

Despite so many negatives, why missile defense continues to enjoy bipartisan support in U.S. Congress?

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Abstract

The program to develop a missile defense has existed in one form or another for nearly six decades. While the program was controversial from the beginning, and faced nearly unsurmountable technical challenges, it has enjoyed bipartisan support in the U.S. Congress for the past two decades and with it continued funding. By a wide bipartisan majority, both chambers of Congress authorized more than \$740 billion for defense spending for the fiscal year 2021. There is about \$20 billion in it for missile defense. While \$20 billion may not seem significant in a \$740 billion military budget, but one needs to recognize that the taxpayer has invested nearly \$200 billion on missile defense in the past two decades and another \$100 billion in the

decade before with little return on investment. This paper narrates a brief history of the program over nearly six decades and its various ups and downs culminating in a bipartisan consensus to support the program in the final days of the Clinton Presidency. The paper explores the whys and the hows of the program's long survival. For example, the bipartisan support allowed the program to operate with little real oversight in the past two decades. Aggressive lobbying and campaign contributions from contractors helped solidify Congressional support for the program. The use of little-known contract mechanisms like the "other transactions" exempted the program from the rigors of the Federal Acquisitions Regulations. Also, notable is the fact the program remains under the "research and development" category, even though it has already been deploying missile defense systems both in the United States and abroad for many years. Such categorization allows the program to evade rigorous testing to prove its effectiveness. The author argues that the program has just become a "honey pot" that has produced tens of billions of dollars in defense contractor revenue and profits. When Congress gets serious about cutting waste in the federal budget so that social needs like healthcare, and efforts to combat climate change, can be funded, it could find

that missile defense is an obvious choice. The author urges Congress to begin serious oversight of the program that is yet unproven, arguably unnecessary and that is causing major frictions with Russia and China.

A history of the US missile defense program

Intercontinental ballistic missiles burst into the Cold War foray following the Soviet launch in 1957 of the first ever earth-orbiting satellite named Sputnik. During the 1960 presidential election campaign, John F. Kennedy took a tough line on the Soviet Union and blamed outgoing President Eisenhower for the so-called "missile gap"—a perception among US officials that the United States trailed the Soviet Union in ballistic missile technology. After taking office, President Kennedy dramatically increased funding for missile and space programs. Antiballistic missile systems, designed to shoot down incoming missiles, followed.

During the 1950s and 1960s, the United States developed several antiballistic missile schemes, with names like Nike Zeus, Nike-X, Sentinel, and Safeguard. None of them proved feasible for defending against an all-out attack, much less against one that might involve incoming missiles tipped with not just one warhead each, but multiple.

The systems were also found to be destabilizing, since even the suggestion of a US defense, however ineffective, gave rise to more Soviet offense, resulting in an arms race. In 1972, both superpowers woke up to the madness and agreed on the Anti-Ballistic Missile Treaty, which all but banned such systems. The treaty would stay in force for four decades and paved the way toward more nuclear arms control.

However, a section of the US military and its supporters always bristled at the limits on the missile defense program. After Ronald Reagan became president in 1980, he ratcheted up the rhetoric against the Soviet Union, calling it the "Evil Empire," and proposed to develop a missile shield over the entirety of US territory.

The research and development program he proposed was called the Strategic Defense Initiative. It called for the development of a wide array of sensors and weapons, including high-powered lasers, to be based on land, sea, and in space. Most of the proposal decades away from technical feasibility, however, which is why it came to be derisively called "Star Wars."

While the United States continued to pledge its allegiance to the Anti-Ballistic Missile Treaty, it started pushing the Soviet Union, and later Russia, to amend the treaty to accommodate

Reagan's Strategic Defense Initiative program. The Soviets, however, repeatedly opposed such moves and argued that the treaty must be preserved to maintain global strategic stability.

Reagan tried to sell his initiative as a program that would achieve nuclear disarmament because it would render nuclear weapons useless. Moreover, he said that he would share the technology with the Soviet Union and other countries. But, when Soviet leader Mikhail Gorbachev proposed eliminating nuclear weapons altogether and also banning missile defense systems at a summit in Reykjavik, Iceland, in 1986, Reagan rejected it, but Reagan did not withdraw from the anti-ballistic missile treaty.

After Reagan, President George H. W. Bush, in order to not alienate the Republican base, continued the rhetorical support for space-based missile defense. However, aware of the fact that virtually none of the systems worked, scaled back the program drastically after the Cold War ended in 1991.

Yet, the missile defense lobby, which is discussed below in some detail, refused to give up. The 1991 Persian Gulf War was a turning point. Until then, missile defense was primarily about strategic defense against nuclear-tipped intercontinental ballistic missiles. However, the Gulf War saw the introduction

of shorter-range conventional missiles, such as the Scud missiles deployed by the Iraqi military. Although most Iraqi missile attacks were harmless because the missiles were so inaccurate, one strike proved to be devastating. It destroyed a US troop barracks in Saudi Arabia, reportedly killing 27 US military personnel and injuring nearly 100 others.

Although early reports suggested that the US Patriot anti-missile system had actually made the situation worse by shooting down a missile—and scattering deadly debris—that would have otherwise missed its target, the tragic incident gave ammunition to the missile defense lobby. They began pushing for the development of theater missile defenses in addition to the strategic missile defenses envisioned by Reagan's program. In the 1992 presidential election campaign, Bill Clinton campaigned against a space-based missile defense system but supported the development of a treaty-compliant theater missile defense system.

After the Republican takeover of both chambers of Congress in 1994, however, lawmakers sought to press ahead on strategic missile defense. Despite his initial opposition, President Clinton, facing a hostile Congress and engulfed in a scandal, cut a deal with Republicans. In July 1999, he signed the Missile Defense

Act, which said that it is the policy of the United States to deploy a national missile defense system "as soon as is technologically possible." The Democrats were able to wring out the small concession about technological feasibility, but the overall result was that the floodgates for the funding of missile defense burst wide open.

After George W. Bush was elected President, his first act in this regard was to unilaterally withdraw in 2002 from the three decades old Anti-Ballistic Missiles (ABM) Treaty, a landmark arms control agreement with the former Soviet Union, later Russia. His administration moved aggressively to both increase funding and also expand the scope of the missile defense program. In 2002, the Ballistic Missile Defense Organization changed names to the Missile Defense Agency. The administration used two procedural sleights of hand to give the Pentagon a free hand to continue spending money on missile defense with minimum oversight and accountability

First, Defense Secretary Donald Rumsfeld delegated to the director of the Missile Defense Agency the authority to dole out contracts under a special category called "other transactions." Contracts in this category fall outside of the Federal Acquisition Regulations. It was originally intended as a way to expedite small programs

to undertake rapid technology development to counter imminent threats. But it was highly unusual to delegate this authority to a major defense acquisition program. The reporting requirements for other transactions are less onerous, but give Congress less insight.

Second, the Pentagon decided to keep the program under the "research and development" category even though it had already been deploying missile defense systems both in the United States and abroad. Normally, defense acquisition programs go through several stages in "Research, Development, Test, and Evaluation" before entering the "Procurement" phase. The milestone to enter procurement is critical because the system has to pass rigorous testing to ensure it is deployable in the battlefield. Although the program has been in a virtual "procurement" phase since the early days of the Bush administration, when the decision to deploy was made for multiple sites in the US and abroad, it has remained as a research and development category. It has thus far avoided the stringent independent testing that is required for a system to enter "procurement." Then Secretary of Defense Rumsfeld said famously, referring to the missile defense program: 'something is better than nothing!'

The successes of the missile defense lobby

Reagan's SDI program was a turning point because it provided huge funding for missile defense R&D. The defense contractors, who were engaged in this research, suddenly found gold in the wild west landscape. SDI became an uncontrollable and unaccountable program with lax oversight, which resulted in waste of taxpayer money and virtually no advancement in the technologies involved.

The lure of easy money gave rise to an industry lobby, which found strong support among the Republicans in Congress, but not only. Over the years, the contractors have made generous contributions to the campaign coffers of lawmakers of both parties, especially members of the House and the Senate Armed Services Committees, which authorize funding for defense programs, as well as the members of the Appropriation Committees, which control the purse strings. According to the Center for Responsive Politics, over the last ten years the defense industry as a whole spent more than \$20 million each election cycle in contributions to individual candidates and political action committees. In 2018, both Republican Mac Thornberry, the ranking member of the House Armed Services Committee, and Democrat Adam Smith, the commit-

tee chair, took hundreds of thousands of dollars in campaign contributions from the defense sector.

In the SDI program, the contractors got a taste of easy money in the name of defending against a Communist missile threat. Frank Gaffney, Jr., a rabid right-winger, who was a former Reagan administration official, formed in 1988 the Center for Security Policy in Washington, DC. to lobby for missile defense and weapons programs. He was a protégé of the staunchly anti-Communist the late Senator Henry M. "Scoop" Jackson from Washington, a. k. a. the "Senator from Boeing" for his relentless advocacy for the Seattle-based Boeing company. Gaffney later worked hand-in-glove with Paul Wolfowitz, a principal architect of the invasion of Iraq, and others in advocating for a regime change in Iraq. His center led the lobbying effort for missile defense.

On June 13, 2000, the New York Times published a comprehensive analysis of the missile defense lobby. Although published twenty years ago, it is as relevant today as it was then. According to the New York Times, the lobby spent over \$50 million in the preceding decade in direct and direct lobbying for the program. It helped create an atmosphere in which the pressure to build an antimissile system weighs heavily on both

parties, the writer stated. As Gaffney's attention turned elsewhere, another lobbying outfit named Missile Defense Advocacy Alliance, whose popular acronym MDAA sounds almost synonymous with the name of the Missile Defense Agency itself, stepped in. Its Chairman and founder is Riki Ellison, whose highest qualification seems to be that he played professional football for 10 years as a "starting middle linebacker" with the San Francisco 49ers and Oakland Raiders, winning three Super Bowl championships.

These lobbies get money from the defense contractors. They function as not-for-profit "501-c (3)" organizations under the IRS rules, which allow supporters to make tax-free donations to them. They also do not pay federal taxes, thus allowing the federal government to effectively subsidize them.

United States spent about \$30 billion—approximately \$55 billion in current dollars—on the Strategic Defense Initiative between 1984 and 1993, when the program was canceled, according to a report published by the US Government Accountability Office. Despite cancellation, the organization responsible for the program lived on, but with a different name, the Ballistic Missile Defense Organization. That program went into a relatively low-key mode during the Clinton years, but still managed to garner ap-

proximately \$5 billion each year through Congressional earmark funding, for a total of about \$35 billion in then-year dollars, or about \$55 billion in current dollars. From 2002 to 2016, the program received about \$10 billion each year in constant 2018 dollars, with bipartisan support.

In sum, the United States has spent more than \$300 billion for missile defense research and design over a period of three decades. For 2021 alone, as mentioned earlier, the figure is likely to top \$20 billion.

Today, support in Congress for missile defense is so strong that only a wave of intense public pressure could alter the situation.

But the time is ripe for just such a wave. Because of budgetary pressures caused by the pandemic, there will simply be not enough money, if defense remains a sacred cow, to fund urgent social needs without creating huge deficits. There is a growing chorus of demand to reduce funding for the police and transfer the funds to house the homeless, for example. There must be an equally strong public outcry against a \$740 billion carte blanche to the Pentagon. The place to start is the missile defense programs, which have received hundreds of billions of dollars of funding over the years, but have little to show for it.

According to Laura Grego, an expert at Union of Concerned Scientists, the Ground-based Midcourse Defense System, which is supposed to protect the continental United States from an incoming ballistic missile attack, has failed more than half of its tests over the last 20 years. After that's under the easiest of testing conditions.

But the problem is not only that taxpayers been throwing good money after bad for nearly four decades, it's that the systems are counterproductive and dangerous. Both of the United States' major strategic competitors, Russia and China, have consistently opposed the US deployment of missile defense systems and are seemingly one step ahead with systems that can evade them.

And for "rogue states" like North Korea, arguably, a missile defense system is neither necessary nor sufficient to counter threats posed by them. The overwhelming US nuclear and conventional superiority deter any leader who is not suicidal.

Congress must bring back serious oversight and accountability to missile defense

While support for missile defense is widespread among Republicans, it is much less so for Democrats. However, since the controversy

over the issue died down after President Clinton made peace with Republican leadership in Congress with missile defense being one of the *quid pro quos*, it disappeared from the public's view. Under the present political balance of power, the Congress is unlikely to take any bold action that might put the program under a spotlight. However, the relevant committees in both the House and the Senate should hold as soon as possible robust hearings with truly independent witnesses. In particular, the House Committee on Oversight and Reform, which has subpoena powers, should determine if the use of the contracting mechanism "other transaction" for such a large program is appropriate. It should also determine why the program has remained in the "Research and Development" for two decades while deploying systems in the US mainland and abroad.

The Government Accountability Office (GAO) began in 2000 a two-year long investigation of fraud in a failed missile defense test. Ironically, the GAO study and the subsequent report was influenced by political pressure from Congress and the Pentagon. The author, who was the technical leader of the GAO study, disagreed with the final published report and blew the whistle in protest against a coverup at GAO by writing a 40-page letter to Congress. The New

York Times published a story on April 6, 2006, with a detailed account of Ghoshroy's allegations. But Congress took no action. A detailed account of the author's experience in blowing the whistle is the subject of an accompanying paper in this report.

In a nutshell, Missile defense is harmful to strategic stability, ineffective, and a gross waste of taxpayer money. Congressional hearings would once again focus the public's attention and help media coverage. In this time of great economic hardship Congress cannot afford to waste taxpayer money. It is time to end the bipartisan consensus to look-the-other-way on missile defense.

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