Senator Elizabeth Warren
"Collateral Damage, National Interests, and the Lessons of a Decade of Conflict"
Whittington Lecture at Georgetown University
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As Prepared for Delivery

Dean Montgomery, thank you for that very kind introduction, and thank you to the Georgetown Public Policy Institute for having me here today. It is a great honor to give this year's Whittington Lecture, and to be part of this living memorial to Professor Leslie Whittington.

It's been thirteen years since the events of September 11, 2001. We may remember different details of the tragedy of that day, but some pieces are burned in our nation's collective memory. The towers falling: one, then the other. The plane crash in Pennsylvania. The attack on the Pentagon from the flight that took Professor Whittington. The fear. The courage. The grief.

For thirteen years, we have lived through the repercussions of that terrible day. Now, the first chapter in our nation's post-9/11 history is coming to an end. We are out of Iraq and the drawdown in Afghanistan is underway.

We are ending two wars, but this does not mean that we will withdraw from the world beyond our shores, or pretend that there are no threats to our safety and security. As we start a new chapter, we still live in an unstable and unpredictable world: a world with terrorists plotting to cause catastrophic destruction, a world with dictators and tyrants, a world with threats in cyberspace and from new technologies. We know that we must remain vigilant and engaged abroad, taking steps to defend our allies and to protect our people.

But as these two wars come to an end, we also have an opportunity to think about what we can learn from the last decade of conflict. There are many questions worth asking about how to make sure our actions advance our national interests. How do we best balance liberty and security? What role, if any, should nation-building play in our military strategy? When, if ever, should we engage in a so-called war of choice? These questions have been asked often by academics, students, and experts.

Today, I want to focus on a related question about how we advance our national interests – a question that is discussed less often than many of the others, but one that I think deserves our attention. How should we think about civilian casualties and their effect on our strategic decisions?

This is a difficult subject. Civilian casualties are an inevitable and unavoidable consequence of war, and modern conflict has made it more difficult to know who is innocent. We can't always distinguish between civilians and combatants. We no longer meet the enemy on pitched battlefields, and they rarely wear uniforms to identify themselves.

But the difficulty of navigating this issue does not mean we can ignore it. Seriously addressing the issue of civilian casualties is essential to upholding our values at home and advancing our interests overseas.

Our military is the most professional and honorable fighting force in the world, and I know first-hand how creative and tough our armed forces are. All three of my brothers served in the military. My oldest brother flew 288 combat missions in Vietnam. I am proud of their commitment and proud to have grown up in a family that honors military service.

We take pride in the way that our servicemembers conduct themselves, but some people assume that when the shooting starts, military law, domestic law, and international law are left behind. The reality is the opposite. Law is an integral part of American warfare. Our soldiers learn basic legal principles as part of their training. Military lawyers are embedded into our fighting units, working alongside commanders to evaluate the legality of even the most sensitive decisions.

We follow the law because our national values – and our national interests – demand it.

Under the laws of war, we have an obligation that requires our military to distinguish between civilians and combatants - and to attack only combatants. But the laws of war are realistic. The laws recognize the possibility of collateral damage and therefore require us to weigh the military advantage gained from an attack against the humanitarian costs incurred. In other words, the laws of war require us to consider not just expediency, but also humanity.

Adhering to this legal principle is not easy, and the realities of modern combat have not made it any easier. But our experiences teach us that success within a conflict itself requires us to do our absolute best to minimize civilian casualties.

General Stanley McChrystal, the former commander of our armed forces in Afghanistan, described this lesson a few years ago. Commenting on the military effort to eliminate insurgents, he described something he called "counterinsurgency mathematics." Here's what he said:

> Let us say that there are 10 [insurgents] in a certain area. Following a military operation, two are killed. How many insurgents are left? Traditional mathematics would say that eight would be left.

But General McChrystal said that's not always the right math. His calculation? There could be, quote:

> as many as 20, because each one you killed has a brother, father, son and friends, who do not necessarily think that they were killed because they were doing something wrong. It does not matter – you killed them. Suddenly, then, there may be 20, making the calculus of military operations very different.

McChrystal describes this dynamic with insurgents, but the same dynamic is at work with the collateral deaths of innocent civilians – and the same dynamic can apply during all kinds of

military operations – Special Forces missions, counterterrorism operations, and efforts to train security forces.

Over the past decade, in Iraq and in Afghanistan, military commanders increasingly tried to address this problem. They began to express public regret, offer consolation payments, pay for property damage, and make other gestures of respect to families and communities harmed by conflict. Commanders in the field developed relationships with local leaders, which improved communication and understanding after incidents. When tragedies occurred, instead of issuing blanket denials, commanders launched investigations to determine what happened.

Over time, what began as after-the-fact compensation evolved into a more robust preventive system. The military increased its efforts to educate and train our soldiers and Marines on civilian protection. And leaders in the military started tracking the number of civilian casualties, so they could learn from the statistics and identify ways to lower civilian casualty rates. The military went to great lengths because it was right – and because it made good strategic sense.

