



AMERICAN ACADEMY OF ARTS & SCIENCES

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# Bulletin

SPRING 2012  
VOL. LXV, NO. 3



## Prospects and Challenges for the Global Nuclear Future: After Fukushima

*Scott D. Sagan, Harald Müller, Noramly bin Muslim,  
Olli Heinonen, and Jayantha Dhanapala*



## The Future of the American Military

*Karl W. Eikenberry, John L. Hennessy, James J. Sheehan,  
David M. Kennedy, and William J. Perry*

ALSO: Patrick C. Walsh, M.D., Awarded the Francis Amory Prize  
Humanities Indicators Track Significant Changes in the Disciplines  
Strengthening Energy Policy through Social Science  
WikiLeaks and the First Amendment

## Upcoming Events

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### APRIL

#### 25th

Project Briefing – Washington, D.C.

*The Alternative Energy Future*

Speakers: **Steven Koonin** (Institute for Defense Analyses; formerly, U.S. Department of Energy); **Robert Fri** (Resources for the Future); **Michael Graetz** (Columbia Law School); **Michael Greenstone** (Massachusetts Institute of Technology; Brookings Institution); **Kassia Yanosek** (Stanford University; Tana Energy Capital LLC)

### MAY

#### 14th

Reception – New York City

*Reception in Honor of New York Area Fellows*

#### 16th

Stated Meeting – Cambridge

*Annual Meeting and Spring Concert*

Performers: **Arron Chamber Ensemble**

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*For updates and additions to the calendar, visit <http://www.amacad.org/event.aspx>.*

## Special Thanks to Donors

More than \$5.2 million was raised in the fiscal year completed on March 31, 2012. The Academy's Annual Fund surpassed the \$1.6 million mark for the first time. Additional gifts and grants totaled over \$3.6 million, with more than 1,200 individuals, 14 foundations, and 54 University Affiliates contributing to make these results possible. "This was a very successful year," said Alan Dachs, Development and Public Relations Committee Chair. "The Academy is fortunate that so many Fellows support the work we are doing." Dachs expressed his deep appreciation to the members of the Development Committee during the past year, including Louise Bryson, Richard Cavanagh, Jesse Choper, David Frohnmayr, Michael Gellert, Matthew Santirocco, Stephen Stamas, Donald Stewart, Samuel Thier, and Nicholas Zervas, along with the continuing involvement of Board Chair Louis Cabot.

"The growing number of leadership donors is a critical factor in our ability to remain independent and nonpartisan while undertaking work that is having increasing influence on informed national policy. Our work, a broad range of publications, and Academy programs around the country depend on the resources provided by successful fund-raising efforts," said Louis Cabot, Chair of the Board & Trust.

A complete list of 2011 – 2012 contributors will appear in the Academy's *Annual Report*, which will be published in the fall.



## Features

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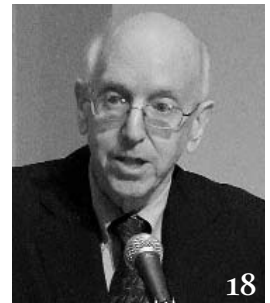
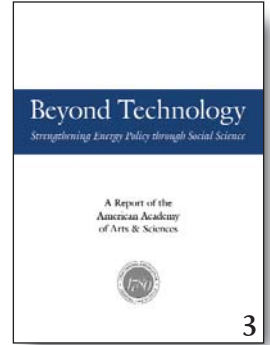
A panel of global experts – Scott D. Sagan (Stanford University), Harald Müller (Frankfurt Peace Research Institute; Goethe-University), Noramly bin Muslim (National University of Malaysia), Olli Heinonen (Harvard Kennedy School; formerly, International Atomic Energy Agency), and Jayantha Dhanapala (Pugwash Conferences on Science and World Affairs) – considers the global nuclear future in light of the accident at Fukushima.

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Legal scholar Geoffrey R. Stone (University of Chicago Law School) moderates a conversation with journalist Judith Miller (Manhattan Institute), Judge Richard A. Posner (U.S. Court of Appeals for the Seventh Circuit), and author Gabriel Schoenfeld (Hudson Institute; Witherspoon Institute) about the balance between freedom of the press and national security.

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Historian David M. Kennedy (Stanford University), former Secretary of Defense William J. Perry (Stanford University), historian James J. Sheehan (Stanford University), and former U.S. Ambassador to Afghanistan Karl W. Eikenberry (Lt. Gen., ret., U.S. Army) discuss the changing relationship between the military and civilian society.



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Clockwise from top left: Patrick C. Walsh, M.D.; cover of *Beyond Technology: Strengthening Energy Policy through Social Science*; Richard A. Posner; Karl W. Eikenberry; William J. Perry; Geoffrey R. Stone

## Francis Amory Prize Awarded to Patrick C. Walsh



**David C. Page, 2012 Francis Amory Prize recipient Patrick C. Walsh, and Leslie Berlowitz**

On March 14, 2012, the Academy presented the Francis Amory Prize to Patrick C. Walsh, M.D., a renowned urologist who pioneered work in the understanding and treatment of prostate cancer. First awarded in 1940, the Francis Amory Prize recognizes major advances in reproductive biology and medical care.

Dr. Walsh is University Distinguished Service Professor of Urology at Johns Hopkins Medical Institutions. He served for thirty years as Director of the Brady Urological Institute, where he developed and refined a new surgical approach to radical prostatectomy. The procedure, which has been performed on hundreds of thousands of patients worldwide, dramatically reduces the most serious side effects of the surgery.

Along with colleagues at Johns Hopkins, he was the first to describe the 5 alpha-reductase enzyme deficiency, to develop an experimental technique for the induction of benign prostatic hyperplasia, to demonstrate the influence of reversible androgen deprivation on BPH, and to characterize hereditary prostate cancer.

Following the prize ceremony, Dr. Walsh participated in the Francis Amory Prize Symposium on advances in reproductive biology and medicine. He spoke about “The Impact of Anatomic Discoveries on Prostate Cancer Surgery.” The symposium also included presentations by David C. Page, Director of the Whitehead Institute, Professor of Biology at the Massachusetts Institute of Technology, and Howard Hughes Medical Institute Investigator, on “The Y Chromosome”; and by Patricia K. Donahoe, Director of Pediatric Surgical Research Laboratories and Chief Emerita of Pediatric Surgical Services at the Massachusetts General Hospital and Marshall

K. Bartlett Professor of Surgery at Harvard Medical School, on “Advances in Reproductive Biology: The Impact on Disorders of Sexual Development and Ovarian Cancer.”

Members of the 2012 Francis Amory Prize Committee include Randy W. Schekman, *Chair* (University of California, Berkeley), David E. Clapham (Harvard Medical School; Children’s Hospital, Boston), Barbara Jean Meyer (University of California, Berkeley), David C. Page (Whitehead Institute; MIT), David W. Russell (University of Texas Southwestern Medical Center), and Leslie Berlowitz (American Academy).

The citation that was presented to Dr. Walsh reads:

Society has benefited from your pathbreaking work as a surgeon, researcher, and teacher. You have forever changed our fundamental understanding and treatment of prostate cancer. For three decades you directed the Brady Urological Institute, whose laboratories, clinics, and operating rooms produced many of the most important advances in urology and trained thousands of doctors from here and abroad. The anatomic approach to radical prostatectomy that you developed has allowed far more men with early-stage disease to lead normal lives.

Your characterization of the familial and genetic factors responsible for prostate cancer has broadened our understanding of the disease. You and your colleagues identified the first genetic mutation associated with inherited prostate cancer. Moreover, you have established the largest registry of men with hereditary prostate cancer, and led efforts for improved national standards for the early diagnosis and staging of the cancer.

A member of the Institute of Medicine and editorial board member of *The New England Journal of Medicine*, you have shared your knowledge both in professional journals and in books for the general public. The advances you have made in understanding and treating prostate cancer have galvanized research and revolutionized the field.

You have performed four thousand, five hundred and sixty-nine life-saving surgeries, and with the same commitment and laser-like focus on men’s health, you continue to be a source of healing and hope. Distinguished physician-scientist, skilled surgeon, inspired teacher, and relentless investigator, the American Academy of Arts and Sciences is proud to confer upon you the 2012 Francis Amory Prize. ■

# Beyond Technology Report Featured at National Energy Industry Gathering

A new Academy report, *Beyond Technology: Strengthening Energy Policy through Social Science*, was featured at the 2012 National Electricity Forum, a meeting organized by the U.S. Department of Energy (DOE) and the National Association of Regulatory Utility Commissioners (NARUC) that drew policy-makers, energy industry leaders, and scholars from around the country to address challenges facing the electricity industry in the twenty-first century.

In her keynote presentation, Kelly Sims Gallagher, a member of the Academy's Alternative Energy Future steering committee and Associate Professor of Energy and Environmental Policy at Tufts University, discussed how social science tools and analysis could help address the nontechnical barriers to implementing new energy technologies, such as the behavior of individuals, households, and institutions in adopting those technologies.

To date, energy policy has largely focused on the technical barriers to change. Noting that the DOE has invested more than \$70 billion in research programs to develop cleaner energy technologies since 1977, Gal-

lagher added, "As a direct result of these and other innovation investments, as well as market-formation policies in the United States and elsewhere, the commercial availability of many advanced, efficient, and cleaner energy technologies has increased while the costs have fallen substantially during the last four decades. Nevertheless, the U.S. energy system of 2011 looks much like that of 1971."

*Beyond Technology* argues that as the existing technological infrastructure changes, the legal, social, and economic infrastructures will need to change, too. Indeed, the societal barriers to new technologies are often much harder to overcome than the technical barriers, particularly, as Gallagher stated, "in a country that is fractured politically and has multiple layers of governance, and where public understanding of energy-related challenges and opportunities is weak."

Yet energy policy and planning today are inattentive to many of these nontechnical barriers. As a consequence, experimental energy projects are often poorly designed and duplicative, or they produce results that are not well analyzed or communicated to the public. "Siting of infrastructure is a classic example," Gallagher noted. "It has become conventional wisdom here in the United States that public attitudes make it nearly impossible to implement a national vision that requires new transmission lines, new power plants, or even a single wind turbine on top of a hill."

Creating a national vision for an energy future will require better understanding of how society shapes and is shaped by its energy system. Here, Gallagher pointed out, social science research can provide systematic, interdisciplinary analysis of problems and solutions to inform sound policy design. She outlined the report's main findings and recommendations, which focus on enhanc-



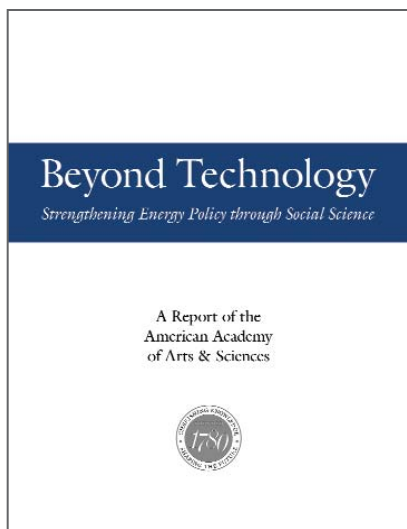
Kelly Sims Gallagher

ing collaboration between social scientists and policy-makers to move energy policy forward. They include:

- demonstrating the value of social and behavioral research for enhancing the effectiveness of energy policy;
- encouraging the use of interdisciplinary social science research within energy programs;
- building capacity to connect the energy policy and social science communities;
- incorporating behavioral considerations into energy-related economic modeling efforts; and
- engaging state and local governments and regulatory communities to design more effective energy policies.

In thinking about policy design at the community level, Gallagher explained, social science can "turn the question upside down and ask: when and why *do* communities accept new energy technologies?" She

*continued on page 4*



*Beyond Technology: continued from page 3*

described successful wind energy initiatives in New Jersey and Denmark that demonstrate how long-term visions can be implemented through effective public engagement and an emphasis on policy experimentation and evaluation.

Social science research can also shed light on consumer behavior. Studies have shown that individuals often do not conduct rational cost-benefit analyses, but rather make decisions based on other considerations. For example, it has been observed that trust is a crucial ingredient to having a successful siting outcome, and that trust can be gained and established through early, careful, and systematic stakeholder engagement and decision-making procedures.

“An intriguing consumer behavior question relates to the so-called smart grid,” Gallagher said. “We’ve seen a lot of experimentation with demand response programs. If real-time electricity pricing were available to consumers, would they adjust their consumption behavior? Would they act ‘smart’? Structured experiments could be conducted to determine what consumers are likely to do, based on recent experience and research on residential feedback programs.”

To this end, *Beyond Technology* encourages utilities to adopt social science-based best practices when deploying new technologies, like smart meters, whose success depends on public acceptance by individual consumers.

“Implementing any of our visions for a twenty-first-century electricity industry will require more effective implementation strategies than we have utilized in recent years,” Gallagher concluded. “Those strategies could be better informed by social science research and policy analysis, and *Beyond Technology* provides some useful ideas for how social science could be used to strengthen energy policy.”

*Beyond Technology* is based on ongoing work of the Academy’s Alternative Energy Future project, which is supported by the DOE and the National Science Foundation, two anonymous foundations, and contributors to the American Academy Intellectual Venture Fund, including The Fremont Group, Kleiner Perkins Caufield & Byers, and Novartis. ■



*Beyond Technology: Strengthening Energy Policy through Social Science* is available online at <http://www.amacad.org/pdfs/alternativeEnergy.pdf>. More information about the Alternative Energy Future project may be found on the Academy’s website at <http://www.amacad.org/projects/alternativeNEW.aspx>.

## Social Science and the Alternative Energy Future

*Beyond Technology Steering Committee*

Robert W. Fri (*Chair*), Resources for the Future

Stephen Ansolabehere, Harvard University

Douglas Arent, National Renewable Energy Laboratory

Ann Carlson, University of California, Los Angeles

Thomas Dietz, Michigan State University

Kelly Sims Gallagher, Tufts University

M. Granger Morgan, Carnegie Mellon University

Maxine Savitz, Honeywell, Inc. (ret.)

Paul C. Stern, National Research Council

James L. Sweeney, Stanford University

Michael P. Vandenbergh, Vanderbilt University

*Project Staff*

John Randell, American Academy of Arts and Sciences

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## New Publication

### *Dædalus* on The Alternative Energy Future – Challenges for Technological Change

The Spring 2012 issue of *Dædalus* examines the current state of energy policy and the prospects for technological change in the U.S. energy system. It explores how a more effective national energy policy could better respond to three drivers of change: climate change, national security, and global competition.

Guest edited by **Robert W. Fri** (Resources for the Future) and **Stephen Ansolabehere** (Harvard University), the volume documents a multi-decade record of misdirected policy initiatives and a history of underpricing energy relative to its societal costs. The essays explore political resistance to addressing the pricing problem and identify a lack of public understanding of the link between climate change and the need to transform the energy system. In addition, the authors note that focusing on local benefits, and employing regulatory approaches rather than pricing strategies, may be the most productive approaches to building public support for cleaner energy in the short term.

But accounting for societal costs is not the only challenge facing policy-makers. A successful national energy policy must also encourage the development of affordable, reliable, and clean energy technologies. Innovation involves more than inventing new technology; it also requires that the technology diffuse throughout the economy at a sufficient scale to make a difference. The essays in the *Dædalus* issue offer recommendations both for stimulating innovation and for financing the widespread deployment of promising technologies.

As Fri and Ansolabehere note in their introduction to the issue, “Regardless of how the price and politics of energy play out, it will be essential to create technology that can grasp the holy grail of affordable, reliable, and clean energy.”

As a companion to this issue, the Winter 2013 issue of *Dædalus* will explore how societal responses to the transformation of the energy system could help or hinder the emergence of new technologies, and how social science research can be incorporated into energy-policy development.

For more information about Academy publications, visit <http://www.amacad.org/publication.aspx>. ■

#### Spring 2012 issue of *Dædalus* on The Alternative Energy Future

Introduction by **Robert W. Fri** (Resources for the Future) & **Stephen Ansolabehere** (Harvard University)

“Paying Too Much for Energy? The True Costs of Our Energy Choices” by **Michael Greenstone** (Massachusetts Institute of Technology; Brookings Institution) & **Adam Looney** (Brookings Institution)

“Energy Policy: Past or Prologue?” by **Michael J. Graetz** (Columbia Law School)

“Using the Market to Address Climate Change: Insights from Theory & Experience” by **Joseph E. Aldy** (Harvard University) & **Robert N. Stavins** (Harvard University)

“The American Public’s Energy Choice” by **Stephen Ansolabehere** (Harvard University) & **David M. Konisky** (Georgetown University)

“Is Shale Gas Good for Climate Change?” by **Daniel P. Schrag** (Harvard University)

“Stimulating Energy Technology Innovation” by **Ernest J. Moniz** (Massachusetts Institute of Technology)

“Policies for Financing the Energy Transition” by **Kassia Yanosek** (Stanford University; Quadrant Management; Tana Energy Capital LLC)

“National Policies to Promote Renewable Energy” by **Mohamed T. El-Ashry** (United Nations Foundation)

## Updated Humanities Indicators Track Changes in the Disciplines

With the support of the Andrew W. Mellon Foundation and the National Endowment for the Humanities, the Humanities Indicators have become a valuable source of information about the state of the humanities, providing data to the higher education community, the media, cultural organizations, and policy-makers.

To date, the Humanities Indicators website (<http://www.humanitiesindicators.org/humanitiesData.aspx>) has received more than two million hits from over 100 countries, and the data have been widely cited in journalism and scholarship addressing the strengths and weaknesses of American education. The data sets currently include 75 Indicators and 213 figures and supporting tables.

“Many scholars and students in the humanities have little understanding of the so-

ciological and cultural impact of their fields as a whole and little understanding of how the public uses the humanities in its everyday life,” said Gerald Early, Merle Kling Professor of Modern Letters at Washington University in St. Louis and Chair of the Academy Council. “But such knowledge is essential if the humanities are to make a compelling case for themselves in the twenty-first century.”

