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## THE SENATE'S OPPORTUNITY TO GET SERIOUS ABOUT MISSILE DEFENSE

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On May 13, the U.S. Senate voted by a narrow margin to delay consideration of the American Missile Protection Act (S. 1873) sponsored by Senator Thad Cochran (R-MS). The Senate will have the opportunity, perhaps as early as this week, to demonstrate its seriousness about protecting U.S. citizens from ballistic missile attack when it reconsiders this vital legislation. By formally committing the United States to deploy an effective national missile defense system as soon as technologically possible, the American Missile Protection Act would, in effect, repudiate the Clinton Administration's misguided policy of postponing such a deployment decision.

### THE NEED FOR MISSILE DEFENSE

Since Senator Carl Levin's (D-MI) filibuster postponed Senate discussion of the American Missile Protection Act last May, several alarming developments have highlighted the dangers of ballistic missile and nuclear weapon proliferation. These include:

- **Nuclear Tests by India and Pakistan.** Catching U.S. intelligence officials by surprise, India conducted five underground tests of nuclear warheads on May 11 and 13. Pakistan answered with nuclear tests of its own on May 28 and 30, thus raising tensions on the subcontinent.
- **The Rumsfeld Commission Report.** On July 15, the congressionally mandated Commission to Assess the Ballistic Missile Threat to the United States, led by former Secretary of Defense

Donald Rumsfeld, rejected a 1995 U.S. National Intelligence Estimate that the United States would face no direct ballistic threat before 2010. After an exhaustive review, the nine-member bipartisan Commission found that the United States "might have little or no warning before operational deployment" of threatening ballistic missiles. The panel concluded that the "threat to the U.S. posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the Intelligence Community."

- **Missile Test by Iran.** On July 22, Iran test-fired its 600- to 900-mile-range Shahab-3 missile, which is capable of striking Israel and Turkey. Iran also is developing a longer-range missile, the 1,200-mile-range Shahab-4, which will be capable of hitting cities in Central Europe. Iran's ability to develop medium-range ballistic missiles is noteworthy because this expertise is a prerequisite for

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building intercontinental ballistic missiles.

- **Missile Test by North Korea.** On August 31, North Korea successfully test-fired a 1,200-mile, two-stage Taepo Dong-1 ballistic missile over Japan. This missile can reach South Korea and Japan, including U.S. service personnel stationed on Okinawa. North Korea is developing a longer-range missile, the 2,100- to 3,600-mile-range Taepo Dong-2, which will be capable of reaching Alaska and Hawaii. Also distressing, U.S. intelligence recently discovered a large underground facility that North Korea may be using to build nuclear weapons. If true, this would constitute an egregious violation of the October 1994 Agreed Framework in which North Korea pledged to freeze its nuclear program.
- **Iraq's Potential to Reconstitute its Missile Program.** According to the Department of Defense, Iraq could resume missile production within one year if United Nations sanctions were lifted. Iraq's decision to suspend cooperation with the U.N. inspectors and the International Atomic Energy Agency on August 3 reflects Saddam Hussein's cherished desire to produce nuclear, chemical, and biological weapons that could be mounted on those missiles.

These alarming developments underscore the growing threat posed by ballistic missiles and weapons of mass destruction. They also call into question the Clinton Administration's long-standing opposition to deploying an effective missile defense for the United States.

## **THE ABM TREATY NO LONGER IS AN OBSTACLE**

Seemingly indifferent to the dangers of missile proliferation, the Clinton Administration has focused its energy on preserving the 1972 Anti-Ballistic Missile (ABM) Treaty. Last September, Secretary of State Madeleine Albright signed an agreement with Belarus, Kazakhstan, Russia, and Ukraine in the hope of including these countries as partners in the ABM Treaty. The Administration has not yet afforded the Senate the opportunity to pro-

vide its advice and consent on this new agreement, and it remains unclear when it will do so. In the meantime, the Administration's adherence to the ABM Treaty continues to hamstring efforts to develop national missile defense technologies and improve theater missile defenses.

In assessing the American Missile Protection Act, the Senate should not consider the ABM Treaty an impediment to deploying a national missile defense. The reason: This agreement no longer is legally binding on the United States. This conclusion, detailed in a comprehensive study of relevant U.S. and international law prepared for The Heritage Foundation by the law firm Hunton & Williams earlier this year, has been endorsed by a growing number of legal and foreign policy experts, including former Secretary of State Henry Kissinger, an architect of the original treaty.

## **CONCLUSION**

Rogue states consider ballistic missiles valuable instruments to intimidate countries that are unable or unwilling to defend themselves. If left uncorrected, U.S. vulnerability to missile attack will undermine the country's capacity to defend national security interests abroad. President George Bush's response to Iraq's invasion of Kuwait in 1990 likely would have been different if Saddam Hussein had had long-range missiles capable of striking the United States.

The Clinton Administration's misguided policy of deferring deployment of a national missile defense provides rogue states with perverse incentives to accelerate their long-range missile programs. This policy also guarantees that U.S. efforts to research and develop national missile defense technologies will suffer from a lack of focus and urgency.

By giving serious attention to the American Missile Protection Act, especially in light of the Rumsfeld Commission's findings and recent missile tests by Iran and North Korea, the Senate can help to remedy the Clinton Administration's flawed policy.

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