

# GREAT DECISIONS

## *Spring 2014 Update*

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### Defense technology

By Hannah Gais

When it comes to boosting the transparency of the U.S. targeted killing program, any small step forward is followed by one giant step back.

In April, the Second Circuit Court of Appeals delivered that one small step forward. Four years after reporters Scott Shane and Charlie Savage of *The New York Times* filed separate Freedom of Information Act (FOIA) requests for documents relating to the legal precedent behind targeted killings, the court called for the U.S. Department of Justice Office of Legal Counsel (OLC) to release memoranda related to and outlining the legal basis these strikes. Most notably, this release includes the OLC-DOD memorandum outlining the legal basis of targeting and killing Anwar al-Awlaki, an American citizen in Yemen. Whatever claim to secrecy the government had was nullified by a number of public statements from senior officials—including President Barack Obama and Attorney General Eric Holder—and the release of a DOJ “white paper” on the al-Awlaki strike, stated the court.

“Disclosure of the legal analysis in the OLC-DOD Memorandum [no longer] risks disclosing any aspect of ‘military plans, intelligence activities, sources and methods, and foreign relations,’” wrote Judge Jon O. Newman in the court’s decision. “Whatever protection the legal analysis might once have had has been lost by virtue of public statements of public officials at the highest levels and official disclosure of the DOJ White Paper.”

The American Civil Liberties Union, a part-

ner in the suit, and *The New York Times* have spun the decision as a win. “This [decision] is a resounding rejection of the government’s effort to use secrecy and selective disclosure to manipulate public opinion about the targeted killing programs,” Deputy Legal Director Jameel Jaffer of the ACLU said.

But “selective disclosure” is still the name of the game. Just days after the Second Circuit delivered its decision, the Senate intelligence committee tossed out a drone strike disclosure provision from a key bill authorizing intelligence operations for the 2014 fiscal year. According to *The Guardian*, the move came after Director of National Intelligence James Clapper wrote to inform the Senate Select Committee on Intelligence that the administration is “exploring ways” to provide more context to make the information “meaningful” and safe to release to the American people. His letter gave no details as to when such information would be made available or how it would be presented.

*Hannah Gais is assistant editor at the Foreign Policy Association and managing editor of ForeignPolicyBlogs.com. You can follow her on Twitter @hannahgais.*

### Recommended Readings

Patrick Tucker, “Every Country Will Have Armed Drones Within Ten Years,” *Defense One* (May 6, 2014)

Sarah Kreps and Micah Zenko, “The Drone Invasion Has Been Greatly Exaggerated,” *Foreign Policy* (Mar. 10, 2014)

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FOREIGN POLICY ASSOCIATION • 470 PARK AVENUE SOUTH • NEW YORK, NY 10016

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## Israel and the U.S.

By Ben Moscovitch

Debates on the Middle East often pit the pro-Israel community against Palestinian sympathizers. Occasionally, though, the pro-Israel community itself is torn from within on the right approach to support Israel against its many detractors.

First, the self-proclaimed “pro-Israel, pro-peace” left-leaning lobby J Street recently petitioned to join the Conference of Presidents of Major Jewish Organizations, an umbrella organization of Israel advocacy groups. The final vote fell far short of entry requirements, putting Orthodox and right-wing groups opposed to the request against organizations known for their pro-Israel advocacy, such as the Anti-Defamation League and the Reform and Conservative movements. J Street, a relative newcomer to the Israel advocacy community, has had an undeniable impact with its conferences, media outreach and relationships to key decisionmakers in the U.S. and Israeli governments, but the group clearly has more lobbying to do to convince its theoretical allies that it’s one of them.

Second, potential GOP presidential nominee Sen. Rand Paul (R-KY) introduced legislation to halt aid to the Palestinian government in response to its reconciliation deal with Hamas. This legislation, on the face of it, seems ideal for the pro-Israel community as it establishes direct consequences to the Palestinians for siding with a terrorist organization that has repeatedly affirmed—in both proclamations and with rockets—its commitment to Israel’s destruction. The legislation, though, was allegedly opposed by the American Israel Public Affairs Committee (AIPAC) on the grounds that Palestinian security forces rely on U.S. aid to thwart terrorism. Blocking funding, despite the involvement of a terrorist organization included in the Palestinian government, would ultimately prove detrimental. As a result, many in the pro-Israel community quickly rebuked seemingly pro-Israel legislation.