A priority of the project has been the updating of data from the original Indicators. The Academy, in cooperation with the National Opinion Research Center (NORC) at the University of Chicago, has added new data and explanatory narratives to 19 Indicators, including 58 updated figures with supporting tables and 39 figures for which revisions are now under way. Under the di-

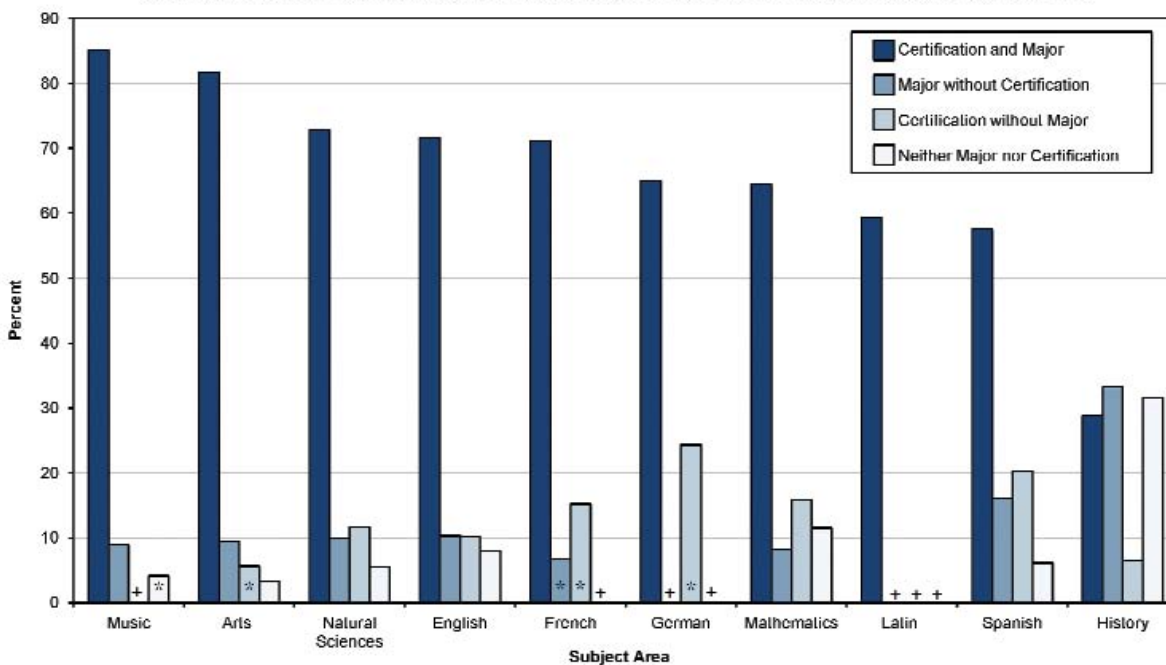
rection of project leader Norman Bradburn, Tiffany and Margaret Blake Distinguished Service Professor Emeritus at the University of Chicago and Senior Fellow at NORC, project staff have created a new Indicator on Study Abroad (both U.S. students studying abroad and foreign students studying in the United States), which will be posted this summer.

Among the trends highlighted by recent updates to the Indicators are:

### The persistent weakness of high school history teacher preparation:

Approximately 29 percent of history students in public schools were taught by teachers with degrees and certification in history, according to data for the 2007–2008 school year. By comparison, 73 per-

**Figure I-9a: Percentage of Public High School Students in Classes of Various Subjects Taught by a Teacher with Certification and an Undergraduate or Graduate Major in That Subject Area, by Subject Area, 2007–2008**

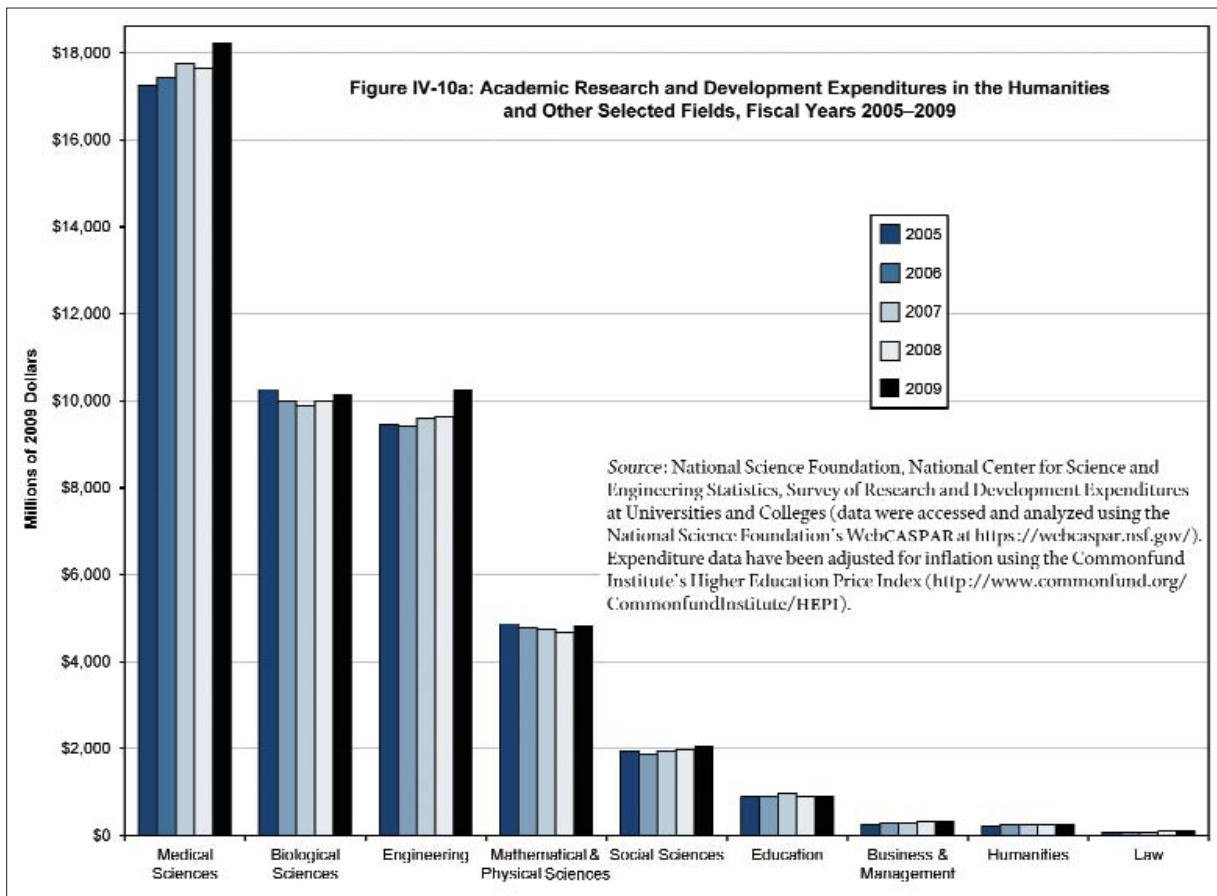


+ Teachers in this category represented too small of a population to achieve a reliable estimate.

\* Interpret data with caution. The standard error for this estimate is equal to 30% or more of the estimate's value.

Source: Jason G. Hill, *Education and Certification Qualifications of Departmentalized Public High School-Level Teachers of Core Subjects: Evidence from the 2007–08 Schools and Staffing Survey*, Statistical Analysis Report NCES 2011-317 (Washington, D.C.: National Center for Education Statistics, 2011), 20, table 5, <http://nces.ed.gov/pubst2011/2011317.pdf>.





cent of students in the natural sciences were taught by certified teachers with science degrees (see Figure I-9a).

**An ongoing decline in reading to children:**

In 2007, only 55 percent of children ages 3 to 5 were read to by a family member each day, compared to 60 percent in 2005. The sharpest decline was seen in households in which the mother had less than a high school education – from 41 percent to 31 percent during the same period. Only children whose mothers had at least a bachelor's degree were more likely than their 2005 predecessors to have been read to daily by a family member.

**Decreasing spending on humanities and education research:**

Though the decline in college and university spending on humanities research was slight, from approximately \$259 million in 2007 to \$253 million in 2009, the humanities and education were the only academic fields for which research expenditures were lower (see Figure IV-10a).

This year, the Academy will also begin a second round of data collection to update the Humanities Departmental Survey. The first survey was administered in 2007 and 2008 to over 1,400 humanities departments in the fields of history, English and literature, foreign languages, art history, linguistics, and religion. It provided baseline data reflecting the state of the humanities in colleges and universities. The second survey, to be published in 2013, will add new disciplines and enable scholars to track trends over time.

The associations participating in the second round include: American Academy of Religion, American Folklore Society, American Historical Association, American Musicological Society, American Philological Society, American Philosophical Association, College Art Association, History of Science Society, Linguistic Society of America, Modern Language Association, and the National Communication Association.

Additionally, in conjunction with the Community College Humanities Association, we will be collecting data on humanities fac-

ulty, teaching, and students at hundreds of two-year colleges; this new data will reflect an important sector of higher education comprising 44 percent of the nation's undergraduates.

Citing the importance of the project, several national learned societies – including the Modern Language Association, the American Historical Association, the Linguistic Society of America, and the American Musicological Society – are providing annual support for the Indicators and for the next round of updates to the Humanities Departmental Survey.

“The ready availability of these data serves the needs, not only of scholars and the general public, but also of policy-makers,” said Francis Oakley, Edward Dorr Griffin Professor of the History of Ideas, Emeritus, at Williams College and a member of the Oversight Committee of the Academy's Initiative for Humanities and Culture. “It is hard now to imagine having to manage without them.” ■

## Members Gather at The Getty Center

At a Stated Meeting at The Getty Center in Los Angeles on March 3, 2012, Getty curatorial staff led more than 150 Academy members and guests on tours of the Getty Museum, the Getty Research Institute, and the Getty Conservation Institute. Fellows **James Cuno**, President and Chief Executive Officer of the J. Paul Getty Trust, and **Thomas W. Gaehtgens**, Director of the Getty Research Institute, spoke about the institution's exhibitions and collections, its global art restoration and conservation efforts, and its research program. The meeting also featured the official Induction of 16 previously elected Academy members.



**Gene Block** (University of California, Los Angeles) and **James Cuno** (J. Paul Getty Trust)



**Marianne Bronner** (California Institute of Technology), **Frances Arnold** (California Institute of Technology), and **Bill Viola** (Bill Viola Studio)



**Thomas Hines** (University of California, Los Angeles), Academy President **Leslie Berlowitz**, **Louise Bryson** (J. Paul Getty Trust), and **Thomas Gaehtgens** (Getty Research Institute)

# Prospects and Challenges for the Global Nuclear Future: After Fukushima

**I**n 2010, the American Academy joined with Stanford University's Center for International Security and Cooperation to assess game-changing events that would fundamentally alter the future of nuclear energy. The workshop on game changers was part of the Academy's ongoing Global Nuclear Future Initiative, which explores the possibility of international cooperation and collaboration with regard to nuclear energy. The workshop convened officials from government, industry, the national labs, and academia to discuss the potential game changers that could result from innovations in the fuel cycle and in reactor designs, or from a military attack, a terrorist event, a catastrophic accident, or a natural disaster.

Six-and-a-half months after that meeting, an earthquake and tsunami crippled the Fukushima nuclear complex in Japan and had an impact on nuclear energy deployment worldwide.

On October 25, 2011, the Academy convened a panel of global experts at Stanford University. **Scott D. Sagan** (Stanford University), **Harald Müller** (Frankfurt Peace Research Institute and Goethe-University), **Noramlly bin Muslim** (National University of Malaysia), **Olli Heinonen** (Harvard Kennedy School; formerly, International Atomic Energy Agency), and **Jayantha Dhanapala** (Pugwash Conferences on Science and World Affairs) considered the global nuclear future in light of the accident at Fukushima. The panel discussion served as the Academy's 1975th Stated Meeting. The following is an edited transcript of the discussion.



## Scott D. Sagan

*Scott D. Sagan is the Caroline S.G. Munro Professor of Political Science at Stanford University, where he is also a Senior Fellow in the Freeman Spogli Institute and Codirector Emeritus of the Center for International Security and Cooperation. He has been a Fellow of the American Academy since 2008. He serves as Codirector of the Academy's Global Nuclear Future Initiative.*

The nuclear future has become both more complex and more uncertain since the March 2011 Fukushima Daiichi accident. A small number of countries – including Germany, Italy, Israel, Venezuela, and Myanmar – have announced that they will end their existing nuclear power programs or stop their planned programs; many others have announced that they will move forward or even expand their civilian nuclear energy programs. The United Arab Emirates, for example, broke ground on its new nuclear reactor site immediately after the Fukushima Daiichi accident, and the United States and

Russia, while not starting construction of new nuclear power plants, approved a number of “lifetime-extension” programs of existing reactors after March 2011. Some states have even used the Japanese accident to argue that their new nuclear facilities are better than older plants. Iran, for example, announced that its new Russian-supplied reactor is the safest reactor in the world.

## The nuclear future has become both more complex and more uncertain since the March 2011 Fukushima Daiichi accident.

To help us understand the nuclear future, we have put together a distinguished, diverse, and international panel of specialists. Harald Müller is Director of the Frankfurt Peace Research Institute and Professor of International Relations at Goethe-University in Frankfurt. In 1995, 2000, 2005, and 2010, he participated as a member of the German delegation to the Nuclear Non-Proliferation Treaty (NPT) Review Conference. Noramly bin Muslim is Professor Emeritus in the Department of Science and Technology at the National University of Malaysia. He is the former Chairman of the Malaysian Atomic Energy Licensing Board and former Deputy Director-General of the International Atomic Energy Agency (IAEA) and Head of its Department of Technical Assistance and Cooperation. He has also served as Head of the Malaysian Nuclear Research Center. Olli Heinonen is a Senior Fellow at the Belfer Center for Science and International Affairs at the Harvard Kennedy School. Previously, he served for twenty-seven years at the IAEA in Vienna. Until five years ago, he was Deputy Director-General of the IAEA and Head of its Department of Safeguards, where he was responsible for, among many things, efforts to shut down A.Q. Khan’s nuclear proliferation network and efforts to monitor and contain Iran’s nuclear program. Finally, Jayantha Dhanapala is President of

the Pugwash Conferences on Science and World Affairs. His previous posts include Senior Advisor to the President of Sri Lanka, Sri Lankan Ambassador to the United States and to Mexico, and UN Under-Secretary-General for Disarmament Affairs. In 1995, he was President of the NPT Review Conference, in which the indefinite extension of the NPT was negotiated.

I will start with a question for Harald. After the Fukushima accident, the German government was one of a handful of governments around the world to announce that it would phase out all domestic production of nuclear energy. Why was that decision made, is it likely to stick, and is it also influencing German nuclear export policy?

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## Harald Müller

*Harald Müller is Director of the Frankfurt Peace Research Institute and Professor of International Relations at Goethe-University in Frankfurt.*

Germany's decision to end domestic production of nuclear energy came at the end of a long road leading in that direction; Fukushima was simply the last nail in the coffin. Recall that in 1957, Germany made a secret agreement with France and Italy to jointly create the bomb. Germany resigned from this effort when it joined the NPT and, as compensation, turned to unrestrained use of civilian nuclear power, including unrestrained exports. That decision was based on a national consensus. The change in Germany's outlook on nuclear energy started with a grassroots movement in the mid-1970s that gave birth to the Green Party. After that, the Social Democrats left the national consensus, and suddenly, two major parties were against nuclear power. More remarkable was the fate of German fuel-cycle policy under the conservative Kohl govern-

ment. We gave up on commercial reprocessing. We scrapped the experimental reprocessing plant, the commercial fast breeder (which is now the center of a holiday park), and the experimental breeder. We gave up on MOX fuel production and the high-temperature reactor, turning to full-scope safeguards as a condition of the supply of nuclear and related dual-use goods, strengthening export controls, and negotiating and signing the NPT's Additional Protocol.

Then the Red-Green government, which was unnoticed in most parts of the world, decided to phase out nuclear energy. After long negotiations, the government made an

not afford another turnabout of that sort. For the foreseeable future, we have a strongly antinuclear government, and the four big utilities have an incentive to prevent a brownout or blackout because the entire country would accuse them of intentionally manufacturing such an event. They are also facing a great deal of competition from small utilities at the local level.

Does it impact our exports? Sure it does; it has been doing so for a while. Germany has not exported nuclear facilities for some time, but I do not think it will cease to export equipment, materials, and technology that can be used in nuclear power plants or other

## **Germany's decision to end domestic production of nuclear energy came at the end of a long road leading in that direction; Fukushima was simply the last nail in the coffin.**

agreement with the four utilities holding nuclear power plants. The phaseout was to be effected by 2030. The utilities agreed, tongue-in-cheek, because they were waiting for a new conservative government, and not for nothing: when Angela Merkel came to power, she and members of the liberal party negotiated an extended phaseout in what was actually a bonanza for the utilities. Public protests ensued, and at that moment, Fukushima happened. Public opinion polls showed that some 70 percent of Germans held antinuclear views. The conservatives lost an election in a crucial state where conservative governments had essentially been in power since the Middle Ages. Within two weeks, the liberals and the conservatives completely reversed their policy and decided to accelerate the phase-out, closing down six plants in straightforward fashion.

Is that decision reversible? I don't believe so. We have two parties, Red and Green, for which being antinuclear is a matter of their identity. We have two other parties that can-

facilities. Our industry is always capable of producing dual-use goods, which are bound to entail proliferation risks.

I think that we will phase out domestic production of nuclear energy. Usually, when we undertake a project of that size, we do it successfully, for better or worse, and maybe we will be the shining example for countries like Belgium and Switzerland, or other countries that want to phase out, in the future.

**Question from Scott Sagan:**

Noramlly, how has the Fukushima accident influenced prospects for the development of civilian nuclear power in Southeast Asia? Which countries in the region are likely to move forward and develop nuclear power plants, and from whom will they purchase the technology?



**Noramlly bin Muslim**

*Noramlly bin Muslim is Professor Emeritus in the Faculty of Science and Technology at the National University of Malaysia. Formerly he served as Chairman of the Malaysian Atomic Energy Licensing Board and as Deputy Director-General of the IAEA.*

The Fukushima accident does affect the nuclear programs within the Association of Southeast Asian Nations (ASEAN). Of the ten ASEAN countries, seven had indicated their interest in moving forward with a nuclear power program. Vietnam has indicated that it will proceed with its program; so has Malaysia, though the Malaysian program will maintain a low profile. Thailand has indicated that it will put its program on hold for at least two years. Indonesia has also indicated interest in nuclear energy, but because of Fukushima, the country is dragging its feet due to public concern. Singapore is still doing feasibility studies. The Philippines had plans to revive its currently inactive nuclear power plant, but now

has decided not to proceed. Fukushima has indeed had an effect within the region.

In Malaysia, for example, we have proceeded with our tender documents. The first tender that we awarded was to an Austrian company that will look into the legal and regulatory requirements to go forward with nuclear power. We have also asked the law faculty of the National University of Malaysia to study the legal requirements for Malaysia to move ahead with the next phase.

**The Fukushima accident affected the nuclear programs within the Association of Southeast Asian Nations.**

In fact, the next phase has already begun: we invited ten international contractors to compete for the tender on siting, the feasibility study, and the preparation of the bid documents. Unfortunately, after the accident at Fukushima, two companies withdrew from the tender; but we have evaluated the remaining companies and are working on the details. With the election around the corner, however, we cannot make the announcement just yet. So the project is being put on hold at the moment.

