The Military Options for North Korea

by John R. Bolton
August 3, 2017 at 10:00 am

North Korea test-launched on Friday its first ballistic missile potentially capable of hitting America's East Coast. It thereby proved the failure of 25 years of U.S. nonproliferation policy. A single-minded rogue state can pocket diplomatic concessions and withstand sustained economic sanctions to build deliverable nuclear weapons. It is past time for Washington to bury this ineffective "carrots and sticks" approach.

America's policy makers, especially those who still support the 2015 Iran nuclear deal, should take careful note. If Tehran's long collusion with Pyongyang on ballistic missiles is even partly mirrored in the nuclear field, the Iranian threat is nearly as imminent as North Korea's. Whatever the extent of their collaboration thus far, Iran could undoubtedly use its now-unfrozen assets and cash from oil-investment deals to buy nuclear hardware from North Korea, one of the world's poorest nations.

One lesson from Pyongyang's steady nuclear ascent is to avoid making the same mistake with other proliferators, who are carefully studying its successes. Statecraft should mean grasping the implications of incipient threats and resolving them before they become manifest. With North Korea and Iran, the U.S. has effectively done the opposite. Proliferators happily exploit America's weakness and its short attention span. They exploit negotiations to gain the most precious asset: time to resolve the complex scientific and technological hurdles to making deliverable nuclear weapons.

Now that North Korea possesses them, the U.S. has few realistic options. More talks and sanctions will fail as they have for 25 years. I have argued previously that the only durable diplomatic solution is to persuade China that reunifying the two Koreas is in its national interest as well as America's, thus ending the nuclear threat by ending the bizarre North Korean regime. Although the negotiations would be arduous and should have commenced years ago, American determination could still yield results.

Absent a successful diplomatic play, what's left is unpalatable military options. But many say, even while admitting America's vulnerability to North Korean missiles, that using force to neutralize the threat would be too dangerous. The only option, this argument goes, is to accept a nuclear North Korea and attempt to contain and deter it.

The people saying this are largely the same ones who argued that "carrots and sticks" would prevent Pyongyang from getting nuclear weapons. They are prepared to leave Americans as nuclear hostages of the Kim family dictatorship. This is unacceptable. Gen. Joseph Dunford, the chairman of the Joint Chiefs of Staff, has it right. "What's unimaginable to me," he said last month at the Aspen Security Forum, "is allowing a capability that would allow a nuclear weapon to land in Denver." So what are the military options, knowing that the U.S. must plan for the worst?

First, Washington could pre-emptively strike at Pyongyang's known nuclear facilities, ballistic-missile factories and launch sites, and submarine bases. There are innumerable variations, starting at the low end with sabotage, cyberattacks and general disruption. The high end could involve using air- and sea-based power to eliminate the entire program as American analysts understand it.

Second, the U.S. could wait until a missile is poised for launch toward America, and then destroy it. This would provide more time but at the cost of increased risk. Intelligence is never perfect. A North Korean missile could be in flight to a city near you before the military can respond.

Third, the U.S. could use airstrikes or special forces to decapitate North Korea's national command authority, sowing chaos, and then sweep in on the ground from South Korea to seize Pyongyang, nuclear assets, key military sites and other territory.

All these scenarios pose dangers for South Korea, especially civilians in Seoul, which is within the range of North Korean artillery near the Demilitarized Zone. Any military attack must therefore neutralize as much of the North's retaliatory capability as possible together with the larger strike. The U.S. should obviously

seek South Korea's agreement (and Japan's) before using force, but no foreign government, even a close ally, can veto an action to protect Americans from Kim Jong Un's nuclear weapons.

China clearly has enormous interests at stake, not least its fear that masses of North Korean refugees will flow across the Yalu and Tumen rivers into its territory. Neither the U.S. nor China wants conflict between their respective forces, so immediate consultations with Beijing would be imperative once military action began. Both considerations underline why urgent diplomacy with China now to press the benefits of peaceful reunification is vital.

