Interview with Scott Sagan

On April 22, 2019, Scott Sagan visited Carnegie Mellon University to speak for the CIRP Policy Forum in a lecture titled “The North Korean Nuclear Crisis: Avoiding Cliffs on the Backside of the Summit.” Professor Sagan discussed the relationship between leadership in the United States and North Korea, and he presented arguments for why the United States should tailor its nuclear doctrine in order to better deter personalist dictatorships that possess, or could possess, nuclear weapons. Scott D. Sagan is the Caroline S.G. Munro Professor of Political Science, the Mimi and Peter Haas University Fellow in Undergraduate Education, and Senior Fellow at the Center for International Security and Cooperation and the Freeman Spogli Institute at Stanford University.

Tanoff: In your 2010 article with Kenneth Waltz in The National Interest, “Is Nuclear Zero the Best Option?” you said that the most dangerous nuclear threats to the United States today and on the horizon are from terrorists and potential new nuclear powers, not from our traditional cold war adversaries in Russia or China. It’s been almost a decade since that article, do you still subscribe to that, especially given Chinese and Russian actions over the past few years?

Sagan: I do still think that the greatest risk of nuclear war is from new nuclear states. The terrorist threat of nuclear acquisition is a serious one but has been significantly reduced by the Obama administration’s Nuclear Security Summit policy. During the Obama administration there were four large-scale meetings of over forty heads of state, two in the United States in Washington, one in the Netherlands, and one in South Korea. At each of those summits the heads of state came and talked about their progress in reducing the risk of terrorism, for example, getting rid of highly enriched uranium in research reactors or creating a best practice training program for insider threats in their nuclear security establishment. They actually gave what they called “gift baskets” to one another, in the sense of a practical item that reduced overall risks to others. That’s what they were calling it. Leaders didn’t want to show up at that meeting and have not made any progress from the last two years. Some risk of terrorists getting a weapon or materials or someone stealing it because of a lack of cooperation among law enforcement individuals or individual governments, that will remain with us always, but I think it’s been significantly reduced.

You asked about other threats, from states. Unfortunately, because of the invasion of Crimea and the sanctions we put on Russia, Russia didn’t show up for the last security summit during the Obama administration. They may well, because of their own interest, want to reduce the likelihood, for example, that a Chechen terrorist group steals a nuclear weapon or gets material for a dirty bomb. But they’re not cooperating with the West because the United States has been putting on sanctions for other reasons. That’s one development that’s on the negative side.

The other development on the negative side, is linked to new states. North Korea has a
small nuclear arsenal. It's growing despite the summit meetings that President Trump has had with Kim Jong-un. The North Koreans have done little to slow down their acquisition of more weapons. The sanctions that we place on them are clearly having an economic, negative impact on North Korea. But there is still a growing risk of nuclear conflict on the Korean peninsula. And will the sanctions make it more likely or less likely that somebody in North Korea will sell a weapon to ISIS or al-Qaeda or some other terrorist group? I would argue it makes it more likely. To me, the sanctions that we're placing on them are not working and may potentially be counterproductive.

**Tanoff:** What do you think US policy should be if North Korea were to sell a nuclear weapon or if they sold the technology for it?

**Sagan:** First off, they already have at least once. We know that they were deeply involved in the building of a reactor in the Syrian desert in the 2005-2007 timeframe. The Israelis spotted it, the United States did not. According to George W. Bush's memoirs, the Israelis asked us to destroy it... The Bush administration said "no," but was very happy when Israel chose to destroy it themselves. I think that that was an illegal act, under the UN Charter, but I think it was a wise act. I think that that is an appropriate thing for Israel to do. And thank goodness that the Syrian government didn't have a nuclear weapon during the Syrian civil war, which has been raging since then.