We have not decided the country from which we will acquire the necessary technologies, but a number of suppliers and vendors have come to Malaysia to give presentations and engage in discussions, as well as to recruit some of our citizens to visit and be trained at their companies. Japan, Korea, and France have more or less offered their technologies to us. Once our consultant prepares the bid document, and once that bid goes out, we will decide from which country to purchase. In the meantime, we have moved ahead with our training program, human resource development, and public relations efforts to create public awareness and acceptance. We have sent politicians

and parliamentarians to Korea, Japan, and France. There are also people from the United States who have a special interest in some of the matters related to nuclear energy in Malaysia.

In terms of organization, Malaysia follows the procedures and guidelines prepared by the IAEA, and we also hire some consultants. Originally, we had nineteen possible sites; an initial evaluation by consultants from Korea brought the number of potential sites to five, and after a second evaluation, to three. Now we have three sites to present to the consultants selected to conduct feasibility studies. So we are moving ahead. And after the election, we hope to move ahead at full speed.



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#### Question from Scott Sagan:

Olli, since the Fukushima accident, the Iranian government has both begun its operations at what it claims is the safest nuclear power plant in the world, the Bushehr nuclear reactor, and enriched uranium up to 20 percent at the Natanz facility, claiming that it is for the research reactor in Tehran. Given your experience as former Deputy Director-General of the IAEA, your comments expressing your concern that Iran is committed to developing a nuclear weapons option have been widely represented in the press. Why has the international community, and the IAEA more specifically, been unable to stop Iran's uranium enrichment program? What do you hope – and what do you predict – will happen with respect to Iran's nuclear program in the coming year?

#### Olli Heinonen

*Olli Heinonen is a Senior Fellow at the Belfer Center for Science and International Affairs at the Harvard Kennedy School. He is former Deputy Director-General of the IAEA and Head of its Department of Safeguards.*

I will address the topic in three parts. First, what led the IAEA to the conclusion that Iran is in noncompliance with its safeguards agreement, why did the IAEA refer this problem to the UN Security Council, and what are the subsequent resolutions and remaining concerns? Second, what does the Iranian nuclear program consist of today? Third, and most difficult, what will it consist of a year from now?

Iran conducted nuclear experiments for almost twenty years without reporting some of its activities under its comprehensive safeguards agreement with the IAEA. When these clandestine operations became public in late 2002 and 2003, instead of admitting its deficiencies, Iran took the route of denial and deception, which had a tremendous impact on the international community and

the atmosphere in the IAEA. Then, for a period of time between the end of 2003 and 2004, Iran implemented provisionally the Additional Protocol of the IAEA and provided also a declaration about its past nuclear program. Unfortunately, this declaration was not complete. Iran omitted essential details from its documentation, such as the so-called P-2 centrifuge program.

Parallel to that development, information related to the military aspects of the program began to surface. Though not all nuclear weapons-related, those military aspects clearly indicated that the Iranian military establishment was involved in the R&D and the procurement of materials for the civil nuclear program – providing certain services and manufacturing components, for example. In 2004, 2005, and 2006, experiments that could be relevant to the development of nuclear weapons came to light. These activities included high-explosive tests, missile reentry vehicle design, and neutron physics experiments.

The IAEA Board asked Iran to suspend its enrichment activities until these questions were resolved. Unfortunately, Iran did not heed to that request, and the UN Security Council took up the issue. The Security Council has issued six resolutions since then, but rather than complying, Iran has been slowly building its enrichment capabilities while leaving all the questions about military-related activities unanswered. From 2007 until Summer 2008, the IAEA Secretariat was able to talk about these military aspects, but since then, there has been no constructive discussion with Iran.

Iran started larger-scale uranium enrichment in early 2007 in Natanz. Today, the growth of its capabilities has been less like a hundred-yard dash and more like a marathon run. Although the enrichment program is a matter of concern, we feel that, because Iran has been building its nuclear capabilities slowly, we still have time to solve the problem before it gets out of hand. Consider these facts: Natanz has about six thou-

sand IR-1 centrifuges. They have produced about five tons of uranium hexafluoride (UF<sub>6</sub>), which is 3.5 percent enriched. At that level, the work of creating high-enriched uranium, which is needed for weapons purposes, is 75 percent complete. Five tons, or ten thousand pounds, of UF<sub>6</sub> is enough to power perhaps four nuclear weapons, depending on the design and sophistication of those weapons. Iran has no urgent reason for enriching its uranium. Iran can wait for the questions surrounding its program to be resolved before continuing the enrichment program. In addition, the performance of its centrifuges has been fairly poor. Indeed, output has declined in the last year.

The needs of the Tehran research reactor have been used to justify the 20 percent enriched uranium production. But Iran has another approach that has not received much attention: the heavy-water reactor it is building in Arak. When Iran announced construction of the reactor to the IAEA in 2003 (Iran reconfirmed its plans a month ago), the reactor was supposed to replace the Tehran research reactor. It is odd to produce fuel for a reactor that is supposedly being replaced. Moreover, the Tehran research reactor was built in the 1960s, so it is fifty years old, and is located in an area that is vulnerable to earthquakes. For safety reasons, the reactor should be somewhere else. So the

now have a small, semi-industrial demonstration plant – which it does not. It has only just begun to feed the first cascades. We have time, but that time will probably run out in 2013.

The commissioning of new advanced centrifuges will be the game changer in Iran's capacity. Regardless of how well the centrifuges perform, they will be five times more powerful than the current IR-1s. Everything will multiply by four or five over that time period.

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## Today, the growth of Iran's nuclear capabilities has been less like a hundred-yard dash and more like a marathon run.

But also during this past year, Iran took one more step, raising additional concern. The country has produced 3.5 percent enriched uranium and fed it to another cascade system, which has been producing 20 percent enriched uranium. If the goal is to create high-enriched uranium at 90 percent enrichment, achieving 20 percent enrichment means that 90 percent of the work is done. If at some point Iran decides to leave the NPT, the time frame in which the country is vulnerable to international actions will decrease considerably.

According to recent IAEA reports, the poor performance of Iran's centrifuges is perhaps good news. To produce a single nuclear weapon – using a scheme that I believe they must have taken from A. Q. Khan – it will take a half-year for those nearly six thousand machines to shift from 3.5 percent to 90 percent enriched uranium. Iran will not likely desert from its commitments in the next year or so because it does not have the technical means to do so. Thus, the international community can use this time to its advantage and negotiate a solution with Iran.

justifications for the enrichment program do not add up.

The numbers I have discussed suggest that Iran has enough material to build nuclear weapons. Yet what remains unclear is the actual route that Iran is pursuing. All the low-enriched uranium from Natanz feeds the 20 percent enriched uranium. At this point, the entire enrichment program is dedicated to producing 20 percent enriched uranium. Iran has announced that it will triple its production. By the end of 2012, it will have about two hundred kilos of 20 percent enriched uranium. By comparison, the five tons of low-enriched uranium probably presents the greater proliferation concern.

Can Iran make the 20 percent enriched uranium faster? Based on the information the IAEA has in its reports – and provided that Iran is not engaged in any additional efforts to build nuclear capacity – it is not very likely that the country can boost its capacities considerably in the next year. The development of an advanced centrifuge has also been lagging behind. Considering that experiments began in 2007, Iran should by



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### Question from Scott Sagan:

Jayantha, in another post-Fukushima development, the Nuclear Suppliers Group (NSG) decided in June 2011 to adopt more restrictive criteria for countries exporting nuclear technology. Those countries must use the criteria to determine which nations can acquire sensitive nuclear technology. Can you briefly outline those criteria and explain how world governments are reacting to them? For example, are the criteria considered a violation of Article IV of the NPT, which gives countries the right to acquire nuclear technology? Will efforts to sign civilian nuclear agreements with India further complicate the matter?



### Jayantha Dhanapala

*Jayantha Dhanapala is President of the Pugwash Conferences on Science and World Affairs. Previously he served as Senior Advisor to the President of Sri Lanka, UN Under-Secretary-General for Disarmament Affairs, and Sri Lankan Ambassador to the United States and to Mexico. He was President of the 1995 NPT Review and Extension Conference and the 1984 Conference on Disarmament.*

A broad swath of countries in the global South belonging to the Non-Aligned Movement have no nuclear-weapon ambitions but want to use nuclear power for peaceful purposes, particularly in the service of developing their countries. They see the NSG as a self-appointed cartel that has decided, without consulting them, on guidelines to prevent the export of dual-use technology. When the NSG formed around 1974, it established the Zangger Committee Trigger List of exports subject to safeguards and controls. It was understood that by applying for access to exports on that list, a

country was, in effect, indicating its ambitions to become a nuclear weapon state. Therefore, the approval process had to be treated very cautiously. Second, the NSG outlined Dual-Use Guidelines, which also call for special attention to export applications for components that could lead to a nuclear weapons program.

In June 2011, the NSG – which has now grown to forty-six members and includes developing countries like Brazil and Argentina as well as China (which for a long time had declined to join) – met in the Netherlands to approve a revised set of guidelines for exports relating to uranium enrichment and spent-fuel reprocessing and technology. The new rules effectively bar exports to states that have not signed or are not in compliance with the NPT, that have not instituted comprehensive IAEA safeguards, and that do not allow extensive monitoring under the terms of the Additional Protocol, among other criteria.

The statement issued after this meeting was brief; it did not explicitly lay out the new guidelines, but it agreed to strengthen the guidelines on the transfer of sensitive enrichment and reprocessing (ENR) technologies. It talked about the Brasilia Plenary decision to review the status of adherence to the Additional Protocol and went on to make several other points. But it was not until July, in a communication from the president of the NSG to the IAEA, that the amendments were spelled out. The revisions consisted of a change in paragraphs six and seven of the Part 1 guidelines. Paragraph six discussed special controls on sensitive exports and called on supplier states to exercise a policy of restraint in the transfer of sensitive facilities, equipment, technology, and material usable for nuclear weapons or other nuclear explosive devices. The new guidelines specify the above-mentioned scenarios in which states would be deemed ineligible to receive exports. Section 6C details the exemptions that can be made, including exemptions to cooperative enrichment en-

**In the past, members of the NSG were asked only to exercise restraint in the export of sensitive technology. . . . The reference to the Additional Protocol as a condition of supply is a controversial new requirement because joining the Additional Protocol is entirely voluntary.**

terprises such as the agreement between Brazil and Argentina, ABACC (Brazilian-Argentine Agency of Nuclear Materials Accounting and Control).

Commentators have noted that, in the past, members of the NSG were asked only to exercise restraint in the export of sensitive technology; the much more specific conditions laid out in the revised guidelines established objective criteria that had not been there before. The reference to the Additional Protocol as a condition of supply is a controversial new requirement because joining the Additional Protocol is entirely voluntary. Some countries balk at agreeing to the Additional Protocol because they feel strongly that as long as Article VI (the disarmament article) of the NPT is not being completely fulfilled by the nuclear weapon states, there is no justification for imposing further burdens and controls on the non-nuclear weapon states. The exemption made for the ABACC arrangement is also questionable; some think that the ABACC does not offer the same level of assurance regarding a country's nuclear program that the Additional Protocol provides.

The revised guidelines are perceived as another burden on the non-nuclear weapon states. By comparison, if OPEC (the Organization of Petroleum Exporting Countries), for example, imposed guidelines that required purchasing countries to contribute 1 percent of their GDP for, say, Millennium Development Goals, the move would anger oil-purchasing nations. Arguably, exports of nuclear weapon components are different because they are weapons of mass destruction; but under the Wassenaar Arrangement

and the Missile Technology Control Regime, developing countries are subject to the same level of controls if they wish to acquire conventional weapons.

The arrangements do not appear to be mutually cooperative. If the new guidelines were a result of consultation between the importing countries and the exporting countries, some consensus could have been reached. But because the importing countries were not consulted, the guidelines appear to be an additional limitation on these countries' development.

In India, the situation is completely different. For one, the problem stems from the controversial U.S.-India Nuclear Cooperation Agreement, which was widely viewed, including by nonaligned countries that have friendly relations with India, as a violation of the NPT and as inconsistent with UN Security Council Resolution 1172, which contains very harsh language with regard to both India and Pakistan on the 1998 explosion of nuclear devices. The fact that India, which is outside the NPT, was embraced and given the facilities normally reserved for countries that are in good standing in the NPT as non-nuclear weapon states was considered a complete reversal of policy and a betrayal of the NPT. Aggressive U.S. diplomacy persuaded the NSG to accept the Nuclear Cooperation Agreement and waive the guidelines, making it a clean exemption, although the question of ENR was not specifically referred to at that time.

India now feels that it is not accountable to the June 2011 guidelines, and whether the guidelines apply to India has now become a significant and unresolved controversy. A

number of experts who have read the U.S. legislation on the subject, including the Hyde Act, believe that India certainly will not receive permission for ENR technology. But comments from the Indian press and the external affairs minister, among others, make it clear that India understands the agreement to preclude restrictions on ENR technology in India. So that issue remains undecided.

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## Questions from the Audience

### Question

There is an opportunity cost associated with shutting down base-load nuclear power plants in Germany: namely, that coal plants could have been shut down with the same effect on electricity generation and the same need to provide replacement power. An extensive study performed in Europe looked at the local consequences in terms of public health and environmental and external costs. For Germany, the study showed that the external costs associated with coal plants are much larger than for nuclear plants. What is the basis behind the decision to forgo the opportunity to shut down coal plants and to close nuclear plants instead?

### Harald Müller

The decision was made on political grounds by a panicky government. There were no studies conducted or opportunity costs calculated. With the decision made, our engineers and economists will try to make the best of it. We have shut down six older nuclear power plants, and you can make the case that because of insufficient safety features, this was not by nature a wrong decision. We had an overhanging base-load capacity, and we secretly buy a small amount of nuclear electricity from our French friends to make up for the loss (though that is a temporary measure). There are plans to

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build more natural gas base-load plants and to meet our Kyoto goals by phasing out oil and coal from our home heating supply, and those efforts have been rapidly progressing. If you drive through any lower Franconian village, you will see about half the houses plastered with solar cells, and that is impressive. I think that our neighbors to the east will suffer from marginally higher electricity prices in the short term because we demand some imports, but that effect will not last.

It was good to have some nuclear energy for the base load, but Germany typically completes the big industrial projects it takes on. I think that we will face some difficulties, but only temporarily.

#### Question

Would it be possible to negotiate a convention on export control to replace the NSG, thereby addressing the perception that the NSG is a cartel while still achieving control of sensitive technology and mitigating the risk that it could spread outside legitimate ends?

#### Jayantha Dhanapala

I think that an attempt to negotiate such an agreement would be seen as a good faith effort to bridge the current gap between the exporters and the importers. If such an agreement made clear that dual-use technologies require an additional set of precautions to be taken, as the Additional Protocol does with IAEA safeguards, then I think the developing countries would feel that they are participating in a multilateral effort, one that has nonproliferation as its objective but also does not act as a brake on their development. If cooperative arrangements such as ABACC are now being exempted, regional arrangements, for example, within ASEAN, could also be taken into account within the nuclear-weapon-free zones that mainly exist in developing countries. Then an agreement could be built on multilateral consensus rather than an arbitrary North/South divide.

#### Question

The Additional Protocol was adopted by consensus by the membership of the IAEA some years ago. It was negotiated in response to revelations that the IAEA did not have the capacity to regulate all exports. The IAEA has said that it needs the Additional Protocol in order to carry out its mission. Rather than the North, or the United States, or any other nation imposing controls, it is the IAEA saying, we need this tool in order to carry out our vital safeguards mission. Why is this seen as such a terrible thing in light of sensitive technologies?

#### Jayantha Dhanapala

When the IAEA adopted the Additional Protocol after a long process of negotiation, signing it was voluntary. It was never made mandatory, and that is the spirit in which it was accepted. In fact, a large number of non-aligned countries signed the Additional Protocol. As a voluntary measure, it entailed cooperation. But a mandatory requirement to have the Additional Protocol signed as a condition for importing certain technologies raises questions about the NPT's asymmetrical allocation of obligations. The nuclear weapon states get off scot-free, while the non-nuclear weapon states are subjected to safeguards under Article III, based on the likelihood of diverting peaceful uses of nuclear energy to nonpeaceful uses. And yet Article IV states that the peaceful uses of nuclear energy are an inalienable right. There is a fundamental contradiction, and unless there is further progress in the realization of Article VI (which has been, in the view of developing countries, underlined by the International Court of Justice advisory opinion), the asymmetry of the treaty cannot be further extended. The voluntary nature of the agreement will continue to be the primary aspect of the Additional Protocol that the nonaligned countries would like to see preserved.

#### Question

What is the U.S. position, in the context of the NSG, on India and exemption from the new guidelines?

#### Jayantha Dhanapala

During his visit to India last year, President Obama said he would support India's joining the NSG. But my impression is that the United States has not committed itself to a position on whether the June guidelines will be specifically applicable to India. The issue has been kept very vague. In India, officials have repeatedly remarked that they believe the clean exemption also exempted them from any restrictions on the ENR technology issue. ■

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To view or listen to the presentations, visit <http://www.amacad.org/events/nuclearFuture/nuclearFutureStanford.aspx>.

# WikiLeaks and the First Amendment

**O**n November 12, 2011, at a meeting sponsored by the Academy in collaboration with the Chicago Humanities Festival, University of Chicago law professor Geoffrey R. Stone moderated a conversation with journalist Judith Miller, Judge Richard A. Posner, and author Gabriel Schoenfeld about the balance between freedom of the press and national security. Each panelist offered his or her perspective on bridging legal and ethical issues. Together they attempted to address the critical question at the heart of the WikiLeaks issue: what is the balance between the secrecy a government must maintain and the transparency a healthy democracy requires? The panel discussion served as the Academy's 1978th Stated Meeting. The following is an edited transcript of the discussion.

“We classify a great deal of material that in fact need not be kept secret. This state of affairs breeds cynicism about the whole enterprise of government secrecy. To have a more effective, credible classification system, we must eliminate a vast amount of classification that currently exists. But that still leaves the question: What should be classified?”

– Geoffrey R. Stone  
*Edward H. Levi Distinguished Service Professor,  
University of Chicago Law School*



## Geoffrey R. Stone

Geoffrey R. Stone is the Edward H. Levi Distinguished Service Professor at the University of Chicago Law School. He has been a Fellow of the American Academy since 1990.

WikiLeaks is an international, nonprofit organization that publishes submissions of private, secret, and classified materials from confidential sources, news leaks, and whistle-blowers. It was launched in 2006 by Julian Assange, an Australian Internet activist. In 2010, WikiLeaks published secret footage of a 2007 American helicopter attack in Baghdad that killed several Iraqi journalists. Later that year and in early 2011, it published some 480,000 previously secret documents on the wars in Afghanistan and Iraq, 779 secret files relating to prisoners detained at Guantánamo Bay, and 77,000 classified State Department cables. It was the State Department cables that created a firestorm, and although WikiLeaks made some effort to redact the most dangerous or harmful information in the cables, critics say it did so recklessly. Thus, even though the re-

leased cables contained a great deal of innocuous and uninteresting information, some of the intelligence turned out to be enlightening and helpful to public understanding, while some of it proved to be harmful to the national interest.

