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America and the World—The Effects of the Trump Presidency

*More of the Same, and Worse: Revisiting Donald Trump and the Limits of International Law*¹

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By the time he lost his bid for reelection, President Donald Trump had fulfilled many of his campaign promises regarding international law. On trade policy, he abolished the North American Free Trade Agreement (NAFTA) and replaced it with a revised U.S.-Mexico-Canada Agreement (USMCA), and he launched a tariff war with China in hopes of making a better deal on bilateral trade. On climate change, he pulled out of the 2016 Paris Accord, as promised. As far as we know he did not fulfill his vow to defy domestic and international prohibitions on torture, as his main military advisers counseled against it, and he listened for a change. Reflecting an animus against arms control treaties with Russia, even longstanding ones negotiated by Republican predecessors, Trump withdrew the United States from the Treaty on Intermediate-Range Nuclear Forces (INF) and the Open Skies Treaty, and he expressed eagerness to resume testing of nuclear weapons, an action that would violate the 1996 Comprehensive Test Ban Treaty, had the United States ever ratified it.

In these three domains, then—trade, climate, and arms control—Trump pursued his preferred policies without violating any laws, and my original essay on the Trump presidency made no prediction that he would do so.² That is partly because of the essay's primary focus: international law governing the use of armed force. And it is partly because of its comparative, historical purpose: to contrast the record of the reality-show host and real-estate scion with those of the three lawyers and career politicians who preceded him in the office of the presidency. I argued that many claims of the unprecedented character of Trump's policies were unwarranted. For example, regarding potential use of nuclear weapons, Trump asserted that "we have to be prepared. I can't take anything off the table."³ I claimed that his assertion—although greeted with some alarm when Trump uttered it—reflected nothing unprecedented, but rather, established U.S. policy.

Likewise, his promise to "greatly strengthen and expand" U.S. nuclear capability, I suggested, would be easily fulfilled simply by continuing the policies set in train by his immediate predecessor. President Barack Obama, the Nobel peace laureate, in a celebrated speech in Prague in 2009, envisioned "a world without nuclear weapons," but, he acknowledged, "perhaps not in my lifetime."⁴ Advisers on nuclear policy in the previous administrations had pushed for ever more "usable" nuclear weapons, with lower explosive yields and greater accuracy, such as the B61 Model 12, and Obama signed off on their development.⁵ Thanks to his predecessors' actions, Trump now had such weapons at his disposal.

¹ This essay was completed in January 2021.

² <https://issforum.org/ISSF/PDF/Policy-Roundtable-1-5AK.pdf>.

³ <http://thehill.com/policy/defense/315855-dems-seek-to-curb-trumps-nuclear-options>.

⁴ Michael D. Shear and James Glanz, "Trump Says the US Should Expand its Nuclear Capacity," *New York Times*, 22 December 2016. For a discussion of Obama's speech and policy, see Matthew Evangelista, "Nuclear Abolition or Nuclear Umbrella: Choices and Contradictions in US Proposals," in *Getting to Zero: The Path to Nuclear Disarmament*, Catherine McArdle Kelleher and Judith Reppy, eds. (Stanford: Stanford University Press, 2011).

⁵ Matthew Evangelista, "Blockbusters, Nukes, and Drones: Trajectories of Change over a Century," *The Asia-Pacific Journal: Japan Focus* 14:23:3 (1 December 2016).