So, we know that the North Koreans have done that in the past. Whether that attack makes them more reluctant or more willing to sell nuclear technology or materials in the future, I don't know. The CIA is obviously keeping an eye out for this type of covert arms sale and there is also what's called the Proliferation Security Initiative which monitors ships and would try to figure out if a North Korean vessel has radioactive materials on it. But North Korea might try to shield any nuclear material on a ship. What's the likelihood of detection? I have no idea; and I have no way of estimating the likelihood that North Korea would attempt to transfer nuclear technology again. I just think it's likely to go up when the sanctions are more biting. What should be the consequences? I think it would be a serious breach of international law and could be considered a casus belli that could cause the United States to decide to use military force against North Korea.

**Tanoff:** Returning to Russia, what are your thoughts on the US withdrawal from the INF treaty?

**Sagan:** I think that it was unfortunate. The Russians were cheating by all estimates of the US government. This was not a Trump administration position, this was pretty much unanimous within the Obama administration as well. That said, if a country is in breach of an agreement, there are a number of things that you can do. You can have equal breach, a proportionate breach, which is called a belligerent reprisal in international law. It would have been OK if we decided, for example, we are going to openly test a longer-range missile that will be in violation of the treaty. But then the purpose would have been to bring Russia back into compliance with the treaty. Instead we chose just to withdraw from the entire treaty which opens up lots of possibilities for us and lots of possibilities for the Russians. Moreover, we did so in a way without adequate consultation with our allies. So I think this was an unwise move to withdraw from the treaty.

**Tanoff:** Continuing on with the most dangerous nuclear threats, in another one of your articles you talked about personalist dictatorships as a nuclear threat. Can you explain why you think that is one of the biggest threats?

**Sagan:** This is a thorny problem. North Korea represents for the United States, a real sea change in the proliferation problem. It's the
first time a country as poor as North Korea has acquired this capability. I was going to say on its own, but it wasn't quite on its own. Just as Pakistan was helped by technology that they got from the Europeans, illegally, the North Koreans were helped by technology they got from the Pakistanis. But nonetheless it signals to other countries that you can be a poor, badly managed country, but if you really want to pursue nuclear weapons, you might be able to get them. That’s lesson number one.

Lesson number two is that a personalist dictator has a particular set of qualities that makes deterrence harder. First off, personalist dictators tend to have power all among themselves so that they don't have a set of checks and balances. It's often said in deterrence theory that you have to have a completely rational actor. You don't. If you don’t have a rational actor, you have to have checks and balances. Unfortunately, personalist dictators tend to surround themselves with “yes” men who tell the dictator what he wants to know. Intelligence is particularly bad in those cases. If a dictator makes a really bad decision, he might not be restrained by people on the inside. I think that we should worry about Kim Jong-un in that respect. The polls that Benjamin Valentino and I have conducted show that the majority of the American public does not think that Kim Jong-un makes rational decisions with respect to the use of force. That's a big worry; I think that's fully justified. I should note, however, that only 45 percent of the American people think that Donald Trump makes rational decisions with regard to military force.

**Tanoff:** That's a good transition to my next question on your 2017 *Foreign Affairs* article, “The Korean Missile Crisis.” You talked about Secretary of Defense Jim Mattis and other military advisors that need to serve as “voices of prudence.” But Mattis and National Security Advisor H.R. McMaster are now gone. What is your opinion on those surrounding Trump in that view of the need for constraining voices?

**Sagan:** I don’t think Donald Trump is an irrational individual. I do think that he is a rash and pugnacious individual and is prone to make decisions on the fly based on his whims. He's rational enough that in the past when he has contemplated using military force, people have pushed against it, and he'll think about it and often relent. Although, he does have a contrarian streak to him that if people push back too far he likes to do it anyway. The American command and control system was created for a rapid response to a Soviet attack in Western Europe and elsewhere during the Cold War and it hasn't been changed. The president has the capability to order the use of nuclear weapons on his own. He is meant to go through the Chairman of the Joint Chiefs and the Secretary of Defense, if the system works appropriately. But they're not authorized to veto an order. They can say “we disagree.” But they can't veto an order.

