

Comparative analysis
of the united states'
justification for war in
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The attacks made by plane hijackers on the World Trade Center, New York and at the Pentagon in Arlington, Virginia on September 11, 2001 caused a new rift in the justification for war never handled before by the United States. In many ways, the nation's direction mirrors the precedents set before this time, such as the direction taken after the attacks on Pearl Harbor in 1941, which I will detail for a comparison. In some very distinct ways, though, the justification for starting the new military campaign in the Middle East due to 9/11 had to be paved anew. In the following analysis I will highlight what exactly was kept consistent about the justification for the US to go to war because of the 9/11 attacks, and also discuss what adaptations were made in their justification to deal with this new and unique situation. To highlight and explain differences and similarities of the United States' reaction to 9/11 I will first go over the justification model set by the Pearl Harbor attacks, then compare those attacks to the 9/11 attacks, and finally make a comparison between the prior discussed material and the new justification for war after the 9/11 attacks.

1. The Pearl Harbor Attacks and the Justification for War Used by the United States

On December 7, 1941, Imperial Japan conducted an organized military attack on the Naval Station in Pearl Harbor, Hawaii.[1]The attacking force used marked Japanese planes, identifying their national affiliation, and the seamen at the base were caught by surprise, unprepared for defense.[2]An encrypted and official-seeming message was sent before the time of attack, called the 14-Part Message, but it was not encrypted and sent to President Roosevelt until the attack was already under way.[3]However, Roosevelt said <https://assignbuster.com/comparative-analysis-of-the-united-states-justification-for-war-in-response-to-the-pearl-harbor-and-911-attacks/>

in his Infamy Speech that “ while this reply stated that it seemed useless to continue the existing diplomatic negotiations [with the United States], it contained no threat or hint of war or of armed attack.”[4]

Despite these words by the President and the overwhelming feeling of the United States to respond with haste, and respond with haste they did, there was a question about whether the attack was a surprise, or if the United States had received enough warning beforehand to be prepared for an attack and failed to do so somewhere along the chain of command.

[5]Eventually, by October 19, 1944, the Naval Court of the United States determined that there was in fact a failure on the part of Admiral Harold Stark to correctly prepare for an impending conflict with the Japanese.[6]The matter of fact regarding whether there was enough foresight about the impending Japanese invasion would not have determined how the United States proceeded in response though. The day following the attack, December 8, 1941, the US decided to make a formal Declaration of War on Japan with both Congress’ and President Roosevelt’s overwhelming approval, a reflection of the nation’s feelings on the matter as well.[7]The Japanese had still attacked US soil unprovoked; regardless of any forewarning, the attack was not going to end without military response from the US judging by national response and the scale of the attack. Nonetheless, it is important to remember this point of dispute regarding the question about the surprise nature of the Japanese attack for the comparison with the 9/11 attacks.

The attack by Japan was in response to an ongoing trade-dispute situation with the United States.[8]The US cut off exports of metals and gasoline to

Japan due to the Empire’s expansion into China.[9]Diplomacy on this matter
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had been carried out both by a few diplomats in the States and via encrypted messages overseas from the Empire.[10]The 14-Part Message would be one of those encrypted messages.[11]All of this ongoing officiating on the matter gave the Japanese grounding for their reason to declare military action on a national level, meaning that this was not a disgruntled group within Japan, but the government's official decision on the matter. This fact will also be examined once more for the comparison with the 9/11 attacks.

The United States Constitution rests the sole power to declare war into the hands of Congress.[12]This model of official war declaration was more commonly used up until around the end of World War II, as it has never been used again since the Declaration of War against Rumania in 1942.

