

By Conn Hallinan
From Portside

The assassination of al-Qaeda leader Osama bin Laden did more than knock off America's Public Enemy Number One, it formalized a new kind of warfare, where sovereignty is irrelevant, armies tangential, and decisions are secret. It is, in the words of counterinsurgency expert John Nagl, "an astounding change in the nature of warfare."

It is also one that requires a vast intelligence apparatus, one that now constitute almost a fourth arm of government that most Americans are almost completely unaware of. Yet, according to the Washington Post, this empire includes some 1,271 government agencies and 1,931 private companies in more than 10,000 locations across the country, with a budget last year of at least \$80.1 billion.

"At the heart of this new warfare," notes the Financial Times, "is high-tech cooperation between intelligence agencies and the military" that blurs the traditional borders between civilians and the armed forces. And it fits with the U.S.'s penchant for waging war with robots and covert Special Forces.

But, by definition, the secrecy at the core of the "new warfare" removes decisions about war and peace from the public realm and relegates them to secure rooms in the White House or clandestine bases in the Hindu Kush. When the Blackhawk helicopters slipped through Pakistani airspace, they did more than execute one of America's greatest bugbears, they essentially said another country's sovereignty was no longer relevant and consigned Congress to the role of spectator.

Over the past several decades U.S. military theorists have clashed over how to use the armed forces, though it is a debate that gets distorted by the requirements of industry: the U.S. does not really need 11 immense Nimitz class aircraft carriers, but the Newport News Shipbuilding Company-and the aerospace giants that fill the flattops with fighter bombers-do.

The arguments have revolved around three different

approaches, the Powell Doctrine, the Rumsfeld Doctrine, and the Petraeus Doctrine.

The Powell Doctrine is essentially conventional warfare a-la-World War II: massive firepower, lots of soldiers, clear goals. This was the formula for the first Gulf War, which, after a month of bombing, lasted only four days. But it is a very expensive way to wage war.

The Rumsfeld Doctrine merged high tech firepower and Special Forces with a minimal use of Army and Marine units. It also relies on private contractors to do much of what was formerly done by the military. The doctrine routed the Taliban in Afghanistan in 2001 and quickly knocked out the Iraqi Army in the 2003 invasion of Iraq. Once the shock and awe wore off, however, the Doctrine's weaknesses became obvious. It simply didn't have the manpower to hold the ground against a guerilla insurgency. The 2007 "surge" of troops in Iraq, like last year's surge in Afghanistan, was an admission that the doctrine was fundamentally flawed if the locals decided to keep fighting.

The Petraeus Doctrine is old wine in a new bottle: counterinsurgency. In theory, it is boots on the ground to win hearts and minds. It draws heavily on intelligence-what Gen. David Petraeus calls "bandwidth"-to isolate and eliminate any insurgents-and attempts to establish trust with the locals. It is cheaper than the Powell and Rumsfeld doctrines, but it also almost never works. Eventually the locals get tired of being occupied, and then counterinsurgency turns nasty. Building schools and digging wells give way to night raids and targeted assassinations that alienate the local population. According to U.S. intelligence, the current counterinsurgency program in Afghanistan is failing.

So, what is this "astounding change" that Nagl speaks of? If you want to put a name to it, "counter-terrorism" is probably the most descriptive, although with a new twist. Like counterinsurgency, counter-terrorism has been around a long time. The Phoenix Program that killed some 40,000 South Vietnamese was a variety of the doctrine. Phoenix, too, paid no attention to sovereignty. During the Vietnam War, Long

Range Reconnaissance Patrols secretly went into Cambodia and Laos.

In recent years, the U.S. clandestinely sent Special Forces into Syria and Pakistan in a sort of shadow war against "insurgents." A number of other countries have done the same.

But the Obama administration openly admits to sending a Special Forces Seal team into Pakistan to assassinate bin Laden, and it was prepared to fight Pakistan's armed forces if they tried to intervene. And when Pakistan asked the U.S. to curb its use of armed drones in Pakistani airspace, the Central Intelligence Agency said it would do nothing of the kind.

It is as if counter-terrorism reconfigured that classic line from the movie "Treasure of the Sierra Madre": "We don't need no stinkin' badges, we got drones and Seals."

The principle behind counter-terrorism is eliminating people you don't like. There is no patina of "hearts and minds," and the new strategy makes no effort to practice the subterfuge of "plausible deniability" that has deflected the ire of target countries in the past.

While clandestine warfare is not new, the boldness of the bin Laden hit is. Certainly the people who planned the attack wanted to make a statement: we can get you anywhere you are, and impediments like international law, the Geneva Conventions and the United Nations Charter be damned.

"Targeted assassinations violate well-established principles of international law," says law professor Marjorie Cohn. "Extrajudicial executions are unlawful, even in armed conflict."

From the U.S.'s point of view, the doctrine has a number of advantages. It is cheaper, and its expenses are generally hidden away in a labyrinth of bureaucracy. For instance, the \$80.1 billion figure is only an estimate and does not include the cost of the CIA's drone war in Pakistan, or Homeland Security.

Recent moves by the White House suggest the administration is putting this new strategy in place. "Petraeus's appointment to head the CIA is an important indication that the U.S. wants to fuse intelligence and military operations," a "senior figure" at the British Defense Ministry told the Financial Times.

In the past the division between military and civilian intelligence agencies allowed for a range of opinions. While the U.S. military continues to put a rosy spin on the Afghan War, civilian intelligence agencies have been much more somber about the success of the current surge. That division is likely to vanish under the new regime, where intelligence becomes less about analysis and more about targeting.

The new warfare opens up a Pandora's box, the implications of which are only beginning to be considered. What would be the reaction if Cuban armed forces had landed in Florida and assassinated Luis Posada and Orlando Bosch, two anti-Castro militants who were credibly charged with setting bombs in Havana and downing a Cuban airliner? Washington would treat it as an act of war. The problem with a foreign policy based on claw and fang is that, if one country claims the right to act independently of international law and the UN Charter, all countries can so claim.

In the end, however, the biggest victims for this "new" warfare will probably be the American people. Once an enormous intelligence bureaucracy is created-there are some 854,000 people with top-secrecy security clearance-it will be damned hard to dismantle it. And, since the very nature of the endeavor removes it from public oversight, it is a formula for a massive and uncontrolled expansion of the national security state.