

LECTURE

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Open Microphone: What's Behind President Obama's Missile Defense Comments?

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Abstract

During the 2012 Nuclear Security Summit in Seoul, President Obama, in an exchange with Russian President Dmitry Medvedev, stated: "On all these issues, but particularly missile defense, this can be solved, but it's important for him [incoming Russian President Vladimir Putin] to give me space." "This is my last election," he continued. "After my election I have more flexibility." These comments have resulted in a media firestorm, and people with both liberal and conservative leanings have weighed in on their possible meaning. Is President Obama stating the obvious and simply admitting that he will enjoy more flexibility in the realm of foreign policy after he is reelected? Or has he revealed more than meets the eye and actually plans on capitulating to Russian demands?

This paper, in its entirety, can be found at <http://report.heritage.org/h1211>

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KIM R. HOLMES, PhD: We've heard many jokes about open or live microphones over the past week, including from President Barack Obama. The incident that gave rise to that joke is why we are here today.

What I am referring to are the comments the President made in a recent meeting with President Dmitry Medvedev of Russia. They gave us a rare, unexpected, and perhaps rather disturbing peek into what President Obama is thinking, not only about U.S.-Russian relations, but also about missile defense. You'll recall that, when he thought the microphone was off, he leaned over and quietly told the president of Russia that he would have more flexibility to deal with contentious issues like missile defense *after* the November elections. He said it would be his last election, and all these issues could be solved if President Putin gives him some political space.

President Obama would have us believe that what he really meant by that was that there would simply be more opportunity to focus generally on foreign policy after the election. Of course, it could also mean something more than that, and that's what we are here to discuss. It is possible, indeed, that this is not the time to postpone moving forward seriously

KEY POINTS

- President Obama's "open mike" comments in a recent meeting with Russian President Dmitry Medvedev reveal that he (1) is not committed to deploying a robust ballistic missile defense system to protect America and our allies and (2) is using and will continue to use U.S. ballistic missile defense as a bargaining chip with the Russians in his single-minded pursuit of ridding the world of nuclear weapons.
- The plausible explanation is that the Administration wants to pre-cook a deal with the Russians to cloak the scope of the concessions that it is contemplating providing to Russia.
- Strategically, the Administration has it upside down about what actually provides for peace and stability. It is worse than a fantasy; it is a historical mistake in understanding what nuclear weapons are all about.

with missile defense, given what the North Koreans and Iranians are up to. If his comments are in fact signaling that something more is going on behind the scenes about what he has in mind, we should consider what that might be. We have with us today three experts who can help us dive deeply into this question, to look at what those possibilities might be.

Our first speaker is Rebecca Heinrichs, the newest missile defense expert here at Heritage. She is a visiting fellow in our Davis Institute for International Studies. Rebecca came to us after serving as an adjunct fellow at the Foundation for Defense of Democracies under the leadership of our good friend Cliff May. She is also a former manager of the bipartisan Missile Defense Caucus in the U.S. House of Representatives.

Next we'll hear from our own Baker Spring, the F. M. Kirby Research Fellow in National Security Policy. Baker is well known to anyone who follows missile defense issues. He's known for his gaming exercises, where he looks at the various possible outcomes of competition over missile defenses and nuclear weapons, and he is, I believe, one of the country's foremost theorists on the issue of strategic deterrence.

Finally, we have with us Jeff Kueter, the president of the George C. Marshall Institute. That institute looks at technical assessments of scientific issues as they affect public policy, from national defense to the environment. Jeff Kueter previously served as research director at the National Coalition for Advanced Manufacturing and also at Washington Nichibei Consultants. He's a frequent commenter on national security issues, and we're very happy to welcome him.

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REBECCA HEINRICHS:
Over the past several years, I've wished many times that I could listen unnoticed when Presidents Obama and Medvedev chat. I should be careful what I wish for.

EVEN BEFORE HE ENTERED THE WHITE HOUSE, PRESIDENT OBAMA SPOKE OUT AGAINST MISSILE DEFENSE. SINCE HE ENTERED OFFICE, HE HAS SCALED BACK THE MORE ADVANCED MISSILE DEFENSE SYSTEMS YEAR AFTER YEAR.