[13]Regardless, following the events at Pearl Harbor this process was implemented. The justification for declaring this war, as stated in the Joint Resolution 116 document, was “ the Imperial Government of Japan has committed unprovoked acts of war against the Government and the people of the United States of America.”[14]The Joint Resolution passed with near unanimity among Congress, with only one vote “ nay” by House Representative Rankin, a committed pacifist from Montana.[15]There was also no drawn-out debate among the government over whether to go to war in this instance. President Roosevelt's speech to Congress was met with large applause and agreement and lasted just over 5 minutes, a stark difference from President Wilson's plea to Congress to enter the first World War which had detracting members of the audience and lasted almost a half hour.[16]

One would think a justification for war would be more elaborate and thorough than this, but it was not. In many prior cases of invasion on the US the response was similar, such as against the British in 1812 following incursions of US ships, and against Mexico in 1846 after their encroachment of disputed territory north of the Rio Grande.[17]If the States were attacked by another nation without prior provocation then they were presumed the wronged party, and could engage in military actions in response if deemed necessary. It is not odd that this is all it takes to spark an entire war on the face of it; this simple justification seems to be an extension of the custom shared by much of humanity regarding self-defense of single persons up to the national level, and thus is mirrored by many other nations which share the same attitude on unprovoked acts of war. A sentence at the end of the document, “[...] all of the resources of the country are hereby pledged by the Congress of the United States”, is an interesting point to return to later in the comparison portion.[18]By 2001, the deliberating of warfare by Congress had altered a bit since the 1940’s as we shall see.

President Roosevelt’s words in the Infamy Speech on the day after the Pearl Harbor attack reflected the feelings of the nation regarding the attack. Going to war is as much about the sentiments of the people as it is the government. In the best-case scenario, that is. He highlights the unfortunate reality of the situation step by step, first confirming that the invading force was officially carried out by the Japanese naval and air forces, then stating “the United States was at peace with this nation and, at the solicitation of Japan, was still in conversation with its government and its Emperor looking toward the maintenance of peace in the Pacific.”[19]The framing of the

situation in this manner disregards the halting of the exportation of the United States' resources into Japan, perhaps in order to remove any culpability from themselves for the impending attack. He also notes that the distance between Japan and Hawaii is indicative of an advanced level of preparation for the attack.[20]Roosevelt contrasts this with the continued messages from Japan over this time period that deceptively express a "hope for continued peace." [21]Once again, the attacks are framed, this time more accurately, so as to give the United States the image of the wronged party, especially after adding the information that the fleets had been severely crippled and many soldiers' lives were taken. He continues to add information about the other campaigns taken by the forces of Japan around the same time elsewhere across the Pacific so as to imbue a sense of urgency to react with full force and prevent further losses, and is met with applause after a rallying series of invigorating statements.[22]In just one day following the attack on Pearl Harbor, the United States had officially entered World War II, with both the public and the government standing behind the simple justification that the attack conducted by the Empire of Japan was unprovoked, crippling, and secretive.

2. A Comparison of the Pearl Harbor and 9/11 Attacks

If the Pearl Harbor attacks were a surprise, then the 9/11 attacks were just as much so. On September 11, 2001, 19 hijackers took control of four different commercial airline flights and proceeded to direct them toward their intended targets.[23]Three of the four planes hit their targets, two of them each hit one of the World Trade Center towers in New York, the third hitting the Pentagon on Virginia, and the fourth missing its intended target <https://assignbuster.com/comparative-analysis-of-the-united-states-justification-for-war-in-response-to-the-pearl-harbor-and-911-attacks/>

and crashing in the suburbs of Pennsylvania.[24]15 of these hijackers were from Saudi Arabia, 2 others were from the United Arab Emirates, one was from Egypt, and the other from Lebanon.[25]These details were discovered after the events, but they shed light on the proceeding actions and resolutions made by the United States in response. Not only were these attackers from different nations, they were not part of their government-run militaries, both unlike the Pearl Harbor attacks. The men were recruited and trained by al-Qaeda, a nationless body of radical jihadists operating throughout the Middle East, and claimed by no nation as a legitimate ruling body.[26]

The attacks were also conducted using vehicles owned by US companies, and were filled with civilians; they could not simply be shot down like the Japanese planes could be at Pearl Harbor. Additionally, when the hijackers struck with the planes they intentionally killed civilians as their targets, as opposed to the targets of Pearl Harbor being military soldiers, vehicles, and facilities. The targets may have also been symbolically chosen, as the buildings were places of important goings-on in the country. Whereas for the Empire of Japan, attacking Pearl Harbor was strategic, as it would cripple the American fleet and was one of the closer bases to the Japanese Empire. Finally, the casualties accomplished by the Japanese were almost 3500, about 2300 of them being killed, and this was carried out by a force of 353 armed aircraft.[27]This is a point of stark comparison to the 9/11 attacks, which managed to cause around 9000 casualties, almost 3000 of them being killed, all with just 4 unarmed planes and 19 men.[28]The event was staggering, and caused the nation to question the integrity of their security.