In an example of the latter, the American ambassador to Mexico was forced to resign under Mexican pressure after WikiLeaks disclosed a cable to the State Department in which the ambassador said that the Mexican Army had been risk averse in going after drug traffickers. In another example, the Prime Minister of Zimbabwe, an opponent of the despot Robert Mugabe, is now under

Our first speaker is Judith Miller, an author and Pulitzer Prize-winning investigative reporter. She worked for *The New York Times* from 1997 to 2005 and is now an Adjunct Fellow at the Manhattan Institute and a Contributing Editor of its magazine, *City Journal*. Since 2008, she has been a commentator for Fox News, speaking on terrorism and other national security issues, and on the need to strike the balance between protecting both national security and civil liberties in a post-9/11 world. Prior to leaving *The New York Times* in November 2005, Judy spent eighty-seven days in jail to defend a reporter's right to protect confidential sources

**In 2010 and early 2011, WikiLeaks published 77,000 classified State Department cables. Even though the released cables contained a great deal of innocuous and uninteresting information, some of the intelligence turned out to be enlightening and helpful to public understanding, while some of it proved to be harmful to the national interest.**

investigation for treason because one of the classified cables released by WikiLeaks reported a statement that he had made to the U.S. ambassador suggesting that the United States should continue its sanctions against his country.

WikiLeaks received the State Department cables in a data dump from Private Bradley Manning, who had access to the cables through his job in the Pentagon. Manning is currently being held in military custody at Fort Leavenworth, Kansas, and the U.S. government is investigating Assange and other persons associated with WikiLeaks to determine whether they can be criminally prosecuted consistent with the First Amendment to the U.S. Constitution. All this raises interesting issues, and I would like to turn the program over to our three experts, each of whom will speak on whatever facet of this controversy he or she finds noteworthy.

in the controversy over CIA operative Valerie Plame's leaked identity. That year, she received the Society of Professional Journalists' First Amendment Award for her protection of sources. Judy has written four books, including *Germs: Biological Weapons and America's Secret War*, *God has Ninety-Nine Names*, which explores the spread of Islamic extremism, and *Saddam Hussein and the Crisis in the Gulf*.

Our second speaker, Judge Richard A. Posner, is the most influential legal thinker of the past half-century. Both as a judge on the U.S. Court of Appeals and as a scholar at the University of Chicago, Dick has repeatedly changed the way people think. He has published more scholarly books than Shakespeare published plays. Several of them are directly relevant to today's program, including *Preventing Surprise Attacks: Intelligence Reform in the Wake of 9/11*, *Not A Suicide Pact: The*

*Constitution in a Time of National Emergency, Uncertain Shield: The U.S. Intelligence System in the Throes of Reform, and Catastrophe: Risk and Response.* To give you a sense of the extraordinary breadth of Dick's mind, I will mention some of the other books that he has published: *The Crisis of Capitalist Democracy, Sex and Reason, The Essential Holmes, The Problematics of Moral and Legal Theory, The Economics of Justice, How Judges Think, and Law and Literature* – to say nothing of his books on antitrust, the Clinton impeachment, *Bush v. Gore*, and a host of other topics.

Our third speaker, Gabriel Schoenfeld, is a Senior Fellow at the Hudson Institute and the author, most recently, of *Necessary Secrets: National Security, the Media, and the Rule of Law*. Gabe writes frequently on national security and intelligence issues for *The Wall Street Journal* and *The Weekly Standard*, and his op-eds, book reviews, and articles appear regularly in publications such as *The New York Times, The Washington Post, Los Angeles Times, The New Republic, The Atlantic Monthly, Bulletin of the Atomic Scientists, and Der Spiegel*. From 1994 to 2008, Gabe served as Senior Editor of *Commentary*, and before that he was a Senior Fellow at the Center for Strategic and International Studies and served as a staff member for Senator Daniel Patrick Moynihan. Currently, Gabe is on leave from the Hudson Institute and serves as a Senior Advisor to the Romney for President Campaign, although he speaks today in his individual capacity.



## Judith Miller

*Judith Miller is an investigative journalist, formerly of "The New York Times." She is an Adjunct Fellow at the Manhattan Institute and Contributing Editor of its magazine, "City Journal." She is also a commentator for Fox News.*

In 2005, I spent the summer at the Alexandria Detention Center outside of Washington. I could tell you that I went for the food, and that I was misled. I actually went to protect a source, who had not given me permission, or so I thought, to disclose his identity. I was determined to stay in jail until either I obtained a waiver that would enable me to identify him or the government relented. Fortunately, after eighty-seven days, I obtained the waiver. In the meantime, I learned a lot about jail, and about journalism, and I became even more of a fanatic about the need for journalists to protect sources.

That is what is at stake since Julian Assange and WikiLeaks are being hounded, persecuted, and threatened with violations

of the Espionage Act for doing what most of us do in different ways, shapes, and forms every day. I want to address the climate in which journalists are now operating to illustrate why I feel as strongly as I do about a man whom I personally find obnoxious.

Many of us were very optimistic that press freedom would expand back in 2008 when presidential candidate Barack Obama promised to increase transparency and reduce government secrecy. Unfortunately, and perhaps this comes with the territory, President Obama has continued a trend toward greater government secrecy, even compared to previous administrations. According to the Information Security Oversight Office, the federal agency that provides oversight of the government's classification system, the annual cost of classification has risen to more than \$10.7 billion – crossing the \$10 billion threshold for the first time – because many government decisions that used to be unclassified are now being classified as secret. There were approximately 224,000 classified documents in 2010, which is a 22 percent increase from 2009.

Freedom of Information Act requests are also increasing in response to growing government secrecy. There were more than a half-million requests in 2010, or 40,000 more than there were in 2009; but our government bureaucracy responded to 12,400 fewer requests than in the previous year. So more requests are being made, and fewer of them are being processed.

It gets worse: this administration has invoked the state secrets privilege more than any other in modern times, including President Bush's administration, rather than respond to requests for classified information. President Obama has applied the privilege with respect to National Security Agency surveillance, illegal wiretapping, and other activities, such as extraordinary rendition and assassination. A claim of state secrets privilege shuts down litigation; it shuts down civil challenges.

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Despite his campaign promise to protect whistle-blowers, Obama has one of the worst records in modern times of investigating, persecuting, and taking judicial action against government whistle-blowers. The president is now threatening to use the 1917 Espionage Act against people who not only leak but publish information. Your right to know depends a lot on investigative journalists, which means that people like me have

me if that were so. But Assange describes himself as a journalist and WikiLeaks as a nonprofit media organization, and he claims journalistic and ethical privileges. You may not agree with his methods, but he is responsible for releasing more information about how our government works – much of it helpful to public understanding and some of it dangerous – than any other single journalistic organization in the country. The fact is,

of this information would be available if someone had not decided to talk about classified information. So it is not a happy task, but an essential one, that I rise to defend Julian Assange and WikiLeaks. I hope that you will support me because, however unpopular journalists may be, a government without restraint, and without transparency, is dangerous.

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**This administration has invoked the state secrets privilege more than any other in modern times rather than respond to requests for classified information. A claim of state secrets privilege shuts down litigation; it shuts down civil challenges.**

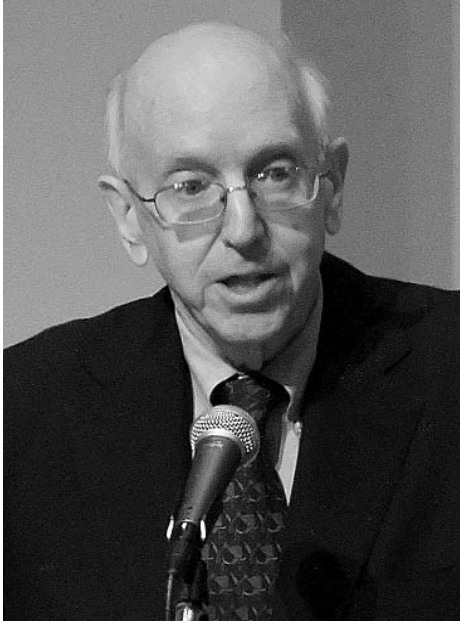
to be willing to go to jail to protect sources. Five years after I went to jail, Congress still has not passed the legislation that Mr. Obama, as both a senator and a presidential candidate, promised to enact to protect journalists who refuse to disclose sources to grand juries. Forty-nine states in this country have state statutes, but we lack a federal statute. And when national security information is at issue, most of the cases that challenge our right to keep these sources secret are considered in federal courts.

We desperately need this legislation. In the wake of the WikiLeaks investigation, President Obama has done nothing to help it through the Senate. It passed in the House but is dead in the water in the Senate, thanks to Julian Assange and the president's lack of enthusiasm for the legislation. Here, I might point to a June 2011 column that Geof Stone, our distinguished moderator, wrote for *The New York Times* on the difference between what President Obama has done and what he promised in the area of transparency.

Some people will tell you that Julian Assange is not a journalist, that he does not perform like or characterize himself as a journalist. It would be easier for people like

almost every major publication in this country cooperated with Assange, in one way or another, to help him get the information he had obtained out. So if he is vulnerable, then we all are vulnerable, and if he can be taken to court and arrested for violating the Espionage Act when he is not even an American citizen, then no American journalist is safe.

I would prefer to think of Assange as another category of journalist, but that is not possible in the Internet age. After all, the First Amendment was enacted to protect not the big, rich, powerful organizations that can afford to fight legal cases, but the lone pamphleteer. Assange is the lone pamphleteer of the Internet era. Bill Keller, the former executive editor of *The New York Times*, said that it was hard to conceive of a prosecution against Julian Assange that would not enable a stretching of the law that could be used against *The New York Times* as well. Think about what we know, and how we know it, whether through Bob Woodward and his insightful books, which are filled with classified information, or my humble efforts to inform Americans about biological weapons and the secret bio-defense research that our country conducted for years. None



## Richard A. Posner

*Richard A. Posner has been a Judge on the U.S. Court of Appeals for the Seventh Circuit since 1981, serving as Chief Judge of the court from 1993 to 2000. He is also a Senior Lecturer at the University of Chicago Law School. He has been a Fellow of the American Academy since 1982.*

In contrast with my fellow panelists, I do not think that the disclosure of classified information has ever caused significant harm to American foreign policy or national security objectives. Indeed, in many cases, it has helped attain those objectives. On the other hand, I do not think that the government's efforts to stifle revelation of classified material are consequential. By my estimation, in the course of about four years WikiLeaks has published at least 750,000 documents, many of which are U.S. classified. What has been the harm to American foreign policy or national security? I think there has actually been a net benefit. Consider, for example, that many of the leaked documents reveal abuses perpetrated by U.S. or allied military forces in Iraq and Afghanistan. They focus

on civilian casualties, such as the U.S. helicopter attack in Baghdad that Geof mentioned. Everyone knows that abuses happen frequently in war, and that many civilians are killed. Before the leaks, the prevalence of civilian casualties in Iraq and Afghanistan was no secret. The leaks show that while the number of casualties was somewhat higher than people had believed, the situation was not nearly so bad as it could have been. Assuming that WikiLeaks has access to all that we know about civilian casualties in these wars, the leaks reveal that they were somewhat worse than they had been represented to be, but not greatly so.

The diplomatic leaks are also valuable in the sense that they tell foreign governments what we actually think but cannot say, and that is very useful. U.S. criticism of the Mexican Army's handling of the war on drugs, which Geof mentioned, is a good example. Certainly, there are sacrificial lambs when diplomatic communications are published: the Mexican ambassador was one; so are the generals who have been fired because they said unpleasant things about Pakistan. But the fact that the Mexican government knows what we think about its Army, and that Pakistan knows what we think about its relations to the Taliban and to China, is all to our advantage. The United States is still very powerful, and having these foreign governments know that we know that they are undermining our interests is useful for us. One could make an analogy to mutual espionage during the Cold War, in which our spying on the Soviet Union and their spying on us reduced the likelihood of actual war. What we said publicly about our intentions and capabilities, and vice versa, had no credibility; but when each country found out what the other's real intentions and capabilities were, both could make decisions on the basis of accurate information, and not blunder into war because of misunderstanding – a common precipitant of wars.

The situation is different in the second example that Geof gave, regarding the fellow in Zimbabwe who was endangered because

of the leaks. Clearly, we want to protect the safety of individuals, and WikiLeaks apparently made some effort to shield the identities of persons who might be endangered by the revelation. That is one important interest, and there are also some military secrets about plans, weapons design, and capabilities that we need to keep secret if we can. But these categories of intelligence make up a very small fraction of all classified information.

Overclassification is extraordinarily rampant, and because it is a response to compelling bureaucratic motivations – one being to avoid embarrassment – I do not think anything can be done about it. Second, classification increases bureaucrats' sense of self-importance. Everyone wants to be privy to secrets, for if you know a lot of things that other people do not know, it makes you feel important. But most significant, though I think you have to work in government to understand this, is that agencies have compelling incentives to conceal information from other agencies. Turf warfare is pervasive in government because government agencies cannot sell turf. In private enterprise, if, say, a competitor wants your patents, you can sell them to him. But you cannot sell turf if you are a government bureaucrat; you can only lose turf, which means suffering uncompensated loss. When I was Chief Judge of the U.S. Court of Appeals for the Seventh Circuit, I had a vicious battle with the Chief Judge of the District Court because I wanted access to one of the courtrooms on "his" floor of the courthouse. He did not want the Court of Appeals on that floor, because if he permitted that encroachment on his turf, where would the process stop? His court could (figuratively speaking) end up out on the street. At one point, as we were fighting over this absurdity, he said to me, "Look, if the newspapers got hold of this, it would be an embarrassment." I said, "Let it happen; I'm not backing down." Eventually, we managed to compromise.

Geof mentioned some of my academic work on national security intelligence, which allowed me to meet a lot of people in



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various agencies. I was once driven to an agency to give a Law Day talk, and the staff member escorting me mentioned that the director of the agency would be happy to answer any questions I might have. When I told her that I did not have a security clearance, she said that it didn't matter; because I was a judge, they would tell me anything. When I arrived, they gave me a tour and in the course of it showed me several classified documents. What was interesting was that there was no reason why most of those documents should have been classified. But not all. One document was classified because it was a list of U.S. sites ranked from "most likely" to "least likely" to be the target of a terrorist attack. That is a document you would not want terrorists to access; inevitably, they would choose to attack the least-protected site, the one at the bottom of the list. So there is government information, involving not only identities of people who might be in danger but also information that would actually be valuable to an enemy to know, that ought to be kept secret, but it makes up only a very small percentage of all classified documents.

I'll add one more anecdote to illustrate the lengths to which government agencies will go in order to protect secret information. Suppose you work for one of the twenty or so U.S. national security agencies, and that someone from another agency wants access to information in one of your databases that is germane to his agency's duties. The information is classified as top secret, so the agent presents his top-secret clearance. That top-secret clearance must be based on a national

security polygraph test designed to weed out security risks. One such test is a "lifestyle" polygraph test, which tries to embarrass the subject by asking questions about personal topics, such as sex. You, the holder of the wanted information, may deny the agent access to your databases if his top-secret clearance is not based on a lifestyle polygraph test but merely on a "national security" top-secret clearance, in which case you will instead offer to look through your files for anything of interest, which you will put on a computer disk for him. But you will not let that person into your agency's system. Such practices are endemic to the government; that will not change. But to some extent, there are genuine secrets in the sense of information that we need to keep secret in order to protect people or legitimate needs of national security.

The First Amendment as interpreted by the courts does not forbid overclassification as such. I do not want to seem cynical, but there are many exceptions to free speech, such as laws against libel and slander and the right to keep medical records private. The deliberations of judges and juries are an example of what government is permitted to keep secret merely or mainly to avoid embarrassment. There are further court-made First Amendment exceptions for military secrets, trade secrets, misleading advertising, product disparagement, copyright infringement, plagiarism, conspiracy, child pornography, solicitations for crime, harassment and bullying, and campaign contributions when made to the politicians themselves. So it's a Swiss cheese, the First Amendment; if

you want to add another hole for some category of national security secrets, that's fine. What we call freedom of speech is something the Supreme Court has developed over two hundred years of purportedly interpreting a sentence in an eighteenth-century document. If we need to protect secrets, there is no constitutional impediment to doing so. But the problem of overclassification, which makes efforts to protect secrets look ridiculous, is deeply embedded in the way governments – not only our own – operate. And I do not think anything can be done about it.

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## Gabriel Schoenfeld

*Gabriel Schoenfeld is a Senior Fellow (on leave) at the Hudson Institute and a Resident Scholar (on leave) at the Witherspoon Institute. He is a Senior Advisor to the Romney for President Campaign.*

The gravity of the issue of national security secrecy cannot be overstated. At stake, and I will make a different argument than my colleagues, is the personal safety of all Americans. Osama bin Laden may be dead, but Islamic radicals remain determined to strike the United States. Many of our young men and women are at war in Afghanistan and other battlefields abroad, and secrecy is often vital to the preservation of their lives. To keep our country secure, our government generates a great many secrets of many different kinds. We cannot publicize, among other things, all the intelligence methods by which we are tracking terrorists. We cannot reveal the vulnerabilities of our bridges, tunnels, and buildings. We have an absolute duty to keep secret information such as the blueprints for nuclear

weapons or the formulas for producing aerosolized anthrax.

But equally at stake is the character of our democracy. We live in an open society in which secrecy is antithetical to the democratic ideal. Secrecy can be used as a cover for corruption and wrongdoing. We depend on a free press to provide us with information about what our government is doing in our name, including some of the things it is doing in secret. Indeed, much of what we read in the newspapers about foreign affairs

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is based on reporting about state secrets. A study by the Senate Intelligence Committee counted 147 separate disclosures of classified information that made their way into the nation's top six newspapers in one six-month period alone. The regular publication of secrets is part of the American system, and that is the way it ought to be. But even as we want the press to report on secrets, it must do so under the rule of law. That is, the press – which certainly includes WikiLeaks – must be vulnerable to prosecution when it violates the laws governing secrecy. The First Amendment states that Congress shall pass no law abridging the freedom of speech or of the press, and Judge Posner has pointed to all the exceptions to that rule: for example, we cannot publish false advertising, and we are forbidden to yell “Fire!” in a crowded theater.