The Pentagon's military planners already should be poring through the operational aspects of a potential military strike. But politicians and policy makers also ought to begin debating the military options—for North Korea and beyond, since similar issues will arise regarding Iran and other nuclear proliferators.

For decades the U.S. has opposed attempts by any state without nuclear weapons to develop them. Washington has consistently failed to achieve that objective, and the world has become increasingly nuclearized. Stopping North Korea and Iran may be the last chance to act before nuclear weapons become a global commonplace.

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https://www.gatestoneinstitute.org/11978/north-korea-first-strike

The Legal Case for Striking North Korea First

by John R. Bolton
March 2, 2018 at 4:00 am

The Winter Olympics' closing ceremonies also concluded North Korea's propaganda effort to divert attention from its nuclear-weapons and ballistic-missile programs. And although President Trump announced more economic sanctions against Pyongyang last week, he also bluntly presaged "Phase Two" of U.S. action against the Kim regime, which "may be a very rough thing."

CIA Director Mike Pompeo said in January that Pyongyang was within "a handful of months" of being able to deliver nuclear warheads to the U.S. How long must America wait before it acts to eliminate that threat?

Pre-emption opponents argue that action is not justified because Pyongyang does not constitute an "imminent threat." They are wrong. The threat is imminent, and the case against pre-emption rests on the misinterpretation of a standard that derives from prenuclear, pre-ballistic-missile times. Given the gaps in U.S. intelligence about North Korea, we should not wait until the very last minute. That would risk striking after the North has deliverable nuclear weapons, a much more dangerous situation.

In assessing the timing of pre-emptive attacks, the classic formulation is Daniel Webster's test of "necessity." British forces in 1837 invaded U.S. territory to destroy the steamboat Caroline, which Canadian rebels had used to transport weapons into Ontario.

Webster asserted that Britain failed to show that "the necessity of self-defense was instant, overwhelming, leaving no choice of means, and no moment of deliberation." Pre-emption opponents would argue that Britain should have waited until the Caroline reached Canada before attacking.

Would an American strike today against North Korea's nuclear-weapons program violate Webster's necessity test? Clearly not. Necessity in the nuclear and ballistic-missile age is simply different than in the age of steam. What was once remote is now, as a practical matter, near; what was previously time-

consuming to deliver can now arrive in minutes; and the level of destructiveness of nuclear, chemical and biological weapons is infinitely greater than that of the steamship Caroline's weapons cargo.

Timing and distance have long been recognized as surrogate measures defining the seriousness of military threats, thereby serving as criteria to justify pre-emptive political or military actions. In the days of sail, maritime states were recognized as controlling territorial waters (above and below the surface) for three nautical miles out to sea. In the early 18th century, that was the farthest distance cannonballs could reach, hence defining a state's outer defense perimeter. While some states asserted broader maritime claims, the three-mile limit was widely accepted in Europe.

Technological developments inevitably challenged maritime-state defenses. Over time, many nations extended their territorial claims, but the U.S. adhered to the three-mile limit until World War II. After proclaiming U.S. neutrality in 1939, in large measure to limit the activities of belligerent-power warships and submarines in our waters, President Franklin D. Roosevelt quickly realized the three-mile limit was an invitation for aggression. German submarines were sinking ships off the coast within sight of Boston and New York.

In May 1941, Roosevelt told the Pan-American Union that "if the Axis Powers fail to gain control of the seas, then they are certainly defeated." He explained that our defenses had "to relate . . . to the lightning speed of modern warfare." He scoffed at those waiting "until bombs actually drop in the streets" of U.S. cities: "Our Bunker Hill of tomorrow may be several thousand miles from Boston." Accordingly, over time, Roosevelt vastly extended America's "waters of self defense" to include Greenland, Iceland and even parts of West Africa.