This sidebar conversation that we're all familiar with provides profound and critical unique political insights. It reveals two points that I hope to leave you with: One, the President is not committed, as he says he is, to deploying a robust ballistic missile defense system to protect America and our allies. Number two, the President is using and will continue to use U.S. ballistic missile defense as a bargaining chip with the Russians in his single-minded pursuit of ridding the world of nuclear weapons and "reset" with Russia.

On the first point, even before he entered the White House, President Obama spoke out against missile defense. In 2001, he told a Chicago TV station that "I don't agree with a missile defense system." In one of his campaign addresses, he said he wanted to get rid of "unproven

missile defense systems," which we know is code for anything that hasn't intercepted a missile in combat.

Since he entered office, he has scaled back the more advanced missile defense systems year after year. This year's budget is in fact \$1 billion less than the number he sent to Congress last year for fiscal year 2013, and it is \$2 billion less than what President Bush said would be needed for FY 2013 based on the projected threat and the projected status of the ballistic missile defense system (BMDS).

The current homeland missile defense sites, called Ground-Based Midcourse Defense (GMD), don't have the number of Ground-Based Interceptors (GBIs) needed to defend against certain kinds of attacks. The President continues to underfund the program while it requires more money to improve its capability and offer a more robust protection of the U.S. homeland—and to offer protection against what I would call at this point an imminent and inevitable threat.

He has cancelled a variety of programs needed to mitigate the multiple warhead program: Recall the multiple kill vehicle program, MKV. He cancelled the airborne laser program, ignoring its successful shoot-down, and has essentially mothballed the SBX radar required to tell the difference between the lethal warheads and decoys of an incoming missile.

He's funding regional European defense at a rate five times that of U.S. homeland defense, and since the SM-3 missiles, the centerpiece of his plan to protect Europe, are having technical problems and the timeline is slipping to the right, there is great cause for concern that the SM-3 2B missile—the missile scheduled for

deployment in 2020—will not be ready for deployment before Iran has a nuclear-capable ICBM capable of reaching the U.S.

The Institute for Defense Analysis concluded that a third site on the East Coast of the U.S. would be very helpful in closing some of the U.S. vulnerabilities in homeland defense against the long-range missile threat from Iran. Yet there is no money in this budget to hedge against the inevitable gap between readiness and the threat—not a dime.

“But, Rebecca,” you might be thinking, “the President has publicly committed to homeland missile defense and the European phase adaptive approach (EPAA), and instead of eliminating the Missile Defense Agency, as some of us feared that he would, he has actually funded it at reasonable levels.”

This brings me to my second point: The President is using and will continue to use U.S. missile defense as a bargaining chip with the Russians in his single-minded pursuit of ridding the world of nuclear weapons. The President believes that missile defense is essential for negotiating with the Russians on nuclear arms reductions.

Why missile defense? Defense Secretary Robert Gates said it best in June of 2010 when he said, “There is no meeting of the minds on missile defense. The Russians hate it.” Then Undersecretary of State for Arms Control Ellen Tauscher said it this year: “Almost everything else that you work on on European security has been settled, decided, and worked on together for decades. The only thing that’s new where you can bring the Russians in is on missile defense.”

If the President simply cancels outright the programs he believes are unwarranted or destabilizing,

he has nothing to trade away, so he has created a façade of support. Recall the commitments he made to Senators regarding missile defense during consideration of the New START treaty. Senators were concerned that there may have been off-the-record promises made by the President or his State Department officials to Russian officials related to U.S. missile defense. Specifically, Senators were concerned the President may have promised not to deploy more sophisticated systems in or around Europe that the Russians would be opposed to in return for the Russian support for New START.

