
THE HERITAGE FOUNDATION: INFLUENCING THE DEBATE ON MISSILE DEFENSE

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The Heritage Foundation has employed a variety of means over the past two decades to influence the policy process in Washington on the issue of missile defense, says Baker Spring, the Foundation's F.M. Kirby Research Fellow in National Security Policy. He examines developments regarding the demise of the 1972 Anti-Ballistic Missile Treaty and pursuit of a sea-based missile defense deployment system to show how the Foundation was able to influence policy decision-making.

Since before former President Ronald Reagan's March 1983 speech creating the Strategic Defense Initiative (SDI) program, missile defense has been among the top issues of concern to The Heritage Foundation. The Foundation-sponsored High Frontier study, which advocated the deployment of an effective ballistic missile defense system, was published in 1982. Since then the Heritage Foundation, as a Washington-based, non-partisan public policy research organization or "think tank," has been working to educate policy-makers about the need to deploy such a system.

Today, the United States has withdrawn from the 1972 Anti-Ballistic Missile (ABM) Treaty, which barred the deployment of an effective missile defense system, and the Bush administration is pursuing a missile defense program to field an effective system as soon as possible. These welcome developments did not come about by accident. Numerous groups and individuals, both inside the U.S. government and out, played important parts in changing U.S. policy regarding missile defense.

The Heritage Foundation's educational effort employed a variety of means to influence the policy process in Washington regarding missile defense. The primary means was to publish succinct papers called Backgrounders and Executive Memoranda on narrow topics related to missile defense whenever Congress or the executive branch faced important policy decisions. The papers were designed to meet

the needs of the busy policy-maker who needed to get up to speed quickly on the issue. Other means of influence included providing public and private briefings for members of Congress and their staffs, submitting testimony for congressional hearings, giving briefings to the media, and sponsoring a variety of lectures and seminars on the topic of ballistic missile defense.

Two examples best demonstrate where The Heritage Foundation has influenced the debate in the U.S. government over the question of missile defense in recent years. The first example pertains to the ABM Treaty, while the second relates to an option for deploying missile defense systems on ships at sea.

BLOCKING THE CLINTON ADMINISTRATION'S POLICY FOR PRESERVING THE ABM TREATY

Analysts at The Heritage Foundation had believed for a long time that the ABM Treaty posed an insurmountable obstacle to the deployment of an effective missile defense system. By early 1995, these same analysts concluded that the best option was to seek the removal of the treaty, as opposed to seeking incremental changes in it. The Clinton administration, being at best skeptical about the wisdom of fielding missile defenses, sought to preserve the accord. One of the reasons Heritage analysts in 1995 opted for seeking to overturn the treaty stemmed from the Clinton administration's failure, by that time, to

resolve the issue of which states would succeed the former Soviet Union as parties.

Both opponents and proponents of the ABM Treaty recognized that the resolution of the succession issue would be necessary to the preservation of the treaty as a legally binding accord. The Clinton administration had assumed that it could resolve the issue absent the U.S. Constitution's requirement for Senate advice and consent in the making of treaties. It was prepared to argue that the resolution of the succession question required no substantive change to the treaty. Heritage Foundation analysts disagreed. Starting in 1996, they worked to convince important senators that replacing the Soviet Union as the opposite party to the ABM Treaty would necessitate substantive changes in the treaty, and therefore any agreement resolving the succession question required Senate consent.¹ Senate consent to the ratification of treaties requires a two-thirds majority under the U.S. Constitution.

As then-chairman of the Senate Foreign Relations Committee, Senator Jesse Helms of North Carolina came to play a key role in this issue. Senator Helms and his committee staff agreed with the findings of Heritage analysts. In 1997, Senator Helms acted. During consideration of another treaty regarding conventional military forces in Europe, he successfully attached a condition that required President Clinton to certify that he would submit any agreement resolving ABM Treaty succession to the Senate. President Clinton made the required certification on May 15, 1997.

From that point forward, the Clinton administration's effort to preserve the ABM Treaty stalled. While an agreement designating Belarus, Kazakhstan, Russia, and Ukraine as ABM Treaty successors was signed on September 26, 1997, the Clinton administration was unable to gain Senate approval and it never entered into force. If the Clinton administration had been successful in its policy of preserving the ABM Treaty, it is unlikely that President Bush, as a practical matter, would have been able to order the U.S. withdrawal from the treaty in June, 2002. This is because such a recent agreement, as a legally binding commitment to the four successor states to continue U.S. observance of the ABM Treaty, would have proven too disruptive to undo.