In 1974 during the heights of the Watergate crisis, Secretary of Defense James Schlesinger reportedly told the Chairman of the Joint Chiefs, “If Richard Nixon gives you an order to use military force, don't honor it right away, but contact me. I'd like to find out what's going on.” That act was extra-constitutional but it was strategic and wise in my view. I'm so worried about Trump's knee-jerk reactions to things that I think the Secretary of Defense, whoever he or she is, and the other members of the cabinet have to be prepared to invoke the twenty-fifth amendment if they feel that the president is making decisions in an irrational manner or a reckless manner. These are tricky questions because in most cases, a president's order to use nuclear weapons would probably be legal. There are only a few instances where it would be illegal. The head of Strategic Command, General John Hyten has said that “If the president gave me an illegal order regarding nuclear weapons use, I wouldn't follow it. I would say Mr. President, that's illegal. Tell me what your goals are and let me see if I can find a
legal way of doing that.” So, for example, if the President said “I want you to kill everybody in Pyongyang,” I firmly believe that General Hyten or his successor would say “that’s an illegal order” because it is against the laws of armed conflict to deliberately target civilians. If [Trump] said, however, “I want you to hit the headquarters of the Ministry of Defense in Pyongyang. Even though that would create lots of collateral damage, I want you to do that.” Then I think it would be a legal order and a senior commander would be reluctant but in a difficult situation. They could say, “Sir, that could be disproportionate.” But if the purpose is to stop an attack on the United States, proportionality won’t constrain it very much in an attack.

I think that there are really worrisome constitutional problems that the current crisis is raising for us… unless we change the laws to have others involved in the command and control system… But I think it’s very hard to do. For example, Matt Waxman and Richard Betts of Columbia University proposed adding the Secretary of Defense and the Attorney General into the chain of command. The idea here would be to have checks and balances built into the chain of command. The problem is that I don’t think Congress could do that without a constitutional amendment because that would make the president less than the commander in chief. What could happen is that a future president could tie his or her hands by doing that. Unfortunately, Barack Obama didn’t do that; Donald Trump would not do that. A future president might. It’d be a wise thing to do.

Tanoff: Are there any other suggestions that you have for procedures or structures that we could change?

Sagan: This is not a chain of command issue, but it would be helpful to have a new interpretation of the laws of armed conflict. Because I believe that proportionality can only get you so far in constraining your potential uses of nuclear weapons, I’ve proposed, along with Jeffrey Lewis, a different legal interpretation of one of the laws of armed conflict, which we’ve called the nuclear necessity principle. Under the additional protocols to the Geneva Conventions, not only is it illegal to deliberately target civilians but an extra requirement is that all states have to take “feasible precautions” in their targeting and military operations to reduce unnecessary collateral damage. The law doesn’t say that there can be no collateral damage, but collateral damage can’t be disproportionate. In addition to not being disproportionate, states must take feasible precautions; states are required to take active measures to reduce the likelihood and extent of collateral damage to civilians. Lewis and I argue that one way of doing that would be for the United States to declare that it will never use a nuclear weapon against any target that could otherwise be destroyed with reasonable probability by conventional weapons. When we published this essay in the scholarly journal Daedelus and a short version in the Washington Post, some people responded to that by saying “Oh, of course we should that.” Other people responded, saying that “That’s really a bad idea.” When I asked why, one individual said “Because it would reduce collateral damage.” I said “That’s the whole purpose, that’s why we want the US government to make that declaration.”
attack on Iraq in 1981. In 2007, when Israel destroyed a cover nuclear reactor in Syria, however, everyone just decided to stay silent. Even traditional critics of Israel in essence said “Ok, we understand this does not conform to the United Nations charter and yet the Syrians were doing this without telling anybody; why were they trying to build a nuclear reactor in the middle of the desert?” The Israelis attacked before it went critical, so there was no spreading of radioactivity of any sort. The attack did kill a small number of people; we don't know the actual numbers. Weiner and I argue that this saved the Middle East from having a Syrian government with a nuclear weapon which could have been disastrous. It is illegal under international law but the fact that no one complained about it, or very few people complained about it other than the Syrians and a couple of their allies, shows that most people recognize that that was something that was worth doing.