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Senators also wanted to know from the President that the U.S. nuclear arsenal would remain safe, reliable, and credible, since it is in need of modernization and since the arms control treaty would reduce arms. Failure to modernize the U.S. arsenal is, by default, letting it atrophy, just as the Russian arsenal already is. So the President responded at the 11th hour by sending a thorough letter to the Senate, and he promised to complete all four phases of EPAA, including the fourth phase, which would be more sophisticated by the Administration’s own accounts, than the third site, which it scrapped because the Russians hated it.

In the letter, it said that the President would develop ballistic missile defense both qualitatively and quantitatively. As you recall,

those words are very important because those are the words the Russians themselves used in a unilateral statement that they submitted with the New START treaty. In the statement, the Russians said they reserve the right to withdraw from the treaty if the U.S. builds up its missile defense systems both qualitatively and quantitatively.

The President also promised to modernize the U.S. nuclear arsenal by promising \$4 billion for modernization over the next five years. Then, in February, the budget came out and the President did not live up to his promise regarding nuclear modernization. The funding simply isn’t there. The President reneged on his promise because the whole point of the New START treaty is to take the world down to zero nuclear weapons because, as the President flippantly stated last week, “We all know that we have more than we need.”

Moreover, when he signed the FY 2012 defense bill, he mentioned multiple provisions related to his ability to share classified missile defense technology with the Russian Federation. These provisions were mandated by Congress to specifically ensure that the President does not bargain away U.S. security provided by missile defense. The President stated that if these provisions mandated by Congress conflicted with his constitutional authority to negotiate with a foreign power, he would treat them as non-binding.

So when President Obama said on all these issues, but particularly missile defense, “This can be solved, but it’s important for him [Putin] to give me space; this is my last election, and after my election I will have more flexibility,” he understands that the American people would not approve what he intends to do on missile defense.

He revealed what many of us have been suspicious of for a long time, ever since the President abruptly cancelled the third site, breaking trust with the Poles and the Czechs: He will bargain and barter on missile defense to achieve his nuclear reduction and reset aims. Just as the third site was the bait in the bait-and-switch to get the Russians on board with New START—or perhaps the naïve notion that Russia then would support the U.S. in our efforts to prevent Iran from achieving a nuclear weapon—the European missile defense site now is the bait in the bait-and-switch to get Russia on board with the new arms control treaty.

JUST AS THE THIRD SITE WAS THE BAIT IN THE BAIT-AND-SWITCH TO GET THE RUSSIANS ON BOARD WITH NEW START, THE EUROPEAN MISSILE DEFENSE SITE NOW IS THE BAIT IN THE BAIT-AND-SWITCH TO GET RUSSIA ON BOARD WITH THE NEW ARMS CONTROL TREATY.

The Administration's support for the 2B missile, that advanced missile that I spoke of earlier, even after the Congress nearly zeroed it out for multiple reasons, doesn't make any sense otherwise. Why would the Administration push for a system that will be even more capable, more flexible, than the fixed GMD site in Poland which he cancelled? Especially when the President himself has made known his feelings about what he perceives as the destabilizing effect created by advanced BMD.

This issue is bound to remain in the center of the American presidential election and will fester on into the next presidential term, and

although the hot mike incident stole the media stage for several days, the story that Russian leadership is more comfortable discussing missile defense after the American election and once President Obama wins a second term—this is their thinking—this notion was already running in Russian papers before the hot mike incident. Last month, a Russian paper, explaining why the Russian NATO summit in Chicago was cancelled, said, “A substantial dialogue before the presidential elections in the U.S. in 2013 is impossible. Missile defense is not the issue for the pre-election year. If a Republican candidate wins, the negotiations will stop; if Obama is reelected, the negotiations will get back to the positions when the negotiations were suspended.”

The Russians understand this reality. The future of U.S. missile defense over the next four years might look very different from what the current plans call for, no matter who is in office.

BAKER SPRING: I want to expand, essentially, on what Rebeccah just said. I think she's exactly right, that the implications of the President's overheard remarks to the president of Russia are about the context, and that context is about arms control and the President's aspirations for nuclear disarmament.