PURSUING THE SEA-BASED OPTION FOR MISSILE DEFENSE

In addition to its interest in the arms control aspects of the missile defense issue, The Heritage Foundation has sought to educate policy-makers about the technological options for fielding an effective missile defense system. Its interest in the technological options led Heritage to form its Commission on Missile Defense in 1995. The Commission, chaired by the former director of the SDI program Ambassador Henry Cooper, consisted of some of the nation's ablest minds on the technological options for missile defense. The Heritage Foundation published the first of what would be several editions of the Commission's report later the same year.²

The Commission recommended the deployment of missile defense interceptors on the U.S. Navy's existing Aegis-class cruisers as the best near-term option for missile defense. Specifically, it recommended upgrading the technology that was already being pursued through what was then called the Navy Upper Tier program. The Commission determined that this option could deploy 650 interceptors on 22 ships in five to six years for between \$2 billion and \$3 billion. The proposal also envisioned the interceptors having access to targeting information provided by what was then called the "Brilliant Eyes" sensor satellite constellation.

Congress proved to be a receptive audience for the Commission on Missile Defense. The Fiscal Year 1996 Defense Authorization Act, an earlier version of which President Clinton had vetoed, increased funding for the Upper Tier program from a Clinton administration request of a little more than \$30 million to over \$200 million. President Clinton's action to veto an earlier version of this Defense Authorization Act was prompted in part by his opposition to ballistic missile defense.

While the Clinton administration was forced to accept higher funding figures for the Navy Upper Tier development program, it refused to manage the program in a way consistent with the recommendations of The Heritage Foundation's Commission on Missile Defense. It did so because it viewed the Heritage approach as incompatible with its policy of

preserving the ABM Treaty. Specifically, the Clinton administration did not want to allow the system to have access to satellite and other sensor data that would give it the ability to counter long-range ballistic missiles. The Clinton administration proved willing to fund the program, but only if the technology was “dumbed down.”

Congress, nevertheless, kept pressing the Clinton administration on the potential of a sea-based option for ballistic missile defense. The National Defense Authorization Act for fiscal 1998 included a requirement for the Clinton administration to report to Congress on whether the Navy’s Upper Tier system could be upgraded to provide a limited defense against long-range ballistic missiles. The Pentagon’s Ballistic Missile Defense Organization (BMDO) produced the report and a summary of its findings was released on June 1, 1999. The BMDO’s report referenced a later edition of the report by The Heritage Foundation’s Commission on Missile Defense.³ More importantly, the BMDO report confirmed the Heritage findings that an upgraded version of what was by then called the Navy Theater-Wide (NTW) system would be capable of intercepting long-range missiles.

While the Clinton administration continued to drag its feet regarding development of the NTW system, progress was made. Today, the Bush administration calls the NTW program the Sea-Based Mid-course program. Twice this year a prototype of the interceptor has destroyed target ballistic missiles in flight tests. The first flight test occurred in January 2002, while the second took place in June. The successful intercept tests have served to bolster the recommendation first made in 1995 by The Heritage

Foundation’s Commission on Missile Defense favoring the option of basing missile defense interceptors at sea.

CONCLUSION

The Heritage Foundation’s role in shaping public policy, as with other think tanks in the United States, is to educate members of Congress and other policy-makers regarding specific issues. The Foundation is neither a lobby nor a political entity. Its influence is derived from the quality of its proposals for solving public policy problems.

In the area of national security, the problem was addressing the vulnerability of both the United States and its allies to the increasing threat posed by the proliferation of ballistic missiles and ballistic missile technology. The Heritage Foundation’s proposed solutions to these problems were to withdraw from the ABM Treaty and deploy an effective global missile defense system, starting with sea-based interceptors. U.S. policy-makers have accepted the first proposal and are moving in the direction of accepting the second. These actions are the direct result of the strength of the proposals themselves and the educational effort by their originators. ©

1. Baker Spring, “The Senate Should Block the White House’s End Run on ABM Treaty,” Heritage Backgrounder No. 1106, March 11, 1996.

2. The Heritage Foundation’s Commission on Missile Defense, *Defending America: A Near- and Long-Term Plan to Deploy Missile Defenses* (Washington, D.C.: The Heritage Foundation, 1995).

3. The Heritage Foundation’s Commission on Missile Defense, *Defending America: A Plan to Meet the Urgent Missile Threat* (Washington, D.C.: The Heritage Foundation, 1999).