

## 7 DEADLY SCENARIOS<sup>1</sup>

REVIEWED BY MAJOR ANN B. CHING<sup>2</sup>

In Greek mythology, Apollo cursed Cassandra with the ability to accurately predict disasters, but the inability to convince anyone to believe her.<sup>3</sup> Perhaps that is how Andrew Krepinevich felt as he testified before the House Budget Committee in 1999.<sup>4</sup> “[F]uture challenges to our security are likely to be very different from those we face today,” he stated, referring to the Department of Defense (DoD) fiscal year 2000 budget request.<sup>5</sup> Krepinevich criticized the DoD’s request to fund “submarines, aircraft carriers, and fighter jets” without considering the need for weapons and equipment to better respond to the coming century’s “revolutionary times.”<sup>6</sup>

Ten years later, his testimony seems eerily prescient as the United States struggles with how to fund, and fight, a war where modern technology must compete with C4 and cell phones. Against this backdrop, Krepinevich takes his concerns from the halls of Congress to American bookstores in *7 Deadly Scenarios*.<sup>7</sup> This book is a no-holds-barred look at a future where everything that can go wrong, will. Krepinevich creates richly detailed scenarios that add a thrill factor the casual reader can appreciate.<sup>8</sup> He falls short, however, in providing a methodology to prioritize planning for the various catastrophes he describes. Ultimately, *7 Deadly Scenarios* is most valuable as a starting point when thinking about the various issues that may arise during any

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<sup>1</sup> ANDREW F. KREPINEVICH, *7 DEADLY SCENARIOS* (2009).

<sup>2</sup> U.S. Army. Student, 58th Judge Advocate Officer Graduate Course, The Judge Advocate Gen.’s Legal Ctr. & Sch., U.S. Army, Charlottesville, Va.

<sup>3</sup> *Cassandra*, ENCYCLOPÆDIA BRITANNICA ONLINE, <http://www.britannica.com/EBchecked/topic/98088/Cassandra> (last visited Aug. 31, 2009).

<sup>4</sup> Katherine McIntire Peters, *Grave New World*, GOV’T EXECUTIVE, Aug. 30, 1999, available at <http://www.govexec.com/features/99top/08a99s3.htm>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> KREPINEVICH, *supra* note 1. This is the author’s second book. His first was published while he was still an active duty Army officer. ANDREW F. KREPINEVICH, *THE ARMY AND VIETNAM* (1988). Krepinevich has also written for *Foreign Affairs*, *Issues in Science and Technology*, and other journals. See Ctr. for Strategic & Budgetary Assessments, Andrew F. Krepinevich, Jr., [http://www.csbaonline.org/2006-1/5.AboutUs/Staff\\_Directory.dir/Krepinevich,\\_Andrew.php](http://www.csbaonline.org/2006-1/5.AboutUs/Staff_Directory.dir/Krepinevich,_Andrew.php) (last visited Sept. 5, 2009).

<sup>8</sup> Indeed, the publisher states this book is “[a]s riveting as a thriller.” Random House Inc., *7 Deadly Scenarios*, <http://www.randomhouse.com/catalog/display.pperl/9780553805390.html> (last visited Sept. 5, 2009).

given catastrophic event. Serious study on this topic, however, requires additional research to place these scenarios in their proper context.

The premise of *7 Deadly Scenarios* is not unique. Throughout the decades, sounding the doomsday alarm has been a recurring theme among fiction and non-fiction writers alike. Any child of the 1980s will remember losing sleep over the coming nuclear war, the Soviet-Cuban invasion, or the economic dominance of the Japanese.<sup>9</sup> These predictions ultimately fizzled, which might shed doubt upon the fortune-telling genre's utility in practical strategic planning. In *7 Deadly Scenarios*, however, Krepinevich takes pains to remind his readers that his scenarios are not "an attempt to predict the future."<sup>10</sup> Rather, he chooses to create "stories about how future events *might* come to pass."<sup>11</sup> A fine distinction, perhaps, but one that allows him latitude in crafting his attention-getting scenarios.

