

March 15, 1996

## DEFENDING AMERICA: ENDING AMERICA'S VULNERABILITY TO BALLISTIC MISSILES

An Update by the Missile Defense Study Team ("Team B")

### INTRODUCTION

In 1995, The Heritage Foundation convened a Missile Defense Study Team to examine the growing threat of ballistic missiles armed with weapons of mass destruction—nuclear, biological, and chemical weapons. The Missile Defense Study Team, known as "Team B," released its report *Defending America: A Near- and Long-Term Plan to Deploy Missile Defenses*, in June 1995, recommending timely, affordable, and technically sound responses to the missile threat, in keeping with the congressional leadership's high priority on ballistic missile defense.<sup>1</sup>

Subsequent events have only reinforced the importance of Team B's recommendations that an effective ballistic missile defense system be deployed at the earliest possible date. In fact, the need for a vigorous missile defense program is more acute than ever. Ballistic missiles carrying mass destructive warheads remain the only weapons that can seriously threaten the territory of the United States. Shorter range or theater ballistic missiles (TBMs) also threaten U.S. forces and bases abroad, and allies in key regions of the world, as potentially hostile states continue to develop weapons of mass destruction and seek to acquire missiles to deliver them.

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1 Missile Defense Study Team, *Defending America: A Near- and Long-Term Plan to Deploy Missile Defenses* (Washington, D.C.: The Heritage Foundation, 1995).

In February 1991, an Iraqi Scud missile killed 29 American soldiers in Dharaan, Saudi Arabia, the largest single loss of American life in the Persian Gulf War. Yet five years later, the U.S. still has no better defense against theater ballistic missiles than the *Patriot*. To be sure, the *Patriot* did good service in the Gulf War, helping to neutralize the potential impact of Iraq's Scud arsenal. But it was designed originally as an air defense, not an anti-missile system, and its ability to defend a wide area or population center from ballistic missile attack was deliberately limited.

The U.S. still has no defense whatsoever against intercontinental ballistic missiles (ICBMs), contrary to what most Americans believe. If an ICBM were launched at the United States today—by accident or design—there is not a single thing the U.S. military could do to stop the warhead or multiple warheads from reaching their targets and killing hundreds of thousands, possibly millions, of Americans. In 1983, President Reagan began the Strategic Defense Initiative to end this utter vulnerability to the world's most terrible weapons. Yet the nation is no better protected from missile attack in 1996 than it was in 1983.

Team B considered this needless vulnerability in the context of the missile threat to the American people and to their forces, bases, and allies overseas. Team B concluded, unlike the Clinton Administration, that the threat is clear, present, and growing; and that it demands an urgent response.

As the least expensive and most effective solution to this global problem, *Defending America* recommended accelerated deployment of global wide-area defenses—at sea within the next three to four years and in space by early in the next decade. These initiatives would restore key ballistic missile defense programs that the Clinton Administration sharply curtailed or canceled in 1993.

A year after the release of the Team B study, the United States remains undefended despite the best efforts of some Members of the 104th Congress—and will likely remain undefended if the Administration's current policies prevail. Because missile defense remains a vital but unfulfilled national security requirement, The Heritage Foundation asked Team B to reconvene and take a look at what the Clinton Administration and Congress have done—or failed to do—to defend America. Team B has revalidated its basic approach of 1995, but also has concluded that the lack of progress in protecting Americans from ballistic missiles warrants this updated report in conjunction with the reissue of *Defending America*.

Consequently, The Heritage Foundation is reissuing the Team B report along with this update, which reviews events of the past year that affect the missile defense effort, analyzes the negative impact of recent Clinton Administration missile defense program decisions, and discusses in more detail the Clinton Administration's negotiations with Russia on reinterpreting the ABM Treaty and extending the Treaty's limits to key theater defense systems.

In this update, Team B offers a number of new recommendations to adjust to delays and negative developments in the missile defense program in the past year. The main conclusions are summarized as follows:

- ① **Congress, and the U.S. Senate in particular, should seek ways to remove the obstacles to effective missile defenses posed by the ABM Treaty, including possible withdrawal from the treaty as the U.S. is entitled to do under Article XV.**
- ② **Congress should forego development of ground-based systems for national missile defense and accelerate deployment of sea-based, wide-area defenses.** Without artificial performance constraints or limits imposed by the ABM Treaty, this system could counter threats against the U.S. homeland as well as regional threats from theater missiles, beginning by the year 2000.
- ③ **Congress should accelerate the deployment of space-based sensors** to enhance the effectiveness of both theater and national missile defense.
- ④ **Congress should direct the Air Force to develop follow-on space-based defenses, both kinetic energy interceptors and space-based lasers, to begin deployment early in the next decade.**
- ⑤ **Congress should ensure the Ballistic Missile Defense Office develops an integrated but open architecture for battle management, command, control, and communications** to support missile defense systems.

