



The Heritage Foundation

Background

Executive Summary

No. 1166

March 23, 1998

15 YEARS AND COUNTING: WHY AMERICANS STILL ARE VULNERABLE TO MISSILE ATTACK

THOMAS MOORE

On March 23, 1983, President Ronald Reagan launched the Strategic Defense Initiative (SDI) and raised the possibility of a new deterrence policy for the United States. Instead of deterring a nuclear attack by the Soviet Union through the threat of nuclear retaliation, President Reagan proposed using advanced technology to destroy enemy missiles in flight, to “save lives rather than avenge them.” Since 1983, the missile defense program has been an important feature of the national security debate. Despite enormous progress in ballistic missile defense (BMD) technology over the past 15 years, Americans still are vulnerable to the world’s most destructive weapons—ballistic missiles armed with nuclear, biological, or chemical warheads. Moreover, these weapons are proliferating among countries hostile to the United States.

The investment of 15 years and nearly \$50 billion has produced the means to build effective missile defenses at an affordable cost. In fact, if the political will and leadership were present, Americans could have an operational defense today. And yet, as a matter of deliberate policy, ballistic missiles remain the one class of weapon against which the United States deliberately has decided not to defend itself. This is an unprecedented and morally indefensible choice for a great military and economic power.

A DELINQUENT MINDSET

The failure to deploy defenses against weapons that directly threaten the United States must be attributed to both Democrat and Republican Presidents and to Democrat- and Republican-controlled Congresses. This delinquent mindset is shared also by defense and foreign policy and defense elites in academia, think tanks, and the news media. Their failure can be traced to the following factors:

- **The failure to take the threat seriously.** The elites ignore or minimize the programs of many countries to build ballistic missiles and hyperlethal weapons.
- **A willingness to gamble that the United States never will be attacked.** The elites believe that war is outmoded in the post-nuclear, post-industrial era.

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- **Politicizing of U.S. intelligence** to support official denial of the threat of proliferation of ballistic missiles and hyperlethal weapons.
- **The failure to commit to a deployment schedule.** There always is an excuse to delay a deployment plan and schedule.
- **The failure to select an “architecture.”** There always is the excuse of waiting for a better technology that is on the drawing board.
- **The failure to establish a unified or specified command dedicated to the mission of strategic defense.** The only current missile defense mission is research and development. Without an operational mission, no forceful advocacy exists in the Department of Defense for deploying a national missile defense.
- **The failure to learn relevant lessons,** especially from the 1991 Persian Gulf War and Iraq’s Scud attacks, which killed more Americans in one attack than any other weapon.
- **Arms control extremism.** The arms control establishment has an irrational belief in the efficacy of negotiations and agreements and makes arms control treaties an end in themselves, not a means to security.
- **The official corruption of language and meaning,** which, in turn, corrupts thought. A prime example is President Bill Clinton’s calling the 1972 Anti-Ballistic Missile (ABM) Treaty the “cornerstone of strategic stability.”

THE ABM TREATY

The ABM Treaty constitutes the primary obstacle to deploying a national missile defense as well as effective theater missile defenses. It codifies the proposition that “defense is bad.” It made highly restricted research and development the only legal activity. It crippled SDI from the outset by imposing unnecessary costs and testing obstacles to meet overly stringent guidelines to comply with the ABM Treaty.

WHAT MUST BE DONE

If the United States is to be defended against the growing missile threat against it, Congress must take the following steps to reverse the 15-year-old policy of deliberate vulnerability:

- **Mandate** the deployment of a national missile defense by a certain date;
- **Establish** a clear architecture for a national missile defense and advanced theater missile defense and a plan for upgrading it as new technology becomes available;
- **Provide** resources over the long term for deploying, operating, and upgrading both national missile defense and advanced theater missile defense systems;
- **Establish** a unified Strategic Defense Command to operate a national missile defense;
- **Institute** reforms in the intelligence community to insure timely and accurate threat assessments; and
- **Mandate** an arms control impact statement that details the cost of U.S. compliance with the ABM Treaty.

Acting under its constitutional prerogative to approve treaties, the Senate should:

- **Hold** hearings to look at the debate on ABM Treaty ratification in 1972 and examine whether the conditions on which the Senate consented to ratification ever were met.
- **Insist** that Clinton’s proposed ABM Treaty amendments, which would broaden the defunct treaty and impose new legal obligations and limits on the United States, be sent to the Senate for ratification as a new agreement and not buried in a larger arms control measure.

