

Testimony of Jeane J. Kirkpatrick  
National Missile Defense and ABM Treaty

U.S. Senate  
Committee on Governmental Affairs  
Subcommittee on International Security,  
Proliferation, and Federal Services

April 28, 1999

Thank you, Mr. Chairman, for inviting me to testify on this vitally important issue which directly and deeply affects the security and well-being of the United States.

Mr. Chairman, as you know, the number of non-democratic, non-constitutional states which either have or will soon have weapons of mass destruction and Intercontinental Ballistic Missiles capable of delivering nuclear, chemical and biological bombs on American cities has grown and is growing.

States such as North Korea, Iran, Iraq, and yes, China, have again and again developed these capacities with a speed that exceeded the expectations and predictions of skilled prognosticators.

What George Washington called our "blessed location" between two vast oceans can no longer protect America and Americans from weapons of mass destruction available to states of violent intentions.

We are wholly, utterly vulnerable to incoming missiles.

I know, Mr. Chairman, that you are as aware as I am of this nation's growing vulnerability to blackmail and destruction. I congratulate you for the leadership you have offered in the effort to develop an effective defense that can end this vulnerability. I also know that there remains powerful resistance in this Administration against serious action to develop an effective defense against incoming missiles. There are still too many in the Administration and Congress who are more concerned with preserving the ABM Treaty than with preserving millions of American lives. I wish it were not true.

I would like to briefly state the reasons I believe the effort to preserve the ABM Treaty is mistaken and dangerous.

For years persons who relied on the ABM Treaty to defend the United States against the proliferating nuclear arsenals described the Treaty as a "cornerstone of strategic stability" in our relationship with Russia. Now China and Russia describe the ABM Treaty as the "cornerstone of strategic stability" in the world.

But, Mr. Chairman, there is no strategic stability. The ABM Treaty has no more been able to stabilize the strategic relations among nations than the Non Proliferation Treaty has been able to prevent the spread of nuclear technology, or the Missile Regime has controlled the number of governments capable of producing long-range ballistic missiles. Russia, of course, retains its huge

arsenal of weapons of mass destruction and ICBMs. Everyone concerned with these issues now knows that the number of other countries with nuclear weapons and the missiles to deliver them has increased, and the reach, and the accuracy of China's missiles, in particular, have increased and is increasing still. China's weapons and China's delivery systems reflect -or will soon reflect -the most advanced U.S. technology. The U.S. need to be able to defend itself grows even more rapidly.

We also know that Russia's political and economic systems are unstable and that as its missiles multiply, the tendency of the People's Republic of China is to become more assertive, sometimes even threatening, in its dealings with Taiwan, Japan, the Philippines and the United States.

Now China has joined Russia in declaring it an egregious offense for the United States to seek an effective defense against deadly weapons, and that is, of course, all that is or ever was at issue in the ABM Treaty - their recent warning reflects the spirit of the French jingle that proclaims "This is a very bad animal. When attacked, it defends itself." (Cet animal est tres mechant, Quand on attack il se defend.)

While China speaks of its solidarity with Russia's efforts to preserve the ABM Treaty and strategic stability, it seeks to revolutionize the balance of power in Asia and in the world - through policies that promote the spread of nuclear and missile technology to Pakistan, Iran, and North Korea and destabilizes strategic stability and by using its new power to threaten Japan, Taiwan, the Philippines and the United States.

What is worse, the bipartisan Rumsfeld Commission concluded last year, asserted in their report that,

In addition to ballistic missile threats posed by Russia and the People's Republic of China, such states as Iran, Iraq, and North Korea "would be able to inflict major damage on the U.S. within about five years of a decision to acquire such a capability"; and  
During several of those years the U.S. might not be aware that such a decision had been made. What makes the recent spread of nuclear and missile technology especially serious is that this proliferation gives repressive one party states large new powers which they could well use aggressively.

