

7 Deadly Scenarios: A Military Futurist Explores War in the 21st Century¹

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I. Introduction

Missiles swarm toward U.S. warships. A nuclear bomb detonates in the homeland. A deadly virus infects the world. Another nuclear bomb detonates in the homeland. Although these descriptions sound like scenes from summer action movies, they are not. These scenes come from Andrew F. Krepinevich's book, *7 Deadly Scenarios*. Krepinevich advocates for a joint approach in using scenario-based planning to determine how the U.S. military can best respond to future challenges. Although the headquarters of choice, Joint Forces Command, no longer exists,² Krepinevich's ideas are still valid and can be helpful for judge advocates seeking to sharpen their operational law skills.

II. Scenario-Based Planning

The meat of *7 Deadly Scenarios* is in the seven stories that depict possible future events in the world. Helpfully, each has a specific focus. For example, Chapter 6 is about the breakdown of the world economy. Drawing on in-depth research and his vast experience,³ Krepinevich articulates many believable sequences of events. As one reviewer put it, "I found each scenario extremely captivating, thought provoking, and truly realistic."⁴ Aside from the entertainment value of the book, a core lesson is that scenario planning is an important aspect of national security strategy. This concept is not new.

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¹ ANDREW F. KREPINEVICH, *7 DEADLY SCENARIOS: A MILITARY FUTURIST EXPLORES WAR IN THE 21ST CENTURY* (2010).

² Jason Ukman, *U.S. Joint Forces Command Formally Dissolved*, WASH. POST, Aug. 4, 2011, http://www.washingtonpost.com/blogs/checkpoint-washington/post/us-joint-forces-command-formally-dissolved/2011/08/04/gIQAQbzBuI_blog.html.

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⁴ Rick Baillergeon, Book Review, *INFANTRY MAG.*, Apr. 1, 2011, at 51.

A. Brief History

Scenario planning has been used for military purposes since the end of World War II.⁵ Herman Kahn and his colleagues at the RAND Corporation developed scenarios "to provide U.S. policymakers with the conceptual tools to anticipate 'alternate' or 'surprising' military futures by 'thinking the unthinkable'" in the context of the Cold War.⁶ In the 1970s, businesses began using scenario planning after the oil crisis of 1973 demonstrated the vulnerability of the world economy to sudden changes in the energy market.⁷

B. The Concept

Scenarios are not developed to predict the future.⁸ Rather, they assist decision makers in exploring the different situations that may be looming on the horizon. In a study on scenario planning, Dana Mietzner and Guido Reger researched the purpose of scenarios.⁹ Some key points that shed light on Krepinevich's argument aim to (1) "[r]equire decision makers to question their basic assumptions"; (2) "[p]roduce new decisions by forcing fresh considerations to the surface"; (3) "[i]dentify contingent decisions by exploring what an organization might do if certain circumstances arise"; and (4) "[d]evelop multiple futures based on optimistic and pessimistic projections of past events."¹⁰

History and present trends will set the stage, but the details must be created as the scenario progresses. As a result, the processes and ideas generated are the important outputs. Furthermore, change is an important variable and all the points mentioned above provide decision makers with mental tools to define that variable. Participants must simply open their minds to all possibilities. It is not surprising that Krepinevich is an advocate of using scenarios to develop responses to change. In *The Army and Vietnam*, he examined how the Army failed to adapt its forces to a counterinsurgency strategy in Vietnam, even though the

⁵ Dana Mietzner & Guido Reger, *Advantages and Disadvantages of Scenario Approaches for Strategic Foresight*, 1(2) INT'L J. TECH. & PLAN. 220, 221 (2005).

⁶ Matt Carr, *Slouching Towards Dystopia: The New Military Futurism*, 51(3) RACE & CLASS 13, 14 (2010).

⁷ Mietzner & Reger, *supra* note 5, at 222.

⁸ KREPINEVICH, *supra* note 1, at 14; Mietzner & Reger, *supra* note 5, at 220.

⁹ Mietzner & Reger, *supra* note 5.