Regarding compliance with international law governing the use of force, in the original essay I listed the major relevant treaties (including the Charter of the United Nations) and summarized the record against which the Trump administration should be compared: “To make a long story short, the United States has signed many, but not all, of these treaties, ratified some of them only after decades of delay, and has adhered unevenly to its obligations.” Influenced by the work of Janina Dill, I offered this generalization of past U.S. policy: “Previous administrations have been attentive to legal interpretation of U.S. treaty obligations and have typically sought to shape understanding of the law to legitimize U.S. practices, rather than allow others’ interpretations of the law to constrain those practices.” I suggested that it was “not yet clear the extent to which the Trump administration will mimic this approach to the law.”⁶

My original essay explained that previous U.S. presidents and their legal advisers have tended to evince more concern about compliance with domestic law governing armed force—the War Powers Act of 1973 and the Uniform Code of Military Justice, for example—than international constraints. I wrote that “Trump’s two immediate predecessors – George W. Bush and Barack Obama – both embraced recognizable, if not fully developed, philosophies or policy orientations toward presidential use of force and adherence to law,” whereas “what distinguishes Trump in the domain of international law on armed force is familiar from other policy areas: his erratic and attention-seeking personality; factual knowledge that barely extends beyond what he sees on television; a disregard for and willingness to invent facts; and a lack of grounding in any discernable or consistent ideology or policy framework.”

That all sounds pretty damning, but my article went on to assert that the legal philosophies and frameworks adopted by Trump’s predecessors, however sophisticated, yielded a record of dubious compliance with international law on use of armed force, with military involvement in places such as Yemen, Sudan, Somalia, Syria, and elsewhere justified on shaky international or domestic legal grounds. I addressed both the *jus ad bellum* question of resort to armed force and the *jus in bello* practices during military conflict, and especially the harm posed to civilians. I posed the rhetorical question: “If we have already reached the limits of what law can achieve in restraining civilian harm in war, how much more damage could the Trump administration do?”

So, how much damage *did* the Trump administration do to what I had already claimed was a rather limited constraint? It is a question that is not as easy to answer as one might expect. The main reason is our lack of information. The Trump administration was far less forthcoming than its predecessors in making information available about its military operations. So even though the administration took several initiatives to weaken the restraints its predecessor had imposed, whether those initiatives resulted in further violations of law is uncertain. In September 2017, for example, the *New York Times* reported the President’s desire to relax Obama-era limitations on drone strikes and special forces operations.⁷ A year later Trump cancelled the Obama administration’s plan to transfer drone operations conducted in secret (and in violation of international law) by the Central Intelligence Agency to the uniformed military services.⁸ With a new base under construction in Niger, analysts expected an increase in drone attacks in surrounding countries, such as Libya.⁹

It is hard to ascertain whether that happened. In March 2019 the administration revoked an executive order that Obama had issued in response to criticism of his drone campaign that would have revealed information about the civilian toll of the strikes.¹⁰ Regarding the two main dimensions of international humanitarian law, as I pointed out in my original article, “drone attacks pose problems for *jus in bello* when the targets are too broadly defined – all males of a certain age in a particular area, for example -- and for *jus ad bellum* when they are used against countries where there is no recognized armed conflict in which the U.S. is involved.” Obama’s order offered the promise to address concerns about both dimensions of U.S. compliance with international law, by covering countries outside the recognized war zones of Afghanistan, Iraq, and Syria, and by providing more estimates of civilians killed. During the Obama era such estimates typically came in for criticism as artificially low—and leaked documents revealed that the government possessed higher, more

⁶ Janina Dill, *Legitimate Targets? Social Construction, International Law and US Bombing* (Cambridge: Cambridge University Press, 2014).

⁷ Charlie Savage and Eric Schmitt, “Trump Poised to Drop Some Limits on Drone Strikes and Commando Raids,” *New York Times*, 21 September 2017.

⁸ Joe Penney, Eric Schmitt, Rukmini Callimachi and Christoph Koertl, “C.I.A. Drone Mission, Curtailed by Obama, Is Expanded in Africa Under Trump,” *New York Times*, 9 September 2018.

⁹ Eric Schmitt, “A Shadowy War’s Newest Front: A Drone Base Rising From Saharan Dust,” *New York Times*, 22 April 2018.