It is widely understood by political scientists that democratic nations do not start wars, in part because democracy gives power to those who must fight the wars and they are usually less enthusiastic about facing the risks entailed, but mainly because democracy breeds habits of restraint in the use of power, in dealing with differences, and in tolerating opposition.

Some students of international affairs consider concern with a government's internal practices "moralistic" and regard it as irrelevant to "strategic" matters. They are mistaken.

Democratic governments regularly submit their power to the requirements of law and the principle of consent. The unwillingness of rulers to share power or to tolerate criticism warns us that they may not be willing to share power or negotiate differences in external affairs. The uninhibited use of force against dissidents warns us that the government may use force to impose its will in external

relations as well. The fate of Tibet is not irrelevant to the fate of Hong Kong or Taiwan or any other distinctive community that becomes an object of China's ambition or is absorbed by it.

For all these reasons I believe developing and deploying an effective defense against incoming missiles is the most important security problem faced by the United States. I further believe the ABM Treaty is the most important obstacle to an adequate defense.

### Why The U.S. Should Withdraw From The Treaty

The ABM Treaty was conceived and ratified as a bilateral treaty during a time when only the United States and the Soviet Union had the capacity to reach the other's territory with ballistic missiles.

Whether the Treaty contributed to America's security during the Cold War is a question for historians. The question that should concern us now is whether the ABM Treaty contributes to the security of the United States today. The answer is a resounding no. It undermines our security.

The reason the United States has no defense against an attack by an ICBM with a lethal payload is that the U.S. continues to adhere to a Treaty with a country that no longer exists, which when it did exist, violated the Treaty and lied about it. Recall that soon after the Cold War ended, Soviet Foreign Minister Edouard Schevardnadze admitted major Soviet Treaty violations at Krasnoyarsk which had, till then, been passionately denied. The Administration adherence to the ABM Treaty - broadly interpreted - hinders the development of an effective national missile defense capable of eliminating a mortal threat to the United States and has greatly handicapped the development of theater defenses.

I strongly believe that the United States should give notice of the intention to withdraw and move immediately our attention and focus, and efforts on building a missile defense system to protect our most vital interest: our national survival.

But the ABM Treaty prevents the United States from developing effective defenses against the greatest ever threat to the United States: the launch of a ballistic missile or missiles bearing nuclear, chemical or biological poisons against the United States.

This now archaic treaty initially assumed presumes that only the United States and Russia would be capable of fielding advanced ballistic missiles. Now, that capability has spread and is spreading to governments that have openly expressed hostility towards the United States.

By allowing the ABM Treaty to continue constraining our ability to defend ourselves against a ballistic missile attack, we weaken our strategic abilities, demoralize our allies and allow dangerous governments to acquire power they would not otherwise have.

The proliferation of these weapons is accelerating and we cannot count on intelligence alone to warn us of a threat. Administration analysts concluded that it would take up to ten years for a rogue third world nation like North Korea to develop long-range ballistic missiles. Yet, within weeks of the Rumsfeld Commission report, on August 31, 1998, North Korea sent a three-stage ballistic missile over Japan, an important ally whom the United States is committed to defend. This missile,

the Taepo-Dong 1, is judged to be capable of reaching Taipei, Tokyo, U.S. bases in the Pacific, Alaska and Hawaii. The next generation of Taepo-Dong missiles could be capable of reaching the western coast of the United States.

North Korea is not the only existing new threat.

Iran has already produced the Shahab-3 with a range of 800 miles. After its successful test, the elated Iranians announced plans to develop a Shahab-4 with a range of 1250 miles (and the Rumsfeld Commission reported) is actively seeking advanced missile components to build a missile capable of reaching the United States. I would point out that no nation, once acquiring nuclear weapons, has ever given them up.

The Russians, clearly, have an interest in keeping America vulnerable to its missiles. The Russian military lacks its former size and power and so has chosen to place ICBMs at the center of their national strategy and they possess many thousands.