Krepinevich opens with a cautionary tale that emphasizes the importance of creating, and heeding, scenarios. He recounts the U.S. Army's decision to dismiss the results of a 1932 war game that predicted a catastrophic air attack on Pearl Harbor, based on the belief that "it was improper to begin a war on a Sunday."<sup>12</sup> Failures such as these, Krepinevich argues, are based on planning for the last war, rather than the next.<sup>13</sup> One way to work around this barrier, he posits, is to "reduce the range of uncertainty surrounding the future" through vignettes that build upon "certain trends—political, economic, social, military-technical, etc."<sup>14</sup>

To demonstrate this thesis, the bulk of the book consists of the promised "deadly scenarios." Rather than stray into the fantastic, Krepinevich focuses on issues of contemporary concern: domestic terrorism, pandemic flu, and the collapse of Iraq, among others.<sup>15</sup> To

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<sup>9</sup> See, e.g., *The Day After* (ABC television broadcast Nov. 20, 1983) (aftermath of nuclear war); *RED DAWN* (United Artists 1984) (Soviet-Cuban invasion of America); *GUNG HO* (Paramount Pictures 1986) (Japanese corporation takes over an American car manufacturing plant).

<sup>10</sup> KREPINEVICH, *supra* note 1, at 285.

<sup>11</sup> *Id.* at 10 (emphasis added).

<sup>12</sup> *Id.* at 3.

<sup>13</sup> *Id.* at 10–12.

<sup>14</sup> E-mail from Andrew Krepinevich to author (Aug. 31, 2009, 09:28 EST) [hereinafter Krepinevich e-mail] (on file with author).

<sup>15</sup> The seven scenarios are "The Collapse of Pakistan," "War Comes to America," "Pandemic," "Armageddon: The Assault on Israel," "China's 'Assassin's Mace'," "Just

address these issues, *7 Deadly Scenarios* essentially creates seven parallel universes in which each scenario unfolds without the influence of the others.<sup>16</sup> Thus, readers looking for a comprehensive study of the global future will have to look elsewhere.<sup>17</sup> This structure does, however, allow the author to focus exclusively on each chapter's main issue.

Further enhancing the uncertain nature of the scenarios is Krepinevich's choice to use a quasi-fictional narrative style. Each scenario is grounded in present day events and circumstances, but then fast-forwards to the near future—2010, 2011, and beyond.<sup>18</sup> In this imagined future, U.S. Presidents named Norville Dickson and John Dannemeyer deal with avian flu and (yet more) crises in the Middle East.<sup>19</sup> Although his style occasionally veers toward melodrama,<sup>20</sup> for the most part Krepinevich effectively weaves actual history, present-day facts, and projected events into his scenarios.

A brief conclusion follows the scenarios.<sup>21</sup> Do not expect to find concrete solutions; Krepinevich specifically states that the scenarios exist only "to help military planners reduce the risk inherent in their work."<sup>22</sup> The author identifies what he terms "barriers to good strategy," such as "mistaking objectives for strategy," failing "to understand the enemy," and the "varying competence of senior national security decision-makers."<sup>23</sup> To counteract these barriers, Krepinevich's primary suggestion is to create a latter-day version of Eisenhower's Planning

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Not-on-Time: The War on the Global Economy," and "Who Lost Iraq?" KREPINEVICH, *supra* note 1, at 30–284.

<sup>16</sup> The scenarios take place in roughly the same timeline, somewhere between 2008 and 2020, but no scenario mentions the others. *See id.*

<sup>17</sup> *See, e.g.*, GEORGE FRIEDMAN, *THE NEXT 100 YEARS: A FORECAST FOR THE 21ST CENTURY* (2009) (taking a decade-by-decade look at how global fortunes may rise and fall over the next century); ROBERT J. SHAPIRO, *FUTURECAST* (2008) (discussing, among other issues, global energy crises and climate change in the coming decade).