Congress has also passed laws that punish the publication of state secrets, and it has done so for the very same reason that we are prohibited from yelling “Fire!” when there is no fire: this type of speech can get people

killed. Thus, the COMINT Act makes it a crime to publish classified information pertaining to communications intelligence; the Atomic Energy Act makes it a crime to publish classified information pertaining to the design of nuclear weapons; and the Intelligence Identities Protection Act makes it a crime to disclose the identities of undercover CIA agents. Although these laws are in tension with the First Amendment, no court has ever struck them down. They were passed because the American people, act-

ing through their elected representatives, sought to protect themselves against anyone, including journalists, who would disclose government secrets to do us harm. Valid laws that would punish the press for publishing state secrets are on the books.

Does the existence of such laws mean that journalists should be prosecuted every time they publish a state secret? Absolutely not. That would be extremely foolish. It is widely recognized, as my colleagues have pointed out, that if the U.S. government uses the secrecy stamp promiscuously, it marks many items secret that should not be. The issue is not whether the press should always be prosecuted for publishing secrets. In almost all cases, it should not be. I myself published classified information when I was an editor at *Commentary* magazine, and I would do so again. The real question before us is whether the press can be prosecuted when it publishes secrets that place the country in danger. That is the question raised by WikiLeaks.

Such danger is not purely hypothetical. Not everyone with access to a printing press,

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or to the Internet, will always behave responsibly. There is no shortage of examples of real harm being done to our country through the disclosure or publication of leaks. During World War II – to take a famous case pertaining to this city – the *Chicago Tribune*, under the auspices of Colonel Robert McCormick, published a story suggesting that the United States had broken Japanese naval codes. If Japan had acted on that story and changed its codes, the United States would have lost the war: we would have been deprived of a critical window into Japanese planning, without which thousands, if not tens of thousands, of American servicemen would have lost their lives. In 1973, a magazine called *Counterspy* began to publish the names of hundreds of CIA officers around the world. In 1975, one of those officers, Richard Welch, was assassinated by Greek terrorists – just after *Counterspy* had outed him as the CIA station chief in Greece. In 2006, *The New York Times* chose to reveal the workings of a counterterrorism program that tracked the movement of al-Qaeda funds. The program was lawful, operating under valid warrants, and by several accounts, the story caused one of our principal sources of al-Qaeda-related intelligence to dry up.

Now we have WikiLeaks. In the name of transparency, WikiLeaks has indiscriminately dumped thousands of, in many cases, entirely unredacted secret documents onto the Internet. Many of them are innocuous. Some clearly help us better understand our country's role in the world, but others do serious harm. One WikiLeaks document described the jamming devices employed by American soldiers in Iraq to scramble the signals used by insurgents to detonate roadside bombs from a remote location. The document gave specific information about how the jammers functioned, what their rate of power was, and which frequencies they blocked. Is there any reasonable person who believes that it should be legal to publish the secret countermeasures our soldiers use to keep from getting blown up on the battle-

field? Should the press be free to reveal the identities of undercover CIA operatives? Is there any person in this room who believes that the press should be free to publish the technical secrets of weapons of mass destruction, or the recipe for something like aerosolized anthrax?

The key question is, who gets to decide? In a democracy, the people get to decide, and what the American people have decided, acting through laws passed by their elected representatives, is that the publication of certain kinds of secrets warrants prosecution. They have decided, in other words, that the First Amendment is not a suicide pact.

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## Discussion

### Geoffrey Stone

There is a general consensus among our panelists that if classification is meant to prohibit the disclosure or publication of information that must be kept secret for the sake of national security, then we vastly overclassify. For the different reasons that have been suggested, we classify a great deal of material that in fact need not be kept secret, information that even people like Gabe have published, despite the fact that it is classified and publishing it is illegal. This state of affairs breeds cynicism about the whole enterprise of government secrecy. To have a more effective, credible classification system, we must eliminate a vast amount of classification that currently exists. But that still leaves the question: What should be classified?

Gabe argues that information that would be harmful to national security should be classified, that anyone who discloses it should be punished, and that anyone who publishes it should be punished. Gabe, I found it interesting that you rely on Holmes's hypothetical cry of "Fire!" in a crowded theater. Holmes held that it was punishable *falsely* to yell "Fire!" If the call of "Fire!" is truthful, certainly we would not punish it.

The reason Holmes emphasized the false cry was to highlight situations in which the speech itself was valueless. If the speech is true, the problem is completely different. Thus, it is not at all clear that Holmes's example supports punishing speech merely because it causes harm. The value of the speech matters as well.

### Gabriel Schoenfeld

Regarding national security secrecy and the question of harm, let's take an example that I think we can all agree on: that the publication of the identities of undercover CIA officers can cause harm to those people. Indeed, Congress acted to make it illegal to publish those names.

**Judith Miller**

I would argue against Gabe's claim that there are cases in which we should punish those who publish classified information. First, in terms of our legal history (and here I am venturing into unsafe territory because I am not a lawyer, which would make me even more unpopular than being a journalist), since 9/11, we have seen the creation of sixty new categories of classified information. If you think that we live in a more open and transparent society than we did before 9/11, you are wrong.

Second, with regard to Julian Assange and WikiLeaks, punishing a journalist for publishing information would be a radical new step. When the government moved to stop

ways every day, but we read about only the cases that go to court or incite public fighting. On a weekly basis, a reporter from *The New York Times*, *The Washington Post*, or Fox News calls the White House and says, "We are going to publish a story that is really going to make you angry" – or, as Judge Posner put it, "embarrassed" – "and I would like your comment." The White House then says, "Oh no you don't. Let's talk about this." These discussions give the White House an opportunity to make the case that the publication of certain information would jeopardize national security. Most often, papers do not publish contested information; they withhold information, as *The New York Times* has done again and again. This is the system that we have devised to avoid prosecuting

analysis would be fruitless. Would the court balance value against harm on a case-by-case basis? The dilemma can be explained thus: on the one hand, like Britain, we could have an Official Secrets Act, making it a crime to reveal classified information. But because of the vast overclassification, that type of policy would be overly severe. On the other hand, that the law could define acts as criminal on the basis of some concept of harm. Many national security laws have this feature, but it is very difficult for the government to prosecute dangerous leaks, even when it has a strong case, because explaining to a jury the harm that the leak caused may require disclosing secrets. So that option does not work either.

Our society has many problems that cannot be solved. One of them is the struggle between the bureaucrats who are desperately trying to keep secrets and the hackers, the journalists, the media, YouTube, and everyone else who is trying to reveal secrets. I think that the current situation is the best we can hope for. Clearly, we want to protect the physical safety of people and could perhaps define some narrow category of punishable activity, such as a disclosure that endangers lives. But given the varying incentives of the many parties involved in the struggle over secrecy versus disclosure, I do not think much progress can be made on that front, and as I said, I do not think it is all that important.

**Geoffrey Stone**

What would you do with Gabe's hypothetical scenario?

**Richard Posner**

Gabe gave the example of American troops being endangered by revelations about their jamming equipment. That seems to me a clear endangerment of human lives, so I have no objection to punishing the party responsible for the leak. On the other hand, because lawyers will always struggle to ex-

**The real question before us is whether the press can be prosecuted when it publishes secrets that place the country in danger. That is the question raised by WikiLeaks.**

*The New York Times* from publishing the Pentagon Papers, the Supreme Court weighed the damage to national security of publishing the classified information against the infringement on the First Amendment of preventing its publication. Justice Stewart held that in order to deny *The Times* the right to publish the information, the government would have to prove that the disclosure would cause direct, immediate, and irreparable damage to our nation or its people. Both the Justice Department and the Pentagon have conducted studies of the damage that Julian Assange and WikiLeaks have done to our national security. Neither has disclosed the results of those studies. Why? Perhaps they cannot prove or have not been willing to make a case that such damage has occurred. That should give us pause as we consider criminalizing the publication of secret information.

Finally, news organizations and the government deal with these issues in informal

journalists for doing our jobs: that is, letting you know what is going on in your government, leaking what the government wants you to know and withholding what it doesn't.

**Richard Posner**

I would like to make two points. First, I want to take issue with Judith's statement that more documents are being classified. While I am sure this is true, consider that the government is growing in size, and that publication is growing as well. Are more documents being classified as a percentage of all government documents, or is a larger government simply creating more documents, classified and unclassified alike? Further, what if leaks are increasing at a faster rate than classification?

Second, Geof said that the value of information must be weighed against the harm that leaking it would do to national security. But attempting to conduct such a formless

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pand categories, it is possible to argue in almost any case that a leak may eventually lead to someone's losing his life. Judith quoted Justice Stewart's view that publication of classified information can be prevented only if the information will cause direct, immediate harm. But that rationale does not make sense. If the country is to be destroyed by a ticking time bomb in three years if some secret is revealed, rather than tomorrow, does that mean that we can't prevent the endangering revelation because the danger is not immediate? The categories that judges try to impose on this unmanageable material are simply inadequate.

#### Gabriel Schoenfeld

I would also take issue with Judith's argument. The Pentagon Papers case came to the court as a prior-restraint case, not a case of prosecuting *The Times* after the fact for having published secret information. Five of the nine justices said that if information had come to them after the fact, as a prosecution, rather than as a prior-restraint case, which demands a very strict standard, they would have considered convicting *The Times* under the Espionage Act.

#### Judith Miller

But the government did not bring that case to court.

#### Gabriel Schoenfeld

I think the country is fortunate never to have had a prosecution in the Pentagon Papers case. It would have been very difficult for the government to bring that case to New York City, and the federal district prosecutor declined to do so for that reason. But the *Chicago Tribune* case is a classic example in which a newspaper publisher intent on publishing a story that could kill thousands of American servicemen should go to prison.

#### Judith Miller

I think the government decided that it did not want to bring the Pentagon Papers case to court because doing so would have generated unwanted publicity for the leaked information. With regard to the WikiLeaks case, I have no problem with the government cracking down on Bradley Manning for leaking classified information that he took an oath not to disclose. I do not think *The Washington Post* should be prosecuted for publishing it. There is a difference.

#### Gabriel Schoenfeld

Judy, the laws are on the books. If you disagree with the law, work to change it. Don't violate it.

#### Judith Miller

I have been working to change the law for the past five years. Unfortunately, the president has not upheld the promises he made.

#### Geoffrey Stone

Gabe says that the laws are on the books, but that is not an answer to anything in a world governed by constitutional law. The argument is whether the laws on the books are constitutional. However cynical one may be about how the courts interpret the Constitution, the fact that laws exist is not an adequate answer to whether they are constitutional.

#### Gabriel Schoenfeld

The Espionage Act itself is problematic. It has never been used for prosecuting the press, and doing so would raise serious constitutional issues. The COMINT Act, however, is a model of clarity whose statutes protect narrow categories of information – precisely the kind that can get lots of people killed. I think that law sets a good course for the United States.

#### Geoffrey Stone

Let's address the question of harm done to American soldiers. Suppose *The New York Times* reveals that torture has taken place at Abu Ghraib, and the government argues that the disclosure will endanger American soldiers by infuriating the enemy and ensuring that captured American soldiers are more likely to be tortured in even worse ways. Therefore, the government wants to punish the disclosure of the fact that Abu Ghraib occurred. According to your theory, Gabe, would you have to allow that punishment?

#### Gabriel Schoenfeld

No. We do not have a law that protects that kind of information. I would be opposed to such a general law because it would endanger our liberties, but I support narrow laws that protect narrow categories of information.

#### Richard Posner

I have a question for Judy. Suppose that it is May 1944, and *The New York Times* publishes an article reporting that on June 5, the United States and Britain will invade northern France – the event we now know as D-Day. The Americans and the British have been trying to make Germany think that the attack will be in Calais, and as a result, the Germans have moved their armored divisions to Calais. But the attack is to be in Normandy, where the Germans are not expecting them – that is, until *The New York Times* exposes their plan. Do you think this disclosure would not be punishable?

#### Judith Miller

I agree that it would be punishable. But if we think back to the Cuban Missile Crisis, *The New York Times* did exactly what you suggested it not do in the hypothetical situation regarding 1944: it did not publish the infor-

**On balance, the press will at times get things wrong. The press will occasionally publish what it should not.**

mation at the request of the government. Afterward, President Kennedy said he wished that it had done so. On balance, the press will at times get things wrong. The press will occasionally publish what it should not. For example, I would agree with Gabe that revealing information about how we are tracking the money of terrorists has been damaging, and I have been following terrorists since before it became fashionable. The revelation made it harder for the U.S. government to track that information. However, the government should not make the decisions about what can and cannot be published.

**Richard Posner**

There were no Americans endangered by the Bay of Pigs invasion, just Cubans. We could have written off those Cubans, and in fact did.

**Gabriel Schoenfeld**

We live under a system of laws. The press does not get to decide when it can violate the law, or when it can observe the law. It is obliged to follow the law, unless you are taking the position that the press is engaging in civil disobedience, which is a noble position.

**Judith Miller**

That is what I did. I decided to go to jail because the law said that I had to testify before the grand jury, but in my mind, my journalistic obligation to the source took precedence. But why invent laws that make it easier for the government to keep information from the public, especially information that the public ought to have?

**Gabriel Schoenfeld**

In your case, the public was investigating a crime.

**Judith Miller**

Actually, a prosecutor was arguing that he was investigating a leak under a statute that you cited, but the investigation under the Intelligence Agents Identities Act turned into a perjury investigation. The point is that the government is very powerful, and it needs checks on its power. The press is one of them.

**Gabriel Schoenfeld**

Congress has repeatedly declined – that is, the American people have repeatedly declined – to enact the kind of statute that you favor.

**Richard Posner**

Congress is not the American people.

**Gabriel Schoenfeld**

We live in a democracy. Congress represents the American people, and that is the best we have. Of course, it does not reflect the will of each and every one of us.

**Richard Posner**

It often does not represent the will of anyone but a handful of special interest groups and lobbyists. You have to be realistic about what democracy means. Democracy is a system whereby people get to throw out officials in periodic elections. It does not mean that legislation reflects the popular will.

**Gabriel Schoenfeld**

I'm somewhat less cynical about American democracy than you are.

Questions from the Audience

Question

Judith, in a democratic society, to what extent do you believe it is a journalist's responsibility to report accurate and precise information to the American public? Within that context, to what extent do you believe the press has relied on information provided by incumbent regimes – the Bush administration in particular?

**Judith Miller**

In my reporting on national security, most of the people I rely on for information have jobs requiring them to take polygraph tests every six months. They must feel strongly about an issue to be willing to talk to me because they know that the first question of every polygraph test is: have you had any unauthorized conversations with a journalist? This is a very difficult area for a journalist to work in. You try to verify the information you have as best you can. You hope that people who disagree with what you are being told will come forward. You hope they will attach their names to their comments because many publications have rules against anonymous sources, as my former publication did. This is not science; it is very difficult. Everyone gets things wrong.

With regard to the weapons of mass destruction that Iraq ultimately did not possess, my reporting on the issue reflected accurately what the intelligence community believed at the time – at least what the president was told they believed. Both journalists and the intelligence community have to do a better job getting it right. I think that the publication of information like this helps us get it right, and that is why I'm still doing it.

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## Question

A few years ago, Prince Harry was sent to fight in Afghanistan. The British press embargoed the story, based on a sense that reporting it would subject the prince to clear and present danger. He was then outed by Matt Drudge of the Drudge Report. If you had jurisdiction, what would your conclusion be?

### Gabriel Schoenfeld

I do not see any special law on the books that would protect an American prince, but I would support a law that would protect the identities of intelligence agents. We have seen the damage that can result when their names are inadvertently, or purposefully, disclosed. The British have their own methods.

An interesting counterpoint to your case is the story of David Rhode, a *New York Times* correspondent who was kidnapped by the Taliban. *The Times* not only kept this secret from the public for six months but managed to get every other newspaper and blogger in the country to keep it secret. It only revealed the information when Rhode escaped his captors and made his way to safety. When the lives of journalists are on the line, the papers are very careful. When the lives of other Americans are on the line, they are not always as careful.

## Question

On the one hand, you can have very broad laws that are infrequently enforced, which in a sense changes the rule of law to the rule, if you will, of men, with prosecutors deciding when to enforce laws. On the other hand, you have this “trust us, we’re journalists” system, which might be fine for *The New York Times* and *The Washington Post*, but today anyone who feels like creating a blog can claim to be a journalist. Which evil are we going to go with? I don’t see where the middle ground is.

### Judith Miller

As a journalist, I would side with Thomas Jefferson: rather than choose between having a government without the press or a press without government, we should have a government with a free press. It is a balance, and we are still a democracy. We have overcome many challenges and are safer and freer than we were before 9/11, though less open.

### Richard Posner

The general answer to the question is that criminal statutes are overbroad. They are vague because of the concern with loopholes, and an enormous number of cases are left to prosecutorial discretion. I think that this state of affairs is inevitable. The insoluble problem is that the amount of classified information is vastly greater than the amount that should properly be withheld from the public. Broad, vague laws are dangerous because they affect people: even an unsuccessful prosecution is very costly, and it creates a lot of anxiety. But narrowly defined laws make it very difficult to prosecute harmful revelations because it is often difficult to reveal the reason why a revelation is harmful without disclosing more information about a secret activity. So I do not think there is a good solution. We have a multiplicity of laws, and leaks that involve electronic transmissions are punished much more severely than others. It might be possible to consolidate the laws, make them a little narrower, and somewhat clearer. That’s all I could recommend.

### Gabriel Schoenfeld

We have a system of prosecutorial discretion, and prosecutions have been very rare. The Obama administration is the first to employ the Espionage Act in a rigorous way. Since the Act was passed in 1917, there had been a total of three prosecutions before the Obama administration came to office. Now,

an administration that has pledged to be the most transparent in all of American history has somehow become the most Nixonian. That is ironic, but the prosecutors have acted fairly wisely and with restraint in most of the cases. After all, we have a system that still operates after a torrent of leaks. It has very rarely resulted in prosecutions.

### Judith Miller

*The Washington Post*, one of the few papers that can still afford to do investigative reporting, which is very expensive (in part because you have to hire so many lawyers) and very dangerous, tried looking at the issue Judge Posner raised about whether the government is classifying more, how many people have top security clearances, and how many documents are classified. After two years of work, *The Post* could not come up with a figure on how much our country was spending to protect national security. It did find, however, that more than a million people in this country have top security clearances, and they are the ones who do much of the classifying. I think this is a huge problem, and I agree with Richard that it does not have an obvious solution.

### Gabriel Schoenfeld

There is a bit of conventional wisdom setting in here about overclassification, and while I agree that it is rampant, we should not be taking the mushrooming numbers at face value. After 9/11, it became clear that we had to impose secrecy on whole sets of categories that we never considered before, largely regarding technical characteristics of objects, such as bridges, buildings, and other civilian structures that we want to protect. For all the bureaucratic pressures that Judith and Judge Posner mentioned, I also agree with Judge Posner: this is not a solvable problem. Our search for balance must look in another direction.