## WHAT TEAM B PROPOSED IN 1995

In 1995, The Heritage Foundation Missile Defense Study Team proposed improvements or renewed emphasis in several missile defense program areas, in particular:

**Sea-Based Wide-Area Defense.** Because the Navy already has invested almost \$50 billion in its AEGIS cruisers and their infrastructure, modifications or modernization of the software, battle management system, and interceptors for the missile defense mission would cost only about \$1 billion. The U.S. could then begin deploying defenses on AEGIS-equipped naval vessels by the end of this decade. For an investment of \$2-3 billion, 650 defensive interceptors on 22 AEGIS cruisers could be at sea by 2001, achieving a limited global missile defense capability for the U.S. and for American forces and allies overseas. Team B pointed out that these highly mobile platforms could defend Americans in all 50 states from a limited long-range missile strike, as well as defend American troops and allies overseas, provided the full technological capability of the Navy missile defense system was not arbitrarily constrained or artificially compromised.

**Brilliant Eyes Sensor System.** Team B recommended accelerating the *Brilliant Eyes* space-based sensor to begin deployment by as early as 1999. This system would enhance the capability of all wide-area defense interceptor systems, wherever based.

**Space-Based Defenses.** Team B recommended reviving space-based defense programs canceled by the Clinton Administration to provide deployment options beginning early in the next decade. This approach would be the most effective long-term defense to protect the American homeland and to counter advanced theater ballistic missiles.

**ABM Treaty Limits.** Team B also recommended that defenses for America and American troops, bases, and allies overseas be built without arbitrarily restraining systems to comply with the outdated ABM Treaty. Codifying the Mutual Assured Destruction (MAD) strategy of the Cold War, the ABM Treaty no longer makes sense in a multipolar world of proliferating nuclear powers.

## THE CLINTON RECORD ON MISSILE DEFENSE

Team B members are dismayed at the extent to which the Administration has undermined the ability of the United States to defend itself against the growing threat posed by the proliferation of weapons of mass destruction and ballistic missiles. It is a widely acknowledged characteristic of President Clinton and officials in his Administration that they say one thing and do another. Nowhere is this disingenuousness more evident than the Administration's position on weapons of mass destruction and their principal delivery systems—ballistic missiles.

### **The Administration's Declaratory Policy**

On November 14, 1994, President Clinton issued Executive Order 12938, declaring in part that the proliferation of weapons of mass destruction and the means of delivering such weapons constitutes "an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States," and that he therefore had decided to "declare a national emergency to deal with that threat." A year later, on November 15, 1995, he issued a notice of the continuation of this "Emergency Regarding Weapons of Mass Destruction." This is a clear and indisputable evaluation of the immediate danger to the U.S. and its interests posed by "the proliferation of nuclear, biological, and chemical weapons and the means of delivering such systems."

Despite this clear and unequivocal statement of U.S. policy, President Clinton vetoed the FY 1996 Defense Authorization Act on December 28, 1995. This legislation contained missile defense provisions intended specifically to meet the threat from the proliferation of weapons of mass destruction and ballistic missile delivery systems. President Clinton based his veto primarily on his objection to the missile defense language in the Act, which called for defending all 50 American states by early in the next decade. According to the President, this would be a "costly defense system" against a threat that the "intelligence community does not foresee in the coming decade." His veto message asserted that the missile defense provisions would "also jeopardize our efforts to agree on an ABM/TMD demarcation with the Russian Federation."

Defense Secretary William Perry said on September 20, 1994, when announcing the results of the Clinton Administration's nuclear posture review, that his "number one priority is to put MAD (Mutual Assured Destruction) behind us for good, to replace it with Mutual Assured Safety." But on May 10, 1995, President Clinton joined Russian President Boris Yeltsin in declaring the ABM Treaty—which is based on MAD—a "cornerstone of strategic stability." Indeed, the Clinton Administration's theological commitment to the ABM Treaty is so strong that it refuses to exploit U.S. technological advantages to build the most effective defenses—which are also the least costly defenses—to protect the American people and their overseas troops, friends, and allies.