As the conflicts in Iraq and Afghanistan progressed, our military leaders increasingly took seriously the costs of civilian casualties in military engagements, and they learned how important it is to prevent civilian casualties.

But now it is time for the next question: when our country considers military interventions abroad – and especially when leaders publicly debate the costs and benefits of using force – do we factor in this same lesson? Do we fully consider the costs of civilian casualties?

When military action is on the table, do we fully and honestly debate the risk that while our actions would wipe out existing terrorists or other threats, they also might produce new ones? Do we talk seriously about the price our great nation, built on the foundation of life, liberty, and the pursuit of happiness, may pay if others come to believe that we are indifferent to the deaths of civilians? Do we fully take into account the effect on our interests if people around the world are inflamed by such casualties, or if they do not believe that our actions align with our values?

Many policymakers in Washington seem hesitant to broach the subject and to ask these questions – hesitant to acknowledge the reality that military commanders deal with every day, the reality that civilian casualties affect U.S. interests abroad. And when we debate the costs and benefits of intervention – when we discuss potential military action around the world – the talk about collateral damage and civilian casualties too often seems quiet.

The failure to make civilian casualties a full and robust part of our national conversation over the use of force is dangerous – dangerous because of the impression that it gives the world about our country, and dangerous because of how it affects the decisions that we make as a country. Our decision-making suffers – and our ability to effectively advance our interests suffers – when we do not grapple fully and honestly with *all* of the costs and benefits, all the risks, all the intended and unintended consequences of military action.

When our country considers military intervention, we must be hard-headed and clear-eyed. It is critical to consider the chaos and factionalization that can arise in the wake of military

intervention, critical to evaluate the potential for military intervention to spark an insurgency or fuel a civil war, critical to consider the possibility that civilian casualties in one conflict could be used as a recruiting tool or rallying cry for extremists in other parts of the world. Unintended consequences can have a profound impact. Whatever our righteous intentions, the world does not hold us blameless when civilians die.

Over the past decade, military leaders in the field learned about the importance of minimizing civilian casualties, and now, as we wind out of two wars, we must institutionalize those lessons so that they will never be forgotten. This process starts now.

We must begin by establishing training programs that directly address civilian casualties. The military has begun to put together educational and training materials based on experiences in Afghanistan and Iraq. We should support these efforts and make sure that preventing civilian casualties is part of our military's education, training, and planning processes.

Next, we need to improve our efforts to track civilian casualties during any military engagement. In 2008, seven years into the war in Afghanistan, commanders established civilian casualty tracking teams to identify what happened after an incident, to investigate and collect data on the incident, to analyze trends, and to advise on ways to reduce harm. Now is the time to establish best practices for tracking civilian casualties from the first day of any conflict.

While secrecy - particularly as it relates to operational plans – is necessary in some cases, tracking casualties and making those data publicly available will help us make the best decisions here at home and demonstrate to the world that America takes civilian casualties seriously. Good data will enable our military to improve its practices and provide reliable evidence to push back against rumors and misinformation advanced by our enemies.

Finally, we should establish best practices for what to do in the wake of civilian casualties. In Iraq and Afghanistan, commanders on the ground began to find ways to express regret and compensate families. Now is the time to think systematically about these kinds of efforts and to incorporate them into our military training as well.

In 2010, when he was commander of U.S. and coalition forces in Afghanistan, General David Petraeus issued a directive – an order designed to guide conduct and operations – in which he defined the nature of the conflict. The directive stated—

> This effort is a contest of wills. Our enemies will do all that they can to shake our confidence and the confidence of the Afghan people. In turn, we must continue to demonstrate our resolve to the enemy. We will do so through our relentless pursuit of the Taliban and others who mean Afghanistan harm, through our compassion for the Afghan people, and through the example we provide to our Afghan partners.

He then said that:

> We must continue – indeed, redouble – our efforts to reduce the loss of innocent civilian life to an absolute minimum. Every Afghan civilian death diminishes our cause. If we

use excessive force or operate contrary to our counterinsurgency principles, tactical victories may prove to be strategic setbacks.

Our military leaders recognize that our moral values need not conflict with our strategy. As we reflect on the wars in Iraq and Afghanistan and as we prepare for the future use of military force, we must remember this as well.

We are a great country, a country rooted in the values of liberty and justice, compassion and community. We cannot turn a blind eye to the rest of the world – pretending that dangerous dictators pose no threat to us or that atrocities committed outside our borders don't matter. But when we consider whether using force is in our national interest, we also should not – we cannot – turn a blind eye to the impact of unintended civilian casualties.

The decision to use military force is one of the most important any country can make. If we openly consider all the costs and benefits, all the intended and unintended consequences, we will make better decisions – decisions that will live up to our nation's core values, advance our national interests, and preserve our role as a moral leader in the world.

Thank you.

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