Similarly in 1988, President Reagan unilaterally extended U.S. territorial waters from three to 12 miles. Reagan's executive order cited U.S. national security and other significant interests in this expansion, and administration officials underlined that a major rationale was making it harder for Soviet spy ships to gather information.

In short, both Roosevelt and Reagan acted unilaterally to adjust to new realities. They did not reify time and distance, or confuse the concrete for the existential. They adjusted the measures to reality, not the reverse.

Although the Caroline criteria are often cited in pre-emption debates, they are merely customary international law, which is interpreted and modified in light of changing state practice. In contemporary times, Israel has already twice struck nuclear-weapons programs in hostile states: destroying the Osirak reactor outside Baghdad in 1981 and a Syrian reactor being built by North Koreans in 2007.

This is how we should think today about the threat of nuclear warheads delivered by ballistic missiles. In 1837 Britain unleashed pre-emptive "fire and fury" against a wooden steamboat. It is perfectly legitimate for the United States to respond to the current "necessity" posed by North Korea's nuclear weapons by striking first.

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https://www.thenation.com/article/amid-the-clamor-for-war-in-korea-here-are-two-voices-for-peace/

Amid the Clamor for War in Korea, Here Are Two Voices for Peace

A former Pentagon chief and a “dialogue practitioner” push for engagement.

By Tim Shorrock

DECEMBER 12, 2017

At a time when US officials bluntly warn that the risk of a war with North Korea is growing by the day, two unlikely people from different generations and backgrounds have emerged with the experience, political savvy, and moral authority that could help put the United States on a pathway to peace.

One is William Perry, an engineer, military technocrat, and defense investor who came close to launching a cruise missile to destroy North Korea's one nuclear facility as President Clinton's Secretary of Defense in 1994. Perry recently revealed that, on his recommendation, Clinton was ready to send an additional 30,000 US troops to the peninsula "to defend against a surprise attack from North Korea and safeguard Seoul," and that he had lined up South Korean and Japanese support for his plans.

Perry, now 90 and an emeritus professor at Stanford University, was branded a "war maniac" by the government in Pyongyang when he made those threats. Yet he still managed to negotiate a remarkable agreement in 2000—later scuttled by President Bush after it was approved in principle by his Secretary of State, Colin Powell—that would have terminated North Korea's missile program entirely and led to a non-aggression treaty between the two countries. He has been speaking out about the dangers of nuclear proliferation for years.

The other is Suzanne DiMaggio, a "dialogue practitioner" and senior fellow at the New America Foundation in New York. She has spent years working with the United Nations and related institutions to reduce tensions in the Middle East and help break down barriers between the United States, Iran, and Myanmar. Her Iran dialogue project is now in its sixteenth year.

Since 2015, DiMaggio has led a private initiative involving former US and European officials and diplomats to meet with North Korean officials to discuss peace and security issues. Last month, she broke her silence on those talks and, with former US diplomat Joel Wit, laid out a potential path for a negotiated solution with Pyongyang in an op-ed for *The New York Times* that was widely circulated in US foreign-policy circles.

Together, Perry and DiMaggio have helped shift the conversation in Washington away from demands for a "preventive war"—a term invoked by National Security Adviser H.R. McMaster and endorsed by CIA Director Mike Pompeo, who has also suggested "decapitation" strikes to eliminate North Korean leader Kim Jong-un—and nudged it toward diplomacy and engagement.

Here's the gist of their arguments: A devastating conflict can and should be avoided. But that can only happen if the Trump administration postpones its ultimate goal of denuclearization in Korea and instead uses a combination of security guarantees and economic incentives to persuade Kim to freeze his nuclear and missile program where it stands now.

To meet Kim halfway, the United States must consider North Korea's security concerns by finding ways to end the US "hostile policy" that North Korea continually invokes to rationalize its nuclear-weapons program. Specifically, Pyongyang points to US sanctions, its massive military exercises with South Korea, and the US arsenal of nukes aimed at North Korea.