Further underscoring the conflict, Paul himself is not a party-line supporter of Israel. Paul has resisted U.S. intervention abroad, resulting in his opposition to new sanctions against Iran for its nuclear program and even support for the end of foreign aid—including to Israel. Those positions

are out-of-sync with the pro-Israel community and would appear to conflict with his new legislation aimed as a defense for Israel against organized terror. That policy could have also represented an attempted olive branch to the pro-Israel community to bolster any future presidential ambitions.

Ultimately, the pro-Israel community has tough choices ahead, not just limited to policies toward the Palestinians, Iran, terrorists and other issues facing the Jewish state. Determining who belongs in the pro-Israel tent and how to move forward together may prove no less controversial.

*Ben Moscovitch is a public policy expert and former journalist who has worked on foreign policy, homeland security, defense and other issues facing Congress and U.S. policymakers. He is a writer for ForeignPolicyBlogs.com. You can follow him on Twitter @benmoscovitch.*

### Recommended Readings

Amos Barshad, “How Soccer Explains Israel,” *Grantland* (Mar. 19, 2014)

John B. Judis, “Zionist Movement,” *Foreign Policy* (Feb. 27, 2014)

Kate Linthicum, “An African Seeks Understanding and Refuge in Israel,” *LA Times* (Mar. 26, 2014)

Armin Rosen, “A Middle-Class Paradise in Palestine?” *The Atlantic* (Feb. 11, 2014)

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### Turkey’s challenges

By Scott Bleweis

While unrest in Ukraine has grabbed the majority of regional headlines, less attention has been paid to Turkey’s unraveling democracy. This is unfortunate and perilous given that the future of Turkey—once a shining beacon of stability and secularism in the shadow of the volatile Middle East—as a truly democratic state rests on a knife’s edge.

Recent trouble stems from Prime Minister Recep Tayyip Erdogan’s reaction to what he claims is a complex conspiracy to topple his government and destabilize Turkey. In public speeches Erdogan has accused a range of actors—the media, economists, the United States, Jews and national political opponents—of conspiring to oust him. In December 2013, police began an investigation into

allegations of pervasive corruption in Erdogan's administration. The prime minister subsequently dismissed thousands of police officers, forced changes in laws to limit judicial authority, and re-assigned federal prosecutors working the case.

In March 2014 recorded conversations and videos of Erdogan's inner circle, which supposedly confirmed the corruption, made their way to social media websites. The government responded by banning the use of Twitter and YouTube and giving increased power to the national intelligence agency to investigate and monitor purported subversive activity. Turkey's highest court nullified the Twitter ban in early April, which Erdogan criticized as being against the country's best interests.

Despite growing outrage of local moderates and the international community, Erdogan's Justice and Development Party (AKP) won an overwhelming number of local elections on March 30, solidifying his support base. Erdogan is expected to run for president of Turkey this summer.

The recent limitations of rights and freedoms instituted by Erdogan appear to be the moves of a despot fearful of losing his grip on power. With Turkey's economy faltering and the one year anniversary of the brutal government crackdown on Istanbul protestors approaching, a warning bell should be sounded. Turkey's stability and the strength of its democracy are in danger.

*Scott Bleiweis is a blogger for the Foreign Policy Association. View his articles here and follow him on Twitter @Scottab26.*

### Recommended Readings

A.Z., "Another summer of unrest for Turkey?," *The Economist* (May 3, 2014)

Scott Peterson, "Erdogan seeks to extradite US-based cleric, testing US-Turkey ties," *Christian Science Monitor* (Apr. 29, 2014)

Jonathan Schanzer and Emanuele Ottolenghi, "Turkey's Teflon Don," *Foreign Policy* (Mar. 31, 2014)

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## Energy independence

*By Jordan Stutts*

As talk of energy independence grows, reports show the U.S. is increasing exports of petroleum products made from domestically drilled oil.

An interesting caveat to the U.S. export ban that was established in reaction to price shocks during the Arab Oil Embargo in 1973 is the almost free rein companies have in buying domestic oil, creating gasoline or diesel with it, and sending it to foreign markets. The U.S. Energy Information Administration (EIA) reported a 10% increase of exported petroleum products from 2013 to 2014. The U.S. is now sending 4.3 million barrels per day of oil-based products abroad.