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Backgrounder

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In February 1998, almost seven years after a Scud missile killed 29 U.S. soldiers in Dharan, Saudi Arabia, the United States was poised to go to war once again against Iraq—but without a missile defense that could insure such tragedies did not recur. The Iraqi missile that fell on Dharan in 1991 killed and wounded more U.S. soldiers than any other episode during the Persian Gulf War. And yet, despite the demonstration of the need for effective missile defenses, U.S. forces in the Persian Gulf were being asked to face the same Iraqi Scuds with no better defenses than they had in 1991. Seven years is ample time to have perfected and deployed a more effective theater missile defense (TMD). In the runup to the aborted 1998 Persian Gulf campaign, journalists devoted considerable attention to the new and improved munitions U.S. aircraft could use against Iraq in the sequel to Operation Desert Storm. So did Members of Congress and Department of Defense officials. Why, then, was there no mention of the failure to deploy improved defenses against the weapon that killed more Americans than any other, the ballistic missile?

Another anniversary inevitably puts the same troubling question to U.S. leaders. On March 23, 1983, President Ronald Reagan astounded the country with a speech in which he launched the

Strategic Defense Initiative (SDI). SDI marked a historic departure, or so many thought at the time, from the prevailing doctrine that had governed U.S. deterrence policy for decades. Instead of deterring a Soviet nuclear attack exclusively by the threat of nuclear retaliation (a concept popularly known as mutual assured destruction, or MAD), President Reagan proposed a moral and strategic revolution: He called for using the technological prowess of the United States to destroy enemy missiles in flight, to “save lives rather than avenge them.”

Since 1983, the efforts of the United States to defend itself against ballistic missiles have been an important factor of the national security debate. The Department of Defense has spent nearly \$50 billion on SDI, later called BMD (ballistic missile defense), through fiscal year (FY) 1997, but the United States still has no effective missile defense. Americans at home

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and U.S. forces deployed overseas still are vulnerable to the most destructive weapons today: ballistic missiles armed with nuclear, biological, or chemical warheads. These weapons, moreover, are proliferating among rogue regimes that actually or potentially are hostile to the United States.

This failure is incomprehensible in light of the fact that the technology to do the job is available now and at an affordable cost. The Heritage Foundation “Team B” Report, for example, prepared by the leading experts in the field, found in 1996 that the United States could have a global, highly mobile defense against a limited missile attack at a cost of about 1.5 percent to 2 percent of the defense budget over five years.¹ The failure to deploy missile defenses is not just incomprehensible; it is reckless because the threat of ballistic missiles and hyperlethal weapons is growing. Yet, as a matter of deliberate policy, ballistic missiles remain the one class of weapon U.S. leaders have chosen not to attempt to defeat. This condition is without historical precedent—that a great military and economic power, faced with a dire and growing threat and possessing the means to protect itself, should leave itself, as a matter of deliberate choice, vulnerable.

THE GLOBAL THREAT

Any debate about the need to deploy, not just research, effective missile defense must begin with the nature and extent of the threat. If no ballistic missiles armed with hyperlethal weapons could kill Americans in the continental United States or overseas, then clearly the time, money, and effort

invested in BMD would be wasted. On this point both advocates and opponents can agree. But the experience of the United States in the Persian Gulf War clearly shows the need at the very least for TMD systems more effective than the Patriot anti-missile system.² No one can deny that theater missiles pose a clear and present danger to U.S. forces deployed overseas and regional allies of the United States. Even the Clinton Administration, while maintaining its opposition to a national missile defense, has conceded the need for better defenses against shorter-range missiles. But despite this rhetorical support and the clear evidence of the threat of theater missiles, the Clinton Administration has shown no urgency to counteract the threat and even was prepared to embark on another conflict with Iraq with protection for U.S. forces that is no better than what was available in 1991. This startling act of official negligence suggests that BMD opponents argue about the missile threat not in a rational and responsible effort to clarify what BMD systems are needed but rather as a smoke screen for doing nothing at all.