Once the conditions for an initial freeze are set, the two sides could then decide on the key issues they would tackle for a broader agreement. That would set the stage for a peace process that would allow Kim to shift his focus from military development to raising living standards for North Korea's 25 million people. Eventually, with North Korea's security assured—under guarantees backed in part by China, Perry insists—Kim Jong-un could roll back his program. In other words, denuclearization can remain a long-term objective, but the immediate focus must be what is achievable *now*.

Their strategy runs directly against Trump's "maximum pressure" of sanctions and military power until Pyongyang buckles under and agrees to negotiate away its nuclear weapons as a condition for entering talks. It also counters the emerging doctrine from McMaster, Pompeo, and their supporters that conventional deterrence, as practiced for years against Soviet and Chinese nuclear weapons, will not work against North Korea because, as hawks like John Bolton believe, its leaders are both irrational and irresponsible.

President Trump “presents a binary choice: complete capitulation on our part, or we have to take them out,” DiMaggio said at a forum on North Korea last week at the Arms Control Association in Washington. “The longer that we delude ourselves that there is a viable military option, the longer the current course of escalation will persist and the greater the chances of this spiraling into military conflict, either by design or by miscalculation.”
In an interview, DiMaggio explained that she was motivated to speak out by the growing talk of war in Washington at a time when the United States has no official relations with North Korea. Her alarm grew recently when a North Korean official told her that Pyongyang itself is concerned that North Korea and the United States “have no arrangements in place to prevent accidents.”
“That concerns me a great deal,” she told *The Nation*. “I have a simple philosophy: Negotiating with the enemy can be the hardest thing to do, but it’s not impossible.”

Perry knows that from direct experience. Speaking at the same ACA forum, he said his stance on North Korea flowed out of his regret that previous administrations did not complete the negotiations he and Clinton had started with the 1994 Agreed Framework, which he said “delayed North Korea’s nuclear program for a decade” but was “abandoned by both the US and North Korea” in 2003.
When President Bush, with the backing of Dick Cheney and others, refused to sign the 2000 Clinton agreement, “I was not only disappointed, I was very bitter that all this work and effort had been thrown overboard,” he said. Bush tried again with the “Six-Party Talks,” but those failed as well because, in his view, “while we were talking, [the North Koreans] were building.” Pyongyang exploded its first nuclear device in 2006.
In 2016, before North Korea’s test of its first hydrogen bomb and its stunning accomplishments this year in building ICBMs, Perry said he proposed to the Obama administration that it embark on a diplomatic quest to freeze Kim’s nuclear program; unfortunately, his advice was “never pursued.” Now it’s too late to forestall that program, he says, and as a result North Korea has 20 to 25 atomic weapons and several hundred missiles. “We should never have let them get that arsenal,” said Perry. “I believe we could have averted today’s outcome if we’d concluded that agreement in 2000.”

Both DiMaggio and Perry operate out of a sense of humanitarian realism that recognizes the true nature of North Korea, the limits of American power, and the calamity that another Korean war would bring. “We have to see North Korea as it is, not as we’d like it to be,” Perry said. “Now they have a nuclear arsenal, and they’re very happy with it. To say we want them to give up their arsenal before we talk to them is sheer idiocy.” He added: “I don’t believe North Korea will use nuclear weapons in an unprovoked attack. This regime is ruthless and reckless, but not suicidal.”
But he said force, and the threat of force, won’t work against Pyongyang and its hereditary dictators. “It is easy to antagonize but difficult to intimidate the North Koreans,” he said. “Military exercises intended to threaten the North Koreans do not have a history of effectively tempering their actions.” Diplomacy won’t immediately end its nuclear program, but it “could lower the likelihood of blundering into another war,” he said.