## Richard Posner

You are saying that before 9/11, bridges were about to fall down, and maybe we knew about it; but now all knowledge about decrepit infrastructure is classified? It sounds like a joke: all of a sudden, someone who asks about the tunnels under the Hudson River is told that the information is classified because of vulnerabilities. If I want to attack, I'll attack one of these classified civilian structures. This is an absurd world.

## Geoffrey Stone

The idea that this is an insoluble problem is not helpful. There is a solution; whether it is a good one or a bad one is the problem. If we do nothing, the solution will be wild overclassification, arbitrary prosecutions of individuals who have embarrassed the administration, punishment of whistleblowers, and imprisonment of reporters, whenever it is convenient for any particular administration to do so. If that is not an acceptable solution, we must find a better one.

## Question

What kinds of carrots and sticks could bring the amount of material that is classified down to a reasonable, workable level? What can we do to change things?

## Gabriel Schoenfeld

A number of reforms have been advanced, such as limiting the number of people who have access to the classification stamp and making them write explanations of why they are classifying particular pieces of information. These strategies have all been tried over the years, but bureaucracy has a way of overcoming everything and finding new ways to get around these procedures because there are many incentives to classify information. If you get something wrong, you make it public, and it's embarrassing – there goes your job, your promotion, your benefits. Or if people get killed, it's even worse.

## Question

Do you think it is WikiLeaks's responsibility to control what they publish?

## Judith Miller

Yes, I do, which is one reason why I am very unhappy with what Julian Assange has done. I have interviewed embassy people and worked with many of the dissidents whose identities were compromised by what he has done, especially the last tranche of disclosures that were published without any vetting. That is irresponsible journalism, but do I think that he should be punished under the Espionage Act for it? No, I don't. I think responsible news organizations should refrain from using information that would compromise the safety of dissidents and other people whom we should protect.

## Richard Posner

What if they are irresponsible? Then there is no sanction, on your view.

## Judith Miller

Then don't buy their papers, don't advertise in their journals, or shut them down. WikiLeaks has been shut down, and Julian Assange is facing other criminal proceedings in Sweden. We have solved that problem for the moment, but there will eventually be another Julian Assange, another WikiLeaks. Each news organization will have to make a judgment about what it feels is responsible reporting. That is the way the system works.

## Question

What are the panelists' views on the recent spate of state laws that are criminalizing the videotaping and recording of law enforcement officials in public as well as prohibiting publication of such footage, when, in fact, officers are able to videotape us and do what they want with it?

## Judith Miller

We have three thousand cameras in lower Manhattan alone, so you can no longer assume that when you walk through the streets of New York, you are not being photographed, surveilled, or monitored. I do not like these new laws. If we are living in a surveillance society, surveillance has to work both ways, and the media should be the people's advocate and get information out. ■

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To view or listen to the presentations, visit <http://www.amacad.org/events/WikiLeaks>.



# The Future of the American Military

The place of the military in the public consciousness has changed dramatically over time. In a Gallup poll from 2011 that measured the public's confidence in sixteen major institutions, the military ranked higher than any other institution, with 78 percent of respondents stating their respect for and confidence in the armed forces. On December 7, 2011 – the seventieth anniversary of the attack on Pearl Harbor – the Academy convened a panel of scholars at Stanford University to discuss the military and international relations. The following is an edited transcript of the discussion, which served as the Academy's 1979th Stated Meeting.



## John L. Hennessy

*John L. Hennessy is President of Stanford University. He has been a Fellow of the American Academy since 1995, and serves as a member of the Academy's Commission on the Humanities and Social Sciences.*

### Introduction

Pearl Harbor Day is a sad but highly appropriate day for the topic of this panel. It is a day reminding us that there are times and circumstances when the nation's very existence depends on its national defense and on the willingness of members of the armed forces to stand in harm's way to defend our country. That fateful day led the United States into a war that touched the lives of every American. I certainly remember my parents talking about what life was like dur-

is one of the university's best-known professors. He has a long history of writing on military topics, beginning thirty years ago with his book *Over Here: The First World War and American Society* and including his Pulitzer Prize-winning book, *Freedom from Fear*. He is a Fellow of the American Academy.

I first became aware of David's writing on this topic during a talk he gave at Stanford. In his remarks, he pointed out that only 2.6 percent of the enlisted personnel in the

**Pearl Harbor Day reminds us that there are times and circumstances when the nation's very existence depends on its national defense and on the willingness of members of the armed forces to stand in harm's way to defend our country.**

ing that war. It called on every family to make a sacrifice, and while there have been other wars and battles in the interim, we are indeed fortunate that we have never had to face a situation as demanding and as traumatizing as the one we faced seventy years ago today.

Our distinguished panel, whose expertise ranges from military experience to history, will discuss the changing relationship between the military and civilian society. David Kennedy, the Donald J. McLachlan Professor of History, Emeritus, at Stanford,

armed forces at that time had a college education, compared to 32 percent of all men in the general population of the same age cohort. He also noted that of 535 members of Congress and the Senate, just ten had children serving in the military. With David's views in mind, in Spring 2011 I asked him, together with our second panelist, Secretary William Perry, to make the opening presentation to our faculty senate as we reconsidered whether to reestablish the ROTC program at Stanford.

Secretary Perry is well known for his contributions to government, having served in the Department of Defense in a number of roles, culminating with his leadership as Secretary of Defense. Long before that, he was an engineer, an entrepreneur, a member of the Stanford faculty, and an Academy Fellow. Following his government service, he returned to Stanford as the Michael and Barbara Berberian Professor, Codirector of the Preventive Defense Project, and Senior Fellow in the Freeman Spogli Institute for International Studies.

Our third panelist, James Sheehan, is the Dickason Professor in the Humanities and Professor of Modern European History, Emeritus, at Stanford. He is a Fellow of the American Academy and a Guggenheim Fellow. Recognized for his many contributions to history, he will bring a different viewpoint to the panel.

Our final panelist, Karl Eikenberry, served thirty-five years in the U.S. Army, culminating his career as lieutenant general and receiving numerous decorations for his service to our country. He served as the U.S. Ambassador to Afghanistan and is currently the Payne Distinguished Lecturer at Stanford's Freeman Spogli Institute.



### David M. Kennedy

*David M. Kennedy is the Donald J. McLachlan Professor of History, Emeritus, at Stanford University. He has been a Fellow of the American Academy since 1996 and is the guest editor of the Dædalus issue on "The Modern American Military" (2011).*

#### Presentation

The discussion this evening is principally occasioned by the Summer 2011 issue of *Dædalus*, which I edited, on "The Modern American Military." This volume has two aims: first, to examine what the U.S. military does today, and second, to look at who does it, why they do it, and how they do it. I chose as an epigraph for the volume a maxim from Cicero: "Arms are of little value in the field unless there is wise counsel at home." That maxim served to focus the issue on a theme that runs through all the volume's essays, and it will be prominent in our discussion, of the critical importance of the

relationship between military institutions and civil society.

The importance of that relationship was driven home to me in a vivid way during a visit to an ROTC encampment at Fort Lewis, Washington, in Summer 2008. I was a witness for about a week at Warrior Forge, a five-week course in leadership training that Army ROTC cadets complete between their junior and senior years. Many times over the course of that week, various officers who were running the program asked me a version of the following question: "How can it be that the Army is at war but the nation is not?" That question put into sharp focus the issues that concern us this evening.

More recently, in his graduation address at West Point in May 2011, then-Chairman of the Joint Chiefs of Staff Admiral Michael Mullen gave a more comprehensive description of the issue:

There isn't a town or city I visit, where people do not convey to me their great pride in what we do. Even those who do not support the wars support the troops. But I fear they do not know us. I fear they do not comprehend the full weight of the burden we carry or the price we pay when we return from battle. This is important, because a people uninformed about what they are asking the military to endure is a people inevitably unable to fully grasp the scope of the responsibilities our Constitution levies upon them. Were we more representative of the population, were more American families touched by military service, perhaps a more advantageous familiarity would ensue. But we are a small force, rightly volunteers, and less than 1 percent of the population, scattered about the country due to base closings and frequent and lengthy deployments. We are also fairly insular, speaking our own language of sorts, living within our own unique culture.

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**Today's force is not your father's force, and it is certainly not your grandfather's force. First, it is voluntary, and has been so since 1973. It is also exceptionally small by historical standards and relatively inexpensive, although this is a point of some controversy.**

And this is not a purely academic matter. *Time* magazine featured a cover story called "An Army Apart," by Mark Thompson, on November 21, 2011. A month earlier, on October 5, the Pew Research Center released a survey data report entitled *War and Sacrifice in the Post-9/11 Era*.

The *Dædalus* volume begins with an overview of national security doctrine and perceived needs, both how they have changed and how they are likely to be adapted to changing circumstances in the future. The volume discusses strategic and tactical doctrines. It has much to say about force configuration and composition, the demography of the force, as well as the lived, actual experience of people in service, both in the battle space and when soldiers return to civil society.

One of the premises of the volume – and of our discussion this evening – is that today's force is not your father's force, and it is certainly not your grandfather's force. First, it is voluntary, and has been so since 1973. It is also exceptionally small by historical standards: about 0.5 percent of the American population serves in uniform today; in the World War II era, well over 10 percent of the entire U.S. population – sixteen million people – served. Our current force is also relatively inexpensive, although this is a point of some controversy. The Department of Defense budget consumes about 5 percent of GDP. At the height of World War II, the armed forces accounted for 40 percent of GDP, and at the height of the Cold War, about 8 to 10 percent of GDP.

By historical standards, our force is not only small in terms of the population, but in the context of our \$14 trillion economy, it is also relatively inexpensive.

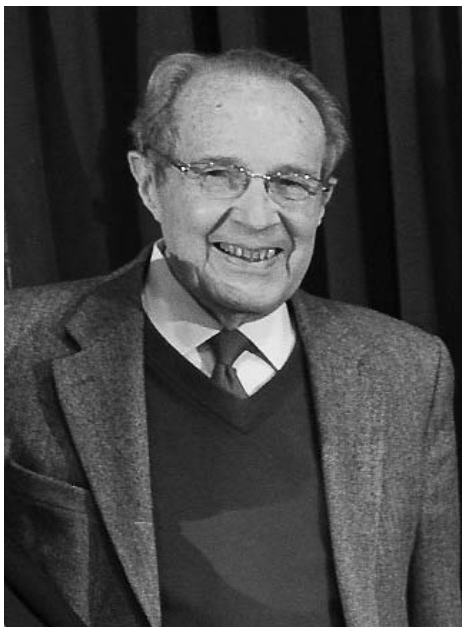
The Pew data reveal how different the force is, in terms of composition and the experience of service, from our forebears' military. For example, according to self-reported data in the survey, 44 percent – nearly half – of veterans returning from the Afghanistan and Iraq theaters report that they have had difficulty readjusting to civilian life. For people who served before 9/11, only 25 percent reported difficulty readjusting to civilian life. Thirty-seven percent of post-9/11 servicepeople self-report post-traumatic stress disorder (PTSD); only 16 percent of pre-9/11 servicepeople self-reported PTSD. In terms of political views, 36 percent of the enlisted ranks and 60 percent of the officer corps are registered Republicans, as opposed to 23 percent in the population at large.

Because the force is all-volunteer, it is an unrepresentative force. African Americans, for example, make up less than 13 percent of people in the eighteen- to forty-four-year-old labor force cohort, but they make up nearly 20 percent of the enlisted ranks in the U.S. military. Hispanics, on the other hand, account for about 17 percent of that labor force cohort but less than 13 percent of the U.S. military. Women make up 51 percent of the eighteen- to forty-four-year-old group but 14 percent of the military. So the demography of the military force does not map precisely onto the demographic profile of society at large.

I mentioned that the force is small, but the official size understates the number of people who are committed to its mission. As Ambassador Eikenberry will discuss, at the height of the Iraq and Afghanistan conflicts, more than half of the U.S. personnel on the ground were not in uniform but were contractors, which raises all kinds of questions about the command-and-control structure and accountability.

I will close by quoting an early member of the American Academy. In 1783, George Washington said, "It may be laid down as a primary position, and the basis of our system, that every Citizen who enjoys the protection of a Free Government owes not only a proportion of his property but even of his personal services to the defense of it." That is not the system we have today.

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## William J. Perry

*William J. Perry is the Michael and Barbara Berberian Professor at Stanford University, where he is also Codirector of the Preventive Defense Project and Senior Fellow at the Freeman Spogli Institute for International Studies. At the U.S. Department of Defense, he served as Secretary of Defense, Deputy Secretary of Defense, and Under Secretary of Defense for Research and Engineering. He has been a Fellow of the American Academy since 1989.*

### Presentation

I will discuss how U.S. military strategy and policy are derived from the perceived threats to our nation, and I will begin by providing some historical perspective. In World War II, we believed that we faced a truly existential threat from the formidable military machines in Japan and Germany. Although today we think of ourselves as a technology-oriented nation, in World War II, our strategy was to overwhelm enemy forces with numbers – not technology. To that end, a

military of a few hundred thousand before the war grew to an impressive sixteen million, as David said. Our defense industry went from building a few dozen aircraft a year to building one hundred thousand military aircraft in the peak year of 1944. That amazing story is detailed in David's brilliant book *Freedom from Fear*.

In 1945, when the war was over, the United States rapidly demobilized its tremendous military force. Meanwhile, the Soviet Union maintained a large Red Army, trying to emulate what the United States had done in World War II by building up a huge defense industry. That set the stage for what came to be called the Cold War. The threat, as we saw it, was that the Soviet Union and the Peo-

At that point, Jimmy Carter was president. He agreed with Eisenhower's decision not to build up a large standing army; instead, he invoked what he called the offset strategy: we would maintain parity in our nuclear weapons, but we would transform our conventional forces not in quantity, but in quality.

At the time, I was the Under Secretary of Defense for Research and Engineering, and my job was to try to implement that strategy. We developed stealth technology, smart weapons, smart command-and-control information, including GPS, and what came to be called ARPANET (the Advanced Research Projects Agency Network). That strategy prevailed in the United States until the end of the Cold War. It became fully op-

**How should we transform the U.S. military to operate effectively in light of the modern threats we face? In terms of Cold War–era nuclear weapons, the major threat is not an attack from the Soviet Union, which no longer even exists, but proliferation, terrorism, and the danger of a regional nuclear war being started.**

ple's Republic of China would come to dominate Europe and Asia. Now, as the aphorism goes, the generals always fight the last war – and that turned out to be true of the Soviet Union. Stalin was preparing to fight the last war, and he prepared his military accordingly.

The United States, based on a decision by President Eisenhower, did not prepare to fight the last war. General Eisenhower believed that sustaining a large standing army would devastate our economy. He evolved a strategy to maintain a small army (about one-third the size of the Red Army) and to offset the size differential with nuclear superiority. That strategy indeed worked for the first half of the Cold War. But by the mid-1970s, the Soviet Union had achieved nuclear parity, and their three-to-one advantage in conventional forces seemed unacceptable.

eration before the Cold War ended and was demonstrated, during Operation Desert Storm, to be remarkably effective. We defeated not the Red Army, but what could be considered a surrogate for the Red Army, because the Iraqi Army was equipped entirely with Soviet equipment – and with quite modern equipment, I would add.

The third era, and the one we are in now, is called – for want of a better name – the post-Cold War era. The new threats that emerged were instability, failed states, potential for regional wars, nuclear proliferation, and the potential for catastrophic terrorism. Now, we don't believe in fighting the last war, but we inherited the military we built up for the Cold War to deal with these new challenges. So the reasonable question to ask is: how did a military designed for the Cold War adapt to these new threats? In the

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first Iraq War (that is, Desert Storm), it adapted very well; this is not surprising because the army we faced had many of the characteristics of the Red Army that our military was designed to fight.

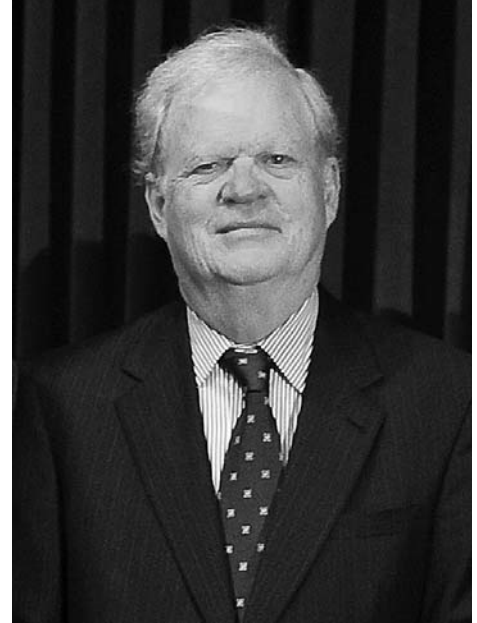
But in the second Iraq War and the War in Afghanistan, the situation was very different. Although we defeated the Iraqi Army and the Taliban in just a few weeks, our army was not well configured or equipped to fight the insurgency phase that followed. Our foes did not oblige us by fighting the way we wanted them to fight. They used asymmetric techniques and insurgency warfare, improvised explosive devices, and terrorism. As a consequence, the Iraq War, which was originally advertised as lasting a month or two and costing less than \$15 billion, continued for seven years, at a cost of well over \$7 trillion and with casualties totaling more than four thousand U.S. soldiers and hundreds of thousands of civilians. In Afghanistan, we have waged war for almost ten years and counting, which is adding up to a very substantial cost in casualties as well. The U.S. military was not designed to confront asymmetric tactics and is still trying to learn how to deal with those kinds of threats. In the area of domestic terrorism, the U.S. military simply is not used in defending against that particular threat to the country.

The question, then, is: how should we transform the U.S. military to operate effectively in light of the modern threats we face? In terms of Cold War-era nuclear weapons, the major threat is not an attack from the Soviet Union, which no longer even exists, but proliferation, terrorism, and the danger of a regional nuclear war being started. Our strategy for dealing with those threats is to maintain our deterrence at a much lower level of nuclear weapons, protect bombs and fissile material so that terrorists won't get them, and increase our efforts to halt proliferation – efforts that have not been very successful. The deterrence aspect of this mission is essentially unilateral, but the others require multilateral cooperation.

The problem we face today is very different from that of the Cold War. In the conventional forces, our strategy has been to use our naval forces to protect the sea lanes, especially the Pacific and the Mideast; to use our Air Force in overseas operations, primarily through vehicles piloted remotely from U.S. bases; and to decrease the size of our infantry and armored forces while increasing our special operations forces and Marines. Through all these changes, we expect to maintain high quality and readiness. And with this smaller, all-volunteer military, the decoupling of military and civilian society that David described will become even more stark.