Crude oil started flowing from shale formations in North Dakota and Texas in the past decade thanks to advances in drilling techniques, such as hydraulic fracturing, which has also been key to the natural gas revolution. By tapping into these newfound reserves, the U.S. is on track to be the world's top oil producer by 2015. Domestic production of oil has risen from five to eight million barrels of oil per day in 2013, while the U.S. is importing 10 million barrels a day.

"As production goes up and imports go down, it does have positive macroeconomic effects for the U.S.," Mike Wittner, head of oil research at Société Générale SA told Bloomberg. "It's good for the balance of payments, good for the dollar, good for jobs, for other heavy industries. But it doesn't equate to being insulated from world oil markets."

The oil export debate has been raging in Washington since the development of the ability to tap into newly discovered reserves in the U.S. The ban on exporting domestically drilled oil was established to help achieve energy independence—a goal that could become increasingly difficult to achieve if petroleum products continue to make their way to foreign buyers. Will the debate lead to tighter restrictions on what's allowed to be exported, or will policymakers lift the ban and completely open U.S. oil to the world markets?

*Jordan Stutts works with the communications department at the Foreign Policy Association and blogs for ForeignPolicyBlogs.com. You can follow him on Twitter @jwstuttered*

## Recommended Readings

Andy Kroll, “Triumph of the Drill,” *Mother Jones* (Apr. 2014)

Jim Morris, Lisa Song and David Hasemyer, “Big oil and bad air,” *The Weather Channel*

David J. Unger, “Germany’s aggressive push for a clean-energy future,” *Christian Science Monitor* (Mar. 9, 2014)

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## U.S. trade policy

By Eugene Steinberg

Russia’s annexation of Crimea and belligerence toward the new Ukrainian government in Kiev has provoked harsh criticism from the West and a buildup of troops along NATO’s eastern borders. But no matter how outraged the U.S. and its European allies may be, Russia’s enduring military might means that the West’s only realistic tool of coercion against Russia is economic warfare.

To this end, the U.S. has issued two rounds of sanctions. The goal of these sanctions has not been so much Russian withdrawal from Crimea, the annexation of which is now widely regarded as a fait accompli, as it has been to demonstrate that there are costs to such aggression and to prevent further escalation by Russia in Eastern Ukraine. These sanctions target those associates on whom Vladimir Putin most closely depends on for political support.

The first set of U.S. sanctions, which consisted of asset freezes and travel bans, were announced in mid-March, and targeted 16 senior Russian officials and four Putin-allied billionaires believed to have profited tremendously through government corruption, and Rossiya Bank. The second round of sanctions, announced in late April, targeted an additional seven Russian individuals and 17 companies.

Although the EU cooperated with the U.S. to issue two similar rounds of sanctions, it has actively resisted implementing truly painful sanctions. By some accounts, it even limited the scope of U.S. sanctions. Russia is only the U.S.’s 20th-largest trading partner, but it is the EU’s third largest. Most EU countries are somewhat dependent on Russia for natural gas imports, and a select few—Latvia, Lithuania, Estonia and Bulgaria—are virtually 100% dependent on Russia for natural gas.

While the EU stands to lose much more in an escalation of economic hostilities than the U.S. does, it also has the potential to inflict the most damage on Russia. The EU is Russia’s number one trade partner by a long shot, accounting for over 40% of all trade.

It’s difficult to say what effect Western sanctions will have on Putin’s decisionmaking process. The Russian economy is clearly struggling, but it began its downward course well before the Ukrainian crisis. The most recent shocks to the Russian economy have come not as a result of sanctions, but as a natural market reaction to the uncertainty of political tension. Stock indexes may be down and capital flight may be up, but Putin’s approval ratings are at an enormous 80%. At a time of such national unity, even Putin’s sanctioned allies are unlikely to turn against him. The question then is how long this national unity will last.

*Eugene Steinberg works with the editorial team on the Great Decisions series at the Foreign Policy Association. You can follow him on Twitter @EugSteinberg*

## Recommended Readings

The Editors, “Ukraine, Putin, and the West,” *n+1* (Spring 2014)

James Meek, “Putin’s Counter-Revolution,” *London Review of Books* (Mar. 20, 2014)

Janet Reitman, “Putin Clamps Down: A Chilling Report from Moscow,” *Rolling Stone* (Apr. 30, 2014)

Lilia Shevtsova, “The Putin Doctrine: Myth, Provocation, Blackmail, or the Real Deal?” *The American Interest* (Apr. 4, 2014)

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