¹⁰ Charlie Savage, “Trump Revokes Obama-Era Rule on Disclosing Civilian Casualties From U.S. Airstrikes Outside War Zones,” *New York Times*, 6 March 2019; “The Secret Death Toll of America’s Drones,” editorial, *New York Times*, 30 March 2019.

accurate figures.¹¹ In an effort to deter such leaks, in May 2019 the government arrested Daniel Hale, an Air Force veteran who was charged under the Espionage Act for allegedly providing documents about the drone program to a journalist.¹²

Although Trump's secrecy made it impossible to know for certain the toll of drone strikes during his administration, the main institutions that had collected such data—from a variety of sources, including local reports on the ground—suggested a decline.¹³ So we observed a Trump administration opposed to transparency in its military policy, probably flaunting international law as much as its predecessors, but evidently causing fewer deaths of foreign civilians and U.S. soldiers. On the other hand, it may be that Pentagon and nongovernmental sources simply stopped conducting adequate investigations to reveal the true toll of killing.¹⁴ An exception was the London-based Airwars organization. It published a detailed study of U.S. operations in Yemen and estimated that 230 “kinetic actions” took place there during Trump's presidency, of which only 181 actions were officially declared: “This likely marked the most intensive period of strikes in that country by any U.S. president since 2001.” The report identified forty-one actions that had resulted in civilian harm. It criticized the U.S. Central Command for lack of transparency and accountability in reporting the consequences of attacks under its authority.¹⁵

The Trump administration's most high-profile drone strike and violation of international law came with the assassination in January 2020 of Major General Qassem Suleimani, the leader of Iran's Quds Force, near the international airport in Baghdad, Iraq.¹⁶ The Defense Department initially justified the assassination as a preemptive strike to forestall imminent attacks that Suleimani was planning against U.S. military personnel in the region. In the face of congressional skepticism, including from Republican lawmakers, Pentagon officials offered no evidence to support their claim. After initially asserting that Suleimani was planning attacks on four U.S. embassies, Trump himself eventually lost interest in providing a consistent legal justification for the assassination. “It doesn't really matter because of his horrible past,” he tweeted.¹⁷ Democratic politicians criticized Trump for his neglect of Congressional war powers and the attack's escalatory potential, but only a few dubbed the act an assassination and a violation of international law.¹⁸ Their responses reinforced the impression of a gradual weakening over time of the norm against international assassinations—one that long predates Trump.¹⁹

In February 2020, the administration released a report to Congress, in compliance with its legal obligations under the 2018 National Defense Authorization Act, to justify the killing of Soleimani. It cited, in domestic law, Article 2 of the U.S. Constitution, which designates the president as commander in chief of the armed forces, and the 2002 Authorization for the Use of Military Force against Iraq, which gave President George W. Bush permission to use the U.S. armed forces “to defend the national security of the United States

¹¹ Jeremy Scahill, “The Assassination Complex,” *The Intercept*, 15 October 2015, <https://theintercept.com/drone-papers>.

¹² Democracy Now, “Trump Steps up War on Whistleblowers: Air Force Vet Daniel Hale Arrested for Leaking Drone War Info” 10 May 2019, https://www.democracynow.org/2019/5/10/trump_steps_up_war_on_whistleblowers.

¹³ Peter Bergen, David Sterman, Melissa Salyk-Virk, *America's Counterterrorism Wars*, New America Foundation, 30 March 2020; Bureau of Investigative Journalism, <https://www.thebureauinvestigates.com/projects/drone-war>.

¹⁴ Susannah George, “As U.S. Air War in Afghanistan Surged, Investigations into Civilian Harm Plunged,” *Washington Post*, 4 September 2020.