In fact, having been born in 1997, my most vivid of my earliest memories is of watching the events of 9/11 on the news, and my mother calling my father about whether to take me and my sister somewhere else for safety.

A similar question about the preparedness of people in charge of internal security arose after 9/11, just as it did after Pearl Harbor. The conclusion was not to blame specific airline employees nor the passengers, but a large series of policy adjustments which will not be covered in full here, but were in the general interest to improve the issues of communication and safety procedures on that day.[29]For instance, a tightening up of pre-boarding security procedures was needed, which eventually became the TSA, and that on-board emergency procedures needed to be updated to prevent further incidents that allowed hijacking.[30]Additionally, several different Control Centers of FAA noticed the deviations of flight patterns and altitudes, but did not notify each other or NORAD quickly enough, thus policy changes in the FAA were implemented to protect against this.[31]Nevertheless, just like after Pearl Harbor, the unpreparedness of the nation for an attack did not excuse the fact that the devastating attack had occurred and that if they had any superiors, which turned out to be Osama bin Laden's al-Qaeda, must be countered militarily. The nation had another fairly united moment of deeming an official state of war with the aggressors justified. But it wasn't as simple as with responding to the Empire of Japan, an easily identifiable and distinct nation with a military force.

3. The Adjustments to the United States' Justification of War in Response to the 9/11

Attacks

The justification of war was pretty quickly laid out just as was the case after Pearl Harbor; President Roosevelt and Congress responded just one day after Pearl Harbor with a declaration of war against Japan, while President Bush and Congress passed their declaration of war against terror into law seven days after 9/11 on September 18, 2001.[32]Interestingly, the passing of this new joint resolution took a similar path as the resolution for war with Japan; it was passed nearly unanimously except for one “ nay” vote in the House from Representative Barbara Lee of California.[33]To get into the specifics, Joint Resolution 23 states that the United States’ intended target for their use of military force is “ against those responsible for the recent attack launched against the United States”, which is much more specific than the resolution for Japan.[34]The justifications themselves are also a bit more extensive compared to the single line found in JR 116 against Japan. There are five of them:

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad; and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence; and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States; and

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States.

[35]

While these are more detailed sentences, it appears that the general sentiment is the same as with Pearl Harbor: that the United States was attacked unwarranted, and that the enemy must be countered to maintain the security of the nation.

However, the difference already arises that this new declaration of war was not necessarily against a nation, even though it could be, but rather against terrorist groups which threaten the United States' national security and anyone who may be protecting them. To quote the resolution again, it gave permission to use force " against those nations, organizations, or persons [the President] determines planned, authorized, committed, or aided the terrorist attacks [...], or harbored such organizations or persons." [36] Perhaps this complexity explains the several-day time difference between the declarations after a homeland attack because of the implications of this much broader declaration. The US government was faced with a question regarding whether it could enter foreign nations it was not at war with to pursue targets within them. Did the resolution cover those legal bases? All of this was considered in a document called " Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations," which covers the considerations and

crossroads of international law, distinct national authorities who were suspected to be the base of terrorist groups, and the right of the US to intervene to protect itself.[37]While the target and conduct of waging a war were clearer for dealing with a nation or empire like Japan which is unitary and deliberate, many complications arise when the new target is underground, more loosely connected, and resides within other nations.