And if a war comes, he warned the ACA audience, it would be “devastating” to Japan and Korea and “could entail World War I and World War II casualties.”
Joe Cirincione, president of the Ploughshares Fund, said the work of Perry and DiMaggio is essential because the confrontation with North Korea has reached such a dangerous phase. “There’s a growing chorus in this town that wants to go to war,” Cirincione said in a telephone interview. “There are people who believe we have a real military option, that we can launch limited strikes or a massive first strike, and we could win a new Korean War.”

Some, like Senator Lindsey Graham, acknowledge that millions could die, “but they would die over there,” Cirincione added. “This is incredible, immoral, and insane, yet we still may do it.” In this context, the contributions of both Perry and DiMaggio are crucial. The former defense secretary “is one of the most responsible voices in national security, certainly in Democratic circles but also on a bipartisan basis,” Cirincione said. As for DiMaggio, “What Suzanne does is to say, ‘Look, we have options here, there’s a diplomatic opening, the North Koreans want to talk,” he said. “Let’s not shut them off or insist on preconditions that we won’t negotiate unless they surrender. That won’t work.”
“What’s great about Suzanne and Bill is that they’re very measured, tempered, and thoughtful in their approach,” said Christine Ahn, the founder of Women Cross DMZ, an international group of women with ties to

both North and South Korea, in an interview. “There’s an arrogance to many Americans working on Korean issues that neither of them possesses. It makes them approachable and helps create dialogue.”

Proponents of engagement have their work cut out for them. Over the past few months, as Kim has continued to defy UN and US sanctions by testing his nuclear and missile capabilities, the United States has responded by ratcheting up its military exercises with South Korea and issuing unprecedented threats to destroy the entire country if Kim refuses to dismantle his nuclear weapons program.

President Trump is “not going to accept this regime threatening the United States with a nuclear weapon,” McMaster recently declared.

To turn up the pressure, last week the Pentagon and its South Korean counterpart launched a massive air exercise on the peninsula. It involved about 12,000 personnel and hundreds of advanced aircraft, bombers, and stealth fighters, and included drills to simulate attacks against North Korean missile launch sites and nuclear facilities.

The exercises, dubbed “Vigilant Ace,” were launched in response to North Korea’s test last month of its most powerful ICBM yet, a Hwasong-15 that analysts said could fly more than 8,000 miles and potentially hit any city in North America.

As the drills began, the Pentagon allowed reporters from CBS News and other networks to “embed” themselves in US fighter aircraft based in Japan and South Korea that would lead any attack on the North, underscoring the immediacy of a war to the American public. And on the cable networks, giddy war hawks explain how such attacks could work and discounted any talk of diplomacy or negotiations. “Turn on Fox News, and all you’ll hear are people talking like we have no choice,” said Cirincione.

Meanwhile, Trump is reportedly planning to ditch Secretary of State Rex Tillerson, who has been the administration’s lone voice for diplomacy along with Defense Secretary Jim Mattis. Tillerson would be replaced by the CIA’s Pompeo. “I’m told that’s going to happen,” said Cirincione of the swap. He recalled hearing Pompeo at last July’s Aspen Security Forum propose “separating” Kim Jong-un from his nuclear program. “That certainly sounded like a decapitation strike to many of us.”

“There’s actually some officials who believe there is a window for military action over the next few months,” DiMaggio told me. “I wish there was more public debate about this issue.”

DiMaggio, the daughter of a Japanese mother and an Italian father, developed her expertise in negotiations working with organizations affiliated with the UN, including the United Nations Association of the USA. In 2002, she began facilitating what became a high-level dialogue with Iran, and eventually served as the coordinator of the informal talks that led to the sweeping nuclear agreement with Iran in 2015. Toward the end of the Iran talks, she was approached through “third parties” by North Korean diplomats who had heard about that work.

“It seemed like a good time to get involved,” she told me. Since then, she and representatives from US and European nongovernmental organizations have met with officials from the North in Pyongyang, Oslo, and elsewhere as part of a process called “Track 1.5.”