This official lack of concern about the demonstrated threat of theater missiles should be kept in mind when evaluating the Clinton Administration’s position on the larger, global threat—the danger to the continental United States from long-range missiles. Both the People’s Republic of China and Russia have long-range, nuclear-armed missiles that are capable of reaching the United States. And although the United States is at peace with both countries, tensions do remain. Russia is unstable, and its transition to peaceful democracy by no means is assured. Despite its economic

1. Missile Defense Study Team (“Team B”), *Defending America: Ending America’s Vulnerability to Ballistic Missiles* (Washington, D.C.: The Heritage Foundation, 1996).
2. The Patriot system deployed in Saudi Arabia and Israel in 1991 is based on 1950s technology and was designed originally as a surface-to-air (SAM) defense against manned aircraft, *not* as a ballistic missile defense (BMD) system. In fact, the Patriot’s BMD capabilities deliberately were “dumbed down” during development to avoid even the remotest possibility of violating the Anti-Ballistic Missile (ABM) Treaty. Nevertheless, its residual antimissile capability was improved slightly in the PAC-2 version in time for use in the Persian Gulf War. But the PAC-2 batteries in the Persian Gulf were not allowed to receive data on Scud missile launches immediately upon detection directly from U.S. surveillance satellites—again, to avoid possible violations of the ABM Treaty. Target data had to be sent to the firing batteries via the U.S. Space Command in Colorado, which deprived the Patriot batteries of valuable time to cue on the target and greatly reduced their effectiveness. Even though an improved Patriot, the PAC-3 is in development, the marginally effective PAC-2 remains the only missile defense available, seven years after the terrible object lesson of Dharran, Saudi Arabia, during the Persian Gulf War.



woes, and despite the billions of dollars the United States has given Russia to eliminate its nuclear arsenal through the Nunn–Lugar Cooperative Threat Reduction program, Russia continues to modernize its strategic nuclear arsenal.

China also continues to increase the striking power of its strategic nuclear arsenal. In 1995, during tensions between the United States and China over the Republic of China on Taiwan, a senior Chinese official made the thinly veiled threat that China could take military action against Taiwan without fear of U.S. intervention because U.S. leaders “care more about Los Angeles than they care about Taiwan.”³

The U.S. intelligence community warns that more than 20 Third World countries are building or working to obtain ballistic missiles. Some of these weapons will have sufficient range to reach some part of U.S. territory—Hawaii or Alaska, for example—in the foreseeable future. The countries most unfriendly to the United States—Iran, Iraq, and North Korea—also have efforts under way to develop or acquire nuclear, biological, and chemical weapons for their missiles. Libya and Syria have ballistic missile programs accompanied by nuclear and chemical weapons efforts.⁴

The existence of these efforts has immense political and military implications for the United States as a global power. As the United States seeks to protect its interests and allies around the globe, its leaders must take the threat of missiles and weapons of mass destruction into account and tailor their actions accordingly. For example, in 1991 Iraq “elected to receive” and chose not to interfere with the six-month buildup of allied forces in Saudi Arabia. But what if Iraq had hurled chemically armed Scuds at Saudi ports and airfields and

at allied troop cantonments at the outset of allied deployments? What if Iraq’s missile campaign against Israel had been more effective and brought Israel into the fray and shattered the allied coalition? The conduct, if not the outcome, of the Persian Gulf War would have been dramatically different. Ballistic missiles thus serve as a type of equalizer because they can shrink the response options available even to a superpower radically. Nor do they actually have to be fired in order to be valuable to an aggressor regime. The most likely ways ballistic missiles can threaten the United States are:

- **Deliberate use in time of conflict** by a clearly identified enemy, as during the Persian Gulf War;
- **Deliberate use in a “terrorist” manner** by an unidentified enemy, perhaps in retaliation for U.S. military or diplomatic action, and not necessarily in time of open conflict. For example, a terrorist state like Iran or Iraq, or a proxy of either country, could launch a short-range ballistic missile carrying anthrax at Washington, D.C., from a ship off the East Coast disguised as a tramp steamer;
- **To intimidate, coerce, or blackmail**, as in the case of China’s crude attempt to intimidate the United States over Taiwan; and
- **An accidental or unauthorized launch**, perhaps in time of civil war or internal turmoil. The most frightening example to date took place in January 1995 when Russia mistakenly identified the launch of a Norwegian scientific rocket as a ballistic missile attack. President Boris Yeltsin had opened the nuclear command-and-control briefcase and was reviewing options for launching Russia’s

3. Patrick E. Tyler, “As China Threatens Taiwan, It Makes Sure U.S. Listens,” *The New York Times*, January 24, 1997, p. A3.