### **More Administration Inconsistency**

Secretary Perry is as inconsistent as his commander in chief. On January 31, 1996, he told the Hoover Institution Board of Overseers that "we are pursuing, in my judgment, robustly, vigorously, a so-called theater missile defense program [which] will give us the capability of defending U.S. forces and U.S. allies against medium-range ballistic missiles. We are moving toward deployment—the production and deployment of this system on a high-priority schedule where the first of the new generation of such defenses will begin

their deployment in a few years.” In a press conference on February 16, the Secretary announced the results of a six-month Pentagon review of plans to defend the American people and their troops, friends, and allies overseas, stating: “I have no higher obligation as Secretary of Defense than to protect our forces and our territory. This program responds to threats as they develop, combines current and evolving technology to face today’s threat and will enable us to develop new technologies to face tomorrow’s threat from longer range missiles.”<sup>2</sup>

Nevertheless, the content if not the rhetoric of the February 16 announcement was contrary to the clear intent of Congress, which last year increased the Administration’s budget request for missile defense and directed that key programs be accelerated.<sup>3</sup> Instead, the Clinton Administration has decided to slow these programs while cutting 15 percent from its previously planned budget—a budget that already had been cut by about 60 percent below the missile defense plan of the Bush Administration.

Defense experts who were not misled by the responsible-sounding statements in Mr. Perry’s February 16 press briefing realize that even the Administration’s vaunted commitment to theater missile defense is highly questionable. Secretary Perry announced cuts in funding for both the Theater High Altitude Area Defense (THAAD) and the Navy’s AEGIS-based wide-area defense and proposed to delay deployment for both indefinitely—in spite of congressional direction to deploy these two systems by 1999.

Furthermore, the Administration has decided to delay for at least three years a decision to deploy any defense of the American people, a delay that will most likely prove to be indefinite if the Clinton Administration continues in office beyond January 1997. The Administration has canceled or sharply curtailed development of the most effective, least expensive defenses. It is even stretching out development of the programs it is supporting, thereby increasing total system costs. It has reoriented the theater defense programs to the least capable systems, providing only limited protection to overseas troops, friends, and allies and denying the American people the inherent capability that would be afforded by fully exploiting modern technology.<sup>4</sup> Similarly, deployment of *Brilliant Eyes* space sensors was delayed at least six months while the Administration reviewed how to proceed. In short, the net effect of the Clinton Administration’s policies and statements is to undermine deployment of effective theater and national missile defenses.

These developments, apparent from the headlines of press reports from the briefing given on the Friday afternoon before a long holiday weekend,<sup>5</sup> are at sharp variance with last year’s Team B report, which concluded that the threat is clear, present and growing. The fac-

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2 See February 16, 1996, press briefing by Defense Secretary William J. Perry and Undersecretary of Defense Paul G. Kaminski, released by the Office of the Assistant Secretary of Defense (Public Affairs); transcript prepared by Federal Document Clearing House, Inc., Washington, D.C.

3 On March 7, 1996, Senate Majority Leader Bob Dole and 26 of his colleagues—including the entire Republican leadership and the Chairmen of the Senate Armed Services and Foreign Relations Committees and the Defense Appropriations Subcommittee—served notice on Secretary of Defense Perry that the Clinton Administration had embarked on a “course of action indefensible before the law and the American people” in curtailing key missile defense programs.

4 See “Hike in U.S. Navy TMD Funds Misses Service Target,” *Defense News*, February 19-25, 1996, p. 10.

5 See, for example, Bradley Graham, “Pentagon to Focus on Defense Against Short-Range Missiles,” *The Washington Post*, February 17, 1996, p. A4; Bill Gertz, “Pentagon Delays Missile Defenses Congress Wants,” *The Washington Times*, February

tual evidence presented in *Defending America* demonstrated in particular that worldwide defenses against longer range missiles are urgently needed to counter blackmail threats that could limit U.S. involvement in future regional crises involving U.S. national interests. This kind of blackmail was illustrated recently when a Chinese official threatened to destroy Los Angeles if the U.S. interfered with China's feud with Taiwan.<sup>6</sup> And on March 8, 1996, China conducted missile firing tests offshore near Taiwan's two largest cities as part of an ongoing campaign to intimidate Taiwan. These missile "tests" amounted to a *de facto* blockade, and further dramatized the use of ballistic missiles as weapons of coercive diplomacy as well as weapons of war.