How should we contend with this decoupling? I would suggest placing a greater emphasis on the Reserves, the National Guard, and the ROTC as well as maintaining the GI Bill. David pointed out that only a small percentage of our GIs have college educations. When I was Secretary of Defense, I visited most of our bases, and at each visit I asked the question: why did you join the Army, the Navy, or the Air Force? More than half the time, the answer was, "I wanted to go to college and I couldn't afford it, so I joined for the GI Bill." Many of those who joined the military for that reason have now finished their service and are attending a college or university. My own grandson, for example, who went into the Marines right out of high school and served three tours in Iraq, is now a student at Stanford. And there are many other specific examples of citizens benefiting by serving their country in the military and then returning to civilian life. The general policy conclusion I draw is that our nation would be well served by placing greater emphasis on the citizen-soldier component of our military. Doing so will be a win for the citizen-soldier, a win for the military, and ultimately a win for the nation.

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## James J. Sheehan

*James J. Sheehan is the Dickason Professor in the Humanities and Professor of Modern European History, Emeritus, at Stanford University. He has been a Fellow of the American Academy since 1992.*

### Presentation

I will offer both a chronological and a geographical context for the American case. American historians, particularly my friend and colleague David Kennedy, are much exercised by the notion of American exceptionalism. Indeed, the problems that we face are exceptional, but to understand those challenges, we have to look at the rest of the world.

I want to frame my remarks with a famous 1937 article entitled "The Garrison State," by American political scientist Harold Lasswell. For Lasswell, garrison states were states in which the specialists in violence, especially the military, played a predominant role. Civilian states were states in which businessmen, specialists in what Lasswell

called bargaining, established institutional priorities. The two models were on either side of an old debate in European social and political thought about the direction of modern societies. In 1937, and even more so in 1941 when Lasswell republished the article, the specialists in violence appeared to be winning virtually everywhere: garrison states, driven by the imperatives of World War II, were being established throughout the world. But after 1945, the balance slowly,

**It is striking how little concern there is for military matters—indeed, for war—in the American public. The remarkable feature of the ten-year war we have been fighting in the Middle East is how little political resonance it has had.**

gradually, but inexorably tipped toward the civilians, particularly in Europe, the part of the world that for centuries had been the center of military activity with global consequences.

Beginning in the 1960s, the specialists in violence – the military – were marginalized in virtually every Western European state. Military budgets shrank. The number of soldiers conscripted decreased, and although conscription remained, it became a less effective way of raising military forces, a consequence that no one seemed particularly worried about. In the years after the 1960s and 1970s, these civilian values and institutions spread out of Western Europe, first into the periphery of Europe – Spain, Portugal, and Greece – and then into Eastern Europe. When the Soviet Union fell in 1989, Eastern European states also took on civilian values and institutions. In Europe and elsewhere in the world, including Japan, for example, the civilian values of bargaining and commerce now predominate.

There are, to be sure, still garrison states. North Korea is an archetypal garrison state, and there are others as well. But while these states are still dangerous to their own popu-

lation and to their neighbors, they are increasingly isolated in the global scene.

What about the United States? One of the reasons why Lasswell's argument has had such a long shelf life – and is still one of the most influential articles of the twentieth century – is that Americans have traditionally feared the shadow of a garrison state. This was, after all, the substance of Dwight Eisenhower's famous farewell address, in which he warned about the rise of the mili-

tary-industrial complex. There is a shelf of books published in the last few years that talk about the new militarism – the new way in which Americans are in danger of falling victim to the garrison mentality. The historian Andrew Bacevich of Boston University is the most eloquent and insistent advocate of this position. And there is considerable evidence to back up these kinds of anxieties. While the United States spends a relatively small amount of its budget on military institutions, compared to most of the rest of the world that investment is still substantial. The United States has an archipelago of bases. It has a fleet that is able to project power on a global scale. No other country matches the U.S. military in its extent, its ambitions, its aspirations.

And yet it seems to me that we should not overestimate the danger of an American garrison state. It is striking how little concern there is for military matters – indeed, for war – in the American public. The remarkable feature of the ten-year war we have been fighting in the Middle East is how little political resonance it has had. Where are the Iraq War movies? Where are the protests, for and against? Those of us who grew up in

the Vietnam era are often struck by the way this war, now more than a decade old, has had so little impact on American political culture.

This disconnect brings us directly back to the subject of the *Dædalus* volume and today's panel. The war has had so little resonance because, for most Americans, it has not seemed to cost anything. The Army is small. One of the interesting sets of data in the Pew survey that David mentioned is the degree to which the U.S. Army is becoming more like the British Army – that is, an army of families, in which soldiers are apt to have parents (traditionally fathers, but recently, both fathers and mothers) as well as siblings who are soldiers. In other words, the Army is becoming not only smaller, not only less a part of Americans' experience, but also more insular.

To use Lasswell's terms, the American case is exceptional because the United States is a civilian society that wants to have a powerful military. It wants – rightly, in my judgment – to be able to project global power. And that takes us to the questions that animate the *Dædalus* volume and that I think ought to concern all of us. These are questions about the impact on the military itself of making enormous sacrifices for a society that in many ways is not deeply engaged with those who serve and that does not understand them. These are questions for all of us, about the deep moral and political problems in a democracy that imposes a burden on a relatively small, isolated sector of the population. These are political problems, they are institutional problems, they are moral problems, and they are, it seems to me, problems that have no easy solution. But it is essential that we confront them.

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## Karl W. Eikenberry

*Karl W. Eikenberry is the Payne Distinguished Lecturer at the Freeman Spogli Institute for International Studies at Stanford University. Previously, he served as the U.S. Ambassador to Afghanistan. He served in the United States Army for thirty-five years, retiring in 2009 with the rank of Lieutenant General.*

### Presentation

In advance of my remarks, I would like to say that the Summer 2011 issue of *Daedalus* is the most provocative and informative volume on the U.S. military that I have read in thirty-eight years of military and government service. I commend it to all of you. In fact, I'm going to send a note to our Chairman of the Joint Chiefs of Staff, General Marty Dempsey, and ask that he consider making it mandatory reading for our officer corps.

I would like to make three points. First, I will talk about the risk of our armed forces becoming alienated from greater society. Second, I will address the threat to our na-

tion's security and to our military that comes with our declining economic and fiscal standing in the world today. Third, I will make a plea for our civilian leadership to better conceptualize our national security strategy in the years ahead, and to give more thought to the direction of major military operations prior to engagement.

With regard to the potential decoupling of military and civilian society, I would also commend to you the *Time* magazine article by Mark Thompson that Professor Kennedy mentioned. Most attempts to examine the decoupling of the American military from our society trace the problem back to 1973

## **Beyond the military implications of our weakening economy and compromised fiscal strength is a broader question: what does our changing status mean in terms of our ability to deliver a comprehensive national security strategy?**

and the beginning of the all-volunteer force. (I'm embarrassed to say that my military career spans the draft army and the all-volunteer force; I was a cadet at West Point in 1969.) Let me make clear that at that time, we had an ill-disciplined draft army. It was plagued by racial problems; it was ridden with drugs. In 1971, I went to serve as an acting platoon leader for the 25th Infantry Division, based in Schofield Barracks, Hawaii, and which had recently returned from Vietnam. On a Saturday, I had the responsibility of serving as staff duty officer, who checked on the troops in the barracks and made sure good order and discipline were being maintained. As I was getting ready to go on duty, I was told, "You will carry this sidearm, and you will have live ammunition with you, because when you walk through the barracks on Saturday night, you don't know what to expect." My point is, be careful about romanticizing the draft army.

On the other hand, what are the consequences of having a no-draft, all-volunteer

force? The political constraint on our government during the Vietnam War, for example, came in part from our use of a draft army to fight an unpopular war. Would we have invaded Iraq with a draft army? Would we have one hundred thousand American troops in Afghanistan, ten years after 9/11, if we had a draft army? If your answer to those questions is "certainly not," then you have to ask: is there something wrong with the republic right now? This is a fundamental question of democratic values and accountability, and I think that there is something wrong. We have a Congress that has not been very clear over many decades about how it exercises its

function to declare war, and generally has not exercised that prerogative since World War II.

What do we do about the system we now have? Well, we could return to the draft. In his confirmation hearing at the U.S. Senate this summer, General Dempsey said, and I agree, that a return to the draft would certainly come at a huge cost to the readiness of our armed forces and, politically, is probably a nonstarter. So how do we proceed? Dr. Perry had some very good insights; I hope the issue will be discussed further.

My second point relates to the impact of our declining economic standing on the armed forces and on our comprehensive security strategy. First, the American way of war is materially and technologically intensive. The American military dominates battlefields and theaters of war with its savvy use of high-quality material and technological resources. American creative genius permits us to take all this sophisticated equipment and employ it in clever ways. Over the

last two centuries, our military has relied heavily on material and technology, and I believe that our armed forces will be even more dependent in the years ahead. How do we ensure that our defense base, our related civilian-industrial base, and our technological base remain superior to those of our potential contenders? The *Daedalus* volume includes a very good article about the potential vulnerability that our military faces when peer competitors – or just clever competitors – figure out how to deny us the tremendous advantage that we now enjoy in terms of precision strike, the related ISR (intelligence, surveillance, reconnaissance) system, and command and control.

But beyond the military implications of our weakening economy and compromised fiscal strength is a broader question: what does our changing status mean in terms of our ability to deliver a comprehensive national security strategy? On a recent trip that my wife and I made to Australia to meet with current and previous leaders of that nation, I heard for the first time the term “half a superpower” used in reference to the United States – to us, unrivaled and unmatched in terms of defense capabilities but without corresponding economic power. They talked about how their trade patterns were changing dramatically to focus on China, East Asia, Southeast Asia, and South Asia. A pundit wrote recently that power follows the flow of money, and right now, there are a lot of dollars flowing out of the United States. At what point do others, as Australia has done, decide it’s time to at least reconsider their security ties? Eisenhower, who has been mentioned several times here tonight, once wrote that there is no defense for any country that busts its own economy. I think that is a good note of advice.

Third, I would like to emphasize the need for the civilian leadership to better articulate our national security strategy and provide more coherent guidance on its implementation. I do not believe that this will happen in

the course of the 2012 presidential campaign. As Jim pointed out, U.S. military strategy is simply not on the radarscope of the American people. In Iowa yesterday, in preparation for the caucus there, Republicans were asked the question, “What’s important to you?” Zero percent – that is, no one – listed national security or international security as important. It will likely fall to the next administration – Obama II or a Republican administration – to redefine, if they wish, our national security strategy in light of the last ten years and the war on terror.

Our civilian leaders must be more thoughtful about our major military operations. Our military wages military campaigns; our civilian leadership is responsible for directing and providing guidance. We have heard quotes from George Washington; I will go back a couple of centuries earlier to the famous Chinese military strategist Li Ch’üan, who wrote in a comment to Sun Tzu’s *The Art of War*, “War is a grave matter. One is apprehensive lest men embark upon it without due reflections.” I listen to the candidates on the campaign trail respond to the question, “What would you do in Afghanistan?” Generally, the answer is, “I would listen to my generals and give them what they want.” I am worried by answers like that.

### Discussion

#### John Hennessy

Historically, all of America’s significant armed conflicts – the Civil War, World War I, World War II, Vietnam – were followed by substantial demobilization. We did not keep a large-scale force in place. We dismantled virtually the entire military apparatus, and then we had to rebuild it later as successive threats presented themselves. The cultural and political stage seems to be set for something comparable to happen now. If someone were to ask, why do we have an armed force at all, and in particular, why do we have armed forces on their current scale and with this globe-girdling mission assigned to them, what rationale can the civilian leadership offer to the American people for sustaining, if not precisely the military we have today, then at least an establishment that will be commensurate with threats going forward?

#### William Perry

I am in favor of maintaining a smaller military than we have today, but whatever the size of the military, it ought to be highly ready, highly trained, very capable, and well equipped. In other words, I think we can maintain the best military in the world with a smaller military. In the past, the problem has been that as budgets shrink, we make the wrong trade-offs; we choose not to keep people in the force with readiness, with training, with education. I think that is a huge mistake. I don’t think we will make that mistake this time, but we will have to be careful.

#### James Sheehan

I think the pressure on the American presidency will come from Europe. It is remarkable that NATO has survived as long as it has, and as budget cuts come into play, there will be enormous pressure to reduce



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## **Our military forces are asking, what roles and missions will be expected of them in the decades ahead, and at what scale will they be expected to operate? They will need answers to those questions from our civilian leaders.**

NATO's infrastructure. There is some room to do so. However, NATO plays a valuable political role: it is a forum for political and military relationships that draw together not simply traditional partners, but partners such as Greece and Turkey that might not ordinarily be part of the same political structure. One of the reasons NATO has survived is that it has had a stabilizing influence on Europe as a whole, and dismantling that would be a grave mistake.

### **Karl Eikenberry**

The famous military historian Michael Howard once said that one of the challenges for a military and a national security establishment is never knowing exactly what the future of warfare will look like, never knowing where forces will be called on to fight, and – during times of peace – avoiding getting things too wrong. Along with Dr. Perry, I believe in keeping our National Guard and Reserve vibrant and strong. These institutions can play an important role in ensuring that American society remains connected to its military. As I mentioned, maintaining the defense industrial base is necessary as well, and I think its importance can be explained to the American people. Part of avoiding getting it wrong also goes back to something that former Secretary of Defense Robert Gates said about six months ago, not long before he left office. He remarked that anyone who commits again to a large land war in Asia should have his head examined.

Our military forces are asking, what roles and missions will be expected of them in the decades ahead, and at what scale will they be expected to operate? They will need answers to those questions from our civilian leaders.

### **Questions from the Audience**

#### **Question**

For a long period of time, there was a strong coupling between the people in the military and warfare. Around 1997, our Secretary of Defense Bill Perry ordered the Defense Advanced Research Projects Agency to put the only two Predators that it had into the Bosnian theater, where they began to demonstrate their capability, and now we have thousands of them. We are at the birth of the robotic era of warfare, which will decouple the military people themselves from warfare. How will that affect the future of warfare?

#### **William Perry**

I think that the future of the Air Force will likely revolve around not manned airplanes but remotely piloted vehicles, which employ much the same technology as the robotic vehicles you mentioned. I do think that is very important, and it is being pursued by the military.

#### **Question**

Given the fact that the military may become smaller, and that some of the demands it will face will require very high levels of skill, how can we possibly avoid the decoupling of that small, highly-skilled military from the larger civilian society?

#### **David Kennedy**

My own view, which aligns with Bill Perry's sense that we will have a smaller military going forward, confirms exactly that prospect. However, one counterthought is, to the extent that future missions include tasks such as peacekeeping, counterinsurgency, and nation-building, we may need a force that is configured entirely differently, that specializes not in the application of coercive force but in other kinds of missions and objectives. That may well be a larger force. It would not look like a traditional military, and it would have a different kind of mission.

#### **William Perry**

For many decades, we have designed an active-duty force lacking in certain capabilities needed for both fighting and peacekeeping operations. Indeed, when we launched operations in Iraq, we had to call on a substantial number of Reserve and National Guard members because we had built them into the structure of the force. As we move toward an even smaller army, the key will be delegating some of the activities in those kinds of operations to the National Guard and Reserve. As an additional benefit, having to call on the civilian part of the population to carry out a war would encourage some inhibition.

### Question

The elephant in the room is Iran and its relationship with Israel. I have talked to quite a few people in Washington who have said there is a good chance that Israel will attack Iran at some point. What kind of military would it take to deal with that problem?

### William Perry

All the senior Israeli military and political figures that I have talked with have said that they will not permit Iran to acquire a nuclear weapon because they fear it would pose an existential threat to their nation – and with some reason, based on the statements of the Iranian president. Therefore, it is imperative that the United States, Europe, and Russia take this problem more seriously and work harder to try to keep that from happening. The unintended consequences of an Israeli attack on Iran, even if it succeeds in destroying Iran's nuclear weapons capability, would be very bad.

### Question

With regard to the contracted personnel who are using weapons, can the panelists describe the contracted force in demographic terms? Second, what is the fate of a country that outsources so much of its own protection to a non-state agency? Is it only our international reputation that gets diminished, or is it dangerous to our future as a democracy?

### Karl Eikenberry

The reliance on contractors, which began in the Balkans with more limited interventions and grew exponentially in Afghanistan and Iraq, is disgraceful. More than one hundred thousand contractors serve with the Department of Defense and our military inside Afghanistan. We have improved over time the rules of accountability for them, but this is still not adequate. So, yes, we have a lot of contractors running around Afghanistan with weapons. At the same time that we are lecturing Afghans on the rule of law and accountability, telling their soldiers that they have a monopoly on the use of force in their society, telling them to use it wisely to defend their people, we are bringing in one hundred thousand contractors. Not all of them, but many of them, are armed. It is a very severe problem.

There is a second challenge that hides the cost of the conflict. In year ten of Afghanistan, we have one hundred thousand soldiers; but when we include contractors, that number rises to about two hundred thousand personnel serving for the Department of Defense – and we hide that. It is not helpful for the republic when we go to extraordinary lengths to avoid having a frank conversation with the American people, in which we lay out the true cost of the conflict. ■

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To view or listen to the presentations, visit <http://www.amacad.org/events/AmericanMilitary>.

