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THE RUMSFELD COMMISSION CORRECTS A FAULTY ASSESSMENT OF THE MISSILE THREAT

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The United States “might have little or no warning before operational deployment” of a ballistic missile by a hostile Third World country. This startling conclusion was announced in a July 15 report by a bipartisan commission established by Congress in the National Defense Authorization Act for 1997. The Commission to Assess the Ballistic Missile Threat to the United States, known as the Rumsfeld Commission for its chairman, former Secretary of Defense Donald Rumsfeld, corrects an erroneous assessment made by the U.S. intelligence community in 1995 that the missile threat to the United States was at least 15 years away. The warning that the missile threat may be immediate clears the way for Congress to debate more seriously the most effective way to meet this danger.

A TALE OF TWO REPORTS

The intelligence community’s 1995 assessment contains a number of flaws, contradictions, and ambiguities. The authors downplayed the potential impact of foreign assistance to countries developing ballistic missiles, underestimated the impact of space launch vehicle development on missile proliferation, and assumed that countries that currently have missiles will not sell them. Incredibly, this report discounts the threat posed today by long-range missiles in China and Russia and excludes Alaska and Hawaii from territory to defend against missile attack.

These disturbing deficiencies have caused critics to wonder about the 1995 assessment’s objectivity.

When it was leaked to the press the following year, it did not include the question that the intelligence community had been assigned to answer. A close reading of the intelligence report, however, suggests the Clinton Administration framed the criteria for analysis in a way calculated to elicit an answer that minimized the missile threat. If this is the case, the intelligence community simply answered the loaded question that was posed to it.

The question posed to the Rumsfeld Commission, on the other hand, was straightforward. Congress directed the panel to “assess the nature and magnitude of the existing and emerging ballistic missile threat to the United States.” Examining factors downplayed or overlooked by earlier intelligence analysts, the commission members—formerly high-ranking government officials, military officers, and scientists—came to a dramatically different conclusion: A Third World country could develop and deploy a ballistic missile threat against the United States in as little as five years, and U.S.

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officials would have no way of knowing about it until the threat had materialized.

CONGRESS NEEDS TO ADDRESS THE POLICY QUESTIONS

The Rumsfeld Commission's report raises very grave policy questions about how to address the missile threat. House Speaker Newt Gingrich, at a July 15 press conference with commission members, indicated he was prepared to establish a congressional working group to address these policy matters. This is a good idea. In addressing the myriad policy implications resulting from the report of the Rumsfeld Commission, the working group would need to keep several things in mind:

- **Legally, the ABM Treaty is dead.** An effective national missile defense system cannot be obtained if the restrictions of the 1972 Anti-Ballistic Missile (ABM) Treaty with the Soviet Union are maintained. The Clinton Administration continues to honor the ABM Treaty despite the fact its treaty partner no longer exists. Congress safely can ignore the ABM Treaty because it no longer is legally binding on the United States. This is the conclusion of a comprehensive study of relevant U.S. and international law done for The Heritage Foundation by the law firm Hunton & Williams earlier this year.
- **The most important policy matter for the working group is how to provide a defense for the American people against missile attack.** The Rumsfeld Commission says that the United States may face new threats of nuclear attack in the near future, perhaps with little or no warning. Such threats make the acquisition of a defense the most critical policy question for Congress to address.
- **Because of the immediacy of the threat, Congress should establish a policy for deploying a national missile defense system**

as soon as technology allows. Earlier this year, the Senate leadership attempted to bring up for debate a bill sponsored by Senator Thad Cochran (R-MS) that would establish such a policy. Delaying tactics by a minority of Senators caused the leadership to withdraw the bill. The Rumsfeld Commission report should make it very clear to all Senators the need to protect the United States from missile threats and spur them to debate the necessary legislation.

- **Attention must be paid to selecting a missile defense deployment plan (architecture).** This architecture must provide the best possible defense at the smallest cost and be deployable in the near future. The architecture that best meets these requirements is one that starts with upgrading the Navy's fleet of Aegis cruisers. These upgrades can be obtained for about \$3 billion and be deployed in fiscal year 2002. This initial deployment then should be followed by the deployment of a combination of space-based interceptors and space-based lasers. The Heritage Foundation's own Missile Defense Study Team ("Team B") first proposed this architecture in 1995.

CONCLUSION

The Clinton Administration has made no secret of its strong opposition to the idea of deploying a missile defense system for the United States. It appears that the Administration posed a loaded question to the intelligence community in 1995 in order to obtain an optimistic assessment of the missile threat that would justify its policy. The Rumsfeld Commission has demonstrated that the ballistic missile threat is very real. It is now up to Congress to turn the commission's recommendations into a sound policy to defend America.

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