The incoherence of the Administration's position on missile defense is further revealed by its handling of theater defenses, which it continues to claim are "first priority." Seeking funds in a shrinking defense budget to offset shortfalls in other procurement accounts, the Administration is slowing its own theater defense program on the grounds that there is no imminent threat.<sup>7</sup> Yet America's top commander in South Korea, General Gary Luck, asked that the THAAD (Theater High Altitude Area Defense) system be expedited to replace the *Patriot* system in light of growing tensions with North Korea. But General John Shalikashvili, Chairman of the Joint Chiefs, justified turning down General Luck and delaying THAAD because, in his view, there is no new threat from North Korean missiles.<sup>8</sup> Also, U.N. inspectors fear that an Iraqi missile program exposed last year is more extensive than previously thought and could enable Saddam Hussein to fire chemical, biological, or nuclear weapons at targets up to 2,000 miles away—which would include all of the capitals of Europe.<sup>9</sup>

The need for wide-area defenses—surpassing the capability of THAAD—could not be clearer. Short-range interceptors like *Patriot* and the Navy Lower Tier emphasized by the Clinton Administration will be ineffective against 2,000-mile-range ballistic missiles. They will have difficulty defeating even the Gulf War Scud, which broke up on reentry and became very hard to hit as its warhead "cork-screwed" its way toward the Earth. Neither of these theater systems currently being pursued by the Clinton Administration will be at all effective against missiles that release their warheads shortly after their boost phase, while they are rising in rocket-powered flight from their launchers. Yet there are reports that such missiles might be developed and "on the world market within the next five years."<sup>10</sup> Thus,

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17, 1996, p. A2; and Bradley Graham, "Pentagon Plan to Delay Antimissile Programs Draws Heated Opposition on the Hill," *The Washington Post*, March 7, 1996, p. A12.

6 See Patrick E. Tyler, "As China Threatens Taiwan, It Makes Sure U.S. Listens," *The New York Times*, January 24, 1996, p. A3. See also Patrick E. Tyler, "China Hints at a Timetable to Take Control of Taiwan," *The New York Times*, January 31, 1996, p. A2.

7 Daniel G. DuPont and Elaine M. Grossman, "Missile Defense Review Moves DOD to Overhaul BMDO Programs, Priorities," *Inside the Pentagon*, February 8, 1996, p. 1.

8 Bill Gertz, "Shalikashvili Explains Decision to Defer THAAD Deployment," *The Washington Times*, February 16, 1996, p. A8. Notably, General Shalikashvili was defending the decision not to honor the request of the commander of U.S. forces in Korea to reverse the JCS decision to stretch out the development of THAAD. See Bill Gertz, "Plea of Missile Defense in Korea Fails," *The Washington Times*, February 15, 1996, p. A1.

9 Stewart Stogel, "Missile Plans by Iraq May Aim at Europe," *The Washington Times*, February 16, 1996, p. A1.

10 See, for example, David M. North, "Washington Outlook—Danger Ahead," *Aviation Week and Space Technology*, July 24, 1995, p. 19.

the missile threat demonstrably continues to grow and the Clinton Administration continues to resist committing the needed resources to protect the American people, their forward-deployed forces, and their allies.

Clearly, the Clinton Administration's relaxed view of the threat and its inconsistent actions on missile defense are neither prudent nor responsible. It has become regrettably clear that the Clinton Administration cannot be relied upon to carry out its own stated policy. The President has created a political environment in which words mean nothing, in which the Administration's policy declarations merely conceal the failure to protect Americans against ballistic missiles. The Administration's actions over the past year demonstrate that the American people cannot depend upon the executive branch to fulfill its chief constitutional duty—to provide for the common defense—even though the missile threat continues to grow.

## ADDITIONAL DEVELOPMENTS SINCE THE 1995 TEAM B REPORT

### **The President's Veto of the Defense Authorization Bill**

In crafting the missile defense provisions of the FY 1996 defense authorization bill, the congressional defense committees focused on limited, ABM Treaty-compliant, ground-based systems for the homeland defense mission. Team B recognizes that staunch supporters of missile defense in Congress chose to focus on ground-based defenses in order to garner the majority needed to pass the defense authorization bill. It was a tactical judgment call designed to "move the ball forward" toward actual deployment of National Missile Defense (NMD), even if only a few yards, and the bill as passed did direct the Clinton Administration to deploy, early in the next decade, a defense for the American homeland.<sup>11</sup>

But on December 28, 1995, President Clinton vetoed the bill precisely because it mandated defending the American people by early in the next decade. The majority that had coalesced around a less than optimum NMD program was not sufficient to override the President's veto, and Congress was forced to strip out the offending section so that the defense authorization bill could be signed into law.