As we know from the outset, from press reports as well as the President's own public comments, he believes that the U.S. has too many nuclear weapons and has effectively chosen a number—we don't know precisely what it is yet—in the nuclear posture review implementation study to lower that number maybe by as much as 80 percent, if the press reports can be believed. It arbitrarily selects that lower number and then

looks to the arms control process to put in place window dressing that effectively tries to—unpersuasively, in my view—organize U.S. nuclear deterrence policy and posture around the number that is chosen. In other words, it is numbers first and then the requirements for deterrence second.

Resulting from the demand by the Senate in its resolution of ratification accompanying New START, President Obama certified on this arms control agenda that he would initiate with Russia negotiations to remove or at least lessen the disparity in short-range nuclear weapons, where Russia enjoys an enormous advantage. The year has come and gone for the initiation of those negotiations, but we haven't seen anything.

In that certification that was required by the Senate, the President acknowledged that it was U.S. policy that these discussions would not involve or extend to the subject matter of missile defense. Of course, there are long-standing Russian demands for limiting U.S. missile defenses, including for the U.S. to agree to limit some of the number of missile defense systems it may deploy, where they may be located, their speed, and the speed of the targets that they may be tested against.

It is interesting, in my mind, that after this year-long period and with no particular action, the President did not even provide a statement regarding the U.S. negotiating position on removing or limiting the disparity in short-range nuclear weapons. The Administration has stated repeatedly that it favors those negotiations in principle, so I don't think that there's a fundamental disagreement around what the Senate was requiring the President to do with regard to these negotiations.

Therefore, it becomes pretty evident—at least to me—that the President not giving a U.S. negotiating position on this subject was more about tactical considerations.

The plausible explanation is that the Administration wants to pre-cook a deal with the Russians in order to cloak the scope of the concessions that they're contemplating providing to Russia to circumvent Senate restrictions on what these negotiations may include or how they would be conducted—specifically in the areas of how they will actually remove the Russian advantage in this category of short-range nuclear weapons, as well as not extending the negotiations to the subject matter of missile defense—and ultimately hand the Senate a *fait accompli*.

What is the road ahead for the Administration? If my definition of the context that led to President Obama's remarks to the Russian president is right, I think it's going to go something like this. I think that the President, despite the certification to the contrary, is going to put missile defense on the table with the Russians, which would be, of course, a violation of his certification of the Senate resolution of ratification on New START. He'll do so, in my judgment, because it will be the source of concessions that he can provide to the Russians—not the only one, but certainly one of them. I think that by waving off the requirements imposed on him by the Senate's resolution of ratification accompanying New START, the President has started to make a habit of ignoring the Senate in these requirements.

The one that really stands out in my mind is the President's wholesale walking away from a very explicit and detailed commitment to the construction of the chemistry and metallurgy research replacement facility

at Los Alamos, a critical element of the U.S. nuclear weapons infrastructure modernization initiative. Obviously, it extends to his continued stonewalling with regard to the description of how he's going to deal with the Russians on the short-range nuclear weapons question.

BY WAVING OFF THE REQUIREMENTS IMPOSED ON HIM BY THE SENATE'S RESOLUTION OF RATIFICATION ACCOMPANYING NEW START, THE PRESIDENT HAS STARTED TO MAKE A HABIT OF IGNORING THE SENATE IN THESE REQUIREMENTS.

I think that as he works to set aside these requirements imposed on him by the Senate, even though it calls into question both the political and legal foundations of New START, his motivation for doing that is about nuclear disarmament. In essence, what the Senate was doing, at least on the nuclear side of its restrictions on the President, was telling him that they did not want him to proceed quickly down this path towards nuclear disarmament, but that's exactly where he's going regardless.

In my judgment, it is all but certain that this is the agenda that President Obama had in mind when he made his remark to President Medvedev. The flexibility is designed to subordinate these other requirements to the cause of nuclear disarmament.

What might the agreement look like? I think that it will ultimately be a comprehensive agreement. It may be broken into component packages, but ultimately it will be a comprehensive agreement that covers everything in the nuclear and strategic realm. That is, it will cover nuclear weapons, both short-range

and long-range, deployed and non-deployed, and missile defense capabilities because it is this broad-based agenda that allows the President to have the well of concessions to make to the Russians.