4. For a detailed analysis of proliferation among the world’s most potentially hostile states, see *The Proliferation Primer; A Majority Report of the Subcommittee on International Security, Proliferation, and Federal Services*, January 1998, Senator Thad Cochran (R–MS), Chairman; Mitchel B. Kugler, Staff Director.



missiles in retaliation before the error was discovered.⁵

THE REASONS AMERICANS REMAIN VULNERABLE

Deliberately leaving the United States and its deployed forces vulnerable to these dangers when the means to counter them is at hand is without parallel in U.S. history. Needlessly courting such terrible risks cannot be explained as a simple policy error. It can be understood only as a deeply rooted convergence of intellectual, cultural, and even moral failures, and can be traced to the peculiar mindset, character, and vested interests of the security and foreign policy establishment of the United States—principally in the executive branch, which ultimately has the authority to develop and deploy BMD.

Where the Foreign Policy and Arms Control Elites Have Failed

To understand the failure to defend the United States for the past 15 years, one has to dissect foreign policy and defense elites, in both Republican and Democratic presidential administrations. These include the arms control community and its allies in Congress, academia, the news and opinion media, and think tanks. A number of factors emerge to explain the vulnerability of the United States:

- **The failure to take the threat seriously.** The foreign policy and defense elites ignore the programs of many states to build ballistic missiles and hyperlethal weapons. In fact, the Clinton Administration appears to be in a state of denial about the proliferation of such weapons. As mentioned above, their global spread increasingly limits U.S. response options because ballistic missiles armed with weapons of mass destruction do not have to be launched at the United States to be effective
- **A willingness to gamble that the United States never will be attacked.** Many influential foreign policy elites believe that war, especially in Clausewitz's sense of organized, politically motivated conflict between states, is outmoded in the post-industrial, post-nuclear age. They believe that multinational organizations like the United Nations or the arms control process will end the threat of war, except perhaps for "irrational" conflicts at the subnational level. In a kind of "mirror imaging," they assume other states and leaders share this view. Thus, it becomes self-validating in the minds of the elites.
- **"Retaliation with offensive weapons is sufficient."** Some opponents of missile defense argue that the United States can deal adequately with the threat scenarios outlined above with its existing nuclear deterrent. True, many such threats can be deterred with the existing nuclear triad of land-based missiles, submarine-based missiles, and manned bombers. Under the Clinton Administration, however, the United States appears to have embarked down a pathway of eliminating much of its nuclear deterrence, by default if not by design. The commitment to new, deep arms reductions under the Strategic Arms Reductions Talks (START) II and III and ending nuclear testing under the Comprehensive Test Ban Treaty (even though none of these agreements have entered into force yet) and the deterioration of the nuclear stockpile all raise serious doubts about the future credibility of the nuclear deterrent of the United States. In any case, nuclear weapons would not provide credible deterrents to biological or chemical attacks—even if the United States could identify the perpetrator and retaliate. Neither could traditional deterrence dissuade a

5. This incident was first discussed in detail in open sources by Peter Pry, a professional staff member of the House National Security Committee. See Peter Vincent Pry, *War Scare: Nuclear Countdown After the Soviet Fall* (Atlanta: Turner Publishing, 1997), pp. 243–310. See also David Hoffman, "Cold War Doctrines Refuse to Die: False Alert After '95 Rocket Launch Shows Fragility of Aging Safeguards," *The Washington Post*, March 15, 1998, p. A1.



madman or irrational regime, particularly one facing military defeat or experiencing the throes of collapse.