While this was a severe setback for the defense of the United States, at least it clarified the missile defense debate. It is now clear that the Clinton Administration and the majority of the Democrats in Congress, who would not vote to override the veto, are willing to risk leaving the American people vulnerable to attack by even a single ballistic missile.

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11 It is commonly though incorrectly assumed that the technology is most mature for ground-based defenses because such defenses have been under development longest, and that such defenses are the least expensive. In fact, effective wide-area defenses can be deployed sooner at sea and in space. Contrary to conventional wisdom, advances in technology have been flowing from research on space-based systems to ground-based systems, not the other way around. Finally, as discussed in the 1995 Team B report, sea-based and space-based defenses would be far less expensive and more effective in providing the needed wide-area defensive coverage.

## **“Explaining Away” the Need for Missile Defense**

The Clinton Administration argues that there is no ballistic missile threat to the American homeland and that there will be sufficient warning to build needed defenses before such a threat develops. In line with these assumptions, the Administration has structured a National Missile Defense Deployment Readiness Program. Over the next three years, it would develop components of an ABM Treaty-compliant ground-based defense which, in turn, could be deployed in another three years if, in the President’s view, developments warrant it. It therefore intends to provide no defense for the American people before 2003 at the earliest.

Yet American cities can be destroyed today by Russian and Chinese missiles. One wonders whether the Clinton Administration believes it is “politically incorrect” to call attention to such possibilities. Furthermore, authoritative Administration officials testified to Congress last year that rogue states could threaten U.S. cities with long-range missile attack in three to five years—or sooner if they chose to accelerate their development plans.<sup>12</sup> Several Senators and Congressmen have expressed concern that the Clinton Administration politicized a recent National Intelligence Estimate so as to suggest a lesser threat to the United States than indicated in this previous testimony.<sup>13</sup>

## **The ABM Treaty—or an ABM/TMD Treaty?**

Last year Team B recommended an honest appraisal of the impediments to effective missile defense, including theater defense, posed by the 1972 ABM Treaty. To its great credit, the congressional leadership has sought throughout the past year to prevent Clinton negotiators from negotiating arbitrary constraints on theater missile defense systems that were never supposed to be limited by the ABM Treaty.<sup>14</sup>

But the Clinton Administration appears committed to “strengthening” this treaty. In talks to determine the demarcation between permitted theater defenses and ABM Treaty-limited strategic defenses, the Administration reportedly has accepted the Russian demand to limit the performance of the most promising theater defenses, including the Navy wide-area system. Only Russian recalcitrance and over-reaching in seeking greater restraints on theater missile defense have prevented consummation of the agreement and converting the ABM Treaty into an ABM-TMD treaty.

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- 12 See Senate Select Committee on Intelligence news release, “Senate Intelligence Committee Releases Unclassified Intelligence Assessments,” May 1, 1995.
  - 13 Senator Jon Kyl (R-AZ) discussed his misgivings with the “new” NIE in a January 18, 1996, speech at an AIAA conference in Monterey, California (mimeograph). See also Rowan Scarborough and Bill Gertz, “Missile-Threat Report ‘Politicized,’ GOP Says,” *The Washington Times*, January 30, 1996, p. A1; Bill Gertz, “Probe Urged of Missile Threat Report,” *The Washington Times*, February 29, 1996, p. A12; and transcripts from February 28, 1996, House National Security Committee hearings.
  - 14 Over the past year, at least seven letters from the congressional leadership have directed the Clinton Administration to cease its efforts to limit theater and U.S. homeland defenses and to “multilateralize” the ABM Treaty—even to halt the negotiations that seem determined to proceed in this direction despite repeated statements of congressional concern. See, for example, Bill Gertz, “Deal With Russia Could Hamper Missile Defenses,” *The Washington Times*, December 4, 1995. In one of the most recent letters, Senate Majority Leader Bob Dole, House Speaker Newt Gingrich, and 12 chairmen of defense and foreign affairs committees and subcommittees wrote President Clinton on February 12, 1996, expressing their strong objections to continuing negotiations with Russia that “will impede our ability to defend America and its interests” and indicating their intent to hold related hearings in the near future.



In demonstrating such a slavish adherence to a narrow interpretation of the ABM Treaty, the Administration in effect is binding the U.S. unilaterally to perceived rather than real treaty constraints. This theological devotion to the treaty has resulted in deliberate “dumbing down” of theater defense designs rather than making the systems as capable as available technology will permit. For example, the Navy wide-area defense is not being designed to exploit high velocity interceptors or external sensor data to maximize its reach, because that capability also would enable the system to defend the United States.<sup>15</sup> The THAAD system is not being allowed to use any external sensor data to extend its reach and effectiveness.