It involves diplomats from North Korea and former US military and government officials, such as retired US Ambassador Thomas Pickering (in diplomatic parlance, “Track 1” refers to official government-to-government talks, while “Track 2” talks involve NGOs from both sides; “1.5” means officials on one side, NGOs on the other). The last such meeting took place November 20-21 in Stockholm, just before North Korea’s latest ICBM test, and were organized by the Stockholm International Peace Research Institute.

In October, DiMaggio shared a stage at a nonproliferation conference in Moscow with Madame Choe Son-hui, the head of the North Korean Foreign Ministry's North America bureau. Choe, a key participant in the Track 1.5 talks, is well established in the North as the daughter of the former vice premier for Kim Il-sung, the country's first leader, and is said by several experts to have direct access to Kim Jong-un.

Based on discussions with Madame Choe and others, DiMaggio and Wit, the former diplomat, wrote in the *Times* that the North has entered "the last stage in the development of their nuclear force, implying that they have an endpoint in mind." After the North test-fired the Hwasong-15 in late November, Kim announced that he had indeed "witnessed the accomplishment of the historic cause of the national nuclear program, the cause of building a missile power." That led many analysts to the conclusion that Kim was now ready for talks and, as he has pledged, to refocus attention on his country's beleaguered economy.

"I see that [statement] as a potential opening we should aggressively pursue," DiMaggio told the ACA meeting. "I would make the case that Kim Jong-un has staked his credibility not only on nuclear development but also on economic development."

Kim's announcement, she added, provides a rare opportunity for both sides "to now come to the table from a position of strength." The upcoming Winter Olympics in PyeongChang, South Korea, may provide the United States with an opportunity to "tone down" its military exercises with the South and create the atmosphere for talks, she said—a possibility that's already being considered in Washington and Seoul.

As for North Korea's concern about the US "hostile policy," DiMaggio told me there are "potentially negotiable points," including sanctions and military exercises, that present a "way forward. This is not pie in the sky." She calls the potential US steps "adjustments"—"not stopping the exercises, but certainly finding a way to tone them down. And of course economic incentives would be another thing to offer."

When it comes to US military concessions, Perry explained that conventional exercises in which the United States and South Korea work together to "strengthen their ability to respond to an attack" are "not only legitimate, but—probably under the [current] circumstances—are necessary."

On the other hand, some exercises are "designed to threaten or intimidate the North" and are "quite counterproductive," he added. As an example, he pointed to recent flights in which the Pentagon flew nuclear bombers "right up to the North Korean borders" and then turned away. Actions like that "are dangerous" and should be avoided, he said.

Cirincione, in his interview, agreed with that sentiment but took it a step further. Through its own actions and threats, the Trump administration "has created this crisis," he said. "It's not like the Japanese fleet is steaming toward Pearl Harbor and war will be upon us no matter what we do." The risks of war are growing, he said, "not because events are driving us but because US policy is."

That's exactly what DiMaggio and Perry are trying to reverse. The Trump administration, DiMaggio says, "must move from its dithering approach to a real strategy."

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https://www.nytimes.com/2018/04/06/opinion/john-bolton-north-korea.html?action=click&pgtype=Homepage&clickSource=story-heading&module=opinion-c-col-right-region&region=opinion-c-col-right-region&WT.nav=opinion-c-col-right-region

By **Scott D. Sagan** and **Allen S. Weiner**

Scott D. Sagan is an expert on nuclear nonproliferation. Allen S. Weiner was an international lawyer in the State Department.

April 6, 2018

John Bolton will assume office Monday with his first controversy as President Trump's national security adviser awaiting him. Six weeks ago, he outlined his advocacy of an attack on North Korea in a Wall Street Journal op-ed titled "The Legal Case for Striking North Korea First."