¹⁰ *Id.* at 224.

military's experiences in the early 1960s should have dictated otherwise.¹¹

III. Wargaming

A scenario by itself is just a narrative, without any more value than a book or movie.¹² The reader can be stimulated emotionally and intellectually, but there is no lasting effect on decision making.¹³ According to Peter Perla and E.D. McGrady,

Strictly intellectual exercises, including simple scenario-based planning, seldom create emotional or psychological stress. Indeed, no planning system or training tool can cover every possible contingency or produce the same stresses experienced in reality. Real people do not die in wargames. Nevertheless, effective high engagement games can equip leaders better to confront whatever contingency they must actually face, regardless of its similarity in detail to the game actually played.¹⁴

By wargaming a scenario, the players may experience the outcome of their decisions in response to the situation at hand. No longer are they just observers with opinions. Their opinions will have to turn into decisions; and those decisions will have consequences that will further develop the scenario and require additional decisions. The player benefits by receiving immediate feedback.

Turning back to Krepinevich's argument, he maintains that a joint headquarters should wargame futuristic scenarios to make recommendations on strategy, force structure, and acquisitions.¹⁵ By having one organization responsible for this mission, there will be no room for different organizations to compete and draw attention away from the goals at hand. Instead, one neutral organization can make the independent assessments necessary to ensure the U.S. military can meet the challenges it may face.

IV. Usefulness for the Judge Advocate

7 Deadly Scenarios is an intriguing read for anybody interested in world affairs. For the judge advocate (operational law attorney in particular), it can provide the starting point for broadening and sharpening skills in advising commanders.

Most judge advocates should be familiar with wargaming if they have gained any litigation experience. Trial preparation is the key to performing well in the court room. The same concept applies to operational law. Judge advocates participate in this type of training if their unit rotates through a combat training center (CTC) or conducts a field exercise. However, those opportunities come but once or twice a year, at most. What about the rest of the time? There is only so much he can do with a rules of engagement briefing to Soldiers in a unit.

A. The Concept Applied to the Operational Law Attorney

Let's say that a CTC rotation or training exercise equates to a trial. They all represent events, in which a judge advocate is called upon to think on his feet in front of others and make decisions that will impact the outcome of the event. Similarly in the practice of criminal law, to prepare for a court-martial, the trial counsel will typically find another trial counsel to act as the defense and anticipate the defense's strategy. What kind of arguments or objections will the defense make? How will they question witnesses?

The more creative the practice adversary counsel can be, the better prepared her colleague will be for trial. The role-playing counsel's job is to expand the preparing trial counsel's thought process. As explained by Krepinevich and Mietzner and Reger, the goal is not to make the preparing trial counsel ready for every possible scenario during a trial.¹⁶ Rather, it is to prepare that trial counsel for what could be possible, and—more importantly—to help that trial counsel understand how to react to a previously unforeseen occurrence.

Just like the trial counsel, the operational law attorney should find another operational law attorney to assist in preparing for a CTC rotation or training exercise. Unlike a trial, this type of situation is not adversarial. The assisting operational law attorney will act more as a game controller; putting the preparing operational law attorney into varying situations based on previous decisions or new developments. Therefore, the assisting operational law attorney has responsibility for building the scenario and should consult with outside resources to make it realistic. He could turn to intelligence personnel in the unit's G2/S2 section, planners in the G3/S3 section and existing literature, etc.

¹¹ ANDREW F. KREPINEVICH, *THE ARMY AND VIETNAM* (1986).

¹² Peter P. Perla & E.D. McGrady, *Why Wargaming Works*, 64(3) *NAVAL WAR C. REV.* 111, 113 (2011).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ KREPINEVICH, *supra* note 1, at 343–46.

¹⁶ KREPINEVICH, *supra* note 1, at 14; Mietzner & Reger, *supra* note 5, at 220.