Despite the President’s promise to “work closely with the Congress,” he has largely ignored the concerns of Congress in favor of accommodating Russian demands to limit U.S. missile defenses through a renegotiated ABM Treaty. But Members of Congress are becoming increasingly disturbed at the Administration’s position. Late last year, Representative Martin Hoke (R-OH) introduced a bill directing the Administration to exercise its rights to withdraw from the ABM Treaty,<sup>16</sup> though it has not yet been debated. More recently, Foreign Relations Committee Chairman Senator Jesse Helms (R-NC), introduced a similar bill in the Senate.<sup>17</sup>

With these bills pending, the stage is set for hearings and a serious debate in both the Senate and the House on these issues vital to the nation’s security. If the Administration expands the ABM Treaty to cover advanced theater systems and also agrees to “multi-lateralize” the treaty by including the states of the former Soviet Union, it will be making substantive changes in the treaty. These changes must come before the Senate for its consent. Otherwise, the Senate’s constitutional prerogatives in treaty-making will be undermined, as will national security.

It has become manifestly clear that no effective defense of the American people can be built consistent with ABM Treaty limits. And if the Administration has its way, no highly effective theater defense will be built either. The Administration has shown clearly that it prefers defending the Treaty to defending Americans.

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15 Then Deputy Defense Secretary John Deutch explained to the Navy League on April 13, 1995, that the Clinton Administration’s version of the Navy Upper Tier—or wide area—defense was treaty-compliant because it was constrained to use only data from the SPY-1 radar co-located with its interceptors. See Bill Gertz, “Navy Missile Defense Shouldn’t Be Issue In Talks,” *The Washington Times*, April 14, 1995, p. A3. What he did not reveal was that this constraint, especially in conjunction with the interceptor velocity limits being discussed with the Russians, limits the Navy system’s effectiveness as a theater defense system and precludes it from having a capability to defend the U.S.

16 Kerry Gildee, “Bill Introduced in House Calls for U.S. to Abandon ABM Treaty,” *Defense Daily*, October 18, 1995, p. 77.

17 Bill Gertz, “Helms Wants U.S. Out of ABM Treaty,” *The Washington Times*, February 7, 1996, p. A3.

## TEAM B RECOMMENDATIONS FOR FISCAL YEAR 1997

Team B believes the congressional leadership, having made clear its fundamental differences with the Administration, should press for deployment of the least expensive, most effective near-term defenses technically achievable. Moreover, Team B concludes that the ABM Treaty must be dealt with in a manner consistent with these primary objectives. Recommendations to meet the latest developments are to:

- ✓ **Review** the Clinton Administration's ballistic missile threat assessment and direct a more prudent approach to accelerate the development of appropriate responses;
- ✓ **Review** the role of the ABM Treaty in artificially limiting the development of the most effective defenses now technologically feasible and direct that the most effective, affordable near-term defenses be developed unconstrained by the ABM Treaty and then deployed at an accelerated pace;
- ✓ **Use** all available congressional powers and prerogatives to move the U.S. toward withdrawal from the ABM Treaty after giving six months' notice, which it has the right to do under Article XV;
- ✓ **Redirect** last year's consensus objective of deploying ground-based U.S. homeland defenses by 2003 and focus it instead on beginning deployment of sea-based wide-area defenses by the year 2000, unconstrained by the ABM Treaty;
- ✓ **Direct** the Air Force to accelerate deployment of *Brilliant Eyes* space-based sensors beginning as early as 1999, to enhance the effectiveness of both theater and U.S. homeland defenses;
- ✓ **Direct** the Air Force to develop follow-on space-based defenses—both kinetic-energy interceptors and space-based lasers—for deployment early in the next decade;
- ✓ **Direct** the Army to focus its efforts on developing and deploying ground-based theater missile defenses to support overseas U.S. troops and allies; restore the \$2 billion recently removed by the Administration from the multi-year THAAD budget; and re-establish 2000 as the initial deployment date;
- ✓ **Direct** the Ballistic Missile Defense Office to assure development of an integrated but open architecture for the battle management, command, control, and communications to support these defense systems.

### Revised Spending Plan

Congress's failure to override the President's veto of the FY 1996 defense bill demonstrates the futility of pursuing relatively expensive yet less effective ground-based national missile defenses in the hope of getting at least some anti-missile protection deployed. Team B believes Congress instead should direct the accelerated development and deployment of the most effective sea-based and space-based wide-area defenses. Developing a boost-phase intercept capability with these and other systems also should be a high priority. These systems also will defend American forces and allies abroad, reducing the requirements for ground-based theater missile defenses.