# Remembrance

*It is with sadness that the Academy notes the passing of the following members.\**

**James Richard Arnold** – January 6, 2012; elected to the Academy in 1969

**Mary Ellen Avery** – December 4, 2012; elected to the Academy in 1973

**M. Salah Baouendi** – December 24, 2011; elected to the Academy in 2005

**Howard Alan Bern** – January 3, 2012; elected to the Academy in 1985

**Paul Samuel Boyer** – March 17, 2012; elected to the Academy in 1997

**Roy John Britten** – January 21, 2012; elected to the Academy in 1986

**John Angus Chamberlain** – December 21, 2011; elected to the Academy in 2000

**Roderick Keener Clayton** – October 23, 2011; elected to the Academy in 1971

**Dale Raymond Corson** – April 1, 2012; elected to the Academy in 1969

**Zelman Cowen** – December 8, 2011; elected to the Academy in 1965

**James Franklin Crow** – January 3, 2012; elected to the Academy in 1966

**Ruth Margaret Davis** – March 28, 2012; elected to the Academy in 1990

**Paul Mead Doty** – December 5, 2011; elected to the Academy in 1951

**Renato Dulbecco** – February 19, 2012; elected to the Academy in 1965

**Gunnar Carl Michael Fant** – June 6, 2009; elected to the Academy in 1992

**Harold K. Forsen** – March 7, 2012; elected to the Academy in 2000

**Helen Frankenthaler** – December 27, 2011; elected to the Academy in 1991

**Irving John Good** – April 5, 2009; elected to the Academy in 1985

**Vaclav Havel** – December 18, 2011; elected to the Academy in 2001

**William Rede Hawthorne** – September 16, 2011; elected to the Academy in 1950

**F. Warren Hellman** – December 18, 2011; elected to the Academy in 2005

**Ira Michael Heyman** – November 19, 2011; elected to the Academy in 1995

**W. David Hopper** – November 22, 2011; elected to the Academy in 1976

**Ricardo Legorreta Vilchis** – December 30, 2011; elected to the Academy in 1994

**Margaret Ellerbe Mahoney** – December 22, 2011; elected to the Academy in 1988

**Bayless Andrew Manning** – July 18, 2011; elected to the Academy in 1969

**Ruth Barcan Marcus** – February 19, 2012; elected to the Academy in 1977

**Lynn Margulis** – November 22, 2011; elected to the Academy in 1998

**Manfred Mayrhofer** – October 31, 2011; elected to the Academy in 1993

**Masayasu Nomura** – November 19, 2011; elected to the Academy in 1969

**Guillermo Alberto O'Donnell** – November 29, 2011; elected to the Academy in 1995

**Lloyd John Old** – November 28, 2011; elected to the Academy in 1976

**Louis Shreve Osborne** – January 22, 2012; elected to the Academy in 1964

**Albert Warner Overhauser** – December 10, 2011; elected to the Academy in 1977

**Samuel I. Rapaport** – December 20, 2011; elected to the Academy in 2008

**Saul Roseman** – July 2, 2011; elected to the Academy in 1971

**Frank Sherwood Rowland** – March 10, 2012; elected to the Academy in 1977

**Robert J. Silbey** – October 27, 2011; elected to the Academy in 1991

**Edson White Spencer** – March 25, 2012; elected to the Academy in 1993

**Wisława Szymborska** – February 1, 2012; elected to the Academy in 2005

**Antoni Tapies** – February 6, 2012; elected to the Academy in 1992

**James Burleigh Thompson, Jr.** – November 15, 2011; elected to the Academy in 1958

**Wylie Vale** – January 3, 2012; elected to the Academy in 1997

**John Milton Ward** – December 12, 2011; elected to the Academy in 1968

**David Calvin White** – January 11, 2012; elected to the Academy in 1963

**Halbert L. White, Jr.** – March 31, 2012; elected to the Academy in 1999

**Maurice Vincent Wilkes** – November 29, 2010; elected to the Academy in 1974

**James Quinn Wilson** – March 2, 2012; elected to the Academy in 1966

**Norton David Zinder** – February 3, 2012; elected to the Academy in 1968

\*Notice received from November 12, 2011, to April 11, 2012

As of press time, several Fellows of the Academy, listed below, had been nominated or appointed to key posts in the Obama administration:

**Rebecca M. Blank** (U.S. Department of Commerce) was confirmed as Deputy Secretary of Commerce.

**Amy Gutmann** (University of Pennsylvania) was reappointed Chair of the Presidential Commission for the Study of Bioethical Issues.

**James W. Wagner** (Emory University) was reappointed Vice Chair of the Presidential Commission for the Study of Bioethical Issues.

### Select Prizes and Awards

#### National Humanities Medal, 2011

**Kwame Anthony Appiah** (Princeton University)

**John Ashbery** (Bard College)

**Robert Darnton** (Harvard University)

**Andrew Delbanco** (Columbia University)

**Charles Rosen** (New York, New York)

**Amartya Sen** (Harvard University)

#### Academy Fellows awarded 2012 Guggenheim Fellowships

**John Aldrich** (Duke University)

**John Carlson** (Yale University)

**James N. Druckman** (Northwestern University)

**Margot E. Fassler** (University of Notre Dame)

**Robert P. Kirshner** (Harvard University)

**Richard Sieburth** (New York University)

**Beth A. Simmons** (Harvard University)

**Stephen Yablo** (Massachusetts Institute of Technology)

Academy Fellows elected to the National Academy of Engineering, 2012

**Mary C. Boyce** (Massachusetts Institute of Technology)

**Tobin J. Marks** (Northwestern University)

**David E. Shaw** (D.E. Shaw Research)

**Samuel I. Stupp** (Northwestern University)

**Michael S. Waterman** (University of Southern California)

### Other Awards

**Madeleine K. Albright** (Washington, DC) received a 2012 Common Wealth Award of Distinguished Service.

**Cornelia I. Bargmann** (The Rockefeller University) is the recipient of the Dart/NYU Biotechnology Achievement Award in Basic Biotechnology.

**Zdenek P. Bazant** (Northwestern University) is the recipient of the 2011 Maurice A. Biot Medal from the American Society of Civil Engineers.

**Robert J. Birgeneau** (University of California, Berkeley) is the recipient of the 2012 Clifford G. Shull Prize, given by the Neutron Scattering Society of America.

**Elizabeth Blackburn** (University of California, San Francisco) received the 2012 American Institute of Chemists Gold Medal.

**Titia de Lange** (The Rockefeller University) has been awarded the Dr. H. P. Heineken Prize for Biochemistry and Biophysics.

**Rita Dove** (University of Virginia) is the recipient of a 2011 National Medal of Arts.

**Marye Anne Fox** (University of California, San Diego) received the 2012 Othmer Gold Medal from the Chemical Heritage Foundation.

**Elaine Fuchs** (The Rockefeller University) received the 2012 March of Dimes Prize in Developmental Biology. She shares the prize with Howard Green (Harvard Medical School).

**John Lewis Gaddis** (Yale University) received a 2012 Pulitzer Prize and a National Book Critics Circle Award for *George F. Kennan: An American Life*.

**Barbara Goldsmith** (Barbara Goldsmith Productions) was among the recipients of the 2012 Women of Achievement Award, given by the Women's Project.

**Everett Peter Greenberg** (University of Washington) is the recipient of the 2012 D.C. White Research and Mentoring Award, given by the American Society for Microbiology.

**Stephen Greenblatt** (Harvard University) won a 2012 Pulitzer Prize for *The Swerve: How the World Became Modern*.

**Jeffrey C. Hall** (University of Maine) was awarded the Canada Gairdner International Award. He shares the award with **Michael Rosbash** (Brandeis University) and **Michael W. Young** (Rockefeller University).

**Helen Hobbs** (University of Texas Southwestern Medical Center) was awarded the inaugural Antonio M. Gotto Jr. Prize in Atherosclerosis Research.

**Michael J. Hopkins** (Harvard University) is the recipient of the NAS Award in Mathematics.

**Nancy Hopkins** (Massachusetts Institute of Technology) is the 2012 recipient of the Margaret L. Kripke Legend Award for Promotion of Women in Cancer Medicine and Cancer Science, presented by The University of Texas MD Anderson Cancer Center.

**Shirley Ann Jackson** (Rensselaer Polytechnic Institute) is the recipient of the 2011 Philip Hauge Abelson Award, given by the American Association for the Advancement of Science.

**Thomas Jessell** (Columbia University) received a Canada Gairdner International Award.

**Andrew H. Knoll** (Harvard University) was awarded the Mary Clark Thompson Medal by the National Academy of Sciences.

**Eric S. Lander** (The Broad Institute) is the recipient of the Dart/NYU Biotechnology Achievement Award in Applied Biotechnology.

**Leon M. Lederman** (Illinois Mathematics and Science Academy) is the recipient of the 2012 Vannevar Bush Award, given by the National Science Board.

**Tobin J. Marks** (Northwestern University) is the recipient of the NAS Award in Chemical Sciences.

**Harry Y. McSween, Jr.** (University of Tennessee) has been awarded the J. Lawrence Smith Medal by the National Academy of Sciences.

**Jeremiah P. Ostriker** (Princeton University) has been awarded the James Craig Watson Medal by the National Academy of Sciences.

**Michael I. Posner** (University of Oregon) is the recipient of the John J. Carty Award for the Advancement of Science, given by the National Academy of Sciences.

**Robert Powell** (University of California, Berkeley) is the recipient of the NAS Award for Behavioral Research Relevant to the Prevention of Nuclear War.

**Menahem Pressler** (Indiana University) was awarded the 2012 Yehudi Menuhin Prize for the Integration of the Arts and Education.

**Jeffrey V. Ravetch** (The Rockefeller University) received a Canada Gairdner International Award.

**Daniel T. Rodgers** (Princeton University) received a 2012 Bancroft Prize for *Age of Fracture*.

**Barbara Romanowicz** (University of California, Berkeley) was awarded the Harry Fielding Reid Medal by the Seismological Society of America.

**Michael Rosbash** (Brandeis University) was awarded the Canada Gairdner International Award. He shares the award with **Jeffrey C. Hall** (University of Maine) and Michael W. Young (Rockefeller University).

**Henry F. Schaefer III** (University of Georgia) is the recipient of the 2012 SURA Distinguished Scientist Award, given by the Southeastern Universities Research Association.

**John H. Seinfeld** (California Institute of Technology) has been awarded the 2012 Tyler Prize for Environmental Achievement. He shares the award with Kirk R. Smith (University of California, Berkeley).

**Amartya Sen** (Harvard University) is the recipient of the 2012 Notre Dame Award for International Human Development and Solidarity.

**Harold T. Shapiro** (Princeton University) has been awarded the Public Welfare Medal by the National Academy of Sciences.

**Robert B. Silvers** (New York Review of Books) received the Ivan Sandrof Lifetime Achievement Award, given by the National Book Critics Circle.

**Larry R. Squire** (University of California, San Diego; VA Medical Center, San Diego) is the recipient of the NAS Award for Scientific Reviewing.

**Ezra F. Vogel** (Harvard University) won the 2012 Lionel Gelber Prize for his book, *Deng Xiaoping and the Transformation of China*.

**Bert Vogelstein** (Johns Hopkins University) was awarded the Eighth Annual AACR-Irving Weinstein Foundation Distinguished Lectureship by the American Association for Cancer Research.

**Bess B. Ward** (Princeton University) is the recipient of the 2012 Procter & Gamble Award in Applied and Environmental Microbiology, given by the American Society for Microbiology.

**Robert A. Weinberg** (Massachusetts Institute of Technology) is the recipient of the 2012 Pezcoller Foundation-AACR International Award for Cancer Research.

## New Appointments

**Brook H. Byers** (Kleiner Perkins Caufield & Byers) was elected to the Board of Trustees of Stanford University.

**Rita R. Colwell** (Canon U.S. Life Sciences, Inc.) was elected to the Board of Trustees of the Marine Biological Laboratory.

**Robert M. Groves** (U.S. Census Bureau) was appointed Executive Vice President and Provost of Georgetown University.

**Steven E. Hyman** (Harvard University) has been named Director of the Broad Institute's Stanley Center for Psychiatric Research.

**Randy H. Katz** (University of California, Berkeley) was appointed to the Board of Advisors of Contexream, Inc.

**Larry D. Kramer** (Stanford Law School) was selected to be President of The William and Flora Hewlett Foundation.

**Tak W. Mak** (University of Toronto) has joined the Board of Directors of EntreMed, Inc.

**Walter G. Massey** (School of the Art Institute of Chicago) was elected to the Board of Trustees of the Marine Biological Laboratory.

**Morton H. Meyerson** (2M Companies, Inc.) has been named to the Board of Directors of Encore Health Resources.

**James D. Plummer** (Stanford University) was appointed to the President's Council of the Franklin W. Olin College of Engineering.

**John W. Rowe** (Exelon Corporation) has been elected to the Board of Directors of the Allstate Corporation.

**Marjorie M. Scardino** (Pearson) was elected to Chair the Board of Directors of the John D. and Catherine T. MacArthur Foundation.

**Sean C. Solomon** (Carnegie Institution for Science) was named Director of Columbia University's Lamont-Doherty Earth Observatory.

**Peter K. Vogt** (Scripps Research Institute) was named Senior Vice President for Scientific Affairs at the Scripps Research Institute.

## Select Publications

### Fiction

**Nadine Gordimer** (Johannesburg, South Africa). *No Time Like the Present*. Farrar, Straus and Giroux, April 2012

**Toni Morrison** (Princeton University). *Home*. Knopf, May 2012

**John D. Steinbruner** (University of Maryland). *The Secular Monastery*. CreateSpace, September 2011

### Nonfiction

**Madeleine Albright** (Washington, DC). *Prague Winter: A Personal Story of Remembrance and War, 1937–1948*. Harper, April 2012

**Daniel Boyarin** (University of California, Berkeley). *The Jewish Gospels: The Story of the Jewish Christ*. New Press, April 2012

**Bill Bradley** (Allen & Company LLC). *We Can All Do Better*. Vanguard Press, May 2012

**Alan Brinkley** (Columbia University). *John F. Kennedy*. Times Books, May 2012

**Robert A. Caro** (New York, New York). *The Passage of Power: The Years of Lyndon Johnson*. Knopf, May 2012

**Jean-Pierre Changeux** (Institut Pasteur). *The Good, the True, and the Beautiful: A Neuronal Approach*, trans. Laurence Garey. Yale University Press, May 2012

**Bill Clinton** (William J. Clinton Foundation). *Back to Work: Why We Need Smart Government for a Strong Economy*. Knopf, November 2011

**E. J. Dionne, Jr.** (Brookings Institution). *Our Divided Political Heart: The Battle for the American Idea in an Age of Discontent*. Bloomsbury, June 2012

**Diana L. Eck** (Harvard University). *India: A Sacred Geography*. Harmony, March 2012

**Susan T. Fiske** (Princeton University) and **Hazel Rose Markus** (Stanford University), eds. *Facing Social Class: How Societal Rank Influences Interaction*. Russell Sage Foundation, April 2012

**Henry Louis Gates, Jr.** (Harvard University). *The Henry Louis Gates, Jr. Reader*. Basic Civitas Books, May 2012

**Amy Gutmann** (University of Pennsylvania) and **Dennis Thompson** (Harvard University). *The Spirit of Compromise: Why Governing Demands It and Campaigning Undermines It*. Princeton University Press, May 2012

**Eric R. Kandel** (Columbia University). *The Age of Insight: The Quest to Understand the Unconscious in Art, Mind, and Brain, from Vienna 1900 to the Present*. Random House, March 2012

**Alice Kaplan** (Yale University). *Dreaming in French: The Paris Years of Jacqueline Bouvier Kennedy, Susan Sontag, and Angela Davis*. University of Chicago Press, April 2012

**Alice Kessler-Harris** (Columbia University). *A Difficult Woman: The Challenging Life and Times of Lillian Hellman*. Bloomsbury Press, April 2012

**Laurence J. Kotlikoff** (Boston University) and Scott Burns (Asset Builder). *The Clash of Generations: Saving Ourselves, Our Kids, and Our Economy*. MIT Press, April 2012

**Bernard Lewis** (Princeton University) with Buntzie Ellis Churchill (World Affairs Council of Philadelphia). *Notes on a Century: Reflections of a Middle East Historian*. Viking, May 2012

**Tanya Luhrmann** (Stanford University). *When God Talks Back: Understanding the American Evangelical Relationship with God*. Knopf, March 2012

**Thomas E. Mann** (Brookings Institution) and **Norman J. Ornstein** (American Enterprise Institute). *It's Even Worse Than It Looks: How the American Constitutional System Collided With the New Politics of Extremism*. Basic Books, May 2012

**Hazel Rose Markus** (Stanford University) and **Susan T. Fiske** (Princeton University), eds. *Facing Social Class: How Societal Rank Influences Interaction*. Russell Sage Foundation, April 2012

**Jerry L. Mashaw** (Yale Law School). *Creating the Administrative Constitution: The Lost One Hundred Years of American Administrative Law*. Yale University Press, June 2012

**Martha C. Nussbaum** (University of Chicago). *The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age*. Belknap Press of Harvard University Press, April 2012

**Francis Oakley** (Williams College). *The Mortgage of the Past: Reshaping the Ancient Political Inheritance (1050–1300)*. Yale University Press, April 2012

**Norman J. Ornstein** (American Enterprise Institute) and **Thomas E. Mann** (Brookings Institution). *It's Even Worse Than It Looks: How the American Constitutional System Collided With the New Politics of Extremism*. Basic Books, May 2012

**Elaine Pagels** (Princeton University). *Revelations: Visions, Prophecies & Politics in the Book of Revelation*. Viking, March 2012

**Colin Powell** (Colin L. Powell Associates, LLC). *It Worked for Me: In Life and Leadership*. Harper, May 2012

**Anna Quindlen** (New York, New York). *Lots of Candles, Plenty of Cake*. Random House, April 2012

**Jennifer Ratner-Rosenhagen** (University of Wisconsin-Madison; Academy Visiting Scholar, 2005–2006). *American Nietzsche: A History of an Icon and His Ideas*. University of Chicago Press, November 2011

**Marilynne Robinson** (University of Iowa). *When I Was a Child I Read Books*. Farrar, Straus and Giroux, March 2012

**Charles Rosen** (New York, New York). *Freedom and the Arts: Essays on Music and Literature*. Harvard University Press, May 2012

**Robert J. Sampson** (Harvard University). *Great American City: Chicago and the Enduring Neighborhood Effect*. University of Chicago Press, February 2012

**Jonathan D. Sarna** (Brandeis University). *When General Grant Expelled the Jews*. Schocken, March 2012

**Dennis Thompson** (Harvard University) and **Amy Gutmann** (University of Pennsylvania). *The Spirit of Compromise: Why Governing Demands It and Campaigning Undermines It*. Princeton University Press, May 2012

**Jeremy Waldron** (New York University). "Partly Laws Common to All Mankind": *Foreign Law in American Courts*. Yale University Press, May 2012

**Garry Wills** (Northwestern University). *Font of Life: Ambrose, Augustine, and the Mystery of Baptism*. Oxford University Press, April 2012

**Edward O. Wilson** (Harvard University). *The Social Conquest of Earth*. Liveright, April 2012

**Christoph Wolff** (Harvard University). *Mozart at the Gateway to His Fortune: Serving the Emperor, 1788–1791*. W.W. Norton, May 2012

**Nicholas T. Zervas** (Harvard Medical School; Massachusetts General Hospital), ed. *Lectures on Music Form* by Dimitri Mitropoulos; translated from Greek to English. Livanis, Greece, 2011

## Exhibitions

**Richard Serra** (New York, New York): *Richard Serra Drawing: A Retrospective* at The Menil Collection, through June 10, 2012

We invite all Fellows and Foreign Honorary Members to send notices about their recent and forthcoming publications, scientific findings, exhibitions and performances, and honors and prizes to [bulletin@amacad.org](mailto:bulletin@amacad.org). ■

# AMERICAN ACADEMY OF ARTS & SCIENCES

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*Bulletin* Spring 2012  
Issued as Volume LXV, Number 3  
© 2012 by the American Academy of Arts & Sciences

*The Bulletin of the American Academy of Arts & Sciences* (ISSN 0002-712X) is published quarterly by the American Academy of Arts & Sciences, 136 Irving Street, Cambridge, MA 02138. Periodicals rate postage paid at Boston, MA, and at additional mailing offices. Postmaster: Send address changes to *Bulletin*, American Academy of Arts & Sciences, 136 Irving Street, Cambridge, MA 02138.

The views expressed in the *Bulletin* are those held by each contributor and are not necessarily those of the Officers and Fellows of the American Academy of Arts & Sciences.

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