¹⁵ Airwars, *Eroding Transparency: U.S. Counterterrorism Actions in Yemen under President Donald Trump*, October 2020, <https://airwars.org/wp-content/uploads/2020/10/Eroding-Transparency-Trump-in-Yemen.-Airwars-October-2020.pdf>

¹⁶ Robin Wright, “The Killing of Qassem Suleimani Is Tantamount to an Act of War,” *The New Yorker*, 3 January 2020. For an argument that “the United States struggled to offer a consistent legal basis for the strike on Soleimani,” see Matthew J. Aiesi and Amanda L. Minikus, “The Rules of Engagement Are the Wrong Lexicon for Deterrence Signaling,” *Lawfare*, 9 June 2020.

¹⁷ Karen DeYoung, “Trump Says ‘It Doesn't Really Matter’ if Iranian General Posed an Imminent Threat,” *Washington Post*, 13 January 2020.

¹⁸ Alexander Bolton, “Democrats alarmed by ‘massive escalation’ with Iran, lack of consultation with Congress,” *The Hill*, 3 January 2020.

¹⁹ Ward Thomas, “Norms and Security: The Case of International Assassination,” *International Security*, vol. 25, no. 1 (Summer, 2000); Audrey Kurth Cronin, “The Age of Open Assassination,” *Lawfare*, 19 January 2020.

against the continuing threat posed by Iraq.” Rep. Eliot L. Engel, then chair of the House Committee on Foreign Affairs, “described the claim that Congress had authorized the strike under the 2002 AUMF as ‘absurd.’”²⁰

In international law, the report cited the provision of Article 51 of the UN Charter for “national self-defense” as justifying the U.S. action “in response to a series of escalating armed attacks that Iran and Iran-supported militias had already conducted against the United States.” This claim seemed to require “abandoning the initial anticipatory self-defense argument,” because “the new U.S. justification seemed to rely on the existence of an ongoing armed conflict, that is, a *jus in bello* paradigm. In this understanding, Soleimani was a lawful target under the law of armed conflict.”²¹

Contrary to the Trump Administration’s claims, in a report of June 2020, a U.N. Special Rapporteur declared that “in light of the evidence that the U.S. has provided to date, the targeting of General Soleimani, and the deaths of those accompanying him, constitute an arbitrary killing” and a violation of the laws of war. It found that “with insufficient evidence provided of an ongoing or imminent attack” the drone “strike was in violation of Art. 2(4) of the UN Charter.”²² In January 2021, the Iraqi judiciary issued an arrest warrant for Donald Trump for the murder of Soleimani and Iraqi citizen Abu Mahdi al-Muhandis.²³ Iran had previously issued arrest warrants for Trump and others it claimed responsible for the murder of Soleimani and requested assistance from Interpol, which the international police organization refused.²⁴ Iran reissued its arrest warrant and request for the arrest of Trump and 47 other officials in January 2021.²⁵

As with the use of drones, secrecy also hinders comparison between Trump and his predecessors on the use of special forces within and outside war zones. Many Americans, including members of Congress, were surprised, for example, to find out that US forces were operating in countries like Niger when, in October 2017, three soldiers were killed in an ambush there.²⁶ Subsequent research by the Costs of War Project revealed that US troops were active in counterterrorism operations in at least 80 countries.²⁷ In some of those countries, such as Somalia, U.S. military action has increased substantially under the Trump administration. Official press releases announced some of the operations, but others, by the C.I.A., for example, remain unreported.²⁸ The same may be true of Yemen. The Airwars report of October 2020 claimed that since mid-2019, “covert and clandestine actions in Yemen appear to have dominated U.S. engagements,” further hindering an evaluation of harm to civilians.²⁹ It is possible, then, that operations carried out by Special Forces and the Central Intelligence Agency during the Trump Administration increased unnoticed.

In keeping with the theme of my original essay, I still argue that many of Trump’s violations of international law find ample precedent in previous administrations and considerable bipartisan support at present. For example, whereas the United Nations Charter (Article 2)

²⁰ Elliot Selzer, “White House Releases Report Justifying Soleimani Strike,” *Lawfare*, 14 February 2020. The report is here: <https://www.documentcloud.org/documents/6776446-Section-1264-NDAA-Notice.html>.