- **Politicizing the intelligence community to support the state of official denial.** The problem of epistemology in intelligence is exceedingly difficult but can be characterized by the question, “How do we know what we know, or what we ought to know?” But it is made even more difficult by imposing *a priori* assumptions on the process, especially if those assumptions are designed to produce a pre-conceived and politically convenient conclusion. For example, the intelligence community issued a National Intelligence Estimate (NIE) in November 1995 that concludes new, long-range missile threats would not materialize for 15 more years. This NIE assumes, among other errors, that third-country missile development would follow the 12 to 15-year development cycle typical of the United States and would not benefit from wholesale transfers of mature missile technology from proliferating states. U.S. intelligence agencies are good at collecting data, but no amount of data can overcome flawed judgment, lack of discernment, or “raising the bar of proof” so artificially high that nothing can challenge the prevailing strategic orthodoxy. Fortunately, Congress has not forgotten that it is a consumer of the intelligence products as much as the executive branch is and has taken steps at least to correct the flawed 1995 NIE by establishing an independent commission chaired by former Secretary of Defense Donald Rumsfeld to assess the ballistic missile threat to the United States.
- **The failure to commit to a deployment schedule.** There always is an excuse not to decide on a deployment schedule, as is the case with the Clinton Administration’s “3 plus 3” plan, which it disingenuously calls a “deployment readiness” program. This position is supposed to allow a deployment decision within three years, followed by actual deployment of missile defenses within three more years after the decision. It is, in essence, a way to avoid a deployment decision without appearing to do so.
- **The failure to select a BMD “architecture.”** Opponents of missile defense consistently have exaggerated the technical challenges of missile defense. But 15 years of research and development have shown that an effective missile defense could be mounted with available technology. Having lost the debate over technology, opponents now have shifted tactics; now they use the excuse that there always is a better technology on the horizon or on the drawing board. Thus, deployment should be delayed until the “ideal” solution is at hand.
- **The failure to devote (or even to plan for) adequate resources beyond a research and development effort.** Opponents of missile defense consistently have exaggerated the costs of missile defense on the one hand while starving it of funds on the other. For example, in FY 1997 the Department of Defense spent just under \$4 billion on missile defense, or 1.5 percent of the total defense budget. Of that, only \$829 million, or 0.3 percent of the defense budget, was allocated to national missile defense.
- **The failure to establish a unified or specified command in the Department of Defense dedicated to the mission of strategic defense.** The only current BMD “mission” is research and development, and that mission is diffused throughout the armed services and other agencies within the Department of Defense. With no operational mission, there is no true leadership or advocacy, especially for a national missile defense, inside the Department of Defense.
- **The failure to learn lessons and the lapse of memory in today’s political culture.** For example, no one in the Clinton Administration seems to have learned from the Dharan tragedy during the Persian Gulf War. Other examples that U.S. leaders should heed but do not are the “War of the Cities” during the Iran–Iraq war in the 1980s, Libya’s missile



attack on the U.S. Navy installation on Lampedusa Island after the 1986 raid on Tripoli, terrorist missile attacks on northern Israel, and Nazi Germany's V-2 attacks on England during World War II. These episodes show ballistic missile strikes are not so rare as the official U.S. attitude would suggest, and that their use can have a profound effect on a country's defense posture and military strategy.

- **Arms control extremism.** The arms control establishment in the United States continues to exercise a pernicious influence over defense policy, although its approach is based on the outmoded Cold War paradigm of two superpowers in confrontation. U.S. leaders seem unable to grasp the inherent paradox of arms control: When it is necessary it is not possible, and when it is possible it is not necessary. Arms control negotiations and agreements have become an end in themselves, not a means to security. This explains in part the failure of U.S. arms controllers to protest the lack of compliance of other states—to keep from impeaching the credibility of the arms control process. Accompanying this mindset is a collective loss of memory of, or accountability for, the failures of arms control; when one arms control measure fails, the establishment goes on to the next level of folly.
- **Official corruption of language and meaning.** Author George Orwell was the most astute observer of the ways in which the corruption of language can corrupt thought. A prime example is President Clinton's description of the Anti-Ballistic Missile (ABM) Treaty as the "cornerstone of strategic stability." The ABM Treaty, ratified in 1972 between the United States and the Soviet Union, places limits on all types of missile defense and prohibits a national defense against strategic ballistic missiles. It is the primary reason that the United States remains undefended even though its partner in the treaty, the Soviet Union, no longer exists. Neither does the

strategic situation that prevailed in 1972. It is impossible to see how a rational policy still could regard this bilateral agreement as the cornerstone of strategic stability in today's world of proliferating missiles and weapons of mass destruction. But corrupt language corrupts thought, and corrupt thought, in turn, impedes meaningful action. In this case, the Clinton Administration's false characterization of the ABM Treaty keeps U.S. leaders from rigorously and honestly evaluating the treaty's continued benefits to U.S. security.