<sup>18</sup> *See supra* note 16.

<sup>19</sup> *See* KREPINEVICH, *supra* note 1, at 109, 246.

<sup>20</sup> *See, e.g., id.* at 69 n.11 ("The searing image of Susan Davis, sobbing and on her knees in despair, as she vainly begs National Guard troops to let her enter the contaminated area to search for her two missing children, will long remain part of the nation's consciousness.").

<sup>21</sup> *See id.* at 285–317 (comprising thirty-two of 317 pages, or a little over ten percent of the total text).

<sup>22</sup> *Id.* at 286.

<sup>23</sup> *See id.* at 291–93.

Board.<sup>24</sup> In the final pages, Krepinevich applies his years of experience as a military planner and defense strategist as he details his vision to revitalize “concepts of operations,” training, and facilities.<sup>25</sup> Most likely, only those experienced in defense planning will fully comprehend the more technical suggestions. Any reader, however, can appreciate his salient theme: “time is growing short, and a sense of urgency is needed.”<sup>26</sup>

Indeed, Krepinevich’s zeal to create this “sense of urgency” contributes to both the strengths and weaknesses of his work. At his best, the author uses recent events as a plausible point from which his future world quickly spirals downward. For example, in his scenario “Just Not-on-Time,” the author begins with the fascinating look at the founder of today’s “global shipping network”—Malcolm McLean, the man who created standardized shipping containers.<sup>27</sup> Krepinevich then demonstrates the vulnerabilities of this network by piling on disasters. First, an attack by rebels severely disrupts Nigerian oil production, triggering subsequent attacks by various nonstate actors against oil production in Mexico and Indonesia.<sup>28</sup> These incidents culminate in a catastrophic attack by “radical Muslim elements” on Saudi oil fields, producing “the mother of all oil fires.”<sup>29</sup> Just when things seem bad, they get worse: a “dirty bomb” in a shipping container detonates in Norfolk, Virginia, virtually shutting down the nation’s ports,<sup>30</sup> and a cyberattack on “Black Friday” deals a sharp blow to the U.S economy.<sup>31</sup>

Krepinevich’s discussion of cyberattacks and their ramifications is the highlight of this chapter—and perhaps the book. In his subsection “The Cyberblockade,” he discusses some real-life incidents, including

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<sup>24</sup> *Id.* at 295–97 (describing Eisenhower’s Planning Board, a group “which developed policy papers to be considered by the [National Security Council]”).

<sup>25</sup> *See id.* at 300–02, 307–14. A retired Army officer and director of the Center for Strategic and Budgetary Assessments, a defense “think tank,” Krepinevich has an M.P.A. and Ph.D. from Harvard University. *See* Author Spotlight, Andrew Krepinevich, <http://www.randomhouse.com/author/results.pperl?authorid=78735> (last visited Sept. 6, 2009).

<sup>26</sup> KREPINEVICH, *supra* note 1, at 306.

<sup>27</sup> *See id.* at 212–17.

<sup>28</sup> *Id.* at 220–24.

<sup>29</sup> *Id.* at 230–32.

<sup>30</sup> *Id.* at 240.

<sup>31</sup> *Id.* at 236–38.

the 2007 cyberattacks on Estonia.<sup>32</sup> Krepinevich expertly dissects the economic and political consequences of “cross-border digital warfare,” even touching on issues of interest to military lawyers.<sup>33</sup> Furthermore, the effects he describes are alarmingly realistic.<sup>34</sup> Overall, Krepinevich achieves his “sense of urgency” in “Just Not-on-Time” while avoiding hyperbole.