²¹ Matthew J. Aiesi, Amanda L. Minikus, “The Rules of Engagement Are the Wrong Lexicon for Deterrence Signaling,” *Lawfare*, 9 June 2020.

²² *Elliot Selzer*, “U.N. Special Rapporteur Release Report on Drone Strikes and Soleimani Killing,” *Lawfare*, 8 July 2020. The report is here: https://www.jurist.org/news/wp-content/uploads/sites/4/2020/07/A_HRC_44_38_AUV.pdf.

²³ Associated Press, “Iraq Issues Arrest Warrant for Trump over Soleimani Killing,” 7 January 2021.

²⁴ Patrick Wintour, “Iran Issues Arrest Warrant for Donald Trump over Qassem Suleimani Killing,” *The Guardian*, 18 February 2020.

²⁵ James Crump, “Iran Issues Interpol Arrest Warrant for Trump,” *The Independent*, 5 January 2021.

²⁶ Reuters, “Three US Special Forces among Eight Dead in Niger Ambush,” 4 October 2017.

²⁷ Neta C. Crawford, “The Globalization of American War in the 21st Century: Militarism and Imperial Renaissance or Decline?” *Annals of the Fondazione Luigi Einaudi*, vol. 53, no. 1 (2019), 40-41.

²⁸ <https://airwars.org/conflict-data/>

²⁹ Airwars, *Eroding Transparency: U.S. counterterrorism actions in Yemen under President Donald Trump*, October 2020, <https://airwars.org/wp-content/uploads/2020/10/Eroding-Transparency-Trump-in-Yemen.-Airwars-October-2020.pdf>

enjoins all members to “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state,” President Trump explicitly threatened Nicolás Maduro’s government in Venezuela with military force and recognized his rival Juan Guaidó as the country’s legitimate president. Joseph Biden, Trump’s elected successor, also supported Guaidó and the punitive approach to Venezuela that dates from the Obama administration.³⁰ Despite apparent unease at the lack of congressional oversight of U.S. military operations worldwide, when Trump’s then-secretary of defense Mark Esper “announced a potential drawdown of U.S. troops in Africa, U.S. congressional leaders, military officers and various commentators defended the importance of the military in Africa” and pressed to maintain the status quo.³¹

U.S. involvement in Syria finds little basis in international law. Yet, the Obama administration’s hesitation about intervening there—even after the regime of Bashar al-Assad crossed Obama’s ‘red line’ by using chemical weapons—was based mainly on concerns about *domestic*, not international, legal authorization and lack of U.S. public support for another war in the Middle East. Despite that hesitation, the Obama administration had “been training and sending weapons to opposition forces since at least 2012,” as I described in my original essay. In the wake of another chemical attack, in April 2017 Donald Trump welcomed the opportunity to bomb Syria to distinguish himself from the cautious Obama—and his action was endorsed by Hillary Clinton, Obama’s secretary of state, and Antony Blinken, Biden’s nominee for that same office, along with many other luminaries of the foreign policy establishment.

Perhaps it should not have been surprising, then, that when Trump brought the United States closer to compliance with international law by announcing the *withdrawal* of forces from Syria in December 2018, his impulsive move met with widespread bipartisan condemnation.³² The Pentagon “slow walked” implementation of Trump’s order, in the words of the *New York Times*, so the president had to insist again that his decision be carried out in October 2019.³³ Trump’s action reflected no newfound appreciation for international law, but rather a desire to be seen as fulfilling a campaign promise to wind down the endless wars of his predecessors. It undermined the Kurdish forces which had been the most effective opponents of the Islamic State terrorist movement and sparked a crisis that witnessed some 900,000 desperate refugees fleeing toward the Turkish border, trying to escape the relentless bombing by the Syrian and Russian air forces.³⁴