Books like *7 Deadly Scenarios* can serve as an impetus for building the facts of the scenario. Legal experts' opinions can also be helpful in developing creative issues to present to the preparing operational law attorney. In 2006, the Naval War College hosted a workshop with legal experts to assess "the probable state of the global legal order in 2020."¹⁷ They discussed how states and international organizations may modify their positions on certain issues. For example, growing proliferation of weapons of mass destruction may lead to greater support for the practice of preemptive use of force.¹⁸ Moreover, "any discussion of the global legal order must include not only the obvious treaties, customary international law, and Security Council resolutions but also the transnational application of national laws, decisions or international tribunals (courts and arbitral tribunals), and 'soft law.'"¹⁹

The foresight of legal scholars will further enhance the assisting operational law attorney's ability to challenge the preparing operational law attorney in areas of uncertainty. Exploring how an operational law attorney can use one of the scenarios from Krepinevich's book is the logical next step in an operational scenario planning exercise.

B. China's "Assassin's Mace"

Chapter 5 of *7 Deadly Scenarios* presents a situation in which China establishes a blockade around Taiwan to force reunification.²⁰ Action by the United Nations Security Council is not possible because China can veto it.²¹ The United States and Japan attempt to de-escalate the situation through diplomacy, but are ready to impose a counter-blockade.²²

To further develop the scenario, pretending that a standstill has existed for four months and a humanitarian crisis has emerged is helpful.²³ To the surprise of the western world, the Chinese are allowing a relief force into Taiwan to deliver supplies. A U.S. Army judge advocate is assigned as a legal advisor for the U.S. task force. The task force commander wants advice on whether he should request supplemental rules of engagement. He also wants to know about any agreements the United States has with Taiwan (like a Status of Forces Agreement). Will local Taiwanese

laws apply to U.S. Soldiers? Finally, what will happen if a Soldier gets into a car accident with a local national?

After answering these questions, the operational law judge advocate next finds herself in Taiwan with the U.S. relief force. One day, a U.S. supply convey is stopped by a group of desperate civilians, who attempt to take all the supplies for themselves. A fight breaks out between several civilians and Soldiers, resulting in injuries on both sides. The commander wants to know what he should do in response.

Next, the relief mission is almost over and the U.S. task force is preparing to leave. A convoy commander reports that many local nationals are asking his Soldiers for asylum on a daily basis. What kind of advice should the operational law attorney give those soldiers?

C. Lessons Learned

The expansion of the "China's 'Assassin's Mace'" scenario is only a brief example of how operational law attorneys can prepare each other for the real thing. In practice, there should be responses to the answers submitted, making the exercise interactive. For example, advice in response to the fight may have been to initiate an investigation. The assisting operational law attorney could then tell you results of the investigation. By way of another example, the investigation concluded that the local nationals started the fight and the Soldiers acted properly in defending themselves. However, the local government also investigated the incident and determined that U.S. Soldiers threw the first punch. What advice should the judge advocate give now?

After going through the questions raised in the previous section, the operational law attorney will be conditioned to know what kind research to conduct before deploying to a foreign country. He might also become more comfortable in responding to incidents as they arise. The specific answers to the questions are not as important as gaining a better feeling for the thought process used in coming to those answers.

V. Concluding Thoughts

In the 1990 movie, *Back to the Future Part III*, one of the main characters, Dr. Emmett Brown, says "[i]t means your future hasn't been written yet. No one's has. Your future is whatever you make it. So make it a good one. . . ."²⁴ The world is becoming increasingly complex and new challenges are always arising. Andrew Krepinevich has

¹⁷ Craig H. Allen, *Moderator's Report: Legal Experts' Workshop on the Future Global Legal Order*, 60(4) NAVAL WAR C. REV. 73, 73 (2007).

¹⁸ *Id.* at 80.

¹⁹ *Id.* at 75.

²⁰ KREPINEVICH, *supra* note 1, at 169–70.

²¹ *Id.* at 206.

²² *Id.* at 208–09.

²³ The Taiwanese leadership had earlier reported that they only had enough "food, fuel, and other essentials" to last one to two months. *Id.* at 206.

²⁴ BACK TO THE FUTURE PART III (Universal Pictures 1990).

provided valuable insight into what operational judge advocate leaders should be thinking about. It is up to us to make the most of it; to “make it a good one.”