- **The persistent power of "groupthink."** Today's security elites pose as deep thinkers, but their thought patterns tend to follow official orthodoxy. A veritable herd instinct in the foreign policy and security establishment makes it resistant to change. No one wants to be criticized or ridiculed, and so a form of self-censorship pervades. Author Thomas Kuhn analyzes this phenomenon in his 1962 book, *The Structure of Scientific Revolutions*, which sets forth his theory of the "paradigm shift."⁶ Kuhn's masterly analysis shows how official orthodoxies develop among elites, who resist new concepts or new data that challenge the official paradigm (and jeopardize their prestige or careers) until finally the old paradigm is overturned by new information that can be rejected no longer. A striking example is the controversy over Ptolemy's geocentric astronomy in the late Middle Ages. The scientific establishment of that day vigorously defended the orthodox, Ptolemaic view against Copernicus and Galileo, who both advanced a heliocentric astronomy based on observation with new technology (the telescope). Galileo, in particular, was persecuted harshly for his beliefs. In Kuhn's words, "The state of Ptolemaic astronomy was a scandal before Copernicus' announcement." The same could be said of today's policy of deliberate vulnerability and the foreign policy establishment that defends it.

6. For a more detailed discussion of the theory of "paradigm shift," see James P. Pinkerton, *What Comes Next: The End of Big Government—and the New Paradigm Ahead* (New York, NY: Hyperion, 1995).



The 1972 Anti-Ballistic Missile Treaty. The last three reasons listed above are key factors that make the ABM Treaty a major, if not the principal, obstacle to deploying a national missile defense and more effective, advanced theater missile defenses. One is entitled to ask, How can a 25-year-old treaty between the United States and the former Soviet Union—a country that no longer exists—pose such an obstacle? This relic of the Cold War constitutes a major obstacle for the following reasons:

- **It is based on contradictory strategic concepts.** President Reagan's 1983 SDI speech enunciated the proposition that "defense is good." But the ABM Treaty codifies the proposition that "defense is bad." Unfortunately, President Reagan failed to withdraw from the treaty as was his prerogative under Article XV (and he had ample grounds under the "supreme interests" clause). To be sure, he would have provoked a firestorm of criticism if he had. But the new direction spelled out in March 1983 was his best opportunity. Orthodox arms control and foreign policy elites in the Reagan Administration, encouraged by their allies outside, then compromised Reagan's revolutionary vision and built the SDI program to conform with the ABM Treaty. SDI could be a research and development program only; nothing could or would be done to jeopardize the ABM Treaty regime, thus legitimizing the antithetical proposition to "defense is good." SDI true believers were told not to worry because the treaty issue "was a bridge that could be crossed in the future." Thus, from the very beginning, the SDI program was erected upon a fundamental contradiction. This schizoid attempt to go in two opposite directions at the same time has been a fatal weakness, depriving SDI of its inherent political and moral power, enabling research only, and hindering any real possibility of meaningful missile defense.
- **The arms control establishment has enshrined the ABM Treaty as the "crown jewel of arms control."** Too many academic and government careers depend upon maintaining the legitimacy of the ABM Treaty. This vested interest has prevented any serious examination of the treaty's failures, so it continues to exercise its baleful influence over U.S. strategic policy. The arms control establishment covers up the reality that the treaty was never a valid contract on two grounds:
 1. **False promise.** The ABM Treaty failed to live up to its strategic rationale or promise, which was that the lack of a national defense would create the incentive to reduce Soviet offensive nuclear arms. This school of thought is spelled out explicitly in the ABM Treaty's preamble and in the appended Unilateral Statement and was the grounds on which 98 Senators voted in 1972 to give up the defense option. But the ABM Treaty failed to live up to its promise to restrain offensive arms. In fact, Soviet offensive, first-strike weapons doubled over the period of the treaty while the United States struggled to catch up.
 2. **Material breach.** The Soviets (and the Russians of today) violated limits on defenses covered by the ABM Treaty. It appears the Soviets never intended to abide by the treaty, but used it simply as a means to block antimissile efforts by the United States and gain an unchallengeable strategic advantage—a preponderant first-strike capability combined with the insurance of a national antimissile system, admittedly limited, but perhaps sufficient to protect the Soviet leadership and *nomenklatura*.
- **Cost of compliance.** The ABM Treaty has crippled missile defense programmatically from the beginning by imposing extra costs, unnecessary technical hurdles, and testing obstacles. The excessive stringency of U.S. compliance policy has caused promising technologies and solutions to be "dumbed down" rather than to risk getting close to treaty limits.