Long before assuming the presidency, Donald Trump had expressed outspoken disdain for international law and his administration exerted limited effort, compared to its predecessors, in fashioning sophisticated legal rationales for its use of armed force. Nevertheless, the outcome in terms of laws violated or damage inflicted on foreign civilians and U.S. soldiers seems no greater than for previous administrations. Yet Trump’s lawlessness imposed other costs. His insistence on pardoning soldiers indicted or convicted for serious war crimes, for example, has undermined the system of military justice and unnerved U.S. military leaders. General Martin Dempsey, former chair of the Joint Chiefs of Staff, expressed his concern that “absent evidence of innocence or injustice the wholesale pardon of US servicemembers accused of war crimes signals our troops and allies that we don’t take the Law of Armed Conflict seriously.”³⁵ Trump then doubled down by pardoning private military contractors hired by the Blackwater firm who had been convicted of massacring Iraqi

³⁰ <https://obamawhitehouse.archives.gov/the-press-office/2015/03/09/fact-sheet-venezuela-executive-order>; Brian Ellsworth and Mitra Taj, “Latin America Rejects Trump’s Military Threat Against Venezuela,” Reuters, 11 August 2017; Democracy Now, “Joe Biden Supports Unelected Juan Guaidó in Venezuela, Says U.S. Should Keep Sanctions Against Cuba,” 12 May 2020, https://www.democracynow.org/2020/5/12/headlines/joe_biden_supports_unelected_juan_guaido_in_venezuela_says_us_should_keep_sanctions_against_cuba

³¹ Judd Devermont, Leanne Erdberg Steadman, “Defending the U.S. Military Presence in Africa for Reasons Beyond Counterterrorism,” *Lawfare*, 18 May 2020, <https://www.lawfareblog.com/defending-us-military-presence-africa-reasons-beyond-counterterrorism>.

³² Mark Landler, Helene Cooper and Eric Schmitt, “Trump to Withdraw U.S. Forces From Syria, Declaring ‘We Have Won Against ISIS,’” *New York Times*, 19 December 2018.

³³ Julian E. Barnes and Eric Schmitt, “Trump Orders Withdrawal of U.S. Troops from Northern Syria,” *New York Times*, 13 October 2019.

³⁴ Carlotta Gall, “It’s Like the End of the World,” *New York Times*, 18 February 2020; Kareem Fahim, “As Civilians Suffer in Syria’s Idlib Province, Death and Displacement Stalk Aid Workers, Too,” *Washington Post*, 19 February 2020; Vivian Yee and Hwaida Saad, “Syrian Children Freeze to Death. Bombs Rain Down. And ‘Nobody Cares,’” *New York Times*, 26 February 2020.

³⁵ Mikhaila Fogel, “When Presidents Intervene on Behalf of War Criminals,” *Lawfare*, 27 May 2019; Dave Philipps, “Trump Clears Three Service Members in War Crimes Cases,” *New York Times*, 15 November 2019.

civilians in Nisour Square.³⁶ Here too, however, Trump's action is not entirely unprecedented, given the example of Richard Nixon's decision to release Lieutenant William Calley Jr. from prison to house arrest, following conviction for his role in the My Lai massacre in Vietnam. Calley ultimately served only three years for his crimes.

In June 2020 President Trump deployed the National Guard and park police to disperse citizens peacefully demonstrating against police brutality and racism in Lafayette Square, across from the White House. Firing smoke bombs, pepper balls, and chemical irritants, the troops violently cleared a path for the president to stage a photo opportunity, flanked by the attorney general, the secretary of defense, and the chair of the Joint Chiefs of Staff.³⁷ Ironically, the act that first provoked the nationwide demonstrations—murder of an unarmed man (George Floyd) in custody—would, if carried out by a soldier during an armed conflict, violate the Geneva Conventions and constitute a war crime. Likewise, although it is legal to use tear gas to disperse peaceful citizens, deploying the same agents against foreign soldiers during combat would violate the Chemical Weapons Convention.

