1986 – Jan 1987, Student, Undergraduate Pilot Training, Vance AFB, OK.

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- Jan 1995 – Jul 1996, Chief, Operations Intelligence, 35 Operations Support Squadron, Misawa AB, Japan.
- Jul 1996 – Jul 1997, Intelligence Flight Commander, 35 Operations Support Squadron, Misawa AB, Japan.
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- Aug 1999 – Jun 2000, Student, Air Command and Staff College, Maxwell AFB, AL.
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HONORS AND AWARDS

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PUBLICATIONS

“Foreign Officers and United States Professional Military Education: Creating Future Dictators or Diplomats?” *Joint Force Quarterly*, 2004 (forthcoming).
 “The International Criminal Court (ICC): Could American Military Officers be Tried in the Hague?” *Pew Case Studies in International Affairs*. Washington, D.C. Georgetown University Institute for the Study of Diplomacy, Case 270.
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 “The Indications and Warning Problem in Yugoslavia” – JPM 601, Indications and Warning Coursebook chapter, Defense Intelligence College, Washington D.C., Academic Year 1993

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