Americans have an interest in eliminating this threat. Those who believe we can be defended by arms control proposed the START II Treaty which would reduce the number of Russian missiles, and argue that the United States must continue to be bound by the ABM Treaty because the Russian Duma will not ratify the START II Treaty if the United States withdraws from the ABM Treaty.

But the Duma (in which the Communist and Zhirinovsky parties have a majority) has had six years to ratify START during which time the United States has steadfastly honored its obligations under the Treaty. With the strength and vehement opposition of the communists and nationalists to START II in the Russian Duma, I think it is clear that they will not ratify it now.

The ABM Treaty serves China's long-term ambition to become the dominant power in East Asia because to accomplish this, they must neutralize U.S. power in the region. A missile defense system developed by the United States and shared with its allies in East Asia would neutralize China's ability to blackmail its neighbors. But China's military leaders have shown a predilection for using the threat of force to blackmail others.

During the crisis in the Taiwan Straits in which Taiwan was harshly threatened, China's Lt. General Xiong Guang Kai threatened the U.S. as well, suggesting that if Americans had to choose between having bombs rain on Los Angeles or Taipei, it would be no choice.

Mr. Chairman, the massive theft of U.S. nuclear secrets recently reported in The New York Times has enabled the Chinese to leapfrog a decade or more in their nuclear and missile technology, gives China important new powers, and also a new assertiveness reflected in the recent military exercises in the Taiwan Straits against Taiwan and U.S. troops in the area. China, like North Korea, Iran and Iraq understands the power of ballistic missiles to intimidate.

Since North Korea's Taepo-Dong missile shot over Japan, Japan has become more assertive about its ability to defend itself. Not one month ago, Japan launched, for the first time since WW II, destroyers to pursue North Korean ships sighted in Japanese waters.

The United States has kept the peace in East Asia for 50 years because we have been able to deter the use of force against our allies in the area. If we cannot provide an adequate defense for allies in the region, they act to insure their own defense, thus creating a nuclear arms race in East Asia.

Mr. Chairman, the threat to the United States' security and interests is real and present. Recently, Secretary of Defense Cohen stated, "We are affirming that there is a threat and that the threat is growing and that we expect it will pose a danger not only to our troops overseas, but also to Americans here at home."

Air Force Lt. General Lester Lyles, Director of the Missile Defense Organization went further. "The threat is here and now." Both acknowledge that developing an adequate missile defense system will require modifications of the ABM Treaty. And why not?

The ABM Treaty is without legal standing. Under international and U.S. law, it expired with the Soviet Union's demise on December 26, 1991.

Last year, the Heritage Foundation commissioned a study of this issue. It was prepared by David Rivkin, Lee Casey and Darin Bartram of the Hunton and Williams law firm. I recommend it. They persuasively demonstrate that the ABM Treaty collapsed with the Soviet Union, and so altered the rights and obligations under the Treaty that a new treaty or treaties are required, and that requires the advice and consent of the U.S. Senate. The Feith and Meron study, sponsored by the Center for Security Policy also definitively demonstrates that the ABM Treaty no longer exists.

The U.S. cannot develop an effective or adequate ballistic missile defense system under ABM Treaty restrictions. The scientists and technicians who work on these problems are constrained in the range of testing options and are prohibited by the terms of the Treaty from developing an effective, economical system. They know how to do so.

Treaty supporters claim that such a system can never be built. The problem of building a workable missile defense system is not our lack of scientific capability, it is the hobbling of our scientists by forcing them to work within narrow restrictions placed on them.

Mr. Chairman, the ABM Treaty expired. It is time now to unleash the creativity of American scientists and technicians and allow them to take on the problems of protecting the United States, its allies, and peace. The United States and its allies will not start an aggressive war, and so have a special need for defense. The failure to do so could be catastrophic. The right of self-defense is recognized in courts of law and in the U.N. Charter. The U.S. government has a solemn obligation to provide a defense of America and Americans. A next step in fulfilling this obligation would be to give notice of the intention to withdraw from the ABM Treaty.