We have that a lot in domestic politics sometimes. Sometimes people do something that is illegal but we don't change the law because of that, we throw that person at the mercy of the court. They say “I had to kill this person because they were threatening…” or, “I had to drive way above the speed limit because of this emergency.” You don't change the law because of one reasonable violation of it, you say that this was illegal and acknowledge that… I think that was the case with Israel in 1981 and 2007.

Tanoff: You spoke in a New York Times article with Allen Weiner in early 2018 about the difference between preventive and preemptive wars and that people weren't getting the distinction between the two correct. In that article, you talked about an example of this with Israel, where they launched airstrikes on two countries to prevent those countries from starting a nuclear program. You noted that it was unlikely that those two countries would retaliate. Why is that?

Sagan: Neither the Iraqis nor the Syrians had much of a capability to retaliate. Israel launched a preventive strike, which most people, most international lawyers, would call an act of aggression. It was not a preemptive war, not an attack because the other side was about to attack but a preventive attack because Israel saw that the two countries (Iraq and Syria) were getting closer to acquiring nuclear weapons. Those attacks would not pass the UN charter requirement for only fighting in self-defense, which is why the United States opposed the Israeli attack on Iraq in 1981. In 2007, when Israel destroyed a cover nuclear reactor in Syria, however, everyone just decided to stay silent. Even traditional critics of Israel in essence said “Ok, we understand this does not conform to the United Nations charter and yet the Syrians were doing this without telling anybody; why were they trying to build a nuclear reactor in the middle of the desert?” The Israelis attacked before it went critical, so there was no spreading of radioactivity of any sort. The attack did kill a small number of people; we don't know the actual numbers. Weiner and I argue that this saved the Middle East from having a Syrian government with a nuclear weapon which could have been disastrous. It is illegal under international law but the fact that no one complained about it, or very few people complained about it other than the Syrians and a couple of their allies, shows that most people recognize that that was something that was worth doing.

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Tanoff: Returning to North Korea, can you discuss the importance of focusing on deterrence when US public officials are talking about North Korea?

Sagan: I believe that it is high time for the United States to stop treating North Korea as a nuclear non-proliferation problem and treat it as a deterrence problem. Unfortunately, the longer we treat it as a nuclear non-
proliferation problem, the longer we'll be making threats against them, which is exactly what you don't want to do if you're accepting them as a deterrent problem. You want to threaten that we will respond if they attack us or our allies. That's the essence of deterrence. But we don't want to say that we're going to launch a preventive war against North Korea if, as President Trump famously said, "they don't stop threatening us." Those are the kind of threats that can backfire.

You had this recently in this past year when John Bolton said that he thought the right model for how to deal with North Korea was the Libya model I believe Bolton meant that... just as Qaddafi gave up all of his program and shipped it to the United States and then we agreed to have restoration of relations with him, Kim Jong-un should accept that model. But two other people didn't see it that way. One was Donald Trump, who changed his rhetoric from the "Libya model" to the "Qaddafi model" without apparent awareness that Qaddafi had gotten murdered by his own people. The second person who didn't see the Libya model the way Bolton did was Kim Jong-un. Indeed, the North Korean government has often cited Libya as an example about why they don't want to disarm, because look what happened to [Libya].

When you start threatening North Korea not with retaliation but rather with preventive war, it just gives them extra incentives not to give up their weapons and I think that's the dilemma that we have. As long as they have those weapons we're going to have to work hard to deter them, but also to avoid provoking them because deterrence can break down. Deterrence can fail both because our threats of retaliation might not be credible, but also because our threats to start a preventive war might be too credible. That could lead North Korea to strike first if it believes a US strike is imminent.