Table 1

## Recommended Funding for Missile Defense Systems

Millions of Dollars	FY 96			FY 97		FY 98	FY 99	FY 00	FY 01
	Clinton Budget	Congress	Team B	Clinton Budget	Team B	Team B	Team B	Team B	Team B
<b>National Missile Defense</b>	\$370	\$745	\$370	\$515	\$265	\$360	\$490	\$600	\$720
<b>Global Defenses</b>									
Navy Wide-Area	30	200	300	60	360	470	450	450	450
<b>Space-Based Defenses</b>									
Space-Based Interceptors	0	0	150	0	250	300	?	?	?
Space-Based Lasers	30	80	150	30	250	300	?	?	?
<b>Technology</b>	145	145	200	200	200	200	200	200	200
Deploy Brilliant Eyes (AF)	130	250	250	120	300	500	950	1050	1050
<b>Total</b>	705	1,420	1,420	925	1,625	2,130	2,090	2,300	2,420

This approach will require that missile defense funds, including those already appropriated and those currently being applied to the Clinton Administration's so-called 3+3 Deployment Readiness Program, be spent instead on sea- and space-based defense programs. The highest priority should be assigned to deploying the Navy wide-area defense beginning in the year 2000. This would provide the earliest U.S. homeland defense. Evolutionary improvements to increase its effectiveness should occur as the relevant technologies mature. This is needed to maximize the system's ability to protect the U.S. homeland. Second, the development of space-based sensors and space-based defenses, both kinetic-energy interceptors and lasers, should be revived and accelerated.

Table 1 provides recommended funding levels, including additional funds in 1996 which can be accommodated by reprogramming funds already appropriated under the National Missile Defense program element from ground-based defenses to sea- and space-based defenses. (The recommended funding is consistent with last year's Team B report, given that six months of FY 1996 already have been lost.)

As discussed in last year's Team B report, the out-year funding needed for space-based systems will depend on development activities during the next three years. However, Team B continues to believe that the two space-based defense systems are complementary. In fact, for a given effectiveness against advanced threats, it can be shown that the least expensive space-based defense involves both. With the necessary funding, deployment can begin shortly after the year 2000. For planning purposes consistent with this objective, Team B recommends that \$1.6 billion, \$2.4 billion, and \$3 billion, respectively, be budgeted for 1999, 2000, and 2001.

This recommendation to forego continued commitment to a ground-based defense for protection of the U.S. homeland is intended to address the inherent shortcomings of ground-based systems discussed in the 1995 Team B report. In short, they can be overcome by likely countermeasures, they are expensive, and they are difficult to deploy in peacetime—even more so in crisis or war. The Clinton Administration suggests that a very limited

“ABM Treaty compliant” single site defense might cost less than \$5 billion.<sup>18</sup> Team regards this as a waste of scarce missile defense dollars. Such a significant expenditure of funds on relively ineffective ground-based defenses will only delay building urgently needed, more effective, and less expensive sea-based and space-based defenses.

Team B recommends that FY 1996 funds for National Missile Defense (NMD) be redirected from the ground-based NMD program now planned toward accelerating more effective and less expensive sea-based and space-based wide area defense programs. Future NMD funds should be directed toward providing evolutionary technical improvements to the initial Navy wide-area defense system in order to give it the most capable performance against the full spectrum of future threats to the United States. The NMD budget line should also include about \$150 million per year to continue programs to defeat countermeasures and support critical sensor programs that will enhance the midcourse intercept capability of all defenses.

The recommended funding for the technology line would restore key efforts against likely countermeasures. The most important countermeasure anticipated in the relatively near future is a “clustered submunition” that disperses numerous warheads shortly after a missile’s boost phase is completed. This countermeasure would overcome the limited theater missile defenses currently being developed by the Clinton Administration. To defeat it would require a boost-phase defense—that is, destroying the entire missile/warhead package before the submunitions can be released. But all boost-phase defenses that could be deployed in the near term were canceled by the Clinton Administration in 1993. Restoring them therefore should receive high priority. The funding recommended above should be sufficient for a technology demonstration within three years of a high-acceleration boost-phase interceptor like the *Raptor Talon* concept.

