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## THE COCHRAN–INOUYE NATIONAL MISSILE DEFENSE ACT: AN HISTORIC OPPORTUNITY

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The U.S. Senate soon will have an historic opportunity to reverse a decades-old policy of vulnerability and move America toward protection from long-range ballistic missiles carrying nuclear, chemical, or biological weapons. The National Missile Defense Act of 1999 (S. 257), co-sponsored by Senators Thad Cochran (R–MS) and Daniel K. Inouye (D–HI), would enact into law a simple proposition: “It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense capable of defending the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).”

S. 257 was reported favorably from the Armed Services Committee and soon will come before the full Senate, which twice last year rejected a motion to allow debate and a vote on an identical measure, also co-sponsored by Senators Cochran and Inouye. The motion failed by a single vote each time. As a result, the American people were denied the chance to consider, through their elected representatives, a simple but profoundly important question: Shall Americans be protected from ballistic missiles as soon as technology permits, or shall they remain vulnerable to the dire and growing threat of weapons of mass destruction delivered by long-range missiles?

**Why Bring It Up Again?** Critics of a national missile defense (NMD) suggest that it is pointless to bring up the unsuccessful measure once again.

However, the current Senate includes new members who may view the issue differently. Moreover, awareness of the danger of ballistic missile has increased. In July 1998, the bipartisan (Rumsfeld) Commission to Assess the Ballistic Missile Threat to the United States, which included members known for their opposition to national missile defense, found unanimously that the U.S. could face a missile threat from a hostile state with little or no warning.

Underscoring these findings, both Iran and North Korea tested new-generation missiles within weeks of the release of the Commission’s report. Many former skeptics in Congress and the defense community have now begun to think seriously about the NMD option. S. 257 does not look at contentious, ancillary issues like mandating a system “architecture” or establishing a

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funding level. Debate on the measure would focus only on the fundamental policy choice.

**What S. 257 Can Achieve.** Some critics say a mere policy decision is unnecessary and superfluous. If that were true, there would seem to be no objection to allowing it to come to a vote. But a clear and powerful policy statement of this nature could have a number of positive effects. It would send a message to:

- **Rogue regimes and dictators.** Hostile states which are assiduously building long-range missiles and weapons of mass destruction will see their efforts in danger of being “trumped.” If America deploys a missile defense, rogue states will not be able to use these weapons to attack or blackmail the U.S. with any assurance of success. Missile protection for America may convince such regimes that they would do better—in the case of North Korea, for example—to spend scarce resources on feeding their starving people rather than on weapons of war whose utility has been diminished.
- **The U.S. defense industry.** America’s engineers, scientists, and technologists will see that their NMD efforts are not in vain. Companies will be more confident about allocating resources and assigning their best people to the NMD mission without fear of the investment’s being wasted.
- **America’s allies.** They will be more confident of America’s reliability if the U.S. ends its vulnerability to coercion from rogue states. Allies under attack need not fear that an adversary’s threat of missile strikes on the U.S. homeland will deter America from coming to their aid.
- **The American people.** They will observe their government—finally—deciding to fulfill its number one moral and constitutional obligation: “to provide for the common defense.”

Finally, an unambiguous policy mandate like that in S. 257 will give meaning, purpose, and direction to subsequent congressional action on missile defense—for example, the fiscal year 2000 defense authorization and appropriation bills. An NMD

policy decision will guide decisions on funding, program priorities, and timetables. Until there is a clear policy that demonstrates a genuine commitment to NMD, Pentagon programs to protect Americans will continue to languish.

**The Clinton Administration Alternative.** In contrast to the sensible policy embodied in the Cochran–Inouye missile defense bill, the Clinton Administration continues its posture of inaction on NMD while obfuscating the fundamental choice facing the nation. In a February 3 letter to Senator Carl Levin (D–MI), the ranking Democratic member of the Armed Services Committee, President Clinton’s National Security Advisor, Samuel L. Berger, wrote: “[If] S.257 were presented to the President in its present form, his senior national security advisors would recommend that the bill be vetoed.”

The Clinton alternative to national missile defense is to continue to adhere to the now irrelevant Cold War paradigm of arms control with Russia. Berger’s letter pledges fealty to the ABM treaty, which makes utter vulnerability the law of the land and which the Administration stubbornly insists is the “cornerstone of strategic stability.” But treaties are meant to serve, not degrade, national security, and the ABM treaty—created for another purpose in another era—cannot continue to stand in the way of America’s self-defense.

**Conclusion.** The Senate has an historic opportunity to mandate a common-sense and much-needed policy to defend the nation against the most destructive weapons in the world today. It would be a lamentable failure of leadership and public duty to fail to do so in order to preserve a treaty that died with the collapse of the Soviet Union, and to indulge specious and outmoded notions of arms control with Russia while China, North Korea, Iran, Iraq, and a host of other potentially hostile states build or perfect weapons that can destroy the lives of millions of Americans.

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