I think that it will include counting rules that cover both offensive and defense systems, along with restrictions like those that are in New START that are advantageous to the Russians. You've got to remember that in New START, particularly in the area of strategic nuclear delivery vehicles, the Russians are actually allowed to build up while only requiring that the U.S. reduce. I think we'll find counting rules that are likewise unbalanced in Russia's favor.

I think it will include a relatively weak verification regime, because the Russians aren't much interested in transparency. I note that even some liberal commentators recently came out and acknowledged that it was more difficult for them to determine what was in the Russian arsenal—they do this on an annual basis—with the information that's made public under New START than it was under old START.

I think it will become a treaty agreement. This is one thing that some people may find counterintuitive. Why would the President want a treaty agreement when there is the prospect that the Senate would reject it, or at least make it more difficult for him to negotiate it in the first place?

In my judgment, the President is willing to consider tactics that would have him sign this follow-on agreement to New START as a treaty and just let it hang out there—not submit it to the Senate in any near-term time frame, state that it is U.S. policy to effectively honor the terms of the treaty in this “interim period

between signature and ratification,” and effectively impose the restrictions of the treaty in a way that slights the Senate’s role of advising and consenting to the ratification of treaties and ultimately bringing them into force in legal terms.

I think that’s a fairly cynical tactic, but I think it’s one that the Administration is considering. If so, and if you believe that the Administration is in the process of informally pre-cooking a deal with the Russians, we may find that this is sprung on us sooner rather than later—that sometime in the lame-duck period of the current Congress, particularly if the President is not reelected, he’ll rush to try and put this essentially in place in a way that he thinks would be irreversible.

JEFF KUETER: I’m going to tackle the theme of flexibility in a different issue space—outer space. It’s related to missile defense, and it’s related to nuclear security issues, but it speaks also to very practical concerns that affect the day-to-day operations of our economy as well as national security concerns. In that sense, it has an immediacy of need and an urgency of focus that is different from the other issues that we’ve spoken about today.

We see flexibility emerging in the policy framework and in the budgetary framework in a number of different aspects of the space field. The desire for flexibility on these issues is derived from a lack of appreciation about what space does, how it’s used, and how it contributes not only to the economic well-being of the U.S., but to its immediate conventional warfighting capabilities, as well as its relationships back to the two other topics we discussed today, nuclear weapons and missile defense.

There is also another element of flexibility. That theme comes out of an arms control effort—really a quasi-arms control effort—where there is a dangerous belief that is being accepted by some that a voluntary non-binding regime, which is how it’s characterized, would stay that way. So flexibility is being written into policy, but potentially, it is in fact not very flexible and not flexible to our detriment.

THERE’S AN ASSUMPTION THAT THERE IS FLEXIBILITY BEING WRITTEN INTO OUR POLICY, POTENTIALLY, THAT’S IN FACT NOT VERY FLEXIBLE AND NOT FLEXIBLE TO OUR DETRIMENT.

Let’s start with a set of assumptions that I don’t think are controversial, but they are important: that space has these immediate contributions to our terrestrial warfighting capability, as well as to our strategic programs; that space is important to our economic well-being and our economic prosperity; and that those two conditions create an incentive for other nations to exploit the known vulnerabilities in our space assets.

If we recognize that we have these space assets and we use them as effectively as we can, and then their inherent vulnerabilities create incentives for our adversaries to target them, either diplomatically or in practical terms, we ought to be very concerned about the security of our space assets. Internationally, there is an ongoing concerted effort to exploit the vulnerability of our space systems and, through that, to exploit our dependence on those systems. That’s manifested in two ways.

The first is quite obvious: Our prospective adversaries and challengers are investing in their own space systems or capabilities designed to interdict our use of our space systems. You see that in two ways. One is very direct: I’m going to put something on orbit, or have the ability to reach orbit, that could destroy your asset.