In contrast, the fear-mongering in the scenario “Pandemic” detracts from its credibility.<sup>35</sup> This is disappointing, as the contemporary threat of a “swine” flu pandemic makes this chapter one of 7 *Deadly Scenario*’s most relevant.<sup>36</sup> Although the chapter contains helpful background on the development of pandemics,<sup>37</sup> as well as an overview of some issues the United States faces when dealing with vaccine and anti-viral production and stockpiling,<sup>38</sup> its overall tone foregoes the rational and instead plays upon readers’ anxiety. During the avian flu pandemic of 2011, mothers commit suicide *en masse*; a Yankees pitcher collapses in convulsions on the pitcher’s mound; and New York’s mayor jumps from

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<sup>32</sup> *Id.* at 235; see also Joshua Davis, *Hackers Take Down the Most Wired Country in Europe*, WIRED, Aug. 21, 2007, available at [http://www.wired.com/politics/security/magazine/15-09/ff\\_estonia?currentPage=all](http://www.wired.com/politics/security/magazine/15-09/ff_estonia?currentPage=all) (describing the distributed denial-of-service (DDoS) attack that nearly shut down Estonia’s computer infrastructure).

<sup>33</sup> See KREPINEVICH, *supra* note 1, at 236. One prominent issue for legal scholars is the attribution of cyberattacks to state or non-state actors. The difficulty in identifying the source of cross-border cyberattacks complicates the legal analysis of the victim-state’s response, either post-attack or in anticipatory self-defense. See Lieutenant Commander Matthew Sklerov, *Solving the Dilemma of State Responses to Cyberattacks: A Justification for the Use of Active Defenses Against States Who Neglect Their Duty to Prevent*, 201 MIL. L. REV. 1 (2009).

<sup>34</sup> See KREPINEVICH, *supra* note 1, at 236–37 (describing the serious blow to the U.S. economy dealt by a fictional cyberattack on the day after Thanksgiving). The cyberattack in “Just Not-on-Time” is especially ominous, given recent attacks that have exposed the U.S. Government’s vulnerabilities. See, e.g., Choe Sang-Hun & John Markoff, *Cyberattacks Jam Government and Commercial Web Sites in U.S. and South Korea*, N.Y. TIMES, July 9, 2009, at A4, available at <http://www.nytimes.com/2009/07/09/technology/09cyber.html> (reporting a 4 July 2009 attack on several U.S. Government websites, including those of “the Treasury Department, Secret Service, Federal Trade Commission and Transportation Department”).

<sup>35</sup> See KREPINEVICH, *supra* note 1, at 91–124.

<sup>36</sup> See, e.g., *Talk of the Nation: College Campuses Prepare for Swine Flu* (NPR radio broadcast Sept. 4, 2009), available at <http://www.npr.org/templates/story/php?storyId=112557402> (transcript of *Talk of the Nation Science Friday* interview with James Turner, “president of the American College Health Association and executive director of the Department of Student Health at the University of Virginia”).

<sup>37</sup> See KREPINEVICH, *supra* note 1, at 103–07.

<sup>38</sup> See *id.* at 108–14.

his fourteenth-floor hospital window.<sup>39</sup> Meanwhile, images of corpses stacked in the streets lead to an 8-1 Supreme Court decision upholding “tight censorship” of media broadcasts.<sup>40</sup>

Perhaps most disturbing is Krepinevich’s decision to link what he views as lax immigration laws to an eventual flood of infected Mexicans trying to overrun U.S. land and maritime borders.<sup>41</sup> Without citing any authority to support his position, Krepinevich conflates the immigration issue with the flu crisis.<sup>42</sup> Aside from smacking of xenophobia, this twist in the scenario belies the author’s political leanings and distracts the reader from his discussion of how to protect Americans from a pandemic flu.<sup>43</sup> As President Dickson considers authorizing deadly force to repel Mexican civilians at the border, it is unclear whether Krepinevich ultimately considers avian flu or Mexican immigration to be the greater threat.<sup>44</sup>

The tactics employed in “Pandemic” further reveal a flaw in the overall work—the reliance on fear in lieu of rational analysis. As noted by Harvard law professor Cass Sunstein in his 2007 book *Worst-Case Scenarios*, such “visceral reactions” to catastrophic scenarios “operate[ ]

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<sup>39</sup> *Id.* at 93–94, 97 n.11.