"Given the gaps in U.S. intelligence about North Korea," he wrote, "we should not wait until the very last minute" to stage what he called a pre-emptive attack.

Mr. Bolton's legal analysis is flawed and his strategic logic is dangerous. As he did before the 2003 Iraq war, he is obscuring the important distinction between preventive and pre-emptive attacks. Under rules of international law based on Daniel Webster's interpretation of the Caroline case in 1837, a pre-emptive attack can be legal, but only if an adversary's attack is imminent and unavoidable — when a need for self-defense is "instant" and "overwhelming."

For example, if America had intelligence that North Korea had alerted military forces and was fueling long-range missiles on their launchpads or rolling out missile launcher vehicles, the United States could reasonably assume an attack was imminent and unavoidable and could legally launch a pre-emptive strike in what international lawyers call "anticipatory self-defense." However, if America attacked because President Trump was worried that continued North Korean missile and nuclear weapons development would ultimately increase Pyongyang's ability to hold American cities at risk, the strike would no longer be "anticipatory" or "pre-emptive." It would clearly be preventive — in legal terms, no different from a North Korean first strike against America motivated by Kim Jong-un's fear that America might one day attack North Korea.

Preventive strikes are not legal under international law or the United Nations Charter. Indeed, the charter has a name for such an operation. It is "aggression."

A disingenuous lawyer might argue that an attack on North Korea would not be a first strike but merely another strike in a continuing conflict, because combat in the Korean War halted in 1953 with an armistice, not a peace treaty. But that is specious. Given the armistice's indefinite duration — during which the parties committed to "a complete cessation of hostilities" — the right to resume hostilities would require a new legal justification.

A domestic legal issue also arises because President Trump lacks constitutional authority to launch a preventive strike against North Korea. The power to declare war lies with Congress. Without its approval, the commander in chief's powers allow him to introduce American forces into areas of hostilities only in emergencies or military situations "short of war." Mr. Bolton's insistence on not waiting until "the very last minute" to attack inadvertently acknowledges that such a strike wouldn't be an emergency response that would provide an arguable constitutional basis for a president to act without congressional approval.

Mr. Bolton did, however, raise a useful analogy that evokes the need to assess laws in the context of strategic imperatives: the Israeli air attacks on the Osirak nuclear reactor in Iraq in 1981 and on a Syrian nuclear reactor in 2007. Both strikes were arguably illegal, since there was no imminent threat to Israel. But we would argue that Israel's strikes were nevertheless wise, given the longstanding threats against it from dictatorships in Baghdad and Damascus, and the low risk that the attacks would escalate into a war. The attacks could be called, in legal terms, "illegal but legitimate." Israel could argue that its formal violation of the law should be excused because it saved the world from new nuclear threats from Iraq and Syria.

But that is where Mr. Bolton's analogy breaks down. The critical difference between an American preventive strike today and Israeli strikes in 1981 and 2007 is in their timing and the predictable consequences. Israel did not risk nuclear retaliation in attacking the Iraqi and Syrian reactors, which had not yet been activated. By contrast, North Korea could already launch nuclear attacks against South Korea and Japan, and devastate Seoul with artillery fire, even if its ability to strike the continental United States is uncertain.

This is the final strategic illogic of Mr. Bolton's advocacy of preventive war. It is too late for such an attack to succeed without unacceptable retaliation. No American preventive strike could guarantee 100 percent effectiveness. If even one North Korean nuclear weapon were to remain and be launched against Seoul, an estimated 622,000 South Koreans would be killed outright. A similar catastrophe could be wrought on Tokyo. An estimated 250,000 United States citizens and 68,000 American troops also live in harm's way in South Korea and Japan.

Despite Mr. Bolton's enthusiasm, there are no tolerable military options for confronting North Korea. Congress does not have a vote in confirming the president's national security adviser. But it should have a voice in rejecting dangerous threats to unleash an illegal and disastrous preventive war.

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