Donald Trump's most serious outrage against the law came on 6 January 2021, when he incited violent mobs to attack the Capitol Building to protest his electoral defeat—a defeat he and they refused to acknowledge. My initial essay concluded with a particular worry. Previous administrations had created an arsenal of nuclear weapons and a set of procedures for their use that left the United States and the world in a precarious state. The risk of nuclear war now hinged on the seemingly unhinged impulsive personality of President Trump (his self-assessment as a 'very stable genius' notwithstanding), and on the constraining or enabling judgment of civilian and military officials in the Pentagon and the White House.

That worry reverberated at the highest levels of government in the wake of the Trump-inspired insurrection. If Trump ordered a nuclear attack in the waning days of his presidency—Iran seemed to be his preferred target—he would arguably be breaking international law, although his predecessors had never shaped the country's nuclear strategy with international legal constraints in mind. He would not, evidently, be breaking domestic law. On the contrary, Article 2 of the Constitution invests the president with the sole authority of commander-in-chief, and no civilian or military official could defy Trump's order to use nuclear weapons without breaking the law themselves. This unsettling situation seemed to come as a surprise to some government officials and the public at large, although experts had warned about it long before Trump's election.³⁸

Even as Trump snubbed his successor by flying to Florida instead of attending Joseph Biden's inauguration (the first time since Andrew Johnson refused to attend Ulysses Grant's inauguration 152 years earlier), the media reported that the outgoing president took the "nuclear football" (the suitcase containing the codes necessary to launch nuclear weapons) with him to Mar-a-Lago, rather than pass it on to Biden in Washington DC at noon. Apparently there are several such suitcases, so that there is never a risk that the top leader be hindered in the ability to unleash a nuclear holocaust.³⁹ Perhaps one consequence of the Trump presidency will be a rethinking of U.S. policy toward nuclear weapons and their potential use.⁴⁰ Given that the Treaty on the Prohibition of Nuclear Weapons—one of several international legal agreements the United States has refused to sign—comes into force on 22 January 2021, the timing could be propitious.

³⁶ Michael Safi, "Trump Pardons Blackwater Contractors Jailed for Massacre of Iraq Civilians," *The Guardian*, 23 December 2020.

³⁷ Aaron C. Davis, Carol D. Leonnig, Josh Dawsey, and Devlin Barrett, "Officials Familiar with Lafayette Square Confrontation Challenge Trump Administration Claim of What Drove Aggressive Expulsion of Protesters," *Washington Post*, 14 June 2020.

³⁸ John Wagner and Colby Itkowitz, "Pelosi Says She Spoke to Nation's Top Military Leader about Ensuring Trump Doesn't Launch a Nuclear Attack," *The Washington Post*, 8 January 2021; David E. Sanger and Eric Schmitt, "Pelosi Pressed Pentagon on Safeguards to Prevent Trump From Initiating Strikes," *New York Times*, 9 January 2021. For a well-informed account of the legal and technical issues, see Bruce Blair, "What Exactly Would It Mean to Have Trump's Finger on the Nuclear Button?" *Politico*, 11 June 2016, <https://www.politico.com/magazine/story/2016/06/2016-donald-trump-nuclear-weapons-missiles-nukes-button-launch-foreign-policy-213955>.

³⁹ Magda Ibrahim, "Trump Sparks 'Nuclear Football' Fiasco by Flying Codes with Him to Florida ahead of Biden's Inauguration," *The Sun* (UK), 20 January 2021, <https://www.thesun.co.uk/news/13796583/trump-sparks-nuclear-football-fiasco-flying-codes-florida/>.

⁴⁰ Lisbeth Gronlund, David Wright, Steve Fetter, "An Expert Proposal: How to Limit Presidential Authority to Order the Use of Nuclear Weapons," *Bulletin of the Atomic Scientists*, 8 January 2021.

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