<sup>40</sup> *See id.* at 98.

<sup>41</sup> *See id.* at 100–01. Krepinevich cites no specific laws; rather, he refers to “periodic amnesties” and “American laws that grant citizenship to children born in the United States.” *Id.* at 101. As these two pages contain no footnotes (other than the fictional footnotes further discussed at note 42, *infra*), it is unclear whether the author is criticizing the current, or an imagined future, state of American law. Arguably, Krepinevich is criticizing the Citizenship Clause of the Fourteenth Amendment: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” U.S. CONST. amend. XIV, § 1.

<sup>42</sup> Besides using fictional footnotes, Krepinevich also used entirely imagined events as storytelling devices. In all seven scenarios, the author cites “future” speeches, news reports, and even the White House web page. *See, e.g.*, KREPINEVICH, *supra* note 1, at 84 n.38, 128 n.5, 145 n.47. The occasional “real” footnote can be difficult to discern, given that all “citations with dates later than the fall of 2008 have been created solely to enhance the narrative.” *Id.* at 29. Furthermore, even the “real” footnotes frequently cite Wikipedia—a source with dubious reliability. *See id.* at 64 n.2, 95 n.6, 151 n.59, 195 n.46, 217 n.14, 231 n.60.

<sup>43</sup> Krepinevich argues that failing to physically secure the nation’s borders will lead to the “human tidal wave” of infected Mexicans during the 2011 pandemic. *Id.* at 92. Tellingly, the author also uses the term “illegals,” denounced by pro-Hispanic and liberal groups as pejorative. *Id.* at 101; *see Day to Day: How Words Shape the Immigration Debate* (NPR radio broadcast Apr. 26, 2006), available at <http://www.npr.org/templates/story/story.php?storyId=5364267>.

<sup>44</sup> *See* KREPINEVICH, *supra* note 1, at 124.

as a mental shortcut for a more deliberative or analytic assessment of the underlying issues.”<sup>45</sup> Aside from being a logical fallacy,<sup>46</sup> the appeal to fear tends to lead people to place excessive weight on low-probability events that carry dire consequences.<sup>47</sup> This so-called “One Percent Doctrine,” as defined by Vice President Cheney after 9/11, states that even a one percent chance of a “high impact” event must be treated “as a certainty.”<sup>48</sup> Sunstein points out at least two problems with this doctrine: one, the potential misallocation of finite resources,<sup>49</sup> and two, the possibility that aggressive responses to low-probability risks “can have worst-case scenarios of their own.”<sup>50</sup> The better way to go about assessing catastrophic risks, Sunstein argues, is to assign the proper weight to potential risks in order to take rational precautions.<sup>51</sup> “The real problem with the [One Percent Doctrine] is that it offers no guidance—not that it is wrong, but that it forbids all courses of action . . . .”<sup>52</sup>

Not only does *7 Deadly Scenarios* incite fears that trigger irrational responses like the One Percent Doctrine, it neglects to assign any probabilities to the scenarios at all. It therefore limits its utility as a tool for rational planning and policymaking. To be fair, assigning probabilities to these scenarios never appeared to be the author’s intent. Rather, he wrote this book to be a wake-up call to “defense planners”<sup>53</sup>—a vivid demonstration of the consequences when uncertainty intersects unpreparedness. Krepinevich succeeds in this endeavor, and offers concrete, reasoned suggestions to the defense planning community along the way.<sup>54</sup> A thorough understanding of the proposed scenarios,

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<sup>45</sup> CASS R. SUNSTEIN, *WORST-CASE SCENARIOS* 51 (2007).

<sup>46</sup> See RICHARD PAUL & LINDA ELDER, *THE THINKER’S GUIDE TO FALLACIES: THE ART OF MENTAL TRICKERY AND MANIPULATION* 21 (2006) (describing the “appeal to fear” fallacy).