WHAT CONGRESS MUST DO TO END THE VULNERABILITY OF THE UNITED STATES

If a Congress dominated by self-professed conservatives is serious about missile defense and wants to do more to protect President Reagan's legacy than merely naming an airport after him, there are some meaningful steps it can take to reverse the flawed policy of deliberate vulnerability:

- **Provide resources over the long term** for deploying, operating, and upgrading BMD systems;
- **Establish a unified Strategic Defense Command** to operate a national missile defense;
- **Institute reforms in the intelligence community** to provide timely and accurate assessments of global missile developments and hyperlethal weapons programs, especially in North Korea, Iran, Iraq, Libya, Syria, China, and Russia;
- **Mandate an arms control impact statement** specifically requiring the a presidential administration to demonstrate how much U.S. compliance with an arms control agreement, especially the ABM Treaty, costs over and above conduct of BMD programs without the artificial barriers of the ABM Treaty.
- **Mandate national missile defense deployment by a date certain.** Using the mature technologies developed over the past 15 years, the United States could begin to be defended effectively by 2003. Advanced theater systems, such as the Navy's wide area defense against a new generation of theater missiles, could be deployed even sooner.
- **Establish a plan for developing and fielding new technology** as rapidly as possible, and for upgrading existing systems as new technology becomes available.

It must be acknowledged that Congress already

has attempted to implement the last two actions legislatively, only to have President Clinton veto the legislation. Still, there is value in persisting in this attempt. It creates a legislative record and it exposes the bias of the Clinton Administration toward missile defense. There are new steps Congress—the Senate in particular—can take, however, to wrest the initiative away from the Clinton Administration and change the dynamics of the debate. Acting under its constitutional prerogative to approve treaties, the Senate should:

- **Hold hearings** to look again at the debate on ABM Treaty ratification that took place in 1972 and examine whether the conditions on which the Senate consented to ratification ever were met;
- **Use the hearings to publicize the flaws and failures of the ABM Treaty** so it can be removed as obstacle when the earliest opportunity permits; and
- **Insist that any new ABM agreements be submitted to the Senate** and not adopted without the Senate's advice and consent as required by Article II, Section 2, of the U.S. Constitution. Moreover, they should be submitted to the Senate for a clear vote on their merits alone—not as part of a larger arms control "package" designed to muddy the waters.

These proposed amendments in effect would create a new treaty and impose new legal obligations and limits on the United States. These amendments regard:

1. **TMD demarcation.** This amendment would extend treaty limits to capture the most promising advanced theater missile defense systems on the grounds that their technical capabilities theoretically make them capable of intercepting some strategic missiles, thereby bringing them into categories of systems covered by the ABM Treaty; and
2. **Successorship.** This amendment would convert the old bilateral ABM Treaty with the now-defunct Soviet Union into a new



multilateral treaty with Russia, Belarus, Ukraine, and Kazakhstan.

CONCLUSION

The threat of ballistic missiles and weapons of mass destruction is clear and intensifying. Without defenses to nullify their military utility, it probably is just a matter of time until one or more are used against the United States or U.S. forces abroad. The American people need and deserve to be defended; the Constitution mandates it. The investment of 15 years and nearly \$50 billion has validated that missile defense is possible. The United States has the means and the financial resources. All that is lacking is the leadership, the vision, and the will.

The primary responsibility of the federal government is to “provide for the common defense.” This is a high moral as well as political obligation: Thus, it must be recognized that the failure to deploy effective defenses is not exclusively an intellectual or policy failure; it also is a moral failure. Consequently, it is a mistake to focus too closely on mere policy declarations, no matter how

sincere they appear. Of far more significance is behavior; regrettably, the behavior of the Clinton Administration and the foreign policy establishment has not been characterized by an awareness of the high moral responsibility of national leadership in a dangerous world. Congress’s behavior has not been characterized by an evident awareness of the moral imperative of a self-governing people to defend themselves, their homes, and their families against clear dangers.

A moral failure cannot be corrected simply by more and better data, or by more and better policy arguments, because the problem exists in a different dimension. Americans who care about the welfare of their country must begin to hold their leaders morally accountable to provide for the common defense in the knowledge that common-sense protection against the world’s most deadly weapons is a morally superior—indeed, a morally necessary—act.

—Thomas Moore is Director of The Kathryn and Shelby Cullom Davis Center for International Studies at The Heritage Foundation.