The domestic base was covered, as the Joint Resolution was passed for authorized use of military force. The President was also granted access to carry out military operations without Congressional approval beforehand, so long as the act did not constitute one of “ war”, which is when the conflict is not limited in scope, nature, or duration.[38]This itself is also a large departure compared to World War II, during which Congress was handed the military resources of the nation; to recall the quote, “[...] all of the resources of the country are hereby pledged by the Congress of the United States.”[39]By 2001, it was granted to President Bush that he could simply decide on military action if the operation was small enough, which was the case with many due to the nature of them being the targeting of specific terrorist organization members.[40]Keep in mind, this does not mean that none of the proceeding war on terror was not approved by Congress, because the war declaration was passed by this very Resolution, but it does mean that the President could take urgent action without waiting too long for the green light. International law is another consideration; were they justified in declaring war here? The Report claims that the US’s actions are in accordance with the United Nations’ Charter on *jus ad bellum* , which is that the military actions must be authorized by the U. N., be for the reason of

self-defense, and must be done with the consent of the nation in which it is carried out.[41]

This brings us to the consideration of specific nations' authorities giving consent to these operations. The Report lays out that in each nation of Iraq, Afghanistan, Libya, Somalia, and Yemen the US received consent from their governments to carry out counterterrorism operations with the military.

[42]The exception was Syria, who's government said they both could not and would not effectively use military to deter terrorism, but that the Iraqi government requested that US forces intervene in Syria.[43]These six nations were designated as the six main theaters for the counterterrorism conflicts at the outset of the war.[44]Oddly, Saudi Arabia, the home nation of a majority of the hijackers, was not discussed in the document, and thus was not considered a major target for the counterterror operations. Regardless, the US attempted, and seems to have succeeded on paper, to maintain consistent behavior under all the applicable laws. The Report even covers the potential of civilian casualties, how they will deal with detainees, and what courts the detainees will go to in the event they are charged with a crime.[45]

Finally, we have the sentiments of the people. Was the United States' declaration of war consistent with the peoples' will, and thus even further justified? If my memory serves me correctly, it was in line with the national consciousness, but let's not rely on a childhood experience for the strength of this claim. To quote a statement by President Bush, " Civilized nations and people around the world have expressed outrage at, and have unequivocally condemned, these attacks." [46]The Pew Research Center conducted studies <https://assignbuster.com/comparative-analysis-of-the-united-states-justification-for-war-in-response-to-the-pearl-harbor-and-911-attacks/>

later on in 2002 documenting that show 67% of people were still greatly emotionally impacted by 9/11, 97% of people recall exactly where they were when it happened, 62% felt more patriotic as a result of the attacks, and 80% saw the attacks as the biggest driver of national change since the event.[47]A USA today article featuring a Gallop Poll showed that pride in America rose from 55% in 2001 to peaking at 70% in 2003, two years into the war on terror; and the article states that bipartisanship like after 9/11 has never been reached since.[48]The people shared the sentiment of the government's calls to action, and so the basis of justification was fairly established in this area along with each of the other bases needed for justification in war.

4. Concluding Remarks

The comparison of the two largest unprovoked attacks on US soil sheds a lot on light onto how the nation and government tend to react to such threats in very similar ways. We see a sharp rise in agreement from the government and people, such as the near unanimous vote tallies for both Joint Resolutions. There is a tendency to stick to the lengthy traditions of declaring war in Congress against the wrongdoers with haste and urgency. There is a concern for the national security and to make necessary adjustments for better protection, as well as to uphold the law at home and abroad. However, the unique qualities of the 9/11 attacks brought with it specific adaptations to be made. The specifics of the scope of conflict that would unfold were such that the President was granted pre-approval to conduct highly specific military action, as opposed to Congress overseeing such considerations in World War II. The nature of the attackers on 9/11

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proved to make the specific targeting of the enemy more complex, resulting in an equally complex consideration and respect for other nations' and international law; a complication that was much less so for targeting the Empire of Japan. And finally, the devastation of the attacks, including the amount of lives taken with so little men and the civilian status of the victims, was unseen before. My hope is that a comparison like this one will help highlight what exactly the United States' government and people consistently value and uphold in spite of a constantly shifting world in which new threats arise, and which it must to adapt to.

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[44]Ibid, 15.

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