### **The Final Hurdle: The ABM Treaty**

Team B again recommends that Congress do all within its power to restrain the Clinton Administration’s penchant for negotiating additional treaty limits on U.S. defenses. Instead, the U.S. should indicate clearly to the Russians that the U.S. intends to provide effective wide area defenses for the American people and their overseas troops, friends, and allies—and that it would prefer to do so with Russia’s agreement. However, the U.S. should be explicitly clear that unless Russia begins to cooperate immediately, it will exercise its right to withdraw from the ABM Treaty and proceed to build defenses unilaterally.<sup>19</sup>

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- 18 The least expensive (perhaps \$2-3 billion) and nearest term (perhaps within four years) ground-based defense would involve modifying Minuteman missiles and command and control software to exploit the current Minuteman infrastructure. However, this system would have limited capability against only a few missiles (in his April 27, 1995, testimony before the House Budget Committee, Defense Secretary Perry acknowledged that a defense would be needed against several times this number—i.e. 10-20 warheads; on September 28, 1995, he told the Regional Commerce and Growth Association of St. Louis, Missouri, that a reasonable attack to design against would include “several dozen missiles”). There are likely to be substantial operational constraints (how would the U.S. persuade Russia that Minuteman defensive missiles launched at North Korean missiles were not Minuteman offensive missiles launched at Russia?), and these missiles would be less effective than sea-based wide-area defenses that could be deployed as soon for the same price—and defend American overseas troops, friends, and allies as well.
- 19 During the past year, bills that support this policy have been introduced in the Senate by Senator Jesse Helms (R-NC) and in the House by Representative Martin Hoke (R-OH). Hearings and floor debate could be very useful in firming up a clear U.S.

It should be obvious to any competent U.S. negotiator that the Russians will agree only if they believe that the U.S. is prepared to proceed unilaterally. The best way to move in this direction is to announce that the strategic situation has changed significantly since the ABM Treaty was negotiated in 1972 and that, because the new world disorder presents a number of potential threats to America's supreme interests, the U.S. intends to withdraw from the ABM Treaty. If the treaty no longer serves America's national security interests, the U.S. has every right to withdraw, and this right is made clear in Article XV. Once this step is taken the U.S. should proceed to build the effective defenses recommended above as quickly as possible.

## CONCLUSION

The Clinton Administration refuses to give serious consideration to building an effective missile defense program, whether to protect the U.S. homeland or U.S. troops abroad. Team B continues to recommend that global defenses be deployed urgently—initially from the sea and then from space. These are the least expensive and most effective defenses possible, and the U.S. can begin their deployment by the end of the decade if it has the political will to do so. As Team B concluded in 1995, the ultimate issue in the missile defense debate is not technology, nor even cost, but political will.

The test of the nation's political will to defend itself—and a test of the U.S. Senate's determination to defend its constitutional prerogatives—will be in dealing with the 1972 ABM Treaty. Some in Congress and the defense community believe the ABM Treaty is not a near-term problem; they think dealing with the treaty can be deferred to some distant future. But they are wrong. The ABM Treaty is stifling the development of today's most capable and effective defense systems and perpetuating the vulnerability of the American people and their troops, bases, and allies overseas. Continuing to appease the Russians in ABM Treaty negotiations delays U.S. efforts to build needed defenses, and may permanently impair American interests. Team B believes that U.S. supreme interests are threatened by realities that are fundamentally different from those of the Cold War. The time has come for the U.S. to exercise its Article XV right and, as a matter of supreme national interest, withdraw from the ABM Treaty and build the needed defenses.

Article I, Section 8 of the U.S. Constitution confers on the U.S. Congress the power and the duty to "provide for the common Defence." This entails the raising, support, and regulation of the nation's armed forces. In other words, Congress shares the responsibility for national security with the President, the commander in chief. This shared but direct responsibility for the security of the nation is an important element of the constitutional system of checks and balances.

The Clinton Administration continues to keep Americans vulnerable while hiding behind a smokescreen of positive sounding but meaningless policy declarations. It is now clear that the Clinton Administration will remain derelict in the duties required of the office of the commander in chief by failing to provide for the common defense. Congress must fulfill its

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policy regarding the need to move beyond the ABM Treaty and build effective defenses that increase the security of the U.S. and its friends and allies in the post-Cold War world.

constitutional duty to check the excesses of the executive branch. It must stop the improper attempts to broaden the ABM Treaty and counterbalance the executive's dereliction of duty by pressing for the most capable and effective missile defense technology permits.

Someday soon, it is a near certainty that U.S. forces abroad, and possibly even the U.S. homeland, will come under ballistic missile attack. Such an attack may occur with missiles carrying chemical, biological, or nuclear warheads. If that day comes, the American people will hold responsible all those in positions of public trust who failed to carry out their constitutional and moral duty.

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