<sup>47</sup> SUNSTEIN, *supra* note 45, at 50–54 (describing how triggering fear physically affects decision-making by stimulating certain cognitive reflexes in the human brain). Conversely, events that have negative consequences, but which trigger relatively little fear, may fail to provoke necessary action. In *Worst-Case Scenarios*, Professor Sunstein compares terrorism and climate change to illustrate this phenomenon. *Id.* at 17–70.

<sup>48</sup> *Id.* at 1.

<sup>49</sup> See, e.g., *id.* at 143–45 (discussing the “costs and tradeoffs” associated with trying to eliminate catastrophic risks).

<sup>50</sup> *Id.* at 4.

<sup>51</sup> See *id.* at 118–75 (discussing a variation of the One Percent Doctrine called the Precautionary Principle, and methodologies for assessing risk and acting accordingly).

<sup>52</sup> *Id.* at 125.

<sup>53</sup> See Krepinevich e-mail, *supra* note 14.

<sup>54</sup> Apparently the author has succeeded in one of his primary goals—getting the attention of Secretary of Defense Robert M. Gates. Krepinevich reports that Gates has read 7

however, requires a broader, more nuanced look at the political, social, military, and economic issues behind them—a point of view that no one author can provide.<sup>55</sup>

Taken for what it is, *7 Deadly Scenarios* is most useful to judge advocates as a series of vignettes that raise intriguing legal issues.<sup>56</sup> Again, judge advocates seeking a broad understanding of these issues would benefit from consulting more academic treatments of the book's main topics. Sunstein's *Worst-Case Scenarios* for example, would be a good starting point for military lawyers seeking a greater understanding of how to assess the costs and benefits of taking a given course of action to forestall a potential harm.<sup>57</sup>

Cheeky though it may sound, one might say that reading *7 Deadly Scenarios* to understand the complexities of twenty-first century global politics is like reading *The Da Vinci Code* to learn about Catholicism.<sup>58</sup> Krepinevich provides just enough realism—mixed with a healthy dose of fiction—to intrigue, provoke, stimulate, and yes, scare. Appetites thus whetted, judge advocates and others in the defense community can then conduct further research to better prepare for the types of scenarios Krepinevich describes. If Andrew Krepinevich can accomplish such a feat, he may shed the Cassandra curse once and for all.

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*Deadly Scenarios* and has asked him to serve on the Defense Policy Board. Krepinevich e-mail, *supra* note 14.

<sup>55</sup> A brief look at the future of U.S.–China relations illustrates this point. In *7 Deadly Scenarios*, Krepinevich posits that by 2017, an aggressive China will conduct a blockade of Taiwan that will bring the United States and China to the brink of war. KREPINEVICH, *supra* note 1, at 169–209. In comparison, George Friedman, another respected national security analyst, claims that China's "invading Taiwan might be tempting in theory but is not likely to happen." FRIEDMAN, *supra* note 17, at 98. A third analyst writes that "China's military planning is overwhelmingly directed at one target—the use of force in the Taiwan Strait to prevent formal Taiwan independence," but declines to predict either conflict or capitulation. SHAPIRO, *supra* note 17, at 236–41 (quoting Jeffrey Bader, Director of the Brookings Institution's China Center).

<sup>56</sup> For example, the scenario "War Comes to America" raises domestic operational law issues, such as using National Guard units both to detect terrorists and to deal with domestic riots. See KREPINEVICH, *supra* note 1, at 85. As discussed earlier, "Pandemic" touches on the use of deadly force to close borders (or maintain a quarantine), and "Just Not-on-Time" raises international law issues regarding victim-state responses to cross-border cyberattacks. See *supra* notes 34, 44 and accompanying text.

<sup>57</sup> See SUNSTEIN, *supra* note 45.

<sup>58</sup> DAN BROWN, *THE DA VINCI CODE* (2003).