**Tanoff:** What do you think the way forward with North Korea is?

**Sagan:** I think we should continue having summits... The position of Stephen Biegun, Special Envoy in charge of the talks with North Korea... was the right one, which is that we should have some step-by-step actions to reduce tensions and start the disarmament process. It would be very useful, for example, to have what is now an informal agreement that North Korea doesn't test nuclear weapons or long-range missiles turned into a formal legal treaty. What would we give up for that? We'd probably have to give up some element of either our exercise program with South Korea and let the North Koreans come and inspect our air bases in South Korea and in Japan to ensure that those our bases don't have nuclear weapons on them. That kind of step-by-step approach can build trust rather than insisting that you have to have everything done and given to us and shipped to the United States as did Libya, which I think was a non-starter and is not going to get us anywhere.

**Tanoff:** Do you think the rhetoric of Trump is getting in the way?

**Sagan:** Trump's rhetoric has sometimes been too hostile, but at other times, as when he talks about "love letters" from Kim, it has been too warm and coddling. The US military is trying to figure out how to maintain readiness without having exercises with the South Koreans. I think it's probably not a bad thing at all to review those exercises. But this is one of those incidents in which the President basically called an audible. He made up this idea that we'll stop our exercises because he doesn't like spending money on exercises, not because this was really the right thing to do for our relationships with our allies. I think it'd be much better to have a negotiation where we say, "We will have this kind of exercise but not that kind, and we're going to limit them in this way in exchange. In exchange, you have to agree to not test long-range missiles but you can test short-range missiles."
That kind of agreement could still work. In addition to having that kind of bargaining on arms control at the highest level, one of the lessons from the Cold War was that lower-level arms control, often called operational arms control, mattered. There’s no hotline between Pyongyang and Washington, DC. There should be if both states have nuclear weapons and both states have potential crises. With the Russians during the Cold War, the United States negotiated dangerous military activities agreements where we agreed on the rules, for example, about what was permissible if two ships come close to one another. What happens if a plane accidentally flies into the other side’s air space? What other signals can be used, what other procedures can be used… so you don’t shoot down somebody right away? Those kinds of operational arms control agreements helped reduce tensions during the Cold War; but we have not even started to think about those kind of agreements with North Korea.

Tanoff: Do you think it’s because we viewed the Soviet Union as our equal? We thought that they were always spending more on military than we were, we were always trying to catch up to them during that time period, and North Korea is nowhere close.

Sagan: No, I think it’s because we haven’t accepted North Korea as a nuclear weapons state. Whether we like it or not, North Korea has nuclear weapons. And whether we like it or not, it’s unlikely to give them up. If you think that the best way to give them up is to maintain a threat against them, then you’re not going to want to start talking about operational arms control because it would reduce the danger of accidental war. Some people would argue that what we’re doing is what Tom Schelling called the “threat that leaves something to chance.” We’re going to continue making threats, not intending to go to war, but knowing that that puts extra risk of war on the table. The problem with threats that leave something to chance is that they leave something to chance. And if you’re worried that this risk is too high, and that North Korea is not going to give up its weapons because they view them as the only guarantee they have the United States won’t attack, then you need to add arms control to our policy. Why should North Korea give up their weapons to President Trump when he has said publicly that we will go along with the Qaddafi model, unless of course they don’t disarm? So I do think the president’s rhetoric has gotten in the way of making progress.

Tanoff: Do you have any advice for students who want to pursue academia or government consulting work, as someone who has done both?

Sagan: I got involved in national security work very young, publishing my first article about US troops in Europe when I was a junior in college. This convinced me that I both liked academic work, research and writing, but it also convinced me that there’s a role for outside scholars to play, not just to inform the public but also to inform the government. When you’re in the government, you don’t have time for research, you’ve just got to make your decisions and use up the intellectual capital that you have. But to get new intellectual capital, you have to read publications that other people are writing. So I think the life of a scholar in this area is particularly exciting and particularly demanding. It’s exciting because you can have an impact, directly or indirectly, on government decisions by writing about things that matter today and by bringing new evidence to bear on problems that the government is wrestling with. But policy-relevant research is challenging because it means that unlike other areas where you’re just writing for an academic journal or for improvement of the scientific knowledge, here you’re writing for also trying to apply that scientific knowledge in useful ways. And that requires that you also know a lot about how the government works and what problems it is facing today.