The Chinese a few years ago tested an anti-satellite system that is very much like our ballistic missile defense system in the sense that it’s a rocket launched from the Earth and designed to hit a satellite in orbit. Imagine a pool table, and the pool cue is the rocket and one of the balls is your satellite; it’s designed to hit it, and the kinetic energy destroys it. That’s a very simple way to do it, but it’s one that the Chinese have demonstrated their ability to do and to replicate, because the missile they used is one they have a lot of.

There are a number of other ways that you can interdict space assets. You can jam the downlink, meaning you can jam the information that’s coming off of space in order to be received down below and used by the warfighter or the intelligence analyst or whatever it’s being used for. There are a number of ways that you can do that, and you see that capability manifested in other nations around the world.

Our friends in North Korea are claiming that they’re going to launch a satellite in the next couple of weeks. It’s for peaceful purposes, I’m sure, but it’s reflective of an enormous growth of capability that not only they possess, but we can be sure that other nations will possess thereafter.

Putting a satellite into orbit is by itself a fairly innocuous activity. It tells you a lot about their capability, but it’s what you do with that satellite

once it's in orbit that becomes problematic. It could be a perfectly benign system designed to do something—communications or Direct TV for North Korea or whatever—but it could also be moved around in ways that are not very useful to us in the sense that an object hitting another object in space creates big problems.

Doing so would create a debris field in certain orbital planes contrary to our interests. Or it could strike a very important asset (if they can find it) that would not be very good for us. That it has the possibility to do either of those things complicates our decision-making. To the extent that other nations gain similar capabilities, our space security equation becomes ever more complicated.

I would suggest to you there is another way in which the U.S. is being challenged in space—I mentioned that these challenges are manifested in two ways; this is the second—and that is as a diplomatic tool.

Arms control in space is not a new concept. It was most famously explored in the 1980s when the U.S. and the Soviet Union went 'round and 'round trying to ban weapons in space, and ultimately that effort failed for a host of reasons, not the least of which was the inability to define what a space weapon was. As I've mentioned, any satellite put into orbit could be a weapon if it can move, so those Direct TV satellites that some of you may watch the programming from, if they're moved around in the right way and put in the right place, could become a weapon because they would hit another satellite. The space shuttle was suggested to be a space weapon during these negotiations.

Ultimately, they foundered in the 1980s. Through the 1990s and into the early 2000s, though, the

international arms control community did not give up; they continued to press for ways to control the weaponization of space because they felt that space should be kept pristine, free from war. Along the same lines, the U.S. was quickly using space assets for military purposes, as were other nations, so the militarization of space continued undeterred by these arms controls efforts. But you did not have an explicit weapons system put into space, and that is what the arms control community was seeking to try to interdict.

THROUGH THE 1990S AND INTO THE EARLY 2000S, THE INTERNATIONAL ARMS CONTROL COMMUNITY DID NOT GIVE UP; THEY CONTINUED TO PRESS FOR WAYS TO CONTROL THE WEAPONIZATION OF SPACE BECAUSE THEY FELT THAT SPACE SHOULD BE KEPT PRISTINE, FREE FROM WAR.

They were frustrated by the unwillingness of the U.S. to engage in those conversations or, frankly, by any other nation to seriously engage in them. So you would have these very interesting exercises in the international diplomatic community where the Russians or the Chinese would put forward a treaty to ban weapons in space and the U.S. would reject it, and Third World nations and others would come along and say, "Wouldn't it be nice if we could control the weaponization of space?" But no one ever really did more than talk about it.

Then we had a new entrant into this arena, and that was the European Union and their submission of what was called a "code of conduct for space activities." This grows out of a frustration explicitly stated: a frustration with the

inability of the international community to engage in arms control. So they suggested the creation of a code of conduct, a set of rules and norms of behavior that would govern space activities, but they would be voluntary and non-binding. We would all act properly, not do bad things; we could identify who the rule-breakers were, and everybody would be much better off.

This is where the new element of flexibility comes into the space equation. The Obama Administration a few months ago endorsed the development of an international code of conduct for space activities. There is no international code of conduct for space activities. Right now, the only thing you would find if you used Google on those terms is probably the European Union code of conduct for space activities. That's the basis I'm going to talk to you about, because I suspect that the international code will look a lot like the EU code.

What is the EU code? I mentioned that it's a set of norms designed to provide rules to govern activities in space. Practically speaking, it is focused on three elements: defining what are hostile intentions in space and providing ways to deter them, to establish an ethic against the creation of debris on orbit, and to devise a space traffic management machine. All those things are important, and as a preeminent space power, the U.S. has enormous interest in seeing space free from debris, to have good traffic rules—akin to air traffic control rules or ships passing at the sea—and to define what hostile intentions are.

What we *don't* have an interest in is providing a blank check, which is what the code of conduct is. If you were to go and read the European Union code of conduct, you'd say this

seems fine; it's very high-level policy kind of talk. There are no details to it, and that is where the danger comes. We are being asked to sign on to an agreement that we don't understand the full nuances of. We don't understand all of what it means or its implications, and I'd suggest to you that we need to divine those details and those implications before we sign on to an international code or the European code.

What are some other concerns? I've mentioned the blank check. There was also a review done by the Joint Staff at the Department of Defense that acknowledged that the European code, as it was written, would have restraints on U.S. national security capabilities in space, but they don't go any further to explain what those would be. That's highly classified stuff; you can't find much in the way of details on it, although one can speculate.

Proponents of the code suggest that those could be handled by inserting a national security exemption into the code. So if we identified that it was going to harm operation X or space system Y, we could just say that we're going to use our national security exemption and everything will be fine. It's a magic wand, except that if we do that, other people will do the same, logically. So how have we deterred the development of any additional capabilities? How have we instilled a norm or a rule of behavior against the use of these kinds of systems in space? We haven't at all. We've exempted it away in pursuit of a paper agreement that really buys us nothing.

Proponents will say it's non-binding and voluntary, and therefore, if down the road we decide this is not something we want to be a part of, we can exit it. I'd suggest to you that's

not something the U.S. ever really does, that in fact it would probably become very much binding and non-voluntary for the U.S. Others might view it more charitably. Without question, though, the restrictions that it puts in aren't enforceable. There's no enforcement mechanism or verification mechanism in the code as it's presently written, so we would be following those principles, those strictures, all on our own while our potential adversaries might not do the same.

A fourth concern that's been raised by Ambassador John Bolton and my colleague Baker Spring here are constitutional concerns about the mechanism, the means by which the code of conduct is being developed and how the Obama Administration would go about endorsing it: specifically, that it would circumvent the Senate's advise and consent capabilities under its treaty provisions under the Constitution. I'm not going to elaborate more on that, but it's not a concern to be set aside.

You might say, why is this important for missile defense? That's what we're here to talk about. Remember, I mentioned that one of the purposes of the code of conduct was to control the creation of space debris. That's how it gets to missile defense. Our missile defense system as it presently operates passes through part of space to destroy an incoming missile in space, creating debris. The Chinese used an anti-ballistic missile system—their equivalent of our GMD rocket—to destroy a satellite in their anti-satellite test in 2007. They created debris intentionally.

A quasi-voluntary, quasi-binding code of conduct that the U.S. would sign suggesting that we will not intentionally create space debris

does not square with a ballistic missile defense system that could potentially create space debris. The Department of Defense will tell you that the national security exception allows the missile defense system to move forward, which in fact it probably will, but the notion is that we've now authored an agreement, signed onto it potentially, where we could be brought forward and criticized any time we would use the missile defense system in a test or, God forbid, we'd ever actually have to use it.

A QUASI-VOLUNTARY, QUASI-BINDING CODE OF CONDUCT THAT THE U.S. WOULD SIGN SUGGESTING THAT WE WILL NOT INTENTIONALLY CREATE SPACE DEBRIS DOES NOT SQUARE WITH A BALLISTIC MISSILE DEFENSE SYSTEM THAT COULD POTENTIALLY CREATE SPACE DEBRIS.

There's also a question of hostile intentions. Again, the purpose of the code of conduct is to define what our hostile intentions in space are and defuse them. If another nation interprets our missile defense system and its execution as hostile intentions through space, once again, you're now in a very detailed diplomatic process where we have to defend ourselves and the steps that we've taken to defend the U.S.

I would suggest to you that while it's important for the U.S. to be engaged in conversations with the international community on limiting space debris, while it's important to be engaged with the international community in conversations to develop traffic management regimes so crowded orbital planes don't get congested and we don't have accidents, there are much more effective

ways that we can go about having that conversation to develop those rules than what's been offered in the code of conduct.

KIM R. HOLMES: The one thing that I think bears repeating and emphasizing is that there were two promises the Obama Administration made about the New START agreement when it submitted it to the Senate for ratification. Both of these have been mentioned. One was the promise of modernization funds for our nuclear weaponry, and the second, as they said over and over again, was that there would be no constraints on missile defense.

Of course, there was some language to that effect in the treaty's preamble that we were told over and over again to ignore, that it didn't really mean anything. Then came the unilateral declaration of the Russians to the contrary. And *that* interpretation is now being repeated by the President of the United States even though it's not in the operative language of the treaty.

Despite all of the warnings that were raised at that time, a lot of GOP Senators—like Senators Richard Lugar (R-IN) and Bob Corker (R-TN), who had accepted the Administration's promises as a condition for their vote—ended up voting for New START. Yet already both of these promises have been broken; certainly, one of them has been broken, and it looks like, given what we're seeing from the flexibility statement, the other one is about to be broken and was always intended to be broken.

This is important; it goes to the heart of the problem. As both Rebecca and Baker indicated, the

Administration believes the end justifies the means. They have an ideological commitment in their nuclear disarmament program to get to zero or as close to it as they possibly can. If missile defense is standing in the way, they believe they can say anything they want to publicly because they have the higher moral ground.

There is a fundamental difference of opinion about what it means to "provide" for the national security of our country. It's not just a political problem; it's also a philosophical one.

IF YOU EVEN THEORETICALLY GO COMPLETELY TO ZERO NUCLEAR WEAPONS, A WORLD WITH NO MISSILE DEFENSES OR LIMITED MISSILE DEFENSES IS VERY SCARY. IT IS THE WORST OF ALL POSSIBLE WORLDS TO LIVE IN.

Another thing we have noticed in recent weeks is that the Administration, primarily Secretary of State Hillary Clinton, is making statements about expanding missile defense architecture to Asia and the Middle East. The first thing I asked myself when I heard this is why is the Secretary of State saying it? When you look at it closely, you see there's really nothing tangible happening in terms of hardware or architecture that's changing. This is, then, mainly a diplomatic initiative.

That actually goes to one of the points that both Rebecca and Baker made. It seems to be all right for the Administration to do some variation of a regional missile defense for the Middle East, Asia, some parts of Europe. But anything that goes to homeland defense or strategic

defense is a no-no. Why? Because it is forbidden by the Russians and the way they look at strategic deterrence.

Frankly, I would look at some of this rhetoric about the Middle East and the Asian missile defense as nothing more than that. It's not just rhetoric, and they actually may even believe it, and goodness knows you do need some kind of architecture for missile defense in these areas, but I don't really think that's what's going on. I think this is mainly a feint away from the central question.

A third point I would make was hinted at already, but I'm going to draw it out. If you actually do want to go to zero nuclear weapons—and I don't think you can ever get there—then you buy into this assumption that you have greater stability at lower numbers. But as Baker will explain to you, the lower the numbers go, the more unstable potentially you can get, given the balance that you have. If you even theoretically do the exercise and go completely to zero, you know that somebody's still going to have these systems somewhere—not just us or the Russians—and that a world with no missile defenses or limited missile defenses is very scary. It is the worst of all possible worlds to live in.

So strategically, in terms of stability and deterrence and peace, the Administration has it completely upside down about what actually provides for peace and stability. As we have seen time and time again after decades of living with nuclear weapons, it is worse than just a fantasy; it's actually an historical mistake in